

A Ban on Salary History Bans: Michigan Bars Local Governments from Prohibiting Such Inquiries

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On March 26, 2018, Michigan Governor Rick Snyder signed a [bill](#) that prevents local governments from regulating the questions employers may ask of applicants during job interviews. The bill amends a 2015 law that prohibited local governments from banning salary history inquiries on job applications.

With this amendment, Michigan essentially has blocked local governments from instituting regulations that would prohibit employers from asking job applicants for salary history information. At the time of the bill's signing, no municipality in the state had proposed an ordinance restricting pre-employment inquiries into salary history. Proponents of the bill contend that asking about an applicant's past or current salary is a standard business practice and assists employers in budgeting. Opponents argue that soliciting salary history can perpetuate discriminatory pay gaps.

The new law goes against the tide of the growing number of states and municipalities that have enacted or proposed legislation limiting a prospective employer's ability to obtain and use salary history information prior to an offer of employment. [California](#), [Delaware](#), [Massachusetts](#), [Oregon](#), [Puerto Rico](#), [Albany County](#) (New York), [New York City](#), and San [Francisco](#) have enacted salary history bans. Similar proposed legislation is pending in at least 14 other states.

Michigan may not hold for long the distinction of being the lone state to affirmatively resist "following the crowd" of jurisdictions with bans on salary history inquiries. Wisconsin is poised to pass similar legislation preempting local bans on salary history questions. The Wisconsin legislature has passed a preemption measure that includes a ban on salary history inquiry bans, sending the bill to the state Senate. Wisconsin Governor Scott Walker is expected to approve the bill if it is sent to him.

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