

WHAT CALIFORNIA HIRING MANAGERS NEED TO KNOW ABOUT CALIFORNIA'S NEW COMPENSATION HISTORY LAW

The DeWinter Group's Don Seeley and Employment Attorney Jenn Protas answer your biggest questions regarding updates to the upcoming enactment of California's compensation history law

As the Bay Area's leading accounting, finance, and information technology recruiting agency, the DeWinter Group often serves as the first point of contact for many hiring managers when it comes to discussing updates to California's Labor Code which directly affect a company's hiring strategy.

With the enactment of **California's Assembly Bill 168** right around the corner, the DeWinter Group has received an increase in questions from our network of hiring managers and human resources contacts. Not only is our network interested in learning more regarding how the bill will affect their own current processes, but also what the DeWinter Group is doing to ensure compliance as an intermediary agent between employers and applicants.

The DeWinter Group has partnered with California law firm **Hoge Fenton** to create a straightforward guide answering your biggest questions regarding the new law about inquiries into an applicant's compensation history.

Question: **What are the key changes to California's employment law taking effect on January 1, 2018, outlined within AB 168?**

Jenn: AB 168, which will be enacted as California Labor Code section 432.3, prohibits employers from asking for and relying upon historic compensation information when determining whether to offer an applicant employment or what compensation to offer an applicant. It also requires that when an applicant reasonably requests a pay scale for the position, the employer provides it.

Question: **As stated in AB 168, an employer, upon reasonable request, shall now provide the pay scale for a position to an applicant applying for employment. What are the implications of "upon reasonable request?"**

Jenn: The law doesn't define what "reasonable request" is. There is not much guidance as to what would be an unreasonable request at this point. That being said, it *does not* require that employers voluntarily post the pay scale in a job description or job advertisement. Employers may choose to do so in an effort to screen out individuals who may self-select based on their desire or need for higher compensation.

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