

Bill No. 4-19
Concerning: Personnel – Merit System -
Requesting Salary History - Prohibited
Revised: 4/1/2019 Draft No. 9
Introduced: March 5, 2019
Enacted: May 7, 2019
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Glass
Co-Sponsors: Council President Navarro, Council Vice-President Katz, Councilmembers Friedson,
Jawando, Rice, Hucker, Riemer and Albornoz

AN ACT to:

- (1) prohibit the County from requesting salary history from an applicant for County employment;
- (2) prohibit the County from relying on salary history to determine an applicant's starting salary; and
- (3) amending the law governing the County merit system.

By adding

Montgomery County Code
Chapter 33. Personnel and Human Resources
Article II. Merit System
Section 33-25

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Section 33-25 is added as follows:

33-25. [Reserved] County Pay Equity Act.

(a) *Definitions. As used in this section:*

Applicant means a person seeking a merit system position with the County. Applicant does not include a County merit system employee seeking a new position with the County.

Salary means an applicant’s financial compensation in exchange for labor, including wages, commissions, and bonuses.

Salary history means an applicant’s current and past salary in the applicant’s current or prior position with another employer.

(b) *Requesting salary history prohibited.*

(1) *The County must not consider or rely on an applicant’s salary history as a factor in determining whether to offer employment to an applicant or determining pay.*

(2) *The County must not seek an applicant’s salary history.*

(3) *The County must not refuse to hire or retaliate against an applicant for refusing to disclose the applicant’s salary history.*

(4) *This Section does not prohibit:*

(A) *an applicant from voluntarily, and without prompting, disclosing the applicant’s salary history, provided the County does not rely on that voluntary disclosure to determine an initial offer of starting salary for the applicant;*

(B) *the County from discussing an applicant’s expectations with respect to salary without inquiring about salary history; [[and]]*

(C) *the County from verifying non-salary information disclosed by an applicant or received from a background check,*

28 provided that any salary history disclosed by a background check
29 is not used to refuse to hire or determine an applicant's
30 salary [(.)]; and

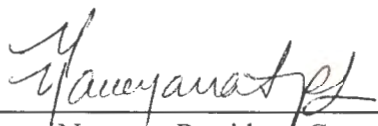
31 (D) the County from relying on salary history voluntarily
32 provided by the applicant to pay the applicant a higher wage
33 than initially offered, if reliance on salary history does not
34 result in unequal pay for equal work based on gender.

35 **Sec. 2. Report.**

36 The Executive must:

- 37 (a) study the effect of laws in other jurisdictions prohibiting an employer
38 from considering an applicant's salary history on pay disparity based on
39 gender and submit a report to the Council on this analysis on or before
40 July 1, 2020; and
- 41 (b) provide the Council with a report on gender pay equity among County
42 employees every 2 years beginning on or before July 1, 2022.

Approved:



5/9/19

Nancy Navarro, President, County Council

Date

Approved:

Marc Elrich, County Executive

Date

This is a correct copy of Council action.

Megan Davey Limarzi, Esq., Clerk of the Council

Date