

## Hiring Update

NEW MARYLAND LAW BANS EMPLOYERS FROM ASKING FOR AND/OR RELYING UPON AN APPLICANT'S SALARY HISTORY IN MAKING WAGE DETERMINATIONS IN THE SCREENING AND JOB OFFER PROCESS.

Maryland HB123 is one of numerous pieces of legislation of the past session that the Governor neither signed nor vetoed. Therefore, HB 123 becomes effective October 1, 2020. HB 123 could have a significant impact on making job offers because the new law:

- Prohibits an employer from relying upon an applicant's wage history in screening, hiring, or determining wages;
- Requires an employer to provide the wage range for the position in question upon an applicant's request;
- Prohibits an employer from asking for wage history, whether orally, in writing, or through an employee or agent, or from a current or former employer;
- Prohibits an employer from retaliating against, or refusing to interview, hire, or employ an applicant who did not provide their wage history or who requested the wage range for the position in question;
- Acknowledges that an applicant may voluntarily provide their wage history; and,
- After a conditional offer of employment is made, permits the employer to confirm and to rely on voluntarily-provided wage history to support a higher wage offer than initially offered, as long as the higher wage does not create an unlawful pay differential based on sex or gender identity.

For more information, please contact your Human Resources Manager.