

California law AB-168 prohibits salary history inquiries

On October 12, 2017, Governor Brown signed into law AB-168 a statewide ban on employer inquiries into an applicant's salary history. The legislation, which became effective on January 1, 2018, is intended to address inequity in pay practices based on gender and other protected class designations such as race, age and disability. The regulations include the following:

- Prohibit an employer from relying on salary history information of an applicant for employment as a factor in determining whether to offer employment to an applicant or what salary to offer an applicant.
- Prohibit an employer orally or in writing, personally or through an agent, from seeking salary history information, including compensation and benefits, about an applicant for employment.
- An employer must provide the pay scale for a position to an applicant applying for employment upon reasonable request.

How does this law affect UC?

At UCR, questions regarding prior salary have been removed from the employment history section of the employment application in iRecruit.

- Salary history will also be suppressed on applications completed prior to December 29, 2017 however, if that historical data is needed for audit purposes, it will be retrievable by Information Technology Solutions (ITS).
- Please modify any pre-screening or interview documents you are currently using which contain any questions regarding an applicant's salary history (including benefits and other compensation) by removing the question(s) or change to inquire about the applicant's desired salary: "What are your salary expectations for this position?"

While AB 168 does not apply to applicants whose pay history may be publicly available under federal or state law through, for example: California's Public Records Act or the federal Freedom of Information Act, employers are prohibited from relying solely on prior salary information to justify any disparity in compensation.

How should pay be determined in the absence of prior salary information?

Determining where an applicant should fall within the salary range should be based on their education and experience beyond the minimum qualifications for the role as well as the candidate's skills, knowledge and abilities to perform the essential functions of the job. These can be obtained by utilizing behavioral interview questions to ensure that candidates possess the knowledge, skills and abilities to successfully carry out the responsibilities of the position.

For assistance in developing behavioral interview questions, please contact your Talent Acquisition Representative in Central Human Resources. Once a candidate has been selected for hire, offers can be formulated utilizing the guidance contained in [UCR Local Procedure for PPSM 30](#) and the associated [Compensation Calculator](#). For additional guidance, you may also reach out to your assigned [Total Compensation consultant](#) in Central Human Resources.

If you have questions, please contact Talent Acquisition by email at careers@ucr.edu.

Assembly Bill 168 - UC updates - February 2018

In support of the University's decision to comply with Assembly Bill 168 (AB 168) as it pertains to staff hiring, Systemwide HR published guidance and information about the law as well as an implementation toolkit on the Systemwide HR webpage. The updates apply to SMG, MSP, PSS, Union and Non-Union staff. For a list of resources or additional information, visit the [UC Systemwide HR webpage](#).

The University of California adjusted policies and practices to fully implement the changes. For more information on AB-168, visit the [California Legislative Information website](#).