

ORDINANCE NO. _____, SERIES 2018

AN ORDINANCE PROHIBITING THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT FROM REQUESTING SALARY HISTORY FROM JOB APPLICANTS.

SPONSORED BY: COUNCIL MEMBERS WOOLRIDGE, BUTLER, BENSON, KRAMER, SEXTON SMITH, JAMES

WHEREAS, in 2017, the American Association of University Women (“AAUW”) released a study that showed that, on average, women working full-time, year-round, were paid 80 percent of what men were paid in Kentucky, resulting in men taking home an average of nearly \$10,000 more than women annually, with an even greater wage gap for some racial groups and age groups;

WHEREAS, between 1967 and 2012 the proportion of mothers bringing home at least a quarter of the family’s earnings rose from less than a third (28 percent) to nearly two-thirds (63 percent), and today, 42 percent of mothers with children under the age of 18 are their families’ primary or sole breadwinners;

WHEREAS, asking for an applicants’ past wage history may cause women, people of color, and others who have been discriminated against in the past, to lose income; and

WHEREAS, the Louisville Metro Council wants to be proactive in helping bridge the wage gap by creating a new section of the Louisville Metro Code of Ordinances (“LMCO”) to address this topic.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

SECTION I: A new section of LMCO Chapter 35 is hereby created as follows:

§ 35.XX PROHIBITING LOUISVILLE METRO FROM REQUESTING SALARY HISTORY FROM JOB APPLICANTS

(A) *Definitions.* For purposes of this section, the following definitions shall apply:

APPLICANT means any person considered for or who requests to be considered for employment by Louisville Metro.

INQUIRE means any direct or indirect statement, question, prompting, or other communication, orally or in writing, personally or through an agent, to gather information from or about an applicant, using any mode of communication, including but not limited to application forms and interviews.

LOUISVILLE METRO means the Louisville/Jefferson County Metro Government or any department, agency or office thereof unless specifically excluded by this section.

SALARY HISTORY means the applicant's current or prior wage, benefits or other compensation.

(B) *General Provisions.*

(1) Except as otherwise provided by state and federal law, Louisville Metro shall not:

- a. Inquire about an Applicant's Salary History;
- b. Consider or rely on Salary History of an Applicant in determining the salary, benefits or other compensation for such Applicant during the hiring process; or
- c. Refuse to hire, or otherwise disfavor, injure, or retaliate against an Applicant for not disclosing his or her Salary History to Louisville Metro.

(2) Notwithstanding (B)(1)b. of this section, if an Applicant voluntarily and without prompting discloses Salary History to Louisville Metro, Louisville Metro may

verify the applicant's Salary History after such Applicant is offered employment, including a compensation amount, with Louisville Metro.

(C) *Exceptions.*

This section does not apply to:

- (1) Applicants for internal transfer or promotion within Louisville Metro;
- (2) Any attempt by Louisville Metro to verify an Applicant's disclosure of non-salary related information or conduct a background check, provided that if such verification results in the disclosure of Salary History, Louisville Metro shall not rely on such disclosure for determining salary, benefits, and other compensation; or
- (3) Positions within Louisville Metro for which salary, benefits, and other compensation are determined pursuant to procedures established by collective bargaining.

(D) *Severability.* If any provision of these sections shall be held to be invalid by action of law, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

(E) *Penalties.* Any person found to be in violation of this section may be disciplined, up to and including termination.

SECTION II: This Ordinance shall take effect upon its passage and approval.

H. Stephen Ott
Metro Council Clerk

David James
President of the Council

Greg Fischer
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

BY: _____

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