

Jason Habinsky in Texas Lawyer: Law Firms Take Notice as Salary Gag Rules Loom

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PRACTICES Labor and Employment

It's not don't ask, don't tell. Instead, it's just don't ask.

That's what lawyers and legal recruiters stress about an emerging wave of legislation barring employers from asking hiring prospects about their prior salary history.

The latest iteration of the law, passed by New York City in April, resembles legislation passed by Philadelphia's city council in January, a statewide law enacted in Massachusetts, and one under consideration in California....

Meanwhile, the New York law allows employers—in the legal industry and generally—to ask further questions about prior compensation if the candidate first offers the specifics, according to [Jason Habinsky](#), a Haynes Boone partner in New York, who practices employment law.

"If the applicant on his or her own introduces the information, then it becomes something that can be discussed," Habinsky said.

Employers should make sure that they have trained any of their interviewers to not come close though "to asking for the information, or prodding in any way," Habinsky warned. "But they should be prepared to react if the information is offered," he said.

Excerpted from *Texas Lawyer*. To read the full article, please [click here](#) (subscription required).