

BOARD BILL NUMBER: 171FS

PRIMARY SPONSOR: Alderwoman Ingrassia

DATE OF INTRODUCTION: November 22, 2019

BOARD BILL SUMMARY:

The proposed bill would prohibit the City of St. Louis, the offices of the City's Collector of Revenue, Treasurer, Recorder of Deeds, License Collector, Circuit Attorney, Comptroller and Sheriff, and the City's Board of Election Commissioners from asking applicants for employment about their salary history, including wages, benefits, and any other compensation during the hiring process except where applicants are applying for an internal promotion or transfer, make unsolicited disclosures, their salary and compensation is determined by collective bargaining, or they were previously employed by the City of St. Louis, the offices of the City's Collector of Revenue, Treasurer, Recorder of Deeds, License Collector, Circuit Attorney, Sheriff within the previous five years and they already have such information, or an unprompted disclosure during a background check done to verify other information.

The intended community impact of the proposed ordinance is unknown at this time.

Prepared by: Louis Galli

Legal Counsel, Board of Aldermen

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BOARD BILL NUMBER 171FS INTRODUCED BY: ALDERWOMAN CHRISTINE INGRASSIA/ALDERWOMAN SARAH MARTIN/ALDERWOMAN ANNIE RICE/ALDERWOMAN HEATHER NAVARRO/ALDERWOMAN MEGAN GREEN/ALDERWOMAN SHARON TYUS/ALDERWOMAN CARA SPENCER/ALDERWOMAN LISA MIDDLEBROOK/ALDERMAN JOHN COLLINS-MUHAMMAD/ALDERWOMAN SHAMEEM CLARK-HUBBARD/ALDERMAN JOSEPH VACCARO/ALDERMAN BRET NARAYAN

1 An ordinance prohibiting the departments, offices, and other divisions of the City of St. Louis,
2 the Mayor’s office and Board of Aldermen, the offices of the City’s Collector of Revenue,
3 Treasurer, Recorder of Deeds, License Collector, Circuit Attorney, Comptroller, and Sheriff,
4 and the City’s Board of Election Commissioners from asking applicants for employment about
5 their salary history, including wages, benefits, and any other compensation, unless otherwise
6 provided therein; and containing a severability clause.

7 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

8 **SECTION ONE. Definitions.**

9 A. The following words when used in this ordinance shall have the meanings ascribed to
10 them in this section:

11 1. *Applicant* means any individual applying for employment with the City of St. Louis, the
12 offices of the City’s Collector of Revenue, Treasurer, Recorder of Deeds, License
13 Collector, Circuit Attorney, Comptroller, and Sheriff, and the City’s Board of Election
14 Commissioners.

15 2. *Salary history* means an applicant’s current or prior salary, wages, benefits, or other
16 compensation. Salary history does not include any objective measure of an applicant’s
17 productivity such as revenue, sales, or other production reports

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2 **SECTION TWO.**

3 A. Except as otherwise provided in this Section it shall be unlawful for the offices,
4 departments, and other divisions of the City of St. Louis, the Mayor’s office and Board of
5 Aldermen, the offices of the City’s Collector of Revenue, Treasurer, Recorder of Deeds,
6 License Collector, Circuit Attorney, Comptroller, and Sheriff, and the City’s Board of Election
7 Commissioners, to:

- 8 1. Inquire about the salary history of an applicant for employment; or
- 9 2. Screen applicants for employment based on their current or prior wages, benefits, or
10 other compensation, or salary histories, including requiring that an applicant’s prior
11 wages, benefits, or other compensation, or salary history satisfy minimum or maximum
12 criteria; or
- 13 3. Rely on the salary history of an applicant for employment when deciding whether to
14 make an offer of employment to an applicant, or in determining the salary, benefits, or
15 other compensation for such applicant during the hiring process, including the
16 negotiation of a contract for employment; or
- 17 4. Refuse to hire or otherwise disfavor, injure or retaliate against an applicant for
18 employment for not disclosing their salary history at any time.

19 B. Notwithstanding subsection A of this section the offices, departments, and other
20 divisions of the City of St. Louis, the offices of the City’s Collector of Revenue, Treasurer,
21 Recorder of Deeds, License Collector, Circuit Attorney, Comptroller, and Sheriff, and the
22 City’s Board of Election Commissioners may, without inquiring about salary history, engage

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1 in discussions with an applicant for employment about their expectations with regard to salary,
2 benefits, and other compensation, including but not limited to unvested equity or deferred
3 compensation that an applicant would forfeit or have cancelled by virtue of such applicant from
4 resigning from their then current position of employment.

5 C. The prohibitions set forth in subsection A of this section shall not apply to:

- 6 1. Applicants for internal transfer or promotion;
- 7 2. An applicant’s voluntary and unprompted disclosure of salary history information;
- 8 3. Any attempt to verify an applicant’s disclosure of non-salary related information or
9 conduct a background check, provided that if such disclosure or background check
10 discloses the applicant’s salary history, such information shall not be relied upon for
11 purposes of determining salary, benefits or other compensation for an applicant during
12 the hiring process, including the negotiation of a contract for employment;
- 13 4. Employee positions for which salary, benefits, or other compensation are determined
14 pursuant to procedures for collective bargaining; and
- 15 5. Applicants previously employed with the City of St. Louis, the offices of the City’s
16 Collector of Revenue, Treasurer, Recorder of Deeds, License Collector, Circuit
17 Attorney, Comptroller, and Sheriff, and the City’s Board of Election Commissioners
18 who are rehired within five years by their previous who are rehired by the same
19 employer within five years of their date of termination of employment, provided that
20 the employer already has salary history data of the applicant from their previous
21 employment with the employer.

22 **SECTION THREE. Severability Clause.**

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1 The provisions of this ordinance shall be severable. In the event that any provision of
2 this ordinance is found by a court of competent jurisdiction to be unconstitutional, the remaining
3 provisions of this ordinance are valid unless the court finds the valid provisions of this
4 ordinance are so essentially and inseparably connected with, and so dependent upon, the void
5 provision that it cannot be presumed that the Board of Aldermen would have enacted the valid
6 provisions without the void ones or unless the Court finds that the valid provisions, standing
7 alone, are incomplete and incapable of being executed in accordance with the legislative intent.