



LAW ALERT

Construction



Effective June 30, 2019:

The RISE Act Will Impact All Contractors Operating in Suffolk County

Come June 30, 2019, employers in Suffolk County, New York are statutorily barred from asking about a job applicant's salary history during the hiring process or relying on any related information in determining the applicant's compensation.

The bar stems from the Restricting Information on Salaries and Earnings ("RISE") Act, which amends the Suffolk County Human Rights Law. RISE applies to employers with four or more employees. Pursuant to RISE inquiring about a job applicant's salary history (including compensation and benefits), whether orally, in writing, on an application, or otherwise, or conducting research into the candidate's salary history, is no longer permitted. In addition, the law bars employers from relying on a candidate's salary history in determining his or her compensation at any stage in the hiring process.

RISE does not apply to any actions taken by an employer working in accordance with any federal, state or local law that requires the disclosure or verification of salary for employment purposes. Additionally, RISE does not apply to an employer or employee working under a collective bargaining agreement.

The provisions of RISE should not be taken lightly. Violating RISE can result in compensatory damages to the job applicant as well as payments to Suffolk County, up to \$50,000. If the violation is found to be willful or wanton fines can increase to \$100,000. Suffolk County now joins a number of counties and municipalities in the state, including Westchester County, Albany, and New York City, that have already passed similar legislation.

**If you have questions about the RISE Act, please contact :
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