

Article - Labor and Employment

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§3-304.2.

(a) (1) This subsection applies only with respect to a position for work that will be physically performed, at least in part, in the State.

(2) An employer shall:

(i) disclose in each public or internal posting for each position the wage range and a general description of benefits and any other compensation offered for the position; and

(ii) if a public or internal posting for a position was not made available to an applicant for the position, disclose to the applicant the information required to be disclosed in a public or internal posting under item (i) of this paragraph:

1. before a discussion of compensation is held with the applicant; and

2. at any other time on request of the applicant.

(b) An employer shall set the wage range disclosed under subsection (a)(2) of this section in good faith.

(c) (1) The Commissioner shall develop and make available to employers a form that an employer may use to comply with subsection (a) of this section.

(2) An employer may comply with subsection (a) of this section by:

(i) completing the form developed under paragraph (1) of this subsection;

(ii) including the completed form in each public or internal posting for a position; and

(iii) otherwise making the completed form available to applicants as required under subsection (a) of this section.

(d) (1) An employer may not:

(i) retaliate against or refuse to interview, hire, or employ an applicant for employment or promote or transfer an employee because the applicant or employee:

1. did not provide wage history;
2. requested the wage range in accordance with this section; or
3. exercised any rights under this section; and

(ii) except as provided in paragraph (2) of this subsection:

1. rely on the wage history of an applicant for employment in screening or considering the applicant for employment or in determining the wages for the applicant; or
2. seek the wage history for an applicant for employment orally, in writing, or through an employee or an agent or from a current or former employer.

(2) After an employer makes an initial offer of employment with an offer of compensation to an applicant for employment, an employer may:

(i) subject to paragraph (3) of this subsection, rely on the wage history voluntarily provided by the applicant for employment to support a wage offer higher than the initial wage offered by the employer; or

(ii) seek to confirm the wage history voluntarily provided by the applicant for employment to support a wage offer higher than the initial wage offered by the employer.

(3) An employer may rely on wage history under paragraph (2) of this subsection only if the higher wage does not create an unlawful pay differential based on protected characteristics under § 3–304 of this subtitle.

(e) This section may not be construed to prohibit an applicant for employment from sharing wage history with an employer voluntarily.

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