

Cleveland's Equal Pay Legislation: One Step Further Than Other Ohio Cities

As the latest Ohio city to enact legislation banning salary history inquiries, Cleveland has differentiated its law from those of other Ohio cities by mandating that employers provide a salary range or pay scale in each job posting.

On April 28, Cleveland City Council passed Ordinance No. 104-2025 to "help ensure that compensation is based on the qualifications, experience, and responsibilities of the position rather than the applicant's identity or background." Barring unforeseen circumstances, the ordinance is set to take effect on October 27, 2025, giving Cleveland employers six months to ensure compliance.

Covered Employers

The ordinance applies to for-profit and nonprofit private employers with 15 or more employees in Cleveland as well as the City of Cleveland itself. The law's requirements only apply to applicants who would perform work within Cleveland's geographic boundaries.

Requirements

Like the laws adopted by Toledo, Cincinnati, and Columbus, Cleveland's ordinance prohibits employers from inquiring about an applicant's salary history or using salary history when deciding an applicant's salary. However, an employer may discuss salary expectations without inquiring about an applicant's salary history. Further, applicants are not prohibited from making a voluntary and unprompted disclosure of salary history.

In particular, the ordinance makes it unlawful and discriminatory for an employer to:

- Inquire about an applicant's salary history
- Screen an applicant based on their current salary or salary history, including requiring that an applicant's salary history satisfy minimum or maximum criteria
- Rely solely on an applicant's salary history in deciding whether to offer employment to the applicant or in determining the salary for the applicant during the hiring process, including the negotiation of an employment contract
- Refuse to hire or otherwise disfavor, injure, or retaliate against an applicant for not disclosing their salary history

Cleveland's ordinance also requires employers to provide the salary range or scale in the notification, advertisement, or other job posting. This provision differs from the laws in other Ohio cities, such as Cincinnati and Toledo, which only require employers to disclose a pay scale if an applicant requests it after receiving a conditional offer of employment.

Exemptions

The ordinance's requirements do not apply to:

- Actions taken by an employer pursuant to any law that specifically authorizes reliance on salary history to determine an employee's compensation
- Applicants for internal transfer or promotion with their current employer
- An employer's attempt to verify an applicant's disclosure of non-salary-related information or conduct a background check, provided that if such verification or background check discloses salary history, the disclosure will not be solely relied upon for purposes of determining the applicant's salary
- Applicants who are rehired by the employer, provided the employer already has the applicant's salary history for their previous employment

- Employee positions for which the salary is determined pursuant to procedures established by collective bargaining

Next Steps

Covered employers should act promptly to ensure their job postings and hiring practices are in compliance by the time the ordinance takes effect. Employers should also ensure that recruiters and management personnel who engage with applicants during the hiring process in Cleveland are aware of this ordinance. Employers run the risk of receiving civil penalties for noncompliance ranging from \$1,000 for a first violation to \$2,500-5,000 for multiple violations.

FOR MORE INFORMATION

For more information, please contact:

M. Scott Young

513.352.6617

202.263.4134

Scott.Young@ThompsonHine.com

Kaitlin McLeod

513.352.6547

Kaitlin.McLeod@ThompsonHine.com

Nancy M. Barnes

216.566.5578

312.998.4240

Nancy.Barnes@ThompsonHine.com

or any other member of our [Labor & Employment](#) group.

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