

# PUBLICATION

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## Labor & Employment Quick Takes

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### **New York City Bans Pre-Employment Marijuana Testing**

Effective May 10, 2020, New York City employers will no longer be able to test job applicants for marijuana. Such testing will now be considered a discriminatory practice in New York City. A few exceptions exist for certain types of jobs, such as law enforcement; work as a laborer, worker, or mechanic on a public construction project or work as a construction superintendent, site safety manager, or site safety coordinator on any construction project; positions requiring a CDL license; positions involving the supervision of children, medical patients, or "vulnerable persons"; and positions that significantly impact the health or safety of employees or the public. The new law also does not apply to the following situations: mandatory drug testing of prospective employees pursuant to federal regulations promulgated by the U.S. Department of Transportation; drug testing that is a condition of a prospective employer's receipt of federal government funds, whether by government grant or contract; mandatory drug testing of prospective employees pursuant to any federal or state statute, regulation, or order intended to promote safety or security; or a prospective employer that is a party to a collective bargaining agreement that addresses the pre-employment drug testing of job applicants. Nevada has a similar law that became effective on January 1, 2020. Nevada's law makes it unlawful for an employer to deny employment because marijuana was present in a drug screening test. Other states have enacted or considered similar provisions. Employers operating in the various jurisdictions that have enacted protections should take note and make sure that their hiring processes comply with this ongoing trend to protect marijuana users.

### **Philly Employers: The Salary History Ban is Back Effective Immediately**

Effective immediately, Philadelphia employers may not ask job applicants about their salary, wage, and benefits history. The salary history ban, which was passed by the Philadelphia City Council in 2016 became law in January 2017. The ban, however, was stymied by a court battle that has now been resolved by the U.S. Court of Appeals for the Third Circuit. So, covered employers must immediately comply with the law. You may read the text of the new ordinance [here](#).