

# Setting Pay in the Absence of Salary History



## District Personnel Instruction No. 11-92

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<b>Effective Date</b>	<b>Expiration Date</b>	<b>Related DPM Chapters</b>
November 17, 2017	Retain Until Superseded	11B

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### Overview

Effective immediately, District government agencies are prohibited from asking candidates for their salary history unless it is brought up by the candidate after an offer of employment is extended. The purpose of this instruction is to provide guidance and procedures for determining initial rates of basic pay without using the salary history of the candidate for new appointments in the District government.

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### Salary Offers for New Hires

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Candidates for first-time appointments in Career, Excepted, Legal, and Management Supervisory Service positions may be offered a salary at any rate up to step 4 of the applicable salary schedule, or up to the mid-point for open range schedules. The salary offered will be based on the market value for the job and the specific knowledge, skills and ability of the candidate.

## Considerations for Setting Pay

Each position is assigned qualification standards based on the knowledge, skills, and abilities needed for the position. Candidates who meet the minimum qualifications for the position will undergo further screening to identify specific job-related knowledge, skills, and abilities beyond the minimum qualification requirements. The screening will consider candidates experience, training, awards, outside activities, and other job-related information. After a selection is made and prior to extending an offer, the hiring official will:

1. Identify the minimum qualifications for the position;
2. Utilize existing labor market conditions data and employment trends to identify the market value of the position (see below note);
3. Determine if the candidate's qualifications exceed the minimum requirements; and
4. Evaluate the impact of the proposed salary on the agency by considering the compensation levels of current employees and budgetary limitations.



**U.S. Department of Labor, Bureau of Labor Statistics, Occupational Outlook Handbook can be used to conduct a market analysis of a position.** You may locate this information on the U.S. Department of Labor's website at <https://www.bls.gov/ooh/>.

Agencies may offer candidates salaries between steps 1 and 4 on the 10-step salary schedule or up to the mid-point on the open range salary schedule. Hiring officials are prohibited from using a candidate's salary history when making an initial salary offer. However, a candidate's salary history may be requested and utilized if a candidate makes a counteroffer based on his or her current or previous salary history.

Agencies seeking to offer a new hire a salary based on superior qualifications must submit a request for an exception using the [DCSF 11B-10, Hiring and Pay Exceptions Request Form](#).

## Salary Offers for Internal Candidates

Salary offers for internal candidates continue to be based on existing pay setting rules such as the "two-step promotion rule" or the \$12,000 maximum increase given to employees who are promoted to or within an open range scale. However, a salary offer for an existing employee selected from a vacancy announcement that was open to the general public may be made using the same pay setting rules as for new hires.



**Hiring and Pay Exceptions:** A candidate who competes for a position open to the general public may be newly appointed, competitively reassigned, or transferred at a rate above step 4 or the mid-point of the grade. Considerations for exceptions include special needs for the candidate's skills, unusually high qualifications, and, in some cases, salary history (**only when raised by the candidate in salary negotiations**). Additional information on the criteria for obtaining approval can be found by reviewing Instruction I-08-79 & 11B-91, Pay and Term Limits, Exceptions (Form 11B Approvals).

# Salary Negotiations

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Once an agency extends an offer of employment to a candidate, he or she is free to *request* a higher salary than the salary initially offered. If the candidate makes this type of counteroffer, the following steps should be followed:

- 1. If not already provided, ask the candidate to submit a request for reconsideration in writing that includes the basis for the counteroffer.**
  - a. Candidates may submit the request via email or in the applicable recruitment processing system (if available).
  - b. If the candidate requests in writing to negotiate an offer of employment based on salary history, the agency may ask for salary documentation (i.e., paystubs and/or copies of W-2s). Candidates requesting to negotiate based on pay history must submit proof of salary to have their request considered.
  - c. If the candidate requests to negotiate based on labor market data, or any other objective criteria, the agency should research and analyze any available information, from reputable sources, to assess the basis of the candidate's request.
  
- 2. Evaluate the agency's ability to meet the offer.**
  - a. If the counteroffer is considered reasonable, and is in alignment with pay setting criteria, the agency should consider meeting the counter offer.
  - b. If the counteroffer is considered reasonable, but not in alignment with pay setting criteria, the agency may request an exception using the *Hiring and Pay Exceptions Request Form*, DCSF 11B-10. The agency should not accept a candidate's counter offer until any exceptions have been approved by the personnel authority.
  - c. If the offer is considered unreasonable based on pay setting criteria or other factors, the agency should consider extending a more reasonable counteroffer to the candidate.

**All written documentation pertaining to salary negotiations must be included in the merit case file for the job requisition.**

## Legal

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### Authorities

1. D.C. Official Code § 1-611.01 *et seq.* (2016 Repl.); and
2. Chapter 11B of the D.C. personnel regulations, *Compensation*.

### Applicability

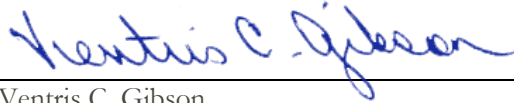
The provisions of this instruction apply to those District government agencies which are subordinate to the Mayor's personnel authority, and independent agencies who are subject to Chapter 11 of the D.C. personnel regulations. Other personnel authorities or independent

agencies may adopt any or all of these procedures to provide guidance to employees under their respective jurisdiction.

## Additional Information/Guidance

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For additional information concerning this instruction, please contact the D.C. Department of Human Resources, Policy and Compliance Administration, by calling (202) 442-9700 or by sending an e-mail to [dchr.policy@dc.gov](mailto:dchr.policy@dc.gov).



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Ventris C. Gibson  
Director