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## Labor & Workplace Standards Committee

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### HB 1533

**Brief Description:** Addressing wage and salary information.

**Sponsors:** Representatives Dolan, Senn, Doglio, Gregerson, Peterson, Bergquist, Goodman, Kloba, Macri, Sawyer, Appleton, Hudgins, Pollet, Ormsby and Slatter.

#### Brief Summary of Bill

- Prohibits an employer from seeking an applicant's wage or salary history or requiring that the wage or salary meet certain criteria.
- Requires employers to provide certain wage scales and salary ranges to employees, and to applicants upon request.

**Hearing Date:** 1/24/17

**Staff:** Joan Elgee (786-7106).

#### Background:

Current law does not address an employer's requests for an applicant's wage or salary history or specification that wage or salary history meet certain criteria. Private employers also have no legal obligation to provide applicants or employees with wage scales or salary ranges. Information about public employer wages and salaries is generally public.

Massachusetts recently enacted legislation limiting an employer's requests for applicant wage or salary history information and wage or salary history requirements for applicants.

#### Summary of Bill:

An employer may not seek the wage or salary history of an applicant from the applicant or a current or former employer. In an applicant requests, an employer must provide the wage scale

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or salary range for a position to an applicant. An employer also may not require that an applicant's prior wage or salary history meet certain criteria. An employer may, however, confirm an applicant's wage or salary history if voluntarily disclosed by the applicant, and after an offer with compensation has been negotiated and made to the applicant.

An employer must provide to each employee the wage scale or salary range for the employee's job title and for comparable jobs when the employee is hired, annually, and upon request.

Administrative remedies and a private cause of action are available. The director of the Department of Labor and Industries (Department) must investigate complaints and may order actual damages, statutory damages equal to the greater of actual damages or \$5,000, and interest. The director may also impose a civil penalty of \$200 for a first violation and \$1,000 for a repeat violation, payment of the costs of investigation and enforcement, and any other appropriate relief. An employee who prevails on appeal is entitled to costs and attorneys' fees. Any wages and interest owed must be calculated from the first date wages were owed. Judicial remedies are similar, and the court may also order reinstatement and injunctive relief.

The Department has rule-making authority.

**Appropriation:** None.

**Fiscal Note:** Requested on January 20, 2015.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.