

**ESHB 1696 - S AMD 607**

By Senator Keiser

ADOPTED 04/12/2019

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 49.58.005 and 2018 c 116 s 1 are each amended to  
4 read as follows:

5 (1) The legislature finds that despite existing equal pay laws,  
6 there continues to be a gap in wages and advancement opportunities  
7 among workers in Washington, especially women. Income disparities  
8 limit the ability of women to provide for their families, leading to  
9 higher rates of poverty among women and children. The legislature  
10 finds that in order to promote fairness among workers, employees must  
11 be compensated equitably. Further, policies that encourage  
12 retaliation or discipline towards workers who discuss or inquire  
13 about compensation prevent workers from moving forward.

14 (2) The legislature intends to update the existing Washington  
15 state equal pay act, not modified since 1943, to address income  
16 disparities, employer discrimination, and retaliation practices, and  
17 to reflect the equal status of all workers in Washington state.

18 (3) The legislature finds that:

19 (a) The long-held business practice of inquiring about salary  
20 history has contributed to persistent earning inequalities;

21 (b) Historically, women have been offered lower initial pay than  
22 men for the same jobs even where their levels of education and  
23 experience are the same or comparable; and

24 (c) Lower starting salaries translate into lower pay, less family  
25 income, and more children and families in poverty.

26 (4) The legislature therefore intends to follow multiple other  
27 states and take the additional step towards gender equality by  
28 prohibiting an employer from seeking the wage or salary history of an  
29 applicant for employment in certain circumstances. Further, the  
30 legislature intends to require an employer to provide wage and salary  
31 information to applicants and employees.

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 49.58  
2 RCW to read as follows:

3        (1) An employer may not:

4            (a) Seek the wage or salary history of an applicant for  
5 employment from the applicant or a current or former employer; or

6            (b) Require that an applicant's prior wage or salary history meet  
7 certain criteria, except as provided in subsection (2) of this  
8 section.

9        (2) An employer may confirm an applicant's wage or salary  
10 history:

11           (a) If the applicant has voluntarily disclosed the applicant's  
12 wage or salary history; or

13           (b) After the employer has negotiated and made an offer of  
14 employment with compensation to the applicant.

15        (3) An individual is entitled to the remedies in RCW 49.58.060  
16 and 49.58.070 for violations of this section. Recovery of any wages  
17 and interest must be calculated from the first date wages were owed  
18 to the employee.

19        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 49.58  
20 RCW to read as follows:

21        (1) Upon the request of an applicant for employment, and after  
22 the employer has initially offered the applicant the position, the  
23 employer must provide the minimum wage or salary for the position for  
24 which the applicant is applying.

25        (2) Upon request of an employee offered an internal transfer to a  
26 new position or promotion, the employer must provide the wage scale  
27 or salary range for the employee's new position.

28        (3) If no wage scale or salary range exists, the employer must  
29 disclose the minimum wage or salary expectation set by the employer  
30 prior to posting the position, making a position transfer, or making  
31 the promotion.

32        (4) This section only applies to employers with fifteen or more  
33 employees.

34        (5) An individual is entitled to the remedies in RCW 49.58.060  
35 and 49.58.070 for violations of this section. Recovery of any wages  
36 and interest must be calculated from the first date wages were owed  
37 to the employee.

1        NEW SECTION.    **Sec. 4.**    If any provision of this act or its  
2 application to any person or circumstance is held invalid, the  
3 remainder of the act or the application of the provision to other  
4 persons or circumstances is not affected.

5        NEW SECTION.    **Sec. 5.**    A new section is added to chapter 49.58  
6 RCW to read as follows:

7        This chapter may be known and cited as the Washington equal pay  
8 and opportunities act."

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9        On page 1, line 1 of the title, after "information;" strike the  
10 remainder of the title and insert "amending RCW 49.58.005; and adding  
11 new sections to chapter 49.58 RCW."

EFFECT: (1) Amends and adds provisions to RCW 49.58, rather than RCW 49.12; modifies the legislative findings; removes the definitions of employee and employer, making those definitions in RCW 49.58 applicable; and makes RCW 49.58 known as the Washington equal pay and opportunities act.

(2) Requires an employer to provide a minimum wage or salary to applicants initially offered a position, instead of providing a wage scale or salary range for the job title to all applicants.

(3) Requires the employer to provide the wage scale or salary range for an employee's new position upon request of an employee offered an internal transfer to a new position or promotion, rather than the wage scale and salary range for the employee's job title upon hire and upon receipt of new title or promotion.

(4) Requires employers with no wage scale or salary range to disclose the minimum wage or salary expectation.

(5) Removes the provision that an employer satisfies the requirements to provide information by making it available on a website.

(6) Limits the requirements to provide wage and salary information to employers with fifteen or more employees.

(7) Provides that an individual is entitled the administrative and civil remedies in RCWs 49.58.070 and 49.58.070 for violations.

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