
**Labor & Workplace Standards
Committee**

HB 1696

Brief Description: Concerning wage and salary information.

Sponsors: Representatives Dolan, Senn, Davis, Macri, Robinson, Jinkins, Kilduff, Wylie, Frame, Appleton, Ortiz-Self, Stanford, Goodman, Chapman, Peterson, Doglio, Pollet, Leavitt, Valdez and Gregerson.

Brief Summary of Bill

- Prohibits an employer from seeking the wage or salary history of an applicant or requiring that the wage or salary history meet certain criteria, with some exceptions.
- Requires an employer to provide the wage scale or salary range for the job title to an employee both upon hire and annually, upon request.

Hearing Date: 2/7/19

Staff: Jenny Aronson (786-7290) and Joan Elgee (786-7106).

Background:

It is legal under current law for an employer to request an applicant's wage or salary history. The wage scales or salary ranges of public employees are generally made public. Current law does not require private employers to provide wage scales or salary ranges to applicants for employment.

The Equal Pay Opportunity Act (Act) prohibits an employer from discriminating based on gender in providing compensation between similarly employed employees. The Act further provides that if an employee receives less compensation on the basis of gender, the employee may sue and recover the difference of the compensation he or she should have received. An individual's previous wage or salary history is not a defense.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

In a recent Ninth Circuit Court of Appeals (Court) case, the Court held that prior salary may not be considered in setting a person's pay under the federal Equal Pay Act.

Summary of Bill:

An employer may not seek the wage or salary history of an applicant or require that the applicant's prior wage or salary history meet certain criteria, with some exceptions. A prospective employer may confirm an applicant's wage or salary history if the applicant has voluntarily disclosed the applicant's wage or salary history, or after an offer of employment with compensation has been negotiated and made to the applicant.

An employer must provide to the applicant the wage scale or salary range for the job title upon request. An employer must also provide this information to the employee annually, upon request. These disclosure requirements are satisfied if the wage scale or salary range for a position is available on the employer's website.

Administrative remedies and a private cause are available. The Director of the Department of Labor and Industries must investigate employee-initiated complaints and may order the employer to pay to the employee actual damages; statutory damages equal to the actual damages of \$5,000, whichever is greater; and including interest. The Director may also impose a civil penalty of no more than \$200 for a first violation and no more than \$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. A collections process is also provided for.

Appropriation: None.

Fiscal Note: Available.

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