

FINAL BILL REPORT

ESHB 1696

C 345 L 19
Synopsis as Enacted

Brief Description: Concerning wage and salary information.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Dolan, Senn, Davis, Macri, Robinson, Jinkins, Kilduff, Wylie, Frame, Appleton, Ortiz-Self, Stanford, Goodman, Chapman, Peterson, Doglio, Pollet, Leavitt, Valdez and Gregerson).

House Committee on Labor & Workplace Standards

House Committee on Appropriations

Senate Committee on Labor & Commerce

Background:

There is no laws prohibiting an employer from requesting an applicant's wage or salary history. The wage scales or salary ranges of public employees are generally public; however private employers are not required to make wage or salary information public or provide the information to applicants or current employees.

The equal pay and opportunities law prohibits discrimination based on gender in providing compensation between similarly employed employees. An individual's previous wage or salary history is not a defense. An aggrieved employee may file a complaint with the Department of Labor and Industries (Department). If the Director of the Department determines a violation occurred, the Director must attempt to resolve the violation by conference and conciliation. If the issue is not resolved, the Director may issue a citation to the employer. A civil cause of action is also available but the filing of a civil action terminates the processing of an administrative complaint.

The Director or the court may order actual damages; statutory damages equal to the actual damages or \$5,000, whichever is greater; and interest. Costs and reasonable attorneys' fees are available on appeal from the Director's determination and in a civil action. The Director may also impose a civil penalty of not more than \$200 for a first violation and the greater of \$1,000 or 10 percent of damages for a repeat violation, payment for the cost of the Department's investigation and enforcement, and any other appropriate relief. The court may also order reinstatement and injunctive relief.

Summary:

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.

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.

Employers with 15 or more employees must follow certain requirements with respect to providing wage and salary information. An employer must provide to an applicant the minimum wage or salary for the position upon request after the employer initially offers the position to the applicant. Upon request of an employee offered an internal transfer or promotion, the employer must provide the wage scale or salary range for the new position. If a wage scale or salary range does not exist, the employer must provide the minimum wage or salary expectation set by the employer.

The remedies in the equal pay and opportunities law apply to the new wage and salary provisions.

The equal pay and opportunities law is named the Equal Pay and Opportunities Act.

Votes on Final Passage:

House	56	40
Senate	37	10 (Senate amended)
House		(House refused to concur)
Senate	28	20 (Senate receded/amended)
House	57	40 (House concurred)

Effective: July 28, 2019