

ESHB 1696 - S COMM AMD

By Committee on Labor & Commerce

NOT ADOPTED 04/12/2019

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

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that:

4 (a) Women in this state have experienced pay discrimination based
5 on salary history for decades;

6 (b) Women are regularly offered lower initial pay than men for
7 the same jobs even where their levels of education and experience are
8 the same or comparable;

9 (c) Such persistent earnings inequality for working women
10 translates into lower pay, less family income, and more children and
11 families in poverty; and

12 (d) As an important step towards gender and economic equality,
13 the legislature has recently made explicit that using prior salary
14 history to justify a wage differential between similarly employed
15 workers of different genders is unlawful discrimination under the
16 state equal pay act, and this practice is also unlawful under the
17 federal equal pay act.

18 (2) The legislature therefore intends to follow multiple other
19 states and take the additional step towards gender equality of
20 prohibiting an employer from seeking the wage or salary history of an
21 applicant for employment. Further, the legislature intends to require
22 an employer to provide information about wage scales and salaries to
23 employees.

24 NEW SECTION. **Sec. 2.** A new section is added to chapter 49.12
25 RCW to read as follows:

26 The definitions in this section apply throughout this section and
27 sections 3 through 5 of this act unless the context clearly requires
28 otherwise.

29 (1) "Employee" means a worker who is employed in the business of
30 an employer. "Employee" includes workers performing in an executive,
31 administrative, professional, or outside sales capacity.

1 (2) "Employer" means any person, firm, corporation, partnership,
2 business trust, legal representative, or other business entity that
3 engages in any business, industry, profession, or activity in this
4 state and employs one or more employees. "Employer" includes the
5 state, any state institution, any state agency, political
6 subdivisions of the state, and any municipal corporation or quasi-
7 municipal corporation.

8 NEW SECTION. **Sec. 3.** A new section is added to chapter 49.12
9 RCW to read as follows:

- 10 (1) An employer may not:
- 11 (a) Seek the wage or salary history of an applicant for
 - 12 employment from the applicant or a current or former employer; or
 - 13 (b) Require that an applicant's prior wage or salary history meet
 - 14 certain criteria, except as provided in subsection (2) of this
 - 15 section.
- 16 (2) An employer may confirm an applicant's wage or salary
- 17 history:
- 18 (a) If the applicant has voluntarily disclosed the applicant's
 - 19 wage or salary history; or
 - 20 (b) After the employer has negotiated and made an offer of
 - 21 employment with compensation to the applicant.

22 NEW SECTION. **Sec. 4.** A new section is added to chapter 49.12
23 RCW to read as follows:

- 24 (1) After the employer has initially determined that the
- 25 applicant is otherwise qualified for the position, upon the request
- 26 of the applicant for employment, an employer must provide the wage
- 27 scale or salary range for the job title for the position for which
- 28 the applicant is applying.
- 29 (2) An employer must provide to each employee a wage scale or
- 30 salary range for the employee's job title upon receipt of a new job
- 31 title or promotion.
- 32 (3) This section only applies to employers with fifteen or more
- 33 employees.

34 NEW SECTION. **Sec. 5.** A new section is added to chapter 49.12
35 RCW to read as follows:

36 An employee may bring a civil action against an employer for
37 violation of section 3 or 4 of this act for: Actual damages;

1 statutory damages equal to the actual damages or five thousand
2 dollars, whichever is greater; interest of one percent per month on
3 all compensation owed; and costs and reasonable attorneys' fees. The
4 court may also order reinstatement and injunctive relief. Any wages
5 and interest owed must be calculated from the first date wages were
6 owed to the employee.

7 NEW SECTION. **Sec. 6.** If any provision of this act or its
8 application to any person or circumstance is held invalid, the
9 remainder of the act or the application of the provision to other
10 persons or circumstances is not affected."

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11 On page 1, line 1 of the title, after "information;" strike the
12 remainder of the title and insert "adding new sections to chapter
13 49.12 RCW; creating a new section; and prescribing penalties."

EFFECT: Requires an employer to provide the wage scale and salary range to an applicant after the employer has initially determined that the applicant is otherwise qualified for the position. Removes the requirement for the employer to provide a wage scale and salary range to an employee upon hire. Removes the provision that an employer satisfies the provisions for providing the wage scale and salary range by making it available on a web site. Limits the requirements to provide wage scales and salary ranges to employers with fifteen or more employees.

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