

SENATE BILL REPORT

ESHB 1696

As of March 15, 2019

Title: An act relating to wage and salary information.

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).

Brief History: Passed House: 3/09/19, 56-40.

Committee Activity: Labor & Commerce: 3/25/19.

Brief Summary of Bill

- Prohibits an employer from seeking an applicant's wage or salary history or requiring that the wage or salary history meet certain criteria, with limited exceptions.
- Requires employers to provide certain wage scales and salary ranges to employees and applicants.
- Allows an employee to bring a civil action for actual damages; statutory damages equal to the actual damages or \$5,000, whichever is greater; interest, costs, and reasonable attorneys' fees.

SENATE COMMITTEE ON LABOR & COMMERCE

Staff: Susan Jones (786-7404)

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 generally have no legal obligation to provide applicants or employees with wage scales or salary ranges. Information about state public employer wages and salaries is generally public and available.

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.

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 or require that an applicant's prior wage or salary history meet certain criteria, except to confirm an applicant's wage or salary history:

- if the applicant has voluntarily disclosed the applicant's wage or salary history; or
- after the employer has negotiated and made an offer of employment with compensation to the applicant.

Upon the request of an applicant, an employer must provide the wage scale or salary range for the job title for the position for which the applicant is applying. An employer must provide to each employee the wage scale or salary range for the employee's job title upon hire and upon receipt of a new job title or promotion. An employer satisfies these requirements if the wage scale or salary range for a position is available on the employer's website or a third party website used by employees and employers with employer-provided salary information.

An employee may bring a civil action against an employer for violation for:

- actual damages;
- statutory damages equal to the actual damages or \$5,000, whichever is greater;
- interest of 1 percent per month on all compensation owed; and
- costs and reasonable attorneys' fees.

The court may also order reinstatement and injunctive relief. Any wages and interest owed must be calculated from the first date wages were owed to the employee.

Legislative findings are made. "Employee" means a worker who is employed in the business of an employer and includes workers performing in an executive, administrative, professional, or outside sales capacity. "Employer" means any person or business entity that engages in any business, industry, profession, or activity in this state and employs one or more employees and includes the state, any state institution, any state agency, political subdivisions of the state, and any municipal corporation or quasi-municipal corporation.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.