
ENGROSSED SUBSTITUTE HOUSE BILL 1696

AS AMENDED BY THE SENATE

Passed Legislature - 2019 Regular Session

State of Washington

66th Legislature

2019 Regular Session

By House 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)

READ FIRST TIME 03/01/19.

1 AN ACT Relating to wage and salary information; amending RCW
2 49.58.005; and adding new sections to chapter 49.58 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

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

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

19 (3) The legislature finds that:

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

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

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

6 **(4) The legislature therefore intends to follow multiple other**
7 **states and take the additional step towards gender equality by**
8 **prohibiting an employer from seeking the wage or salary history of an**
9 **applicant for employment in certain circumstances. Further, the**
10 **legislature intends to require an employer to provide wage and salary**
11 **information to applicants and employees.**

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

14 (1) An employer may not:

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

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

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

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

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

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

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

32 (1) Upon request of an applicant for employment after the
33 employer has initially offered the applicant the position, the
34 employer must provide the minimum wage or salary for the position for
35 which the applicant is applying.

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

1 (3) If no wage scale or salary range exists, the employer must
2 provide the minimum wage or salary expectation set by the employer
3 prior to posting the position, making a position transfer, or making
4 the promotion.

5 (4) This section only applies to employers with fifteen or more
6 employees.

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

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

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

17 This chapter may be known and cited as the Washington equal pay
18 and opportunities act.

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