

WASHINGTON

NEW LAW: Washington Enacts a Pay Transparency and Salary History Ban

On May 9, 2019, Washington Governor Jay Inslee signed [House Bill 1696](#), into law. With this new law, Washington is the 9th state to implement a salary history ban and the 19th state to implement a pay transparency law. The new law goes into effect on July 28, 2019.

Under the new law, starting July 28th, Washington employers will be prohibited from:

- Seeking the wage or salary history of an applicant for employment from the applicant or from the applicant's current or former employer; and
- Requiring that an applicant's prior wage or salary history meet certain criteria.

However, the new law allows employers to confirm an applicant's wage history under the following circumstances:

- During the hiring process -- if the applicant has voluntarily disclosed his or her wage or salary history; and
- After an offer (including compensation) has been negotiated with the applicant.

Finally, the new law requires employers with 15 or more employees to provide the following "pay scale" information:

- To successful job applicants (i.e. those extended an offer of employment) – the minimum wage or salary for the applicant's new position.
- To internal job transfers -- – the wage scale or salary range for the employee's new position

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

In order to prepare for this new law, it is recommended that Washington employers do the following:

- Review all hiring documents (e.g. job applications, interview questions, etc.) and remove all salary history questions.
- Train managers not to ask about an applicant's pay history during the pre-employment process (i.e. when they are screening or interviewing applicants).
- Stop asking for or providing salary history information during reference checks.