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H.294

Introduced by Representatives Sullivan of Burlington, Belaski of Windsor,
Christensen of Weathersfield, Conlon of Cornwall, Dunn of
Essex, Fields of Bennington, Macaig of Williston, McCormack
of Burlington, O’Sullivan of Burlington, Townsend of South
Burlington, Troiano of Stannard, Walz of Barre City, and Weed
of Enosburgh

Referred to Committee on

Date:

Subject: Labor; fair employment practices; wages

Statement of purpose of bill as introduced: This bill proposes to prohibit
employers from requiring an applicant to disclose his or her salary and benefit
history and from seeking an applicant’s salary history without his or her
authorization.

An act relating to inquiries about an applicant’s salary history

It is hereby enacted by the General Assembly of the State of Vermont:

~~Sec. 1. 21 V.S.A. § 495^{km} is added to read:~~

~~§ 495^{km}. SALARY HISTORY; EMPLOYMENT APPLICATIONS~~

~~(a) An employer shall not.~~

1 ~~(1) screen a prospective employee based on his or her wages, benefits,~~
2 ~~compensation, or salary history;~~

3 ~~(2) require that a prospective employee's prior wages, benefits,~~
4 ~~compensation, or salary history satisfy minimum or maximum criteria;~~

5 ~~(3) request or require as a condition of being interviewed or being~~
6 ~~considered for an offer of employment that a prospective employee disclose~~
7 ~~prior wages, benefits, compensation, or salary history; or~~

8 ~~(4) seek the salary history of a prospective employee from his or her~~
9 ~~current or former employer.~~

10 ~~(b) Notwithstanding subdivision (a)(4) of this section, after an employer~~
11 ~~has made an offer of employment with compensation to a prospective~~
12 ~~employee, it may confirm the prior or current wages, benefits, compensation,~~
13 ~~or salary history of the prospective employee if he or she provides written~~
14 ~~authorization for the employer to do so.~~

~~*(c) Nothing in this section shall be construed to prevent an employer from:*~~

~~*(1) inquiring about a prospective employee's salary expectations or*~~
~~*requirements; or*~~

~~*(2) providing information about the wages, benefits, compensation, or*~~
~~*salary offered in relation to a position.*~~

15 Sec. 2. EFFECTIVE DATE

~~This act shall take effect on July 1, 2017/2018.~~

~~*Sec. 1. 21 V.S.A. § 495m is added to read:*~~

§ 495m. SALARY HISTORY; EMPLOYMENT APPLICATIONS

(a) An employer shall not:

(1) inquire about or seek information regarding a prospective employee's current or past compensation from either the prospective employee or a current or former employer of the prospective employee;

(2) require that a prospective employee's current or past compensation satisfy minimum or maximum criteria; or

(3) determine whether to interview a prospective employee based on the prospective employee's current or past compensation.

(b) Notwithstanding subdivision (a)(1) of this section, if a prospective employee voluntarily discloses information about his or her current or past compensation, an employer may, after making an offer of employment with compensation to the prospective employee, seek to confirm or request that the prospective employee confirm that information.

(c) Nothing in this section shall be construed to prevent an employer from:

(1) inquiring about a prospective employee's salary expectations or requirements; or

(2) providing information about the wages, benefits, compensation, or salary offered in relation to a position.

(d) As used in this section, "compensation" includes wages, salary, bonuses, benefits, fringe benefits, and equity-based compensation.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2018.