**ITEM #1 – Wage and Salary Information**

**Staff note:** Engrossed Substitute House Bill (ESHB) 1696 passed during the 2019 legislative session with an effective date of July 28, 2019. This bill amends RCW 49.58.005 and adds new sections to chapter 49.58 RCW which prohibits an employer from seeking the wage or salary history of an applicant for employment from the applicant or a current or former employer or requiring that the applicant’s prior wage or salary history meet certain criteria. This bill also requires employers, upon request of an applicant for employment, to provide the wage scale or salary range for the job title for the position for which the applicant is applying. We are proposing the following rules to align with the new requirements in ESHB 1696.

NEW SECTION

**WAC 357-16-017** **When must the employer provide the minimum wage or salary for a position?** In accordance with section 3, chapter 345, Laws of 2019, an employer must provide the minimum wage or salary for a position for which the applicant is applying upon request of an applicant for employment after the employer has initially offered the position.

An employer must provide the wage scale or salary range for an employee's new position upon request of an employee offered internal transfer to a new position or promotion.

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.

NEW SECTION

**WAC 357-16-215** **When may an employer not seek the wage or salary history of an applicant for employment?** In accordance with section 2, chapter 345, Laws of 2019, an employer may not seek the wage or salary history of an applicant for employment from the applicant or a current or former employer, or require that an applicant's prior wage or salary history meet certain criteria, except as provided in WAC 357-16-220.

NEW SECTION

**WAC 357-16-220** **When may an employer confirm an applicant's wage or salary history?** In accordance with section 2, chapter 345, Laws of 2019, an employer may 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.

AMENDATORY SECTION

**WAC 357-58-190** **What must be addressed in agency's WMS recruitment and selection policy and/or procedure?** An agency's WMS recruitment and selection policy must:

(1) Provide for the ability to consider any or all qualified candidates for hire, promotion, or internal movement;

(2) Ensure that hiring decisions are fair, objective, and based on the evaluation of leadership and other job related competencies and characteristics required for successful job performance and performance management;

(3) Support workforce diversity and affirmative action goals;

(4) Consider the career development of the agency's employees and other state employees;

(5) Ensure that hiring decisions are not based on patronage or political affiliation;

(6) Ensure compliance with state and federal laws relating to employee selection and nondiscrimination;

(7) Encourage decentralized and regional administration of the recruitment and selection processes when it is appropriate for the agency;

(8) Ensure compliance with wage and salary information in accordance with WAC 357-16-017, 357-16-215, and 357-16-220.