

Department of Planning and Budget

2022 Fiscal Impact Statement

1. Bill Number: SB447

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|------------------------|---------------------------------------|-------------------------------------|---|
| House of Origin | <input type="checkbox"/> Introduced | <input type="checkbox"/> Substitute | <input checked="" type="checkbox"/> Engrossed |
| Second House | <input type="checkbox"/> In Committee | <input type="checkbox"/> Substitute | <input type="checkbox"/> Enrolled |

2. Patron: Boysko

3. Committee: Passed Senate

4. Title: Wage or salary history inquiries prohibited; civil penalty.

5. Summary: Prohibits a prospective employer from (i) seeking the wage or salary history of a prospective employee; (ii) relying on the wage or salary history of a prospective employee in determining the wages or salary the prospective employee is to be paid upon hire; (iii) relying on the wage or salary history of a prospective employee in considering the prospective employee for employment; (iv) refusing to interview, hire, employ, or promote a prospective employee or otherwise retaliating against a prospective employee for not providing wage or salary history; and (v) failing or refusing to provide a prospective employee the wage or salary range for the position for which the prospective employee is applying prior to discussing compensation and at any time upon the prospective employee's request. The bill establishes a cause of action for an aggrieved prospective employee or employee and provides that an employer that violates such prohibitions is liable to the aggrieved prospective employee or employee for statutory damages between \$1,000 and \$10,000 or actual damages, whichever is greater, reasonable attorney fees and costs, and any other legal and equitable relief as may be appropriate. The bill also provides for civil penalties for violations not to exceed \$1,000 for a first violation, \$2,000 for a second violation, and \$4,000 for a third or subsequent violation. The bill contains a delayed effective date of July 1, 2023.

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: Preliminary, Indeterminate. See item 8.

8. Fiscal Implications: Impact estimates from the Department of Labor and Industry are not yet available.

The bill establishes civil penalties of up to \$1,000 for initial violations, \$2,000 for a second violation, and \$4,000 for subsequent violations, to be paid into the Literary Fund. Because the number of violations is unknown, the revenue impact is indeterminate.

9. Specific Agency or Political Subdivisions Affected: Department of Labor and Industry

10. Technical Amendment Necessary: No

11. Other Comments: None