

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4885

BY DELEGATES STORCH, CAMPBELL, LAVENDER-BOWE,
HORNBUCKLE, S. BROWN, WALKER, SKAFF, ROWAN,
SYPOLT, FLEISCHAUER AND KUMP

[Introduced February 11, 2020; Referred to the
Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §5-11-9b, relating to the “Katherine Johnson and Dorothy Vaughan Fair Pay
3 Act”; honoring Katherine Johnson and Dorothy Vaughan; making it unlawful for an
4 employer to require, as a condition of employment, that an employee refrain from
5 disclosing information about his or her wages, benefits, or other compensation or sharing
6 information about another employee’s wages, benefits, or other compensation; making it
7 unlawful for an employer to prohibit or retaliate against an employee for disclosing his or
8 her own wages or discussing or inquiring about other employees’ wages; and limiting
9 employers’ inquiry into applicants’ wage and salary history.

Be it enacted by the Legislature of West Virginia:

ARTICLE 11. HUMAN RIGHTS ACT.

§5-11-9b. The Katherine Johnson and Dorothy Vaughan Fair Pay Act.

1 (a)(1) This section may be cited as the “Katherine Johnson and Dorothy Vaughn Fair Pay
2 Act,” in honor of these two brilliant African American mathematicians with close ties to
3 Morgantown, Institute, and White Sulphur Springs, West Virginia.

4 (2) Dorothy Johnson Vaughn was born in Kansas City, Missouri, and moved with her family
5 to Morgantown, West Virginia, when she was seven. Selected as valedictorian, Ms. Vaughan
6 graduated from Beechurst High School in Morgantown in 1925 and received a B.S. degree in
7 1929 from Wilberforce University in Zenia, Ohio. In 1943 she took a position at NACA, the National
8 Advisory Committee for Aeronautics (the predecessor agency to NASA) in Hampton, Virginia. Ms.
9 Vaughan was among the first group of African Americans to be hired as mathematicians and
10 scientists following an Executive Order from President Roosevelt prohibiting discrimination in the
11 defense industry. State law requiring “colored” employees to work separately from their white
12 counterparts was followed despite the Order. In 1949 Ms. Vaughan became the first black
13 supervisor at NACA when she was promoted to manager of the West Area Computers. This
14 workgroup was composed entirely of African-American female mathematicians. Ms. Vaughan led

15 the West Area Computing program for a decade. In 1958, NACA became NASA and abolished
16 the segregated working environment. Ms. Vaughan joined the new Analysis and Computation
17 Division, becoming an expert FORTRAN programmer. Sadly, after desegregation, Ms. Vaughan
18 sought but never received another management position at NASA. Ms. Vaughan died on
19 November 10, 2008. Her legacy and the story of the other women of West Computing lives on in
20 the 2016 film *Hidden Figures*.

21 (3) Katherine Coleman Gobel Johnson was born on August 26, 1918 in White Sulphur
22 Springs. and educated in West Virginia. Later awarded the Presidential Medal of Freedom,
23 America's highest civilian honor, Ms. Johnson's brilliance with numbers landed her on the campus
24 of historically black West Virginia State College at age 13. In 1939, she was one of three black
25 students chosen to help integrate the graduate program at West Virginia University. Although her
26 complex analyses were used in America's first human space flight and landing on the moon, she
27 and the black female crew with whom she worked were degraded by having to use a segregated
28 bathroom a long distance from their worksite. The women in her unit suffered economically as
29 well, by being paid far less than their white male counterparts at Langley who performed similar
30 work. This legislation is intended to prevent future wage discrimination like that endured by Ms.
31 Johnson and her black female coworkers, by providing greater transparency about pay rates and
32 banning practices that may perpetuate the effects of past wage discrimination.

33 (b) It is an unlawful discriminatory practice, unless based on a bona fide occupational
34 qualification, or except where based on applicable security regulations established by the United
35 States or the State of West Virginia or its agencies or political subdivisions, for any employer to:

36 (1) Prohibit or retaliate against an employee for disclosing his or her own wages or
37 discussing or inquiring with other employees about their wages; and

38 (2) Request or require applicants to disclose salary or benefit as a condition of being
39 interviewed, considered for employment, offered compensation, or being employed, or to inquire
40 about job applicants' salary or benefit history from current or former employers.

- 41 (c) It is not an unlawful discriminatory practice for an employer confirm the applicant's
42 salary history if:
- 43 (1) The applicant has voluntarily disclosed it; or
44 (2) The employer has already negotiated and made an offer of employment with
45 compensation to the applicant.

NOTE: The purpose of this bill is to establish the "Katherine Johnson and Dorothy Vaughn Fair Pay Act." The bill makes it an unlawful discriminatory practice for an employer to prohibit or retaliate against an employee for disclosing his or her own wages or discussing or inquiring about other employees' wages. The bill also limits employers' inquiry into a job applicant's wage and salary history.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.