

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2308

BY DELEGATES FLEISCHAUER, S. BROWN, LONGSTRETH,

PYLES, WALKER, ROWAN, FLUHARTY AND STORCH

[Introduced January 11, 2019; Referred
to the Committee on Industry and Labor then 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 Fair Pay Act of 2019”; honoring
3 Katherine Coleman Johnson, making it unlawful for an employer to require, as a condition
4 of employment, that an employee refrain from disclosing information about his or her
5 wages, benefits, or other compensation or sharing information about another employee’s
6 wages, benefits, or other compensation; making it unlawful for an employer to require a
7 waiver of employees’ rights to disclose information about his or her wages, benefits, or
8 other compensation or to share information about another employee’s wages, benefits, or
9 other compensation; limiting 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 Fair Pay Act of 2019.

1 (a) This section may be cited as the “Katherine Johnson Fair Pay Act of 2019”, in honor
2 of Katherine Coleman Johnson, an African American mathematician born and educated in West
3 Virginia and later awarded the Presidential Medal of Freedom, America's highest civilian honor.
4 Born in White Sulphur Springs, Ms. Johnson's brilliance with numbers landed her on the campus
5 of historically black West Virginia State College - at age 13. In 1939, she was one of three
6 black students chosen to help integrate the graduate program at West Virginia University.
7 Although her complex analyses were used in America's first human space flight and landing
8 on the moon, she and the black female crew with whom she worked were degraded by having
9 to use a segregated bathroom a long distance from their worksite. The women in her unit
10 suffered economically as well, by being paid far less than the white male engineers at Langley
11 who performed similar work. This legislation is intended to prevent future wage discrimination
12 like that endured by Ms. Johnson and her black female co-workers, by providing greater
13 transparency about pay rates and banning practices that may perpetuate the effects of past

14 wage discrimination.

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

18 (1) Require, as a condition of employment, that an employee refrains from disclosing,
19 discussing, or sharing information about the amount of his or her wages, benefits or other
20 compensation, or from inquiring, discussing, or sharing information about any other employee's
21 wages, benefits or other compensation;

22 (2) Require an employee to sign a waiver or other document that denies the employee the
23 right to disclose the amount of his or her wages, benefits, or other compensation or to inquire
24 about, discuss, or share information about any other employee's wages, benefits, or other
25 compensation; or

26 (3) Inquire, or direct a third party to inquire, as to a job applicant's wage and salary history
27 from the applicant or a current or former employer. If an applicant voluntarily and without
28 prompting discloses information about his or her compensation, the employer may seek to confirm
29 that information after extending an offer of employment with compensation to that person.

NOTE: The purpose of this bill is to establish the "Katherine Johnson Fair Pay Act of 2019". The bill makes it an unlawful discriminatory practice for an employer to make a condition of employment, or to prohibit an employee from disclosing information about his or her wages, benefits, or other compensation, or sharing information regarding any other employee's wages, benefits, or other compensation. 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.