

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2449

**FISCAL
NOTE**

By Delegate Walker

[Introduced January 11, 2023; 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 §21-3-23, relating to prohibiting employers and agents from requiring an
 3 employee or applicant to provide any information about the person’s salary history or prior
 4 compensation; and providing criminal penalties.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. SAFETY AND WELFARE OF EMPLOYEES.

§21-3-23. Request or inquiry for salary history prohibited.

1 (a) It is unlawful for any employer or the agent or representative of an employer, whether
 2 public or private, to ask or require any employee or applicant for employment to provide any
 3 information regarding the employee’s or applicant’s salary history or prior compensation as a
 4 condition of evaluation, employment, or continued employment.

5 (b) Any employer or agent thereof who violates any provision of this section is guilty of a
 6 misdemeanor and, if convicted, shall be fined \$500 for the first offense. An employer or agent
 7 thereof convicted a second time under this provision shall be fined \$1,000. For the third and any
 8 subsequent offense, the penalty shall be \$2,000.

NOTE: The purpose of this bill is to prohibit an employer from seeking salary history information about an applicant or employee during the hiring process.

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