

Representative Gay Lynn Bennion proposes the following substitute bill:

**STATE EMPLOYEE WAGE HISTORY AND TRANSPARENCY
PROTECTIONS**

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gay Lynn Bennion

Senate Sponsor: _____

LONG TITLE

General Description:

This bill enacts provisions related to wage history and wage transparency protections for state employees.

Highlighted Provisions:

This bill:

▶ prohibits a state employer from seeking wage history or relying on wage history in determining wage rates;

▶ prohibits a state employer from retaliating against a state employee or prospective state employee for certain actions, including:

- failing to disclose wage history;
- invoking provisions related to wage discrimination; or
- assisting in the enforcement of provisions prohibiting wage discrimination;

▶ defines terms; and

▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:



26 None

27 **Utah Code Sections Affected:**

28 ENACTS:

29 [67-28-1](#), Utah Code Annotated 1953



31 *Be it enacted by the Legislature of the state of Utah:*

32 Section 1. Section **67-28-1** is enacted to read:

33 **CHAPTER 28. STATE EMPLOYEE WAGE HISTORY AND TRANSPARENCY**

34 **PROTECTIONS**

35 **67-28-1. Wage history -- Wage transparency -- Retaliation prohibited.**

36 (1) As used in this section:

37 (a) "Local education agency" means a school district, a charter school, or the Utah
38 Schools for the Deaf and the Blind.

39 (b) "Political subdivision" means a county, city, town, redevelopment agency, special
40 improvement district, or taxing district.

41 (c) (i) "State agency means:

42 (A) the state;

43 (B) a department, commission, board, council, agency, officer, corporation, fund,
44 division, office, committee, authority, laboratory, library, unit, bureau, panel, or other
45 administrative unit of the state;

46 (C) a local education agency; or

47 (D) an institution of higher education listed in Section [53B-1-102](#).

48 (ii) "State agency" does not mean:

49 (A) a political subdivision; or

50 (B) an administrative subdivision of a political subdivision.

51 (d) (i) "State employee" means a person employed by a state agency.

52 (ii) "State employee" does not include a state officer described in Section [67-22-1](#) or
53 [67-22-2](#).

54 (e) "State employer" means an employer that is a state agency.

55 (f) "Wage rate" means:

56 (i) for a state employee paid on an hourly basis, the hourly compensation paid to the

57 state employee plus the value per hour of all other compensation and benefits received by the
58 state employee from the state employer; and

59 (ii) for a state employee paid on a salary basis, the total of all compensation and
60 benefits received by the state employee from the state employer.

61 (2) A state employer may not:

62 (a) seek the wage rate history of a prospective state employee or rely on the wage rate
63 history of a prospective state employee to determine a wage rate;

64 (b) discriminate or retaliate against a prospective state employee for failing to disclose
65 the prospective state employee's wage rate history;

66 (c) discharge, discriminate against, or retaliate against a state employee for:

67 (i) invoking this section on behalf of the state employee or another person; or

68 (ii) assisting in the enforcement of this Subsection (2);

69 (d) discharge, discipline, discriminate against, coerce, intimidate, threaten, or interfere
70 with a state employee or other person because the state employee or other person inquired
71 about, disclosed, compared, or otherwise discussed the state employee's wage rate;

72 (e) prohibit as a condition of employment a state employee from disclosing the state
73 employee's wage rate; or

74 (f) require a state employee to sign a waiver or other document that:

75 (i) prohibits the state employee from disclosing wage rate information; or

76 (ii) purports to deny the state employee the right to disclose the state employee's wage
77 rate information.