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SECTIONAL ANALYSIS

SB 78: DISCLOSURE OF WAGE INFORMATION

Sec. 1: Amends *AS 23.10 Employment Practices and Working Conditions* by adding **Article 9. Disclosure of Employee Compensation** and the following sections:

- **Sec. 23.10.700. Disclosure of Discussion Wages:**
 - (a) Requires job postings to include a salary or salary range.
 - (b) Allows applicants and employees to discuss current wage, prohibits employers from asking applicants about their salary history with another employer
 - (c) Clarifies that nothing in this section obligates an employee or applicant to disclose their compensation, prohibits an employee or applicant from voluntarily disclosing, or prohibits an employer from using information that is voluntarily disclosed under this subsection when determining the salary of an employee or applicant.
- **Sec. 23.10.705 Posting Summary Required** requires an employer to post information summarizing the bill's provisions.
- **Sec. 23.10.710 Retaliation Prohibited** prohibits an employer from retaliating against an employee for exercising a right under the bill.
- **Sec. 23.10.715 Damages for Retaliation** allows an employee to file a civil claim against an employer if the employer retaliates.
- **Sec. 23.10.720 Statute of Limitations** gives an employee no more than 3 years after a violation to file a civil claim.
- **Sec. 23.10.725 Penalty** creates a fine between \$100-\$2000 for violations and directs the Department of Labor and Workforce Development Commissioner to determine the amount. An employer may, at the discretion of the Commissioner, reduce the fine or correct the violation by conducting an audit.
- **Sec. 23.10.735 Regulations** adds language directing the Department of Labor and Workforce Development Commissioner to implement and interpret this bill and adopt regulations accordingly.
- **Sec. 23.10.790 Definitions** exempts independent contractors from the definition of "employee." Defines an "employer" as the state, the University of Alaska, the Alaska Railroad Corporation, a political subdivision of the state, and a person who employs one or more employees.

Sec. 2: Amends the uncodified law of the State of Alaska by adding a new section specifying that this Act applies to compensation for services performed on or after the effective date of this Act.