

HOUSE BILL NO. 89

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES TARR, Hopkins

Introduced: 2/18/21

Referred: State Affairs, Labor and Commerce

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to disclosure of employee compensation; and providing for an effective**
2 **date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
5 to read:

6 SHORT TITLE. This Act may be known as the Wage Disclosure Act.

7 *** Sec. 2.** AS 18.80.220(a) is amended to read:

8 (a) Except as provided in (c) of this section, it is unlawful for

9 (1) an employer to refuse employment to a person, or to bar a person
10 from employment, or to discriminate against a person in compensation or in a term,
11 condition, or privilege of employment because of the person's race, religion, color, or
12 national origin, or because of the person's age, physical or mental disability, sex,
13 marital status, changes in marital status, pregnancy, or parenthood when the
14 reasonable demands of the position do not require distinction on the basis of age,

1 physical or mental disability, sex, marital status, changes in marital status, pregnancy,
2 or parenthood;

3 (2) a labor organization, because of a person's sex, marital status,
4 changes in marital status, pregnancy, parenthood, age, race, religion, physical or
5 mental disability, color, or national origin, to exclude or to expel a person from its
6 membership, or to discriminate in any way against one of its members or an employer
7 or an employee;

8 (3) an employer or employment agency to print or circulate or cause to
9 be printed or circulated a statement, advertisement, or publication, or to use a form of
10 application for employment or to make an inquiry in connection with prospective
11 employment, that expresses, directly or indirectly, a limitation, specification, or
12 discrimination as to sex, physical or mental disability, marital status, changes in
13 marital status, pregnancy, parenthood, age, race, creed, color, or national origin, or an
14 intent to make the limitation, unless based on [UPON] a bona fide occupational
15 qualification;

16 (4) an employer, labor organization, or employment agency to
17 discharge, expel, or otherwise discriminate against a person because the person has
18 opposed any practices forbidden under AS 18.80.200 - 18.80.280 or because the
19 person has filed a complaint, testified, or assisted in a proceeding under this chapter;

20 (5) an employer to discriminate in the payment of wages as between
21 the sexes, or to employ a female in an occupation in this state at a salary or wage rate
22 less than that paid to a male employee for work of comparable character or work in the
23 same operation, business, or type of work in the same locality; [OR]

24 (6) a person to print, publish, broadcast, or otherwise circulate a
25 statement, inquiry, or advertisement in connection with prospective employment that
26 expresses directly a limitation, specification, or discrimination as to sex, physical or
27 mental disability, marital status, changes in marital status, pregnancy, parenthood, age,
28 race, religion, color, or national origin, unless based on [UPON] a bona fide
29 occupational qualification; or

30 (7) an employer to

31 (A) use an employment applicant's past wages or benefits as

1 the basis for determining the applicant's future wages without the
 2 applicant's voluntary consent;

3 (B) request from an employment applicant information
 4 about the applicant's past wages or benefits.

5 * **Sec. 3.** AS 23.10 is amended by adding a new section to read:

6 **Sec. 23.10.017. Disclosure of pay and benefits to job applicants.** An
 7 employer who publicly advertises a position of employment shall include in the
 8 advertisement the monetary amount of the salary or range of salaries to be paid for the
 9 position. In this section, "employer" has the meaning given in AS 23.10.430.

10 * **Sec. 4.** AS 23.10.430 is amended by adding a new subsection to read:

11 (d) An employee may inquire about and discuss the wages and benefits
 12 provided to another person employed by the employee's employer and may assist or
 13 encourage the person to exercise the person's rights under this subsection. Nothing in
 14 this subsection creates an obligation for a person to disclose information about the
 15 person's own wages or the wages of another.

16 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
 17 read:

18 **APPLICABILITY.** (a) AS 18.80.220(a), as amended by sec. 2 of this Act, and
 19 AS 23.10.430(d), added by sec. 4 of this Act, apply to contracts made on or after July 1, 2021.

20 (b) AS 23.10.017, added by sec. 3 of this Act, applies to advertisements circulated on
 21 or after July 1, 2021.

22 * **Sec. 6.** This Act takes effect July 1, 2021.