

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4428

BY DELEGATES FLEISCHAUER, HORNBUCKLE, WALKER,
LAVENDER-BOWE, ESTEP-BOWE, S. BROWN, PYLES,
STORCH, SYPOLT, CAPUTO AND ZUKOFF

[Introduced January 20, 2020; 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 and Dorothy Vaughan Fair Pay
3 Act of 2020”; honoring Katherine Johnson and Dorothy Vaughan; making it unlawful for
4 an employer to require, as a condition of employment, that an employee refrain from
5 disclosing information about his or her wages, benefits, or other compensation or sharing
6 information about another employee’s wages, benefits, or other compensation; making it
7 unlawful for an employer to require a waiver of employees’ rights to disclose information
8 about his or her wages, benefits, or other compensation or to share information about
9 another employee’s wages, benefits, or other compensation; and limiting employers’
10 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 and Dorothy Vaughan Fair Pay Act of 2020.

1 (a)(1) This section may be cited as the “Katherine Johnson and Dorothy Vaughn Fair Pay
2 Act of 2020,” in honor of both Katherine Coleman Gobel Johnson and Dorothy Johnson Vaughan,
3 two African American mathematicians with close ties to Morgantown and White Sulphur Springs,
4 West Virginia.

5 (2) Dorothy Johnson Vaughn was born in Kansas City, Missouri, and moved with her family
6 to Morgantown, West Virginia, when she was seven. Selected as valedictorian, Ms. Vaughan
7 graduated from Beechurst High School in Morgantown in 1925 and received a B.S. degree in
8 1929 from Wilberforce University in Zenia, Ohio. In 1943 she took a position at NACA, the National
9 Advisory Committee for Aeronautics (the predecessor agency to NASA) in Hampton, Virginia. Ms.
10 Vaughan was among the first group of African Americans to be hired as mathematicians and
11 scientists following an Executive Order from President Roosevelt prohibiting discrimination in the
12 defense industry. State law requiring “colored” employees to work separately from their white
13 counterparts was followed despite the Order. In 1949 Ms. Vaughan became the first black

14 supervisor at NACA when she was promoted to manager of the West Area Computers. This
15 workgroup was composed entirely of African-American female mathematicians. Ms. Vaughan led
16 the West Area Computing program for a decade. In 1958, NACA became NASA and abolished
17 the segregated working environment. Ms. Vaughan joined the new Analysis and Computation
18 Division, becoming an expert FORTRAN programmer. Sadly, after desegregation, Ms. Vaughan
19 sought but never received another management position at NASA. Ms. Vaughan died on
20 November 10, 2008. Her legacy and the story of the other women of West Computing lives on in
21 the 2016 film *Hidden Figures*.

22 (3) Katherine Coleman Gobel Johnson was born on August 26, 1918 in White Sulphur
23 Springs, and educated in West Virginia. Later awarded the Presidential Medal of Freedom,
24 America's highest civilian honor, Ms. Johnson's brilliance with numbers landed her on the campus
25 of historically black West Virginia State College at age 13. In 1939, she was one of three black
26 students chosen to help integrate the graduate program at West Virginia University. Although her
27 complex analyses were used in America's first human space flight and landing on the moon, she
28 and the black female crew with whom she worked were degraded by having to use a segregated
29 bathroom a long distance from their worksite. The women in her unit suffered economically as
30 well, by being paid far less than the white male engineers at Langley who performed similar work.
31 This legislation is intended to prevent future wage discrimination like that endured by Ms. Johnson
32 and her black female coworkers, by providing greater transparency about pay rates and banning
33 practices that may perpetuate the effects of past wage discrimination.

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

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

40 wages, benefits, or other compensation;

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

45 (3) Inquire, or direct a third party to inquire, as to a job applicant's wage and salary history
46 from the applicant or a current or former employer. If an applicant voluntarily and without
47 prompting discloses information about his or her compensation, the employer may seek to confirm
48 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 and Dorothy Vaughn Fair Pay Act of 2020". 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.