WEST VIRGINIA LEGISLATURE

**FISCAL NOTE**

2023 REGULAR SESSION

Introduced

House Bill 2449

By Delegate Walker

[Introduced January 11, 2023; Referred to the Committee on the Judiciary]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-3-23, relating to prohibiting employers and agents from requiring an employee or applicant to provide any information about the person’s salary history or prior 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.

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

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