

REFERENCE TITLE: employers; employee salary history; prohibitions

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2128

Introduced by
Representatives Salman: De Los Santos, Ortiz, Stahl Hamilton

AN ACT

AMENDING TITLE 23, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 23-207; RELATING TO EMPLOYMENT PRACTICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 23, chapter 2, article 1, Arizona Revised
3 Statutes, is amended by adding section 23-207, to read:

4 23-207. Wage, salary and benefit history; civil penalty;
5 civil action

6 A. AN EMPLOYER MAY NOT DO ANY OF THE FOLLOWING:

7 1. SCREEN A PROSPECTIVE EMPLOYEE BASED ON THE PROSPECTIVE
8 EMPLOYEE'S PREVIOUS WAGE OR SALARY HISTORY, INCLUDING BENEFITS OR OTHER
9 COMPENSATION. FOR THE PURPOSES OF THIS PARAGRAPH, SCREENING A PROSPECTIVE
10 EMPLOYEE BASED ON THE PROSPECTIVE EMPLOYEE'S PREVIOUS WAGE OR SALARY
11 HISTORY INCLUDES BOTH OF THE FOLLOWING:

12 (a) REQUIRING THAT A PROSPECTIVE EMPLOYEE'S PREVIOUS WAGE OR SALARY
13 HISTORY, INCLUDING BENEFITS OR OTHER COMPENSATION, SATISFY MINIMUM OR
14 MAXIMUM CRITERIA.

15 (b) REQUESTING OR REQUIRING AS A CONDITION OF BEING INTERVIEWED, AS
16 A CONDITION OF CONTINUING TO BE CONSIDERED FOR AN OFFER OF EMPLOYMENT OR
17 AS A CONDITION OF EMPLOYMENT THAT A PROSPECTIVE EMPLOYEE DISCLOSE PREVIOUS
18 WAGE OR SALARY HISTORY, INCLUDING BENEFITS OR OTHER COMPENSATION.

19 2. SEEK THE PREVIOUS WAGE OR SALARY HISTORY, INCLUDING BENEFITS OR
20 OTHER COMPENSATION, OF ANY PROSPECTIVE EMPLOYEE FROM ANY CURRENT OR FORMER
21 EMPLOYER OF THE PROSPECTIVE EMPLOYEE.

22 3. CHECK PUBLIC RECORDS FOR A PROSPECTIVE EMPLOYEE'S PREVIOUS WAGE
23 HISTORY OR SALARY HISTORY, INCLUDING BENEFITS OR OTHER COMPENSATION.

24 4. DISCHARGE OR IN ANY OTHER MANNER RETALIATE AGAINST ANY EMPLOYEE
25 OR PROSPECTIVE EMPLOYEE BECAUSE THE EMPLOYEE EITHER:

26 (a) OPPOSED OR IS ABOUT TO MAKE A COMPLAINT RELATING TO ANY ACT OR
27 PRACTICE THAT IS PROHIBITED BY THIS SECTION.

28 (b) TESTIFIED OR IS ABOUT TO TESTIFY, ASSIST OR PARTICIPATE IN ANY
29 MANNER IN AN INVESTIGATION OR PROCEEDING RELATING TO ANY ACT OR PRACTICE
30 THAT IS PROHIBITED BY THIS SECTION.

31 B. ANY PERSON THAT VIOLATES THIS SECTION IS SUBJECT TO A CIVIL
32 PENALTY OF \$5,000 FOR A FIRST OFFENSE AND AN ADDITIONAL \$1,000 FOR EACH
33 SUBSEQUENT OFFENSE, NOT TO EXCEED \$10,000.

34 C. ANY PERSON THAT VIOLATES THIS SECTION IS LIABLE TO EACH EMPLOYEE
35 OR PROSPECTIVE EMPLOYEE WHO WAS THE SUBJECT OF THE VIOLATION FOR SPECIAL
36 DAMAGES NOT TO EXCEED \$10,000 PLUS ATTORNEY FEES AND IS SUBJECT TO
37 INJUNCTIVE RELIEF AS MAY BE APPROPRIATE.

38 D. AN ACTION TO RECOVER THE LIABILITY DESCRIBED IN SUBSECTION C OF
39 THIS SECTION MAY BE MAINTAINED AGAINST ANY EMPLOYER IN ANY COURT OF
40 COMPETENT JURISDICTION BY ANY ONE OR MORE EMPLOYEES FOR AND ON BEHALF OF
41 THE EMPLOYEE OR EMPLOYEES AND OTHER EMPLOYEES SIMILARLY SITUATED.