

House Bill 411

By: Representatives Bazemore of the 69th, Beverly of the 143rd, Park of the 107th, McClain of the 109th, and Carter of the 93rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 34 of the Official Code of Georgia Annotated, relating to
2 general provisions of labor and industrial relations, so as to prohibit an employer from
3 seeking salary history information about an applicant during the hiring process; to provide
4 for definitions; to provide for applicability and exceptions; to require employers to make
5 certain disclosures in job postings; to provide for related matters; to provide for an effective
6 date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 1 of Title 34 of the Official Code of Georgia Annotated, relating to general
10 provisions of labor and industrial relations, is amended by adding two new Code sections to
11 read as follows:

12 "34-1-11.

13 (a) As used in this Code section, the term:

14 (1) 'Applicant' means a prospective employee applying for employment.

15 (2) 'Employer' means any natural person or entity that employs one or more employees
16 and shall include a public employer and any agent of the employer.

17 (3) 'Public employer' shall have the same meaning as provided in Code Section 45-19-22.

18 (4) 'Salary history' means current or prior wages, benefits, or other compensation paid
19 to an applicant for employment by the applicant's current employer or any previous
20 employers.

21 (b) It shall be an unlawful employment practice for an employer to:

22 (1) Rely on an applicant's salary history in considering the applicant for employment,
23 including, but not limited to, requiring that an applicant's prior salary history satisfy
24 minimum or maximum criteria as a condition of being considered for employment;
25 provided, however, that after the employer makes an offer of employment that includes
26 the terms of compensation to the applicant, the employer may rely on a salary history to
27 support a wage higher than the wage offered by the employer, if such salary history was
28 voluntarily provided by the applicant without prompting by the employer;

29 (2) Seek the salary history of an applicant from such applicant or his or her current or
30 former employer; provided, however, that after the employer makes an offer of
31 employment that includes the terms of compensation to the applicant the employer may
32 seek to confirm the salary history of the applicant in order to support a wage higher than
33 the wage offered by the employer, if such salary history was voluntarily provided by the
34 applicant without prompting by the employer; or

35 (3) Refuse to interview, hire, promote, or employ or otherwise retaliate against an
36 applicant because such applicant does not provide a salary history.

37 (c) Nothing in this Code section shall:

38 (1) Apply to an internal transfer or promotion with the applicant's current employer;

39 (2) Prohibit an employer and an applicant from discussing and negotiating compensation
40 expectations; provided, however, that the employer shall not request or require that the
41 applicant provide a salary history;

- 42 (3) Prohibit an employer from seeking the applicant's salary history for the sole purpose
43 of confirming the applicant's salary history after an offer of employment that includes the
44 terms of compensation has been extended to and accepted by the applicant; or
45 (4) Relieve any employer of the duty to comply with any state or federal laws with
46 respect to employment, including, but not limited to, laws prohibiting wage differentials
47 on the basis of sex and other forms of employment discrimination.

48 34-1-12.

49 (a) As used in this Code section, the term:

50 (1) 'Applicant' means a prospective employee applying for employment or a current
51 employee of the employer who is applying for an internal transfer or promotion.

52 (2) 'Employer' means any natural person or entity that employs one or more employees
53 and shall include a public employer and any agent of the employer.

54 (3) 'Public employer' shall have the same meaning as provided in Code Section 45-19-22.

55 (b) An employer shall disclose in each posting for every job opening the hourly or salary
56 compensation or a range of the hourly or salary compensation and a general description of
57 all benefits and other compensation to be offered to the hired applicant.

58 (c) Prior to making a promotion decision, an employer shall make reasonable efforts to
59 announce, post, or otherwise make known to all current employees on the same calendar
60 day any opportunities for promotion."

61 **SECTION 2.**

62 This Act shall become effective upon its approval by the Governor or upon its becoming law
63 without such approval.

64 **SECTION 3.**

65 All laws and parts of laws in conflict with this Act are repealed.