

AMENDED IN SENATE JUNE 6, 2017

AMENDED IN ASSEMBLY MAY 15, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 168

Introduced by Assembly Member Eggman
(Principal coauthor: Assembly Member Cristina Garcia)
(Principal coauthor: Senator Atkins)
(Coauthors: Assembly Members Eduardo Garcia,
Gonzalez Fletcher, Mathis, and Waldron)

January 17, 2017

An act to add Section 432.3 to the Labor Code, relating to employers.

LEGISLATIVE COUNSEL'S DIGEST

AB 168, as amended, Eggman. Employers: salary information.

Existing law imposes various restrictions on employers with respect to applicants for employment. A violation of those restrictions is a misdemeanor.

This bill would prohibit an ~~employer, including state and local government employers,~~ *employer* from seeking salary history information about an applicant for ~~employment, except as otherwise provided.~~ *employment and* would require an employer, ~~except state and local government employers,~~ upon reasonable request, to provide the pay scale for a position to an applicant for employment. *The bill would apply to all employers, including state and local government employers and the Legislature.* The bill would specify that a violation of its provisions would not be subject to the misdemeanor provision.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 432.3 is added to the Labor Code, to
- 2 read:
- 3 432.3. (a) An employer shall not, orally or in writing,
- 4 personally or through an agent, seek salary history information,
- 5 including compensation and benefits, about an applicant for
- 6 employment.
- 7 (b) ~~Except as provided in subdivision (c), an~~ An employer, upon
- 8 reasonable request, shall provide the pay scale for a position to an
- 9 applicant applying for employment.
- 10 (c) Section 433 does not apply to this section.
- 11 (d) This section shall not apply to salary history information
- 12 disclosable to the public pursuant to federal or state law, including
- 13 the California Public Records Act (Chapter 3.5 (commencing with
- 14 Section 6250) of Division 7 of Title 1 of the Government Code)
- 15 or the federal Freedom of Information Act (Section 552 of Title 5
- 16 of the United States Code).
- 17 (e) ~~This section, except for subdivision (b),~~ *section* applies to
- 18 all *employers, including* state and local government ~~employers,~~
- 19 ~~including employers and~~ *employers and* the Legislature.

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