

 e-Alert

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Washington State Wage Transparency Laws Become Effective January 1, 2023

Background

Washington State has amended its [Equal Pay and Opportunities Act](#) for the second time. The new amendment applies to employers with 15 or more employees and includes employers that do not have a physical presence in Washington. Employers with one or more Washington-based employees are required to comply.

Summary

Effective January 1, 2023, employers must include a wage scale or salary range and a general description of all benefits information and other compensation for a specific available position in each job posting. This expands the previous requirement for employers to only disclose this information to candidates "upon request" after receiving a job offer. Please note that these requirements also apply to jobs posted by a third-party agency and include both electronic and printed postings.

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Recent guidance provides specific details regarding the requirement. For example, the wage scale should have a minimum and a maximum number, as opposed to open-ended rates such as “up to \$30/hour” or “\$75,000 and up.” Furthermore, if there are several levels within a job, the pay scale for each step should be provided. In addition, if the employer offers an alternative position to what the candidate initially applied for, the employer should provide the job postings and associated ranges for both jobs.

In addition to the detailed wage information, the posting must also include benefits and other compensation, including health care benefits, retirement, paid time off, and any other fringe benefits such as relocation bonuses, travel allowances, and discretionary bonuses. While employers are not required to provide the monetary value of such benefits, they must be included within a general description. As benefits change, employers should update the postings to ensure they reflect the most current information.

Non-Compliance Penalties

The Washington State Department of Labor and Industries' draft administrative policy clarifies that stating in a posting that the employer will not accept Washington applicants does **not** excuse compliance. Violations of the law may be subject to civil penalties imposed by the Department of Labor and Industry, as well as civil action brought by the employee or applicant.

- WA employers should keep an eye on the [DLT website](#) for a model notice to satisfy the Pay Equity Act notice requirements

Employer Next Steps

- Employers should review all current job descriptions, postings, and prospective internal transfers to determine the reasonable salary range for an applicant or employee in each scenario
- Organizations should also consider the pay range for those currently in the roles as part of the process
- Conduct a voluntary pay equity audit and implement any appropriate adjustments in advance of the January 1st effective date of these laws
- If you would like information on how we can help create pay bands/wage scales, please [contact us](#)

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