

REFERENCE TITLE: **employment; employee salary**

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HB 2912

Introduced by
Representatives Abeytia: Aguilar, Austin, Connolly, Contreras P, Crews,
Garcia, Sandoval, Simacek

AN ACT

AMENDING TITLE 23, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 23-207; AMENDING SECTION 23-341, ARIZONA REVISED STATUTES;
AMENDING TITLE 41, CHAPTER 9, ARTICLE 4, ARIZONA REVISED STATUTES, BY
ADDING SECTION 41-1469; 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 disclosure; wage, salary and benefit history;
5 protection; prohibition; civil penalty; civil
6 action

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

8 1. REQUIRE NONDISCLOSURE BY AN EMPLOYEE REGARDING THE EMPLOYEE'S
9 WAGE INFORMATION AS A CONDITION OF EMPLOYMENT.

10 2. REQUIRE AN EMPLOYEE TO SIGN A WAIVER OR OTHER DOCUMENT THAT
11 DENIES THE EMPLOYEE THE RIGHT TO DISCLOSE THE EMPLOYEE'S WAGE INFORMATION.

12 3. TAKE ANY ADVERSE EMPLOYMENT ACTION AGAINST AN EMPLOYEE FOR
13 DISCLOSING THE EMPLOYEE'S WAGES OR DISCUSSING ANOTHER EMPLOYEE'S WAGES IF
14 THE DISCUSSION IS VOLUNTARY.

15 4. RETALIATE AGAINST AN EMPLOYEE FOR ASSERTING THE EMPLOYEE'S
16 RIGHTS AND REMEDIES UNDER THIS SECTION.

17 5. INQUIRE ABOUT A PROSPECTIVE EMPLOYEE'S AGE OR SALARY HISTORY
18 BEFORE NEGOTIATING WITH AND MAKING TO THE PROSPECTIVE EMPLOYEE AN OFFER OF
19 EMPLOYMENT WITH COMPENSATION, UNLESS THE PROSPECTIVE EMPLOYEE VOLUNTARILY
20 DISCLOSES THIS INFORMATION.

21 6. SCREEN A PROSPECTIVE EMPLOYEE BASED ON THE PROSPECTIVE
22 EMPLOYEE'S PREVIOUS WAGE OR SALARY HISTORY, INCLUDING BENEFITS OR OTHER
23 COMPENSATION. FOR THE PURPOSES OF THIS PARAGRAPH, SCREENING A PROSPECTIVE
24 EMPLOYEE BASED ON THE PROSPECTIVE EMPLOYEE'S PREVIOUS WAGE OR SALARY
25 INCLUDES BOTH OF THE FOLLOWING:

26 (a) REQUIRING THAT A PROSPECTIVE EMPLOYEE'S PREVIOUS WAGE OR SALARY
27 HISTORY, INCLUDING BENEFITS OR OTHER COMPENSATION, SATISFIES MINIMUM OR
28 MAXIMUM CRITERIA.

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

33 7. SEEK THE PREVIOUS WAGE OR SALARY HISTORY, INCLUDING BENEFITS OR
34 OTHER COMPENSATION, OF ANY PROSPECTIVE EMPLOYEE FROM ANY CURRENT OR FORMER
35 EMPLOYER OF THE PROSPECTIVE EMPLOYEE.

36 8. CHECK PUBLIC RECORDS FOR A PROSPECTIVE EMPLOYEE'S PREVIOUS WAGE
37 HISTORY OR SALARY HISTORY, INCLUDING BENEFITS OR OTHER COMPENSATION.

38 9. DISCHARGE OR IN ANY OTHER MANNER RETALIATE AGAINST ANY EMPLOYEE
39 OR PROSPECTIVE EMPLOYEE BECAUSE THE EMPLOYEE EITHER:

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

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

1 B. THIS SECTION DOES NOT:
2 1. CREATE AN OBLIGATION FOR AN EMPLOYER OR EMPLOYEE TO DISCLOSE
3 WAGE INFORMATION.
4 2. ALLOW AN EMPLOYEE, WITHOUT THE WRITTEN CONSENT OF THE EMPLOYER,
5 TO DISCLOSE PROPRIETARY INFORMATION, TRADE SECRET INFORMATION OR OTHER
6 INFORMATION THAT IS OTHERWISE SUBJECT TO LEGAL PRIVILEGE OR PROTECTED BY
7 LAW.
8 3. DIMINISH ANY EXISTING RIGHTS UNDER THE NATIONAL LABOR RELATIONS
9 ACT (49 STAT. 449; 29 UNITED STATES CODE SECTIONS 151 THROUGH 169).
10 4. ALLOW AN EMPLOYEE TO DISCLOSE THE WAGE INFORMATION OF OTHER
11 EMPLOYEES TO A COMPETITOR OF THE EMPLOYER.
12 C. AN EMPLOYER THAT PROVIDES AN EMPLOYEE HANDBOOK TO ITS EMPLOYEES
13 SHALL INCLUDE IN THE EMPLOYEE HANDBOOK NOTICE OF THE EMPLOYEE'S RIGHTS AND
14 REMEDIES UNDER THIS SECTION.
15 D. A PERSON THAT VIOLATES THIS SECTION IS SUBJECT TO A CIVIL
16 PENALTY OF \$5,000 FOR A FIRST VIOLATION AND AN ADDITIONAL \$1,000 FOR EACH
17 SUBSEQUENT VIOLATION, NOT TO EXCEED \$10,000.
18 E. A PERSON THAT VIOLATES THIS SECTION IS LIABLE TO EACH EMPLOYEE
19 OR PROSPECTIVE EMPLOYEE WHO WAS THE SUBJECT OF THE VIOLATION FOR SPECIAL
20 DAMAGES NOT TO EXCEED \$10,000 PLUS ATTORNEY FEES AND IS SUBJECT TO
21 INJUNCTIVE RELIEF AS MAY BE APPROPRIATE.
22 F. IF AN EMPLOYER VIOLATES SUBSECTION A OF THIS SECTION, THE
23 EMPLOYEE MAY FILE A CIVIL ACTION AGAINST THE EMPLOYER. THE COURT MAY ORDER
24 REINSTATEMENT, RECOVERY OF UNPAID WAGES, RESTORATION OF LOST SERVICE
25 CREDITS, IF APPROPRIATE, AND EXPUNGEMENT OF ANY RELATED ADVERSE RECORD
26 RELATING TO THE EMPLOYEE WHO IS THE SUBJECT OF THE VIOLATION.
27 G. AN ACTION TO RECOVER THE LIABILITY DESCRIBED IN SUBSECTION E OF
28 THIS SECTION MAY BE MAINTAINED AGAINST ANY EMPLOYER IN ANY COURT OF
29 COMPETENT JURISDICTION BY ANY ONE OR MORE EMPLOYEES FOR AND ON BEHALF OF
30 THE EMPLOYEE OR EMPLOYEES AND OTHER EMPLOYEES SIMILARLY SITUATED.
31 Sec. 2. Section 23-341, Arizona Revised Statutes, is amended to
32 read:
33 23-341. Equal wage rates; variations; penalties; enforcement
34 A. Notwithstanding the other provisions of this chapter, ~~no~~ AN
35 employer ~~shall~~ MAY NOT pay any person in ~~his~~ THE EMPLOYER'S employ at wage
36 rates THAT ARE less than the rates paid to employees of the opposite sex
37 in the same establishment for the same quantity and quality of the same
38 classification of work., ~~provided, that nothing herein shall~~ THIS SECTION
39 DOES NOT prohibit a variation of rates of pay for male and female
40 employees WHO ARE engaged in the same classification of work based ~~upon~~ ON
41 a difference in seniority, length of service, ability, skill, difference
42 in duties or services performed, whether regularly or occasionally,
43 difference in the shift or time of day worked, hours of work, or
44 restrictions or prohibitions on lifting or moving objects in excess of A

1 specified weight, or ANY other reasonable differentiation; OR factor ~~or~~
 2 ~~factors~~ other than sex, ~~when~~ IF exercised in good faith.

3 B. Any employer who violates subsection A of this section is liable
 4 to the employee affected in the amount of the wages of which ~~such~~ THE
 5 employee is deprived by reason of ~~such~~ THE violation.

6 C. Any affected employee may register with the commission a
 7 complaint that the wages paid to ~~such~~ THE employee are less than the wages
 8 to which ~~such~~ THE employee is entitled under this section.

9 D. The commission shall take all proceedings necessary to enforce
 10 the payment of any sums found to be due and unpaid to such employees.

11 E. Any employee receiving less than the wage to which ~~such~~ THE
 12 employee is entitled under this section may recover in a civil action the
 13 balance of such wages, together with the costs of suit, notwithstanding
 14 any agreement to work for a lesser wage.

15 F. Any action based ~~upon~~ ON or arising under this section shall be
 16 instituted within ~~six months~~ ONE YEAR after the date ~~of~~ THAT the EMPLOYEE
 17 KNOWS OR SHOULD HAVE KNOWN OF THE alleged violation, but ~~in no event shall~~
 18 ~~any~~ AN employer ~~be~~ IS NOT liable for any pay due under this section for
 19 more than thirty days ~~prior to~~ BEFORE receipt by the employer of A written
 20 notice of claim ~~thereof~~ OF VIOLATION from the employee.

21 G. The burden of proof ~~shall be upon~~ IS ON the person bringing the
 22 claim to establish that the differentiation in rate of pay is based ~~upon~~
 23 ON the factor of sex and not ~~upon~~ ON ANY other ~~differences~~, DIFFERENCE OR
 24 factor ~~or factors~~.

25 H. IN ANY ACTION ALLEGING A VIOLATION OF THIS SECTION, AN EMPLOYER
 26 MAY NOT USE AN EMPLOYEE'S PRIOR WAGE OR SALARY HISTORY AS A DEFENSE TO THE
 27 ACTION.

28 Sec. 3. Title 41, chapter 9, article 4, Arizona Revised Statutes,
 29 is amended by adding section 41-1469, to read:

30 41-1469. Wage or salary discrimination; use of history
 31 prohibited

32 IN ANY ACTION ALLEGING WAGE OR SALARY DISCRIMINATION IN VIOLATION OF
 33 THIS ARTICLE, AN EMPLOYER MAY NOT USE AN EMPLOYEE'S PRIOR WAGE AND SALARY
 34 HISTORY AS A DEFENSE TO THE ACTION.

35 Sec. 4. Short title

36 This act may be cited as the "Wage Antidiscrimination Act".