

SENATE BILL NO. 934

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR ARTHUR.

3335S.01H

ADRIANE D. CROUSE, Secretary

AN ACT

To amend chapter 285, RSMo, by adding thereto one new section relating to employer hiring practices.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 285, RSMo, is amended by adding thereto one new section, to be known as section 285.045, to read as follows:

285.045. 1. An employer or its agent shall not:

(1) Inquire about the salary history of an applicant for employment;

(2) Screen job applicants based on the applicant's current or prior wages, benefits, or other compensation, or salary histories, including requiring that an applicant's prior wages, benefits, other compensation, or salary history satisfy minimum or maximum criteria;

(3) Rely on the salary history of an applicant in deciding whether to offer employment to an applicant, or in determining the salary, benefits, or other compensation for such applicant during the hiring process, including the negotiation of an employment contract; or

(4) Refuse to hire or otherwise disfavor, injure, or retaliate against an applicant for not disclosing his or her salary history to an employer.

2. Notwithstanding subsection 1 of this section to the contrary, an employer or its agent may, without inquiring

19 about salary history, engage in discussion with an applicant
20 about the expectations with respect to salary, benefits, and
21 other compensation, including but not limited to unvested
22 equity or deferred compensation that an applicant would
23 forfeit or have cancelled by virtue of the applicant's
24 resignation from their current employer.

25 3. The provisions of subsection 1 of this section
26 shall not apply to:

27 (1) Applicants for internal transfer or promotion with
28 the applicant's current employer;

29 (2) A voluntary and unprompted disclosure of salary
30 history information by an applicant;

31 (3) Any attempt by an employer to verify an
32 applicant's disclosure of non-salary related information or
33 conduct a background check, provided that if such
34 verification or background check discloses the applicant's
35 salary history, such disclosure shall not be relied upon for
36 purposes of determining the salary, benefits, or other
37 compensation of such applicant during the hiring process,
38 including the negotiation of a contract;

39 (4) Employee positions for which salary, benefits, or
40 other compensation are determined pursuant to procedures
41 established by a collective bargaining agreement; and

42 (5) Applicants who are re-hired by the employer within
43 five years of the applicant's most recent date of
44 termination from employment by the employer, provided that
45 the employer already has past salary history data regarding
46 the applicant from the previous employment of applicant.

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