

Washington to Require Salary Ranges in Job Postings Starting 2023

By

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Effective January 1, 2023, Washington employers with at least 15 employees must affirmatively disclose the wage scale or salary range and a general description of all benefits and other compensation being offered when posting job openings, regardless of whether such information is requested by the applicant.

Washington joins the growing number of states requiring employers to include salary ranges and benefits offerings on job postings.

The [new law](#), signed March 30, 2022, revises a 2019 amendment to the Washington Equal Pay and Opportunities Act (EPOA). The 2019 amendment required employers to disclose wage scale and salary ranges if an applicant for employment requested it. Under the new law, an applicant's request is no longer required.

Significantly, the new law does not change the 2019 amendment regarding current employees being transferred or promoted. In those cases, employers only must provide the required compensation information when requested by the current employee.

The legislature also removed the portion of the 2019 amendment stating that, if there is no wage scale or salary range, employers are required only to give the minimum wage or salary expectation before posting the position or making the internal transfer or promotion.

Covered Job Postings

The new law does not require employers to create job postings. It imposes the posting obligations on those employers choose to create.

The law defines posting as "any solicitation intended to recruit job applicants for a specific available position ... that includes qualifications for desired applicants," whether by the employer or through a third party and whether electronic or hard copy. Based on this definition, a general "help wanted" sign will not trigger posting requirements. It is unclear whether employers will be held liable for noncompliance by third-party job posting boards and unrelated third-party internet search engines.

The law does not define "new positions" or "promotions" that will trigger the posting obligations. If Washington follows an aggressive approach (such as [Colorado's](#)), a "new position" could be created by simply changing an employee's title. Thus, employers considering reorganizations or restructuring may consider implementing these changes prior to January 1 to avoid uncertainties.

Disclosures

The new law requires general descriptions of (1) benefits such as health insurance, paid days off, retirement benefits and (2) all compensation such as bonus structure, and commissions.

Dollar or specific plan amounts or small "perks" such as bagels and coffee on Fridays likely

are not required. Employers should inventory all compensation plans and offerings and avoid using shortcuts such as “bonuses, etc.” or “insurance, and more.”

Violations

Violations of the new law may result in the same remedies as any other violation of the EPOA. Employees have the right to bring an administrative action or lawsuit for a variety of actual and statutory damages, including fees and costs.

Jackson Lewis attorneys are available to assist employers with this and other workplace requirements.

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