

SENATE BILL NO. 217

INTRODUCED BY D. SANDS

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A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE MONTANA PAYCHECK TRANSPARENCY ACT; ALLOWING EMPLOYEES TO DISCUSS WAGES OR BENEFITS WITHOUT PENALTY OR RETRIBUTION FROM AN EMPLOYER; PROHIBITING CERTAIN EMPLOYER ACTS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Short title.** [Sections 1 through 4] may be cited as the "Montana Paycheck Transparency Act".

NEW SECTION. **Section 2. Paycheck transparency -- employee protections.** (1) An employer may not require as a condition of employment or application for employment that an individual:

- (a) provide information regarding past wages, benefits, or other salary history;
- (b) refrain from disclosing, discussing, or sharing information about the amount of the individual's wages, benefits, or other compensation, or from inquiring, discussing, or sharing information about another employee's wages, benefits, or other compensation if that other employee voluntarily disclosed the information; or
- (c) sign a waiver or other document agreeing not to disclose the amount of the employee's own wages, benefits, or other compensation or to inquire about or discuss with others information about another employee's wages, benefits, or other compensation if that other employee voluntarily disclosed the information.

(2) Information regarding wages, benefits, or other compensation of a public employee as defined in 2-2-102, including state employees as defined in 2-18-701 and officials or appointees of officials described in 2-18-103 or 2-18-104, is a public record.

NEW SECTION. **Section 3. Paycheck transparency -- unlawful acts of employer.** (1) It is unlawful for an employer or an employer's agent to formally or informally discipline or otherwise discriminate against an employee because the employee:

- (a) has disclosed the employee's wages, benefits, or other compensation or has inquired about or

1 discussed the wages, benefits, or other compensation of another employee;

2 (b) has lodged a complaint or has testified, assisted, or participated in any manner in an informal or
3 formal investigation of prohibited acts or practices;

4 (c) is known by the employer to be about to lodge a complaint, testify, assist, or participate in any manner
5 in an informal or formal investigation of prohibited acts or practices; or

6 (d) has opposed a prohibited act or practice or asserted a right that is protected under [section 1].

7 (2) This section may not be construed to:

8 (a) create an obligation in an employer, other than a public employer under public record laws, or in an
9 employee to disclose wages;

10 (b) permit an employee, without written consent of an employer, to disclose proprietary information, trade
11 secret information, or information that is otherwise subject to a legal privilege or protected by law;

12 (c) require an employee to disclose the employee's own wages, benefits, or other compensation; or

13 (d) limit the rights of an employee that are provided under another provision of law or a collective
14 bargaining agreement.

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16 **NEW SECTION. Section 4. Paycheck transparency -- employee notification.** (1) An employer shall
17 post a clearly visible notice as provided in subsection (2) in the employer's workplace in a space where
18 employees congregate.

19 (2) The notice, in a font size no smaller than 24 point, must state that an employer is engaged in an
20 unlawful practice if the employer requires as a condition of employment or application for employment that an
21 individual:

22 (a) provide information regarding past wages, benefits, or other salary history;

23 (b) refrain from disclosing, discussing, or sharing information about the amount of the individual's wages,
24 benefits, or other compensation, or from inquiring, discussing, or sharing information about another employee's
25 wages, benefits, or other compensation if that other employee voluntarily disclosed the information; or

26 (c) sign a waiver or other document agreeing not to disclose the amount of the employee's own wages,
27 benefits, or other compensation or to inquire about or discuss with others information about another employee's
28 wages, benefits, or other compensation if that other employee voluntarily disclosed the information.

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30 **NEW SECTION. Section 5. Codification instruction.** [Sections 1 through 4] are intended to be codified

1 as an integral part of Title 39, chapter 3, and the provisions of Title 39, chapter 3, apply to [sections 1 through 4].

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3 NEW SECTION. **Section 6. Severability.** If a part of [this act] is invalid, all valid parts that are severable
4 from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part
5 remains in effect in all valid applications that are severable from the invalid applications.

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7 NEW SECTION. **Section 7. Effective date.** [This act] is effective on passage and approval.

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