

THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 1]

[EXECUTIVE ORDER NO. 2018-03]

Equal Pay for Employees of the Commonwealth

June 6, 2018

Whereas, this administration is committed to the promotion of pay equity in its hiring practices; and,

Whereas, according to a 2018 report released by Georgetown University's Center on Education and the Workforce, the gender wage gap results in women earning \$1 million less than men do in a lifetime; and,

Whereas, nationally, disparity in pay impacts minority and LGBTQ populations, with minority women, particularly Hispanic populations, experiencing the greatest pay disparities; and,

Whereas, women in the United States are paid just 80 cents for every dollar paid to men, amounting to an annual wage gap of over \$10,000, according to the National Partnership for Women and Families; and,

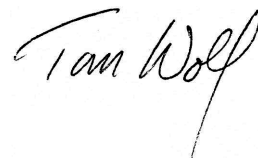
Whereas, the compounding impact of earning less has economic and social consequences for women, minorities, their families and communities; and,

Whereas, compensation should be based on position responsibilities and the selected applicant's knowledge, skills, competencies and experience; and,

Whereas, it is the policy of this administration to increase efficiency and achieve cost savings in state government; and

Whereas, the hiring practice of asking applicants about their salary histories during the hiring process may perpetuate pay inequity and may result in misalignment between position responsibilities and an applicant's qualifications.

Now, Therefore, I, Tom Wolf, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution and laws of the Commonwealth of Pennsylvania, do hereby order and direct as follows:



Governor

Fiscal Note: GOV-2018-03. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 1. AGENCY OPERATION AND ORGANIZATION

Subchapter KKK. EQUAL PAY FOR EMPLOYEES OF THE COMMONWEALTH

Sec.	
1.901.	Hiring process.
1.902.	Salary negotiation.
1.903.	Compensation decisions.
1.904.	Position postings.
1.905.	Office of Administration.

- 1.906. Application.
1.907. Implementation.
1.908. Effective date.

§ 1.901. Hiring process.

Commonwealth agencies under the Governor's jurisdiction may not inquire about a job applicant's current compensation or compensation history at any stage during the hiring process.

§ 1.902. Salary negotiation.

An applicant is not prevented from volunteering information about current compensation level or salary history in negotiating a salary. However, no Commonwealth agency can request that an applicant disclose current salary or salary history information. In addition, applicants can refuse to disclose current compensation level or history, or both, without negative repercussions by the Commonwealth agency in its employment decisions.

§ 1.903. Compensation decisions.

Commonwealth agency compensation decisions for positions will be governed primarily by job responsibilities and the position's range of compensation as well as the applicant's knowledge, skills, competencies, experience, compensation requests or other bona fide factor other than sex, except when compensation is based on:

- (1) A collective bargaining agreement.
- (2) A seniority system.
- (3) A system of merit pay increases.
- (4) A system which measures earnings by quantity or quality of production, sales goals and incentives.

§ 1.904. Position postings.

All Commonwealth position postings will clearly disclose a job position's pay scale and pay range. The Commonwealth will disclose on the employment web site that the applicant is not required to furnish current compensation or prior compensation at any stage during the hiring process.

§ 1.905. Office of Administration.

The Office of Administration shall oversee implementation of this subchapter.

§ 1.906. Application.

(a) Nothing in this subchapter shall be construed to contravene or supersede the following:

- (1) Any State or Federal law or collective bargaining agreement.
- (2) Any policy establishing pay scales or ranges for classes of employment.

(b) This subchapter is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Commonwealth, its departments, agencies or entities, its officers, employees or agents, or any other person.

§ 1.907. Implementation.

All Commonwealth agencies under the jurisdiction of the Governor shall take all steps necessary to implement this subchapter. Independent agencies, State-affiliated entities and State-related institutions are also strongly encouraged to implement this subchapter.

§ 1.908. Effective date.

This subchapter shall take effect in 90 days.

[Pa.B. Doc. No. 18-957. Filed for public inspection June 22, 2018, 9:00 a.m.]