



EPEWA Checklist

When posting a job listing you should:

- i. List the compensation or range of compensation that the applicant might receive, including bonuses, commissions, and benefits (including retirement, healthcare, and any other benefits that must be reported for tax purposes).

When determining compensation for an employee, you should:

- ii. Never ask for wage histories of potential employees.
- iii. Clearly document which of these factors were considered:
 - A seniority system;
 - A merit system;
 - A system that measures earnings by quantity or quality of production;
 - The geographic location where the work is performed;
 - Education, training, or experience to the extent that they are reasonably related to the work in question; or
 - Travel, if the travel is a regular and necessary condition of the work performed;
- iv. Consider creating standard compensation packages for employees with bonuses and promotion opportunities based strictly on seniority or pre-determined production milestones.

In January 2021, you should:

- i. Conduct a thorough and comprehensive pay audit of the workforce, specifically stating a goal of identifying and remedying unlawful pay disparities.
- ii. Clearly communicate to employees who they should contact if they believe someone is being discriminated against in violation of EPEWA. Consider making this an anonymous reporting system, and never discipline an employee for reporting a potential violation.
- iii. Keep records of all communications and/or reports of potential EPEWA violations.

Prohibited Actions:

- i. Never ask for or require a prospective employee to share their wage rate history;
- ii. Never calculate an employee's current wages based on their prior wage rate;
- iii. Never discriminate or retaliate against a prospective employee for failing to disclose the employee's wage rate history;



- iv. Never restrict or interfere with an employee's ability to disclose their wage rate to other employees or any third-party, or discipline any employee from doing so;¹
- v. Never discharge or retaliate against an employee for actions by an employee asserting the rights established by EPEWA against an employer; and
- vi. Never discharge, discipline, discriminate against, or otherwise interfere with an employee for inquiring about, disclosing, or discussing the employee's wage rate.

¹ This type of action is specifically prohibited in Sections 8-5-102(2)(d), (e), and (f).