



# NHCSL

THE NATIONAL HISPANIC CAUCUS OF STATE LEGISLATORS

## RESOLUTION No. 2023-01

### **Publish Compensation Range for Job Openings**

Reported to the Caucus by the NHCSL Healthcare Task Force  
Sen. Omar Aquino (IL), Chair

**Sponsored by Sen. Rebecca Saldaña (WA)**

Unanimously ratified by the Caucus on December 2, 2023

- I. **Hispanics face the worst wage gap of any race or ethnicity; discrimination more likely against those born in Puerto Rico or another country**

**WHEREAS**, pay equity means compensating employees based on objective and unbiased factors,<sup>1</sup> for example, paying employees with similar education, positions and experience relatively equal pay;<sup>2</sup> and,

**WHEREAS**, in [Resolution 2019-09, Equal Pay](#), this Caucus urged the enactment of legislation that enforces equal pay for employees that have the same qualifications across all occupations; and,

**WHEREAS**, that resolution focused on women, especially Latinas, but there have also been major salary inequities and wage gaps that affect other members of affected

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<sup>1</sup> ADP. <https://www.adp.com/resources/articles-and-insights/articles/p/pay-equity.asp>

<sup>2</sup> Ibid.

minorities such as Blacks, Hispanics and those with disabilities,<sup>3</sup> along with LGBTQ Americans;<sup>4</sup> and,

**WHEREAS**, the latest data from the U.S. Department of Labor shows that Hispanics currently earn 73 cents on the dollar compared to non-Hispanic whites, the biggest wage gap of any race or ethnicity,<sup>5</sup> up from just 70 cents in 2019;<sup>6</sup> and,

**WHEREAS**, the 10 states with the worst wage gaps for Hispanics are California (62 cents on the dollar), Connecticut (63 cents), Maryland and Rhode Island (64 cents), Massachusetts, North Carolina and Washington (66 cents), and the District of Columbia, Oregon and Texas (67 cents). The state with the closest wage gap for Hispanics is Vermont (88 cents);<sup>7</sup> and,

**WHEREAS**, in September 2020, 28% of Black adults and 17% of Hispanics said they had been treated unfairly at work in the prior year because of their race or ethnicity; only 5% of white adults said the same;<sup>8</sup> and,

**WHEREAS**, general discrimination against Hispanics can even come from other Hispanics, with “Latinos born in Puerto Rico or in another country... more likely than those born in the 50 U.S. states or the District of Columbia to say they suffered discrimination or unfair treatment by someone who is also Latino (32% vs. 23%);”<sup>9</sup> and,

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<sup>3</sup> Patten, E. (2016). *Racial, gender wage gaps persist in U.S. despite some progress*. Pew Research Center. <https://www.pewresearch.org/fact-tank/2016/07/01/racial-gender-wage-gaps-persist-in-u-s-despite-some-progress/>

<sup>4</sup> Dan Avery, Half of LGBTQ workers have faced job discrimination, report finds (Sept 8, 2021 NBC News). Available at <https://www.nbcnews.com/nbc-out/out-news/half-lgbtq-workers-faced-job-discrimination-report-finds-rcna1935>

<sup>5</sup> The average weekly earnings for a white worker are \$1,046.52, in comparison to Hispanics at \$762.80. See *Earnings Disparities by Race and Ethnicity*. U.S. Department of Labor. Available at <https://www.dol.gov/agencies/ofccp/about/data/earnings/race-and-ethnicity>

<sup>6</sup> Rakesh Kochhar and Jesse Bennett, *Despite the pandemic, wage growth held firm for most U.S. workers, with little effect on inequality* (Sept. 7, 2021 Pew Research Center). <https://www.pewresearch.org/fact-tank/2021/09/07/despite-the-pandemic-wage-growth-held-firm-for-most-u-s-workers-with-little-effect-on-inequality/>

<sup>7</sup> *Earnings Disparities by Race and Ethnicity*. U.S. Department of Labor. Available at <https://www.dol.gov/agencies/ofccp/about/data/earnings/race-and-ethnicity>

<sup>8</sup> KFF/The Undeclared Survey on Race and Health. Available at <https://www.kff.org/report-section/kff-the-undefeated-survey-on-race-and-health-main-findings/>

<sup>9</sup> Luis Noe-Bustamante, *Latinos experience discrimination from other Latinos about as much as from non-Latinos* (May 2, 2022 Pew Research Center). Available at

## II. Publishing salary ranges in job openings will help lower the wage gap

**WHEREAS**, one pervasive reason for the wage gap is that women and people of color fear backlash when negotiating compensation, and in fact face it when simply trying to negotiate to the same extent as white men;<sup>10</sup> and,

**WHEREAS**, pay transparency in job postings and offers may help reduce that fear and actual backlash by putting applicants in a better position to negotiate and reducing the need for extended negotiations; and,

**WHEREAS**, California, Colorado and Washington have enacted Pay Transparency Laws, requiring employers to publish salary ranges when advertising or announcing open positions, this includes postings by third parties, hard copies or direct offers, and cover entities with one or more employees in the state, even when recruiting in other states;<sup>11</sup> and,

**WHEREAS**, for example, the Washington Equal Pay and Opportunities Act requires disclosing “the wage scale or salary range, and a general description of all of the benefits and other compensation to be offered to the hired applicant;”<sup>12</sup> and,

**WHEREAS**, Connecticut, Maryland, Nevada and Rhode Island have enacted narrower laws that require disclosing the compensation range at different points in the hiring process before compensation is negotiated;<sup>13</sup> and,

**WHEREAS**, establishing an objectively built, transparent system in which the pay range shows how the exact salaries are based on experience, education, skill, time with the company, impact and scope of the work and management level is essential

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<https://www.pewresearch.org/fact-tank/2022/05/02/latinos-experience-discrimination-from-other-latinos-about-as-much-as-from-non-latinos/>

<sup>10</sup> Harvard Law School Program on Negotiation, *Counteracting Negotiation Biases Like Race and Gender in the Workplace* (Nov. 19, 2020). Available at

<https://www.pon.harvard.edu/daily/leadership-skills-daily/counteracting-racial-and-gender-bias-in-job-negotiations-nb/>

<sup>11</sup> Higgins, S., & Ryan, M. (2023). *How to Navigate New State Pay Transparency Laws in 2023*. Foley & Lardner LLP.

<https://www.foley.com/en/insights/publications/2023/01/navigate-new-state-pay-transparency-laws-2023>

<sup>12</sup> Washington State Legislature. *RCW 49.58.110*.

<https://app.leg.wa.gov/RCW/default.aspx?cite=49.58.110>

<sup>13</sup> Higgins, S., & Ryan, M. (2023). *How to Navigate New State Pay Transparency Laws in 2023*. Foley & Lardner LLP.

<https://www.foley.com/en/insights/publications/2023/01/navigate-new-state-pay-transparency-laws-2023>

for building internal equity, and will also help increase employee retention and productivity<sup>14</sup>.

**THEREFORE, BE IT RESOLVED**, that the National Hispanic Caucus of State Legislators urges states to enact legislation, similar to the ones passed California, Colorado and Washington, requiring employers to publish salary ranges when advertising or announcing open positions, this includes postings by third parties (including job posting aggregation websites), hard copies or direct offers, and cover entities with one or more employees in the state, even when recruiting in other states.

THE LABOR AND WORKFORCE DEVELOPMENT TASK FORCE UNANIMOUSLY RECOMMENDED THIS RESOLUTION TO THE EXECUTIVE COMMITTEE FOR APPROVAL. THE EXECUTIVE COMMITTEE UNANIMOUSLY APPROVED THIS RESOLUTION AT ITS MEETING OF APRIL 23, 2023, IN SAN JUAN, PUERTO RICO.

THE NATIONAL HISPANIC CAUCUS OF STATE LEGISLATORS UNANIMOUSLY RATIFIED THIS RESOLUTION ON DECEMBER 2, 2023 AT ITS ANNUAL MEETING IN PHILADELPHIA, PENNSYLVANIA

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<sup>14</sup> Cohen, M. (2022). *Companies need to increase salary transparency or workers will quit*. CNBC. <https://www.cnbc.com/2022/12/04/companies-need-to-increase-salary-transparency-or-workers-will-quit.html>