

# CITY OF BETHLEHEM

## City Council Memorandum

**SUBJECT:** Proposed Ordinance - Wage Equality  
**TO:** Members of Council  
**FROM:** Bryan G. Callahan, Member of Council  
**DATE:** December 13, 2019

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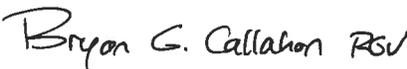
Attached is a proposed ordinance to establish a new Article of the City's Codified Ordinances. This ordinance is designed to combat widespread gender-based wage inequalities by prohibiting employer inquiries into prospective employee wage histories, as well as employer reliance on such wage histories for determining compensation.

In the Commonwealth of Pennsylvania, women are paid 79 cents for every dollar a man makes, according to a United States Census Bureau 2015 report. Women of color are paid even less. African American women are paid only 68 cents to the dollar paid to a man, Latinas are paid only 56 cents to the dollar paid to men, and Asian women are paid 81 cents to the dollar paid to men. The gender wage gap has narrowed by less than one-half a penny per year in the United States since 1963, when the Congress passed the Equal Pay Act, the first law aimed at prohibiting gender-based pay discrimination.

Since women are paid on average lower wages than men, basing wages upon a worker's wage at a previous job only serves to perpetuate gender wage inequalities and leave families with less money to spend on food, housing, and other essential goods and services. The premise of this ordinance is that salary offers should be based upon the specific job responsibilities of a position, and not based upon an applicant's prior wage history, so as to avoid the perpetuation of gender wage inequalities.

I would appreciate Council's consideration of the attached ordinance.

Thank you.

  
Bryan G. Callahan, Member of Council

Attachment

CC: Members of Council  
J. Spirk, Jr., Esq.  
Mayor  
E. Evans  
W. Leeson, Esq.

BILL NO. 59 – 2019

**ORDINANCE NO.**

AN ORDINANCE OF THE CITY OF BETHLEHEM, COUNTIES OF LEHIGH AND NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, ADOPTING NEW ARTICLE \_\_\_\_ OF THE CODIFIED ORDINANCES ENTITLED WAGE EQUITY.

THE COUNCIL OF THE CITY OF BETHLEHEM HEREBY ORDAINS AS FOLLOWS:

\_\_\_\_.01 Purpose and Declaration of Policy.

A. The City Council of Bethlehem finds that:

1. In Pennsylvania, women are paid 79 cents for every dollar a man makes, according to a United States Census Bureau 2015 report. Women of color are paid even less. African American women are paid only 68 cents to the dollar paid to a man, Latinas are paid only 56 cents to the dollar paid to men, and Asian women are paid 81 cents to the dollar paid to men.

2. The gender wage gap has narrowed by less than one-half a penny per year in the United States since 1963, when the Congress passed the Equal Pay Act, the first law aimed at prohibiting gender-based pay discrimination, according to the National Committee on Pay Equity.

3. In August of 2016, Massachusetts became the first state to enact a law prohibiting employers from seeking or requiring a prospective employee's wage history.

4. Since women are paid on average lower wages than men, basing wages upon a worker's wage at a previous job only serves to perpetuate gender wage inequalities and leave families with less money to spend on food, housing, and other essential goods and services.

B. It is the purpose of this Ordinance that salary offers should be based upon the job responsibilities of the position sought, and not based upon the prior wages earned by the applicant, so as to avoid the perpetuation of gender wage inequalities.

C. This article shall be deemed an exercise of the police power of the City of Bethlehem for the protection of the public welfare, prosperity, health and peace of the City.

\_\_\_\_.02 Definitions

A. The terms "City", "City Council", "Employee", and "Employer" when used in this Article shall have the same meanings given to them in Article 145.02

\_\_\_\_.03 Unlawful Practices.

A. Prohibition on Inquiries into Wage History.

1. It is an unlawful employment practice for an employer, employment agency, or employee or agent thereof:

- a. To inquire about a prospective employee's wage history, require disclosure of wage history, or condition employment or consideration for an interview or employment on disclosure of wage history, or retaliate against a prospective employee for failing to comply with any wage history inquiry or for otherwise opposing any act made unlawful by this article.
- b. To rely on the wage history of a prospective employee from any current or former employer of the individual in determining the wages for such individual at any stage in the employment process, including the negotiation or drafting of any employment contract, unless such applicant knowingly and willingly disclosed his or her wage history to the employer, employment agency, employee or agent thereof.

2. This section \_\_\_\_ .03 shall not apply to any actions taken by an employer, employment agency, or employee or agent thereof, pursuant to any federal, state or local law that specifically authorizes the disclosure or verification of wage history for employment purposes.

3. For purposes of this section \_\_\_\_ .03 "to inquire" shall mean to ask a job applicant in writing or otherwise, and "wages" shall mean all earnings of an employee, regardless of whether determined on time, task, piece, commission or other method of calculation and including fringe benefits, wage supplements, or other compensation whether payable by the employer from employer funds or from amounts withheld from the employee's pay by the employer.

B. Retaliation against any individual because such individual has opposed any practice forbidden by this article, or because such individual has made a charge, testified or assisted in any manner in any investigation, proceeding or hearing under this article is prohibited under this article.

C. Aiding, abetting, inciting, compelling or coercing the doing of any act declared by this article to be an unlawful practice, or obstructing or preventing any person from complying with the provisions of this article is prohibited under this article.

D. Notice of the requirements of this article shall be given by the City as part of the City's annual Business Privilege licensing process.

\_\_\_\_.04 Penalty

A person who violates the provisions of this article commits a summary offense and, upon conviction, shall be sentenced to pay a fine of not more than \$1,000 or to imprisonment for not more than 90 days, or both.

\_\_\_\_.05 Effective Date

This Ordinance shall take effect one year after its final passage by Council and approval by the Mayor where such approval is required.

That all Ordinances and all parts of ordinances inconsistent herewith be, and the same are, hereby repealed.

\_\_\_\_.06 Miscellaneous

A. Severability. The provisions of this Ordinance shall be severable and if any provision thereof shall be declared unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent of the City of Bethlehem that this Ordinance would have been enacted had such unconstitutional, illegal or invalid provision(s) not been included herein.

Sponsored by \_\_\_\_\_  
\_\_\_\_\_

PASSED finally in Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
President of Council

ATTEST:

\_\_\_\_\_  
City Clerk

This Ordinance APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor