



STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GRETCHEN WHITMER
GOVERNOR

GARLIN GILCHRIST II
LT. GOVERNOR

EXECUTIVE DIRECTIVE

No. 2019-10

To: State Department Directors and Autonomous Agency Heads
From: Governor Gretchen Whitmer
Date: January 8, 2019
Re: Equal Pay for Equal Work

In Michigan, all political power is inherent in its people and state government has been instituted for their equal benefit, security, and protection. Given this constitutional charge, the State of Michigan must be a model of equal opportunity.

But, too often, the women of Michigan have been held back by an economy and a state government that does not fully treat them as equals. Women still struggle with inequity in Michigan's economy, earning only 78 cents for every dollar their male counterparts earn for the same work. Sometimes this wage gap is framed as purely a women's issue, but in reality, it's an economic issue that hurts working families.

Michigan must do more. State policies and procedures should require compensation based on the nature of work performed and services provided, and not be differentiated due to gender.

Asking job applicants about their salary histories can inappropriately perpetuate the gender wage gap by enabling prospective employers to offer lower salaries to women than they otherwise would.

Michigan state government must set a positive example for other job providers to acknowledge and close the gender wage gap by prohibiting inquiry into the salary histories of prospective employees.

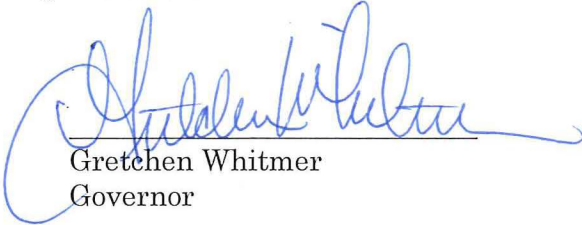
Acting pursuant to Article 5, § 1 and § 8 of the Michigan Constitution of 1963, I hereby direct the following:

1. State departments and autonomous agencies subject to supervision by the Governor under Article 5, § 8 of the Michigan Constitution of 1963 shall not do either of the following:

- (a) Inquire about a job applicant's current or previous salaries unless and until the department or agency first makes a conditional offer of employment, including an explanation of proposed compensation.
 - (b) Make inquiry of a current or prior employer or search public records databases to ascertain an applicant's current or previous salary.
- 2. A state department or other agency subject to supervision by the Governor under Article 5, § 8 of the Michigan Constitution of 1963 shall take reasonable measures to avoid inadvertently discovering salary history while gathering other information about an applicant. Information unintentionally discovered relating to an applicant's salary history must not be used by the department or agency in an employment decision.
- 3. A state department or agency subject to supervision by the Governor under Article 5, § 8 of the Michigan Constitution of 1963 may request and verify current or previous compensation information for a job applicant before a conditional offer of employment that includes compensation information only if the applicant voluntarily provides the information or if verification is required by applicable law.
- 4. If a state department or agency subject to supervision by the Governor under Article 5, § 8 of the Michigan Constitution of 1963 already is in possession of a job applicant's compensation information on the effective date of this directive, it shall not use that information in any employment decision unless required to by law or a collective bargaining agreement.
- 5. This directive does not prevent a job applicant from volunteering information about compensation, but an applicant's refusal to volunteer compensation information must not be considered in an employment decision.
- 6. To assist in educating state employees about the requirements of this directive and monitoring compliance with this directive, the Equity and Inclusion Officer for a department or agency appointed pursuant to Executive Directive 2019-9 shall engage in proactive efforts to educate employees of the department or agency about the requirements of this directive, and any related Civil Service rules. The Equity and Inclusion Office may request assistance from the Department of Civil Rights or the Civil Service Commission, or both, in complying with the requirements of this directive.
- 7. The Equity and Inclusion Officer for a department or agency shall receive complaints regarding noncompliance with the requirements of this directive by the department or agency and recommend measures to remedy the noncompliance to the department director or agency head. The Equity and Inclusion Officer for a department or agency shall report to the Governor's Chief Compliance Officer all complaints received regarding noncompliance with this directive and actions taken by the department or agency to remedy the noncompliance.

8. The Civil Service Commission is requested to issue rules, regulations, orders, and instructions as it deems necessary to extend the equal pay protections of this directive to all employees within the classified service.
9. Nothing in this directive should be interpreted to impair any rights under a collective bargaining agreement or supersede an applicable law.
10. This directive is effective immediately.

Thank you for your cooperation in implementing this directive.



Gretchen Whitmer
Governor