



# State of North Carolina

**ROY COOPER**  
GOVERNOR

April 2, 2019

**EXECUTIVE ORDER NO. 93**

## **PROHIBITING THE USE OF SALARY HISTORY IN THE STATE HIRING PROCESS**

**WHEREAS**, North Carolina state government is made stronger by the talented, experienced, and diverse women who make up a majority of its workforce; and

**WHEREAS**, despite recent considerable advances, women in North Carolina are burdened by a gender pay gap that impedes gender equality; and

**WHEREAS**, North Carolina is 32<sup>nd</sup> in the nation in median earnings for women at \$36,400 for full-time work, while men earn \$45,000; and

**WHEREAS**, North Carolina women's earnings vary widely by race and ethnicity, ranging from \$40,553 for Asian American/Pacific Islander women who work full-time, year-round, to \$24,332 for Hispanic women, who earn just 49% of what white men earn; and

**WHEREAS**, if current trends continue, working women in North Carolina will not have equal pay until 2060, and working women of color will wait even longer; and

**WHEREAS**, the undersigned has proposed establishing a salary adjustment fund to help promote racial and gender pay equity in state government employment; and

**WHEREAS**, research establishes that women get paid less than men in their first jobs, even when controlling for occupation, university degree, hours worked, location, and demographics; and

**WHEREAS**, women are less likely to negotiate their salaries and when they do they tend to ask for less than what men request; and

**WHEREAS**, relying on salary history during the hiring process may perpetuate gender pay inequities, as this practice is grounded in the false assumption that prior salaries are fair or free from bias; and

**WHEREAS**, the gender pay gap hurts North Carolina's families, employers, and economy; and

**WHEREAS**, the undersigned is committed to advancing equality for women and helping families become more economically secure, and encourages private sector employers to adopt these priorities.

**NOW, THEREFORE**, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**:

### **Section 1.      Purpose**

It shall be the policy of the Office of the Governor and State Agencies, as defined herein, to promote pay equity and ban inquiries into job applicants' salary histories.



**Section 2. Definitions**

“State Agency”: Any North Carolina department, agency, board, commission, or committee for which the undersigned has oversight responsibility.

**Section 3. Salary Equity**

- a. State Agencies are prohibited from requesting salary history from applicants. State Agencies may not rely upon previously obtained prior salary information in determining an applicant’s salary.
- b. As state employee salary history is a public record, the North Carolina Office of State Human Resources (“OSHR”) will take best efforts to ensure that State Agencies do not use this information in a discriminatory manner when making employment decisions.
- c. OSHR shall remove employment salary history fields from its state employment applications as soon as reasonably possible.

**Section 4. OSHR Responsibilities**

OSHR shall work with State Agencies to ensure all relevant managers and staff receive information about and understand their obligations under this Executive Order.

**Section 5. State Agencies’ Responsibilities**

State Agencies shall collect and compile information regarding their efforts to educate relevant staff about this Executive Order. This information will be provided to OSHR in their annual Equal Employment Opportunity Plans due March 1, 2020, and every year thereafter, and shall include any data required by OSHR.

**Section 5. Miscellaneous**

- a. This Executive Order does not create a private right of action.
- b. This Executive Order shall not be interpreted to supersede or preempt federal or state law.
- c. State entities not subject to the undersigned’s oversight, along with counties, municipalities, political subdivisions, local government agencies, and private entities, are encouraged but not required to comply with this Executive Order.
- d. Unless otherwise provided, this Executive Order supersedes and rescinds any previous Executive Order to the extent that they conflict.
- e. This Executive Order is effective immediately and shall remain in effect until amended or rescinded by future Executive Order.

**IN WITNESS WHEREOF**, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 2<sup>nd</sup> day of April in the year of our Lord two thousand and nineteen.

  
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Roy Cooper  
Governor

**ATTEST:**

  
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Elaine F. Marshall  
Secretary of State

