

By: Senator(s) Walls

To: Labor; Judiciary

SENATE BILL NO. 2632

1 AN ACT TO ENACT THE FAIR PAY ACT OF 2001; TO ENACT A SHORT  
2 TITLE; TO MAKE LEGISLATIVE FINDINGS; TO REQUIRE EMPLOYERS TO PAY  
3 EQUIVALENT PAY FOR EQUIVALENT JOBS; TO PROHIBIT CERTAIN ACTIONS BY  
4 EMPLOYERS; TO MANDATE THE KEEPING OF RECORDS; AND FOR RELATED  
5 PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 SECTION 1. This act may be cited as the "Fair Pay Act of  
8 2001."

9 SECTION 2. The Legislature finds the following:

10 (a) Wage rate differentials exist between equivalent  
11 jobs segregated by sex, race, and national origin in government  
12 employment and in industries engaged in commerce or in the  
13 production of goods for commerce.

14 (b) The existence of such wage rate differentials:

15 (i) Depresses wages and living standards for  
16 employees necessary for their health and efficiency;

17 (ii) Prevents the maximum utilization of the  
18 available labor resources;

19 (iii) Tends to cause labor disputes, thereby  
20 burdening, affecting, and obstructing commerce;

21 (iv) Burdens commerce and the free flow of goods  
22 in commerce; and

23 (v) Constitutes an unfair method of competition.

24 (c) Discrimination in hiring and promotion has played a  
25 role in maintaining a segregated work force.

26 (d) Many women and people of color work in occupations  
27 dominated by individuals of their same sex, race, and national  
28 origin.

29           (e) Title VII of the Civil Rights Act of 1964 prohibits  
30 discrimination in compensation because of race, color, religion,  
31 national origin, and sex.

32           (f) Artificial barriers to the elimination of  
33 discrimination in compensation based upon sex, race, and national  
34 origin continue to exist more than thirty (30) years after the  
35 passage of the Civil Rights Act of 1964. Elimination of such  
36 barriers would have positive effects, including:

37                 (i) Providing a solution to problems in the  
38 economy created by discrimination through wage rate differentials;

39                 (ii) Substantially reducing the number of working  
40 women and people of color earning low wages, thereby reducing the  
41 dependence on public assistance; and

42                 (iii) Promoting stable families by enabling  
43 working family members to earn a fair rate of pay.

44       SECTION 3. (1) Except as provided in subsection (2), no  
45 employer shall discriminate between employees on the basis of sex,  
46 race, or national origin by paying wages to employees in a job  
47 that is dominated by employees of a particular sex, race, or  
48 national origin at a rate less than the rate at which the employer  
49 pays wages to employees in such establishment in another job that  
50 is dominated by employees of the opposite sex or of a different  
51 race or national origin, respectively, for work on equivalent  
52 jobs.

53       (2) Nothing in subsection (1) of this section shall prohibit  
54 the payment of different wage rates to employees where such  
55 payment is made pursuant to:

56                 (a) A seniority system;

57                 (b) A merit system; or

58                 (c) A system that measures earnings by quantity or  
59 quality of production.

60       (3) An employer who is paying a wage rate differential in  
61 violation of subsection (1) of this section shall not, in order to

62 comply with the provisions of subsection (1), reduce the wage rate  
63 of any employee.

64 (4) No labor organization or its agents representing  
65 employees of an employer having employees subject to any provision  
66 of this section shall cause or attempt to cause such an employer  
67 to discriminate against an employee in violation of subsection (1)  
68 of this section.

69 (5) As used in this section:

70 (a) "Labor organization" means any organization of any  
71 kind, or any agency or employee representation committee or plan,  
72 in which employees participate and which exists for the purpose,  
73 in whole or in part, of dealing with employers concerning  
74 grievances, labor disputes, wages, rates of pay, hours of  
75 employment, or conditions of work.

76 (b) "Equivalent jobs" means jobs that may be  
77 dissimilar, but whose requirements are equivalent, when viewed as  
78 a composite of skills, effort, responsibility, and working  
79 conditions.

80 SECTION 4. It is unlawful to discriminate against any  
81 individual because such individual has opposed any act or practice  
82 made unlawful by this act or because such individual made a  
83 charge, testified, assisted, or participated in any manner in an  
84 investigation, proceeding, or hearing to enforce the provisions of  
85 this act or to discharge or in any other manner discriminate  
86 against, coerce, intimidate, threaten, or interfere with any  
87 employee or any other person because the employee inquired about,  
88 disclosed, compared, or otherwise discussed the employee's wages  
89 or the wages of any other employee, or because the employee  
90 exercised, enjoyed, aided, or encouraged any other person to  
91 exercise or enjoy any right granted or protected by this act.

92 SECTION 5. In any action brought for violation of this act,  
93 the court shall, in addition to any other remedies awarded to the

94 prevailing plaintiff or plaintiffs, allow expert fees as part of  
95 the costs.

96       SECTION 6. Every employer shall preserve records that  
97 document and support the method, system, calculations, and other  
98 bases used by the employer in establishing, adjusting, and  
99 determining the wage rates paid to the employees of the employer.  
100 Every employer shall preserve such records for not less than seven  
101 (7) years.

102       SECTION 7. This act shall take effect and be in force from  
103 and after July 1, 2001.