

By: Representative Baria

To: Workforce Development;  
Judiciary A

HOUSE BILL NO. 864

1 AN ACT TO CREATE THE "EVELYN GANDY FAIR PAY ACT"; TO PROVIDE  
2 THAT THE LEGISLATURE DISCOURAGES WAGE DISCRIMINATION AGAINST  
3 WOMEN; TO CLARIFY WHEN AN UNLAWFUL EMPLOYMENT PRACTICE OCCURS; TO  
4 CLARIFY THE REMEDIES FOR SUCH DISCRIMINATION; AND FOR RELATED  
5 PURPOSES.

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

7 **SECTION 1.** This act shall be known and may be cited as the  
8 "Evelyn Gandy Fair Pay Act."

9 **SECTION 2.** The Mississippi Legislature finds that Edythe  
10 Evelyn Gandy was: the first female elected to a statewide office  
11 in Mississippi as State Treasurer; the first female Insurance  
12 Commissioner; and the first female Lieutenant Governor. The  
13 Legislature further finds that her election as the first female  
14 Lieutenant Governor was groundbreaking because she was the first  
15 woman in the United States to hold such a seat in state  
16 government. In each office to which she was elected, Evelyn Gandy  
17 was paid the same as any male predecessor. The Legislature  
18 declares that her achievements are evidence that women are just as  
19 competent and effective as men.



20 The Legislature recognizes the importance of taking the  
21 necessary measures to prohibit wage discrimination against women  
22 based upon its determination that it is only fair for a woman to  
23 be paid the same amount as a man in the same job position is paid  
24 for the same work.

25 **SECTION 3.** (1) An unlawful employment practice occurs, with  
26 respect to discrimination in compensation in violation of Title  
27 VII of the Civil Rights Act of 1964, the Age Discrimination in  
28 Employment Act of 1967, the operation of the Americans with  
29 Disabilities Act of 1990 and the Rehabilitation Act of 1973, when  
30 a discriminatory compensation decision or other practice is  
31 adopted, when an individual becomes subject to a discriminatory  
32 compensation decision or other practice, or when an individual is  
33 affected by application of a discriminatory compensation decision  
34 or other practice, including each occurrence when wages, benefits  
35 or other compensation is paid, resulting, in whole or in part,  
36 from such a decision or other practice.

37 (2) In addition to any other relief authorized by state or  
38 federal law and notwithstanding any provision of state law to the  
39 contrary, liability may accrue and an aggrieved person may obtain  
40 relief as provided by law, including recovery of back pay for up  
41 to two (2) years preceding the filing of the charge, where the  
42 unlawful employment practices that have occurred during the charge  
43 filing period are similar or related to unlawful employment



44 practices with regard to discrimination in compensation that  
45 occurred outside the time for filing a charge.

46         **SECTION 4.** This act shall take effect and be in force from  
47 and after its passage.

