

By: Representative Clark

To: Workforce Development;  
Judiciary A

HOUSE BILL NO. 1262

1 AN ACT TO PROVIDE THAT NO EMPLOYER SHALL PAY AN EMPLOYEE A  
2 WAGE AT A RATE LESS THAN THE RATE AT WHICH AN EMPLOYEE OF THE  
3 OPPOSITE SEX IN THE SAME ESTABLISHMENT IS PAID FOR EQUAL WORK ON A  
4 JOB, THE PERFORMANCE OF WHICH REQUIRES EQUAL SKILL, EFFORT AND  
5 RESPONSIBILITY, AND WHICH IS PERFORMED UNDER SIMILAR WORKING  
6 CONDITIONS; TO PROVIDE THAT AN EMPLOYEE MAY FILE A PETITION IN THE  
7 PROPER CIRCUIT COURT; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** (1) No employer may pay an employee a wage at a  
10 rate less than the rate at which an employee of the opposite sex  
11 in the same establishment is paid for equal work on a job, the  
12 performance of which requires equal skill, effort and  
13 responsibility, and which is performed under similar working  
14 conditions, except where payment is made pursuant to a  
15 differential based on:

- 16 (a) A seniority system;
- 17 (b) A merit system;
- 18 (c) A system which measures earnings by quantity or  
19 quality of production; or
- 20 (d) Any factor other than sex.



21           (2) Subsection (1) of this section creates an actionable  
22 right in Mississippi for any person who is an employee and who  
23 believes that such person's employer has violated the provisions  
24 of subsection (1) of this section. Any employee who is aggrieved  
25 under subsection (1) of this section may file a petition in the  
26 proper circuit court in Mississippi.

27           If an employer is found to have violated the provisions of  
28 subsection (1) of this section, the employee shall be awarded  
29 reasonable remedies, which may include attorney's fees,  
30 prejudgment interest, back pay, liquidated damages and one hundred  
31 percent (100%) of the difference of unpaid wages. If the employer  
32 is found to have willfully violated the provisions of subsection  
33 (1) of this section, the employee shall be awarded three hundred  
34 percent (300%) of reasonable remedies, which may include  
35 attorney's fees, prejudgment interest, back pay, liquidated  
36 damages and the difference of unpaid wages.

37           **SECTION 2.** This act shall take effect and be in force from  
38 and after July 1, 2018.

