

By: Senator(s) Doty, Boyd, Jordan, Horhn, McLendon

To: Judiciary, Division A; Accountability, Efficiency, Transparency

SENATE BILL NO. 2522
(As Passed the Senate)

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,
5 EDUCATION, EXPERIENCE AND RESPONSIBILITY, AND WHICH IS PERFORMED
6 UNDER SIMILAR WORKING CONDITIONS; TO PROVIDE THAT AN EMPLOYEE MAY
7 FILE A PETITION IN THE PROPER CIRCUIT COURT; AND FOR RELATED
8 PURPOSES.

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

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

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



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

28 (b) An employee who files a claim against his or her
29 employer for a violation of subsection (1) of this section must
30 plead with particularity in demonstrating the following:

31 (i) The employee was paid less than another
32 employee of the opposite sex for equal work despite possessing
33 equal skill, effort, education, experience and responsibility;

34 (ii) The applicable wages at issue are not
35 permissible rates under subsection (1) of this section.

36 (c) If an employer is found to have violated the
37 provisions of subsection (1) of this section, the employee shall
38 be awarded reasonable remedies as provided by federal law for
39 violations of Title VII or Title IX.

40 (d) If an employee brings a claim under the Equal Pay
41 Act of 1963, a separate action may not be maintained under this
42 section. If an employee brings a claim under this section, then
43 subsequently initiates a claim under the Equal Pay Act of 1963,
44 the action brought under this section shall be dismissed with
45 prejudice. An employee who seeks relief under this section must
46 first waive any right to relief under the Equal Pay Act of 1963.



47 (e) A civil action brought under paragraph (a) of this
48 subsection (2) may be commenced no later than two (2) years after
49 the act of discrimination giving rise to a cause of action.

50 **SECTION 2.** This act shall take effect and be in force from
51 and after July 1, 2020, and shall stand repealed on June 30, 2020.

