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 (122nd), Boyd, Byrd, Carpenter, Creekmore IV,
 Darnell, Felsher, Ford (73rd), Goodin, Hale,
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 McGee, McLeod, Miles, Morgan, Oliver, Owen,
 Read, Roberson, Scoggin, Shanks, Tubb, Tullos, Turner, Wallace, Wright,
 Yates, Zuber, Arnold

To: Judiciary A

HOUSE BILL NO. 865

1 AN ACT TO PROHIBIT AN EMPLOYER FROM PAYING AN EMPLOYEE A WAGE
 2 AT A RATE LESS THAN THE RATE AT WHICH AN EMPLOYEE OF ANOTHER SEX
 3 IN THE SAME ESTABLISHMENT IS PAID FOR EQUAL WORK UNLESS THE WAGE
 4 DIFFERENTIAL IS BASED UPON A SENIORITY SYSTEM, A MERIT SYSTEM, A
 5 SYSTEM WHICH MEASURES EARNINGS BY QUANTITY OR QUALITY OF
 6 PRODUCTION OR A DIFFERENTIAL BASED ON ANY FACTOR OTHER THAN SEX;
 7 AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** This act shall be known and may be cited as the
 10 "Mississippi Equal Pay Act."

11 **SECTION 2.** (1) No employer, including the state and any of
 12 its political subdivisions or public bodies, may pay an employee a
 13 wage at a rate less than the rate at which an employee of another
 14 sex in the same establishment is paid for equal work on any job,
 15 the performance of which requires equal skill, effort, education,
 16 experience and responsibility, and which is performed under
 17 similar working conditions, except where the payment is made
 18 pursuant to any of the following:

- 19 (a) A seniority system;
- 20 (b) A merit system;



21 (c) A system which measures earnings by quantity or
22 quality of production; or

23 (d) A differential based on any factor other than sex.

24 (2) Any employer who violates subsection (1) is liable to
25 the employee affected in an amount equal to the wages, and
26 interest thereon, of which the employee is deprived by reason of
27 the violation.

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

31 (a) The employee was paid less than someone for equal
32 work despite possessing equal skill, effort, education, experience
33 and responsibility; and

34 (b) The applicable wage schedule at issue was or is not
35 correlated to any conditions permissible under subsection (1).

36 (4) If an employee recovers an amount under subsection (2),
37 and also files a complaint or brings an action pursuant to the
38 Equal Pay Act of 1963 or Title VII of the Civil Rights Act of
39 1964, which results in an additional recovery for the same
40 employer conduct for which recovery was had under subsection (2),
41 the employee shall return to the employer the amount recovered
42 under subsection (2), or the amount recovered under federal law,
43 whichever is less.

44 (5) A civil action brought under this subsection may be
45 commenced no later than two (2) years from the day the employee



46 knew or should have known his or her employer was in violation of
47 this section.

48 **SECTION 3.** This act shall take effect and be in force from
49 and after July 1, 2022.

