

By: Representatives Banks, Stamps, Crudup

To: Judiciary B; Workforce Development

HOUSE BILL NO. 1268

1 AN ACT TO CREATE THE "CREATE A RESPECTFUL AND OPEN WORKPLACE
 2 FOR NATURAL (CROWN) HAIR ACT"; TO PROHIBIT CREATION OF WORKPLACE
 3 AND SCHOOL POLICES THAT DISCRIMINATE ON THE BASIS OF NATURAL
 4 HAIRSTYLES; TO PROHIBIT DISCRIMINATION BY AN EMPLOYER, SCHOOL,
 5 SCHOOL DISTRICT OR ADMINISTRATOR ENGAGED IN COMMERCE ON THE BASIS
 6 OF HAIR TEXTURE; TO PROHIBIT TERMINATION, REDUCTION OF WORK HOURS,
 7 OR PAYING A REDUCED SALARY OR WAGE OR EXPULSION OR DISMISSAL BASED
 8 ON HAIR TEXTURE; TO PROVIDE THE REMEDIES FOR ANY PERSON WHO IS
 9 AGGRIEVED BY VIOLATION OF THIS ACT; TO AMEND SECTIONS 25-9-149 AND
 10 25-9-103, MISSISSIPPI CODE OF 1972, TO CONFORM TO PRECEDING
 11 SECTIONS; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** This act shall be known and may be cited as the
 14 "Create A Respectful And Open Workplace For Natural (CROWN) Hair
 15 Act."

16 **SECTION 2.** The Mississippi Legislature finds:

17 (a) That discrimination based on "natural hairstyles"
 18 exists in industries engaged in commerce or in the production of
 19 goods for commerce, schools throughout the United States and
 20 society as a whole:

21 (b) Such differentials depresses the wages, living
 22 standards, quality of education and quality of life for employees



23 and students of color, and such depression has a negative impact
24 on their health and efficiency and drop-out rate, thereby
25 increasing the poverty rate in Mississippi;

26 (c) That workplace, school and any polices and dress
27 codes that restrict natural hairstyles, including but not limited
28 to afros, braids, twists and locks have a disparate impact on
29 African Americans, Latinas and other ethnic groups;

30 (d) That hair texture has historically been one of the
31 many determining factors of race; and

32 (e) That acting in accordance with the constitutional
33 values of fairness, equity and opportunity for all requires the
34 Legislature to ban any policies that discriminate or treat any
35 person unfairly in any manner.

36 **SECTION 3.** (1) No employer, school, school district or
37 administrator may create a dress code or policy that prohibits
38 natural hair from being worn in the workplace during workplace
39 hours, school hours or during workplace or school events. For
40 purposes of this act, the term "natural hair" means afros, braids,
41 twists, locks and any similar hairstyle.

42 (2) No employer, school, school district or administrator
43 shall discriminate in any manner against any person by paying a
44 salary or wage, refusing to provide a salary or wage increase,
45 deny a promotion or other employment opportunity, or expel or in
46 any manner discipline a student or employee on the basis of any
47 natural hairstyle worn by the person. For employers, when



48 comparing an employee who does not wear natural hair if such
49 employees are performing equal work on jobs that require equal
50 skill, effort and responsibility to perform, and which are
51 performed under similar working conditions, except where such
52 decision is made pursuant to:

53 (a) A seniority system; however, time spent on leave
54 due to a pregnancy-related condition and parental, family and
55 medical leave, shall not reduce the seniority-level of an
56 employee;

57 (b) A merit system;

58 (c) A system which measures earnings by quantity or
59 quality of production; or

60 (d) A differential based on any bona fide factor other
61 than hairstyles, if the factor:

62 (i) Is job-related with respect to the position
63 and necessary for the business; and

64 (ii) Accounts for the entire differential.

65 An employer who is paying a wage rate differential in
66 violation of this subsection shall not, in order to comply with
67 the provisions of this subsection, reduce the wage rate of any
68 other employee.

69 (3) For purposes of administration and enforcement of this
70 act, any amounts owed to an employee that have been withheld in
71 violation of this act shall be deemed to be unpaid minimum wages
72 or unpaid compensation.



73 (4) It shall be an unlawful practice for an employer,
74 school, school district or administrator to retaliate or in any
75 other manner discriminate against any person because that person
76 has opposed a practice made unlawful by this act or because that
77 person has made a charge, filed a complaint, or instituted or
78 caused to be instituted any investigation, proceeding, hearing, or
79 action under or related to this act, including an investigation
80 conducted by the employer, or has testified or is planning to
81 testify, or has assisted, or participated in any manner in any
82 such investigation, proceeding, or hearing under this act.

83 (5) (a) A civil action asserting a violation of this act
84 may be maintained against any employer, school, school district or
85 administrator in any court of competent jurisdiction by any one
86 (1) or more employees for or on behalf of the employee, a group of
87 employees, and other employees similarly situated. Any such
88 action shall commence no later than two (2) years after the
89 discriminatory practice declared unlawful by this act has
90 occurred. A discriminatory practice occurs when a discriminatory
91 compensation decision or other practice is adopted, when an
92 employee is subjected to a discriminatory compensation decision or
93 other practice, or when an employee is affected by the application
94 of a discriminatory compensation decision or other practice,
95 including each time wages, benefits, or other compensation is paid
96 based on the discriminatory compensation decision or other
97 practice.



98 (b) If an employer, school, school district or
99 administrator is found in violation of this act, the aggrieved
100 person may recover in a civil action the amount of their unpaid
101 wages; liquidated damages; compensatory damages; punitive damages
102 as may be appropriate, where such person demonstrates that the
103 employer, school, school district or administrator acted with
104 malice or reckless indifference; other equitable relief as may be
105 appropriate; and the costs of the action and reasonable attorney's
106 fees.

107 **SECTION 4.** Section 25-9-149, Mississippi Code of 1972, is
108 amended as follows:

109 25-9-149. It is the intent of the Legislature that no person
110 seeking employment in state service, as defined in Section
111 25-9-107, Mississippi Code of 1972, or employed in state service,
112 as defined in Section 25-9-107, Mississippi Code of 1972, shall be
113 discriminated against on the basis of race, color, natural
114 hairstyles, religion, sex, national origin, age or handicap.

115 **SECTION 5.** Section 25-9-103, Mississippi Code of 1972, is
116 amended as follows:

117 25-9-103. The State Personnel Board herein established shall
118 administer a state personnel system in accordance with the
119 following principles:

120 (a) To recruit, select and advance employees on the
121 basis of their relative ability, knowledge and skills, including



122 open consideration of qualified applicants for initial
123 appointment;

124 (b) To provide equitable and adequate compensation;

125 (c) To train employees, as needed, to assure high
126 quality performance;

127 (d) To retain employees on the basis of the adequacy of
128 their performance, to correct inadequate performance, and to
129 separate employees whose inadequate performance cannot be
130 corrected;

131 (e) To assure fair treatment of applicants and
132 employees in all aspects of personnel administration without
133 regard to political affiliation, "natural hairstyles", race,
134 national origin, sex, religious creed, age or disability;

135 (f) To assure that employees are free from coercion for
136 partisan or political purposes and to prohibit employees from
137 using their official authority for the purpose of interfering with
138 or affecting the result of an election or a nomination for office;

139 (g) To provide authority for the establishment and
140 abolishment of employment positions within the departments,
141 agencies and institutions covered under the provisions of this
142 chapter.

143 **SECTION 6.** This act shall take effect and be in force from
144 and after its passage.

