

Senate Amendments to House Bill No. 770

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 2

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

11 SECTION 1. This act shall be known and may be cited as "The
12 Mississippi Equal Pay Act."

13 SECTION 2. (1) An employer, including the state or any of
14 its political subdivisions, including public bodies, may not pay
15 any of its employees at wage rates less than the rates paid to
16 employees of another sex for equal work within the same
17 establishment on jobs the performance of which requires equal
18 skill, effort, education, experience, responsibility, and
19 performance under similar working conditions, except where the
20 payment is made pursuant to any of the following:

21 (a) A seniority system;

22 (b) A merit system;

23 (c) A system which measures earnings by quantity or
24 quality of production; or

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

26 (2) Any employer who violates subsection (1) of this section
27 is liable to the employee affected in an amount equal to the

28 wages, and interest thereon, of which the employee is deprived by
29 reason of the violation.

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

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

36 (b) The applicable wage schedule at issue was or is not
37 correlated to any conditions permissible under subsection (1) of
38 this section.

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

48 (5) A civil action brought under this subsection may be
49 commenced no later than two (2) years from the day the employee
50 knew or should have known his or her employer was in violation of
51 this section.

52 **SECTION 3.** This act shall take effect and be in force from
53 and after July 1, 2022, and shall stand repealed on June 30, 2022.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO ENACT THE MISSISSIPPI EQUAL PAY ACT; TO PROHIBIT AN
2 EMPLOYER FROM PAYING ANY OF ITS EMPLOYEES AT WAGE RATES LESS THAN
3 THOSE PAID TO EMPLOYEES OF ANOTHER SEX FOR EQUAL WORK UNLESS A
4 WAGE DIFFERENTIAL IS BASED UPON ONE OR MORE SPECIFIED FACTORS; TO
5 PROVIDE A CAUSE OF ACTION AGAINST EMPLOYERS WHO VIOLATE THIS ACT;
6 TO PROVIDE THAT EMPLOYEES WHO RECOVER UNDER THIS ACT AND ALSO
7 RECOVER UNDER A FEDERAL CAUSE OF ACTION FOR THE SAME EMPLOYER
8 CONDUCT SHALL RETURN THE SMALLER OF THE TWO AWARDS TO THE
9 EMPLOYER; AND FOR RELATED PURPOSES.

SS36\HB770A.3J

Eugene S. Clarke
Secretary of the Senate