

**Adopted  
AMENDMENT NO 2 PROPOSED TO**

**House Bill No. 770**

**BY: Senator(s) Wiggins**

**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.

