

By: Senator(s) Walls

To: Labor

SENATE BILL NO. 2292

1 AN ACT TO ENACT THE "FAIR PAY ACT OF 2007"; TO MAKE
2 LEGISLATIVE FINDINGS; TO REQUIRE EMPLOYERS TO PAY EQUIVALENT PAY
3 FOR EQUIVALENT JOBS; TO PROHIBIT CERTAIN ACTIONS BY EMPLOYERS; TO
4 MANDATE THE KEEPING OF RECORDS; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** This act may be cited as the "Fair Pay Act of
7 2007."

8 **SECTION 2.** The Legislature finds the following:

9 (a) Wage rate differentials exist between equivalent
10 jobs segregated by sex, race and national origin in government
11 employment and in industries engaged in commerce or in the
12 production of goods for commerce.

13 (b) The existence of such wage rate differentials:

14 (i) Depresses wages and living standards for
15 employees necessary for their health and efficiency;

16 (ii) Prevents the maximum utilization of the
17 available labor resources;

18 (iii) Tends to cause labor disputes, thereby
19 burdening, affecting and obstructing commerce;

20 (iv) Burdens commerce and the free flow of goods
21 in commerce; and

22 (v) Constitutes an unfair method of competition.

23 (c) Discrimination in hiring and promotion has played a
24 role in maintaining a segregated workforce.

25 (d) Many women and people of color work in occupations
26 dominated by individuals of their same sex, race and national
27 origin.

28 (e) Title VII of the Civil Rights Act of 1964 prohibits
29 discrimination in compensation because of race, color, religion,
30 national origin and sex.

31 (f) Artificial barriers to the elimination of
32 discrimination in compensation based upon sex, race and national
33 origin continue to exist more than forty (40) years after the
34 passage of the Civil Rights Act of 1964. Elimination of such
35 barriers would have positive effects, including:

36 (i) Providing a solution to problems in the
37 economy created by discrimination through wage rate differentials;

38 (ii) Substantially reducing the number of working
39 women and people of color earning low wages, thereby reducing the
40 dependence on public assistance; and

41 (iii) Promoting stable families by enabling
42 working family members to earn a fair rate of pay.

43 **SECTION 3.** (1) Except as provided in subsection (2), no
44 employer shall discriminate between employees on the basis of sex,
45 race or national origin by paying wages to employees in a job that
46 is dominated by employees of a particular sex, race or national
47 origin at a rate less than the rate at which the employer pays
48 wages to employees in such establishment in another job that is
49 dominated by employees of the opposite sex or of a different race
50 or national origin, respectively, for work on equivalent jobs.

51 (2) Nothing in subsection (1) of this section shall prohibit
52 the payment of different wage rates to employees where such
53 payment is made pursuant to:

54 (a) A seniority system;

55 (b) A merit system; or

56 (c) A system that measures earnings by quantity or
57 quality of production.

58 (3) An employer who is paying a wage rate differential in
59 violation of subsection (1) of this section shall not, in order to

60 comply with the provisions of subsection (1), reduce the wage rate
61 of any employee.

62 (4) No labor organization or its agents representing
63 employees of an employer having employees subject to any provision
64 of this section shall cause or attempt to cause such an employer
65 to discriminate against an employee in violation of subsection (1)
66 of this section.

67 (5) As used in this section:

68 (a) "Labor organization" means any organization of any
69 kind, or any agency or employee representation committee or plan,
70 in which employees participate and which exists for the purpose,
71 in whole or in part, of dealing with employers concerning
72 grievances, labor disputes, wages, rates of pay, hours of
73 employment or conditions of work.

74 (b) "Equivalent jobs" means jobs that may be
75 dissimilar, but whose requirements are equivalent, when viewed as
76 a composite of skills, effort, responsibility and working
77 conditions.

78 **SECTION 4.** It is unlawful to discriminate against any
79 individual because such individual has opposed any act or practice
80 made unlawful by this act or because such individual made a
81 charge, testified, assisted or participated in any manner in an
82 investigation, proceeding or hearing to enforce the provisions of
83 this act or to discharge or in any other manner discriminate
84 against, coerce, intimidate, threaten or interfere with any
85 employee or any other person because the employee inquired about,
86 disclosed, compared, or otherwise discussed the employee's wages
87 or the wages of any other employee, or because the employee
88 exercised, enjoyed, aided or encouraged any other person to
89 exercise or enjoy any right granted or protected by this act.

90 **SECTION 5.** In any action brought for violation of this act,
91 the court shall, in addition to any other remedies awarded to the

92 prevailing plaintiff or plaintiffs, allow expert fees as part of
93 the costs.

94 **SECTION 6.** Every employer shall preserve records that
95 document and support the method, system, calculations and other
96 bases used by the employer in establishing, adjusting and
97 determining the wage rates paid to the employees of the employer.
98 Every employer shall preserve such records for not less than seven
99 (7) years.

100 **SECTION 7.** This act shall take effect and be in force from
101 and after July 1, 2007.