

By: Representatives Cockerham, Gunn, Miles, Karriem, Arnold, Gibbs (72nd), Bailey, McGee, Stamps, Mickens, Paden, Harness, Foster

To: Judiciary A

HOUSE BILL NO. 770

1 AN ACT TO CREATE THE MISSISSIPPI EQUAL PAY ACT; TO PROVIDE
2 DEFINITIONS FOR "EMPLOYEE", "EMPLOYER", "WAGE", "RATE", AND
3 "UNPAID WAGES"; TO PROVIDE THAT NO EMPLOYER SHALL PAY AN EMPLOYEE
4 A WAGE AT A RATE LESS THAN THE RATE AT WHICH AN EMPLOYEE OF THE
5 OPPOSITE SEX IN THE SAME ESTABLISHMENT IS PAID FOR EQUAL WORK ON A
6 JOB, THE PERFORMANCE OF WHICH REQUIRES EQUAL SKILL, EFFORT AND
7 RESPONSIBILITY, AND WHICH IS PERFORMED UNDER SIMILAR WORKING
8 CONDITIONS; TO PROVIDE REMEDIES; TO PROVIDE THE TIME IN WHICH A
9 CIVIL ACTION MUST BE FILED; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** The provisions of this act shall be known and may
12 be cited as the "Mississippi Equal Pay for Equal Work Act".

13 **SECTION 2.** For the purposes of this act, the following words
14 and phrases shall have the meanings as defined in this section
15 unless the context clearly indicates otherwise:

16 (a) "Employee" means any individual who is employed to
17 work forty (40) or more hours a week and who is employed by an
18 employer, including individuals employed by the state or any of
19 its political subdivisions or instrumentalities of subdivisions.

20 (b) "Employer" means any person who employs five (5) or
21 more employees.



22 (c) "Wage" means and includes all compensation paid by
23 an employer or his or her agent for the performance of service by
24 an employee, including the cash value of all compensation paid in
25 any medium other than cash.

26 (d) "Rate" with reference to wages means the basis of
27 compensation for services by an employee for an employer and
28 includes compensation based on time spent in the performance of
29 such services, on the number of operations accomplished, or on the
30 quality produced or handled.

31 (e) "Unpaid wages" means the difference between the
32 wages actually paid to an employee and the wages required to be
33 paid to an employee as provided in this act.

34 **SECTION 3.** (1) No employer may pay an employee a wage at a
35 rate less than the rate at which an employee of the opposite sex
36 in the same establishment is paid for equal work on a job, the
37 performance of which requires equal skill, effort and
38 responsibility, and which is performed under similar working
39 conditions, except where payment is made pursuant to differential
40 based on:

41 (a) A seniority system;

42 (b) A merit system;

43 (c) A system which measures earnings by quantity or
44 quality of production; or

45 (d) Any other factor other than sex.



46 (2) (a) Subsection (1) of this section creates an
47 actionable right in Mississippi for any person who is an employee
48 and who believes that such person's employer has violated the
49 provisions of subsection (1) of this section. Any such employee
50 who is aggrieved by subsection (1) of this section may file a
51 petition in the proper circuit court in Mississippi.

52 (b) If an employer is found to have violated the
53 provisions of subsection (1) of this section, the employee shall
54 be awarded reasonable remedies, which may include attorney's fees,
55 prejudgment interest, back pay, liquidated damages and one hundred
56 percent (100%) of the difference of unpaid wages.

57 (3) An employer who is paying a wage differential in
58 violation of this act shall not, in order to comply with this act,
59 reduce the wage rate of any employee.

60 (4) No employer may discharge, discriminate or in any way
61 retaliate against any employee by reason of any action taken by
62 the employee to invoke or assist in any manner the enforcement of
63 this act.

64 **SECTION 4.** A civil action brought under this act may be
65 commenced no later than two (2) years from the day the employee
66 knew or should have known his or her employer was in violation of
67 this act.

68 **SECTION 5.** This act shall take effect and be in force from
69 and after July 1, 2022.

