HB225

200487-7

By Representatives Clarke, Bracy, Hollis, Forte, McCampbell, Drummond, Alexander, Warren, Gray, Boyd, Coleman, Morris, Hatcher, Lawrence, Rafferty, Scott, Shiver, Rowe, Hall, Nordgren, Shaver, Wood (D), Collins, Moore (M), Wilcox, Givan, Baker, Faust, Gaston, Fincher, Stringer and Rogers

RFD: Commerce and Small Business

First Read: 19-MAR-19
ENROLLED, An Act,

Relating to wages; to prohibit an employer from paying any of its employees at wage rates less than those paid to employees of another sex or race for equal work unless a wage differential is based upon one or more specified factors.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known as the Clarke-Figures Equal Pay Act.

Section 2. (a) An employer, including individuals employed by the state or any of its political subdivisions, including public bodies, may not pay any of its employees at wage rates less than the rates paid to employees of another sex or race for equal work, when viewed as a composite of skill, effort, and responsibility, and performed under similar sex or race for equal work within the same establishment on jobs the performance of which requires equal skill, effort, education, experience, and responsibility, and performance under similar working conditions, except where the payment is made pursuant to any of the following:

(1) A seniority system.

(2) A merit system.

(3) A system that measures earnings by quantity or quality of production.
(4) A differential based on any factor other than sex or race.

(b) An employer shall not refuse to interview, hire, promote, or employ an applicant for employment, or retaliate against an applicant for employment because the applicant does not provide wage history. Wage history means the wages paid to an applicant for employment by the applicant's current or former employer.

(c) Any employer who violates subsection (a) or (b) is liable to the employee affected in an amount equal to the wages, and interest thereon, of which the employee is deprived by reason of the violation, or any other relief warranted.

(e) An employer with more than 50 employees shall maintain records of the wages and wage rates, job classifications, and other terms and conditions of employment of the persons employed by the employer. All the records shall be kept on file for a period of three years. An employer with fewer than 50 employees shall adopt the rules for record keeping established by the United States Department of Labor for the Fair Labor Standards Act, Title 29, Part 516 of the Code of Federal Regulations.
(c) An employee who files a claim against his or her employer for a violation of subsection (a) must plead with particularity in demonstrating the following:

(1) The employee was paid less than someone for equal work despite possessing equal skill, effort, education, experience, and responsibility.

(2) The applicable wage schedule at issue was or is not correlated to any conditions permissible under subsection (a).

(d) (e) (f) If an employee recovers an amount under subsection (b), and also files a complaint or brings an action under subsection (d) of Section 206 of Title 29 of the United States Code pursuant to federal law which results in an additional recovery under federal law for the same violation, the employee shall return to the employer the amount recovered under subsection (b), or the amount recovered under federal law, whichever is less.

(e) (f) (g) A civil action brought pursuant to subsection (b) may be commenced no later than one year two years after the act of discrimination giving rise to the an cause of action.

Section 3. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.
Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 15-MAY-19 as amended and was passed again as amended by Executive Amendment 30-MAY-19.

Yea 102, Nays 0, Abstains 0

Jeff Woodard
Clerk

Senate 29-MAY-19 Passed

Passed, as amended by Executive Amendment

Senate 30-MAY-19

Yea 27, Nays 0, Abstains 0