

1 HB225
2 200487-7
3 By Representatives Clarke, Bracy, Hollis, Forte, McCampbell,
4 Drummond, Alexander, Warren, Gray, Boyd, Coleman, Morris,
5 Hatcher, Lawrence, Rafferty, Scott, Shiver, Rowe, Hall,
6 Nordgren, Shaver, Wood (D), Collins, Moore (M), Wilcox, Givan,
7 Baker, Faust, Gaston, Fincher, Stringer and Rogers
8 RFD: Commerce and Small Business
9 First Read: 19-MAR-19

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2 ENROLLED, An Act,

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

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

21 (1) A seniority system.

22 (2) A merit system.

23 (3) A system that measures earnings by quantity or
24 quality of production.

1 (4) A differential based on any factor other than
2 sex or race.

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

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

14 ~~(c) An employer with more than 50 employees shall~~
15 ~~maintain records of the wages and wage rates, job~~
16 ~~classifications, and other terms and conditions of employment~~
17 ~~of the persons employed by the employer. All the records shall~~
18 ~~be kept on file for a period of three years. An employer with~~
19 ~~fewer than 50 employees shall adopt the rules for record~~

20 ~~(c)~~ (d) An employer shall adopt the rules for record
21 keeping established by the United States Department of Labor
22 for the Fair Labor Standards Act, Title 29, Part 516 of the
23 Code of Federal Regulations.

1 ~~(c)~~(e) An employee who files a claim against his or
2 her employer for a violation of subsection (a) must plead with
3 particularity in demonstrating the following:

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

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

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

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

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

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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.
Yeas 102, Nays 0, Abstains 0

Jeff Woodard
Clerk

Senate	<hr/> 29-MAY-19 <hr/>	Passed
Senate	30-MAY-19	Passed, as amended by Executive Amendment
	<hr/>	Yeas 27, Nays 0, Ab- stains 0