

1 SB384
2 129256-1
3 By Senators Figures, Irons, Coleman, Dunn, Smith, Marsh,
4 Keahey, Ross, Waggoner, Bedford, Whatley, Beasley, Smitherman
5 and Sanders
6 RFD: Judiciary
7 First Read: 12-APR-11

SYNOPSIS: Under existing law, there is no specific statute or rule that prohibits wage differentials between minorities and non-minorities who are performing the same job.

This bill would establish the Equal Pay Remedies and Enforcement Act. The bill would express certain legislative findings regarding wage differentials between males, females, minorities, and non-minorities. The bill would create the Equal Pay Commission to study wage disparities and report its findings and recommendations to the Speaker of the House of Representatives for transmission to the Governor and the Legislature.

A BILL
TO BE ENTITLED
AN ACT

To establish the Equal Pay Remedies and Enforcement Act; to express certain legislative findings regarding wage

1 differentials between males, females, minorities and
2 non-minorities; to create the Equal Pay Commission; and to
3 require the commission to study and report on wage disparities
4 with its recommendations to the Speaker of the House of
5 Representatives for transmission to the Governor and the
6 Legislature.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. This act shall be known and may be cited
9 as the Equal Pay Remedies and Enforcement Act.

10 Section 2. (a) Despite federal and state laws
11 banning discrimination in employment and pay, in both the
12 private and public sector, wage differentials persist between
13 women and men, and between minorities and non-minorities in
14 the same jobs, and in jobs that are dissimilar, but require
15 equivalent composites of skill, effort, responsibility, and
16 working conditions.

17 (b) Wage discrimination not only harms women and
18 people of color, it depresses living standards, contributes to
19 higher poverty rates among female-headed and minority
20 households, prevents the maximum utilization of available
21 labor resources, causes labor disputes that burden commerce,
22 and violates the state's expressed policy against
23 discrimination.

24 (c) Many people work in occupations that are
25 dominated by individuals of their own sex, race, or national
26 origin, and discrimination in hiring, job assignment, and

1 promotion has played a role in establishing and maintaining
2 segregated work forces.

3 (d) Current remedies imposed on employers who
4 practice discrimination in pay between men and women, and
5 between minorities and non-minorities, have proven to be only
6 partially effective in eliminating the wage disparities.

7 (e) (1) Understanding the full extent and the causes
8 of wage disparities between men and women, and between
9 minorities and non-minorities, in the private and public
10 sectors, would enable the state to take more effective
11 measures to reduce disparities and to eliminate discrimination
12 in wage setting.

13 (2) This act is enacted to protect the health and
14 welfare of individual residents and improve the overall labor
15 environment by correcting and deterring discriminatory wage
16 practices based on sex, race, or national origin; developing
17 reliable data about the extent of such wage discrimination;
18 and providing greater understanding about its causes.

19 Section 3. (a) The Equal Pay Commission is
20 established.

21 (b) Within 90 days after the effective date of this
22 act, the commission shall be composed of nine members
23 appointed as follows:

24 (1) Two representatives of business in the state,
25 who are appointed by the Speaker of the House of
26 Representatives from among individuals nominated by state
27 business organizations and business trade associations.

1 (2) Two representatives of labor organizations, one
2 appointed by the Speaker of the House of Representatives and
3 one appointed by the Governor who have been nominated by state
4 labor federations chartered by a federation of national or
5 international unions, that admit to membership local unions,
6 and exists primarily to carry on educational, legislative, and
7 coordinating activities.

8 (3) Two representatives, appointed by the Governor,
9 of organizations whose objectives include the elimination of
10 pay disparities between men and women and minorities and
11 non-minorities, and who have undertaken advocacy, educational,
12 or legislative initiatives in pursuit of that objective.

13 (4) Three individuals appointed by the Presiding
14 Officer of the Senate, drawn from higher education or research
15 institutions who have expertise in the collection and analysis
16 of data on occupations and wage statistics.

17 (c) The membership of the Equal Pay Commission
18 appointed pursuant to subsection (b), shall be inclusive and
19 reflect the racial, gender, geographic, urban/rural, and
20 economic diversity of the state. The commission shall annually
21 report to the Legislature by the second legislative day of
22 each regular session the extent to which the commission has
23 complied with the diversity provisions provided for in this
24 act.

25 (d) The commission shall make a full and complete
26 study of all of the following:

1 (1) The extent of wage disparities, both in the
2 public and private sector, between men and women, and between
3 minorities and non-minorities.

4 (2) Those factors which cause, or which tend to
5 cause, the disparities including segregation between women and
6 men, and between minorities and non-minorities across and
7 within occupations; payment of lower wages for work in
8 female-dominated occupations; child-rearing responsibilities
9 and education and training.

10 (3) The consequences of the disparities on the
11 economy and families affected.

12 (4) Actions, including proposed legislation, that
13 are likely to lead to the elimination and prevention of the
14 disparities.

15 (e) The commission, no later than the tenth
16 legislative day of the 2013 Regular Session, shall make its
17 report to the Speaker of the House of Representatives for
18 transmission to the Governor and the Legislature.

19 (f) The report shall include the results of the
20 commission's study as well as recommendations, legislative and
21 otherwise, for the elimination and prevention of disparities
22 in wages between men and women and between minorities and
23 non-minorities.

24 Section 4. This act shall become effective on the
25 first day of the third month following its passage and
26 approval by the Governor, or its otherwise becoming law.