

1 SB399
2 201013-1
3 By Senators Figures, Beasley, Coleman-Madison, Sanders-Fortier
4 and Burkette
5 RFD: Governmental Affairs
6 First Read: 09-MAY-19

8 SYNOPSIS: Existing federal law prohibits sex-based
9 wage discrimination between men and women in the
10 same establishment who perform jobs that require
11 substantially equal skill, effort, and
12 responsibility under similar working conditions.

13 This bill would prohibit an employer from
14 paying any of its employees at wage rates less than
15 those paid to employees of another sex or race for
16 equal work when viewed as a composite of skill,
17 effort, and responsibility, as specified, except
18 where the payment is made pursuant to a seniority
19 system, a merit system, a system that measures
20 earnings by quantity or quality of production, or a
21 differential based on any other factor other than
22 sex.

24 A BILL
25 TO BE ENTITLED
26 AN ACT

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

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. (a) An employer, including individuals
7 employed by the state or any of its political subdivisions,
8 including public bodies, may not pay any of its employees at
9 wage rates less than the rates paid to employees of another
10 sex or race for equal work, when viewed as a composite of
11 skill, effort, and responsibility, and performed under similar
12 working conditions, except where the payment is made pursuant
13 to any of the following:

14 (1) A seniority system.

15 (2) A merit system.

16 (3) A system that measures earnings by quantity or
17 quality of production.

18 (4) A differential based on any factor other than
19 sex or race.

20 (b) Any employer who violates subsection (a) is
21 liable to the employee affected in an amount equal to the
22 wages, and interest thereon, of which the employee is deprived
23 by reason of the violation.

24 (c) An employer with more than 50 employees shall
25 maintain records of the wages and wage rates, job
26 classifications, and other terms and conditions of employment
27 of the persons employed by the employer. All the records shall

1 be kept on file for a period of three years. An employer with
2 fewer than 50 employees shall adopt the rules for record
3 keeping established by the United States Department of Labor
4 for the Fair Labor Standards Act, Title 29, Part 516 of the
5 Code of Federal Regulations.

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

13 (e) A civil action brought pursuant to subsection
14 (b) may be commenced no later than one year after the act of
15 discrimination giving rise to the cause of action.

16 Section 2. This act shall become effective on the
17 first day of the third month following its passage and
18 approval by the Governor, or its otherwise becoming law.