

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 818 Session of 2014

INTRODUCED BY MOLCHANY, SIMS, D. MILLER, B. BOYLE, BISHOP, FRANKEL, YOUNGBLOOD, KIM, BROWNLEE, SCHLOSSBERG, O'BRIEN, PARKER, ROZZI, MCCARTER, D. COSTA, DAVIS, MCNEILL, KINSEY, THOMAS, CLAY, DERMODY, HANNA, READSHAW, FARINA, PAINTER, DEASY AND ROEBUCK, APRIL 30, 2014

REFERRED TO COMMITTEE ON RULES, APRIL 30, 2014

A RESOLUTION

1 Urging the Governor to issue executive orders affirming the
 2 antidiscrimination provisions of the Procurement Code in
 3 regard to gender pay and directing the Department of Labor
 4 and Industry to require State contractors and subcontractors
 5 to submit certain data.

6 WHEREAS, When President John F. Kennedy signed the Equal Pay
 7 Act (EPA) into law on June 10, 1963, it became illegal for
 8 employers to pay unequal wages to men and women who perform
 9 substantially equal work; and

10 WHEREAS, In 1964, President Lyndon B. Johnson signed into law
 11 Title VII of the Civil Rights Act of 1964, making it illegal to
 12 discriminate, including in wages and pay, on the basis of sex,
 13 race, color, religion and national origin; and

14 WHEREAS, Under the Pennsylvania Human Relations Act it is
 15 unlawful for an employer to discriminate against an individual
 16 or independent contractor with respect to compensation, hire,
 17 tenure, terms, conditions or privileges of employment or
 18 contract if the individual or independent contractor is the best

1 able and most competent to perform the services required; and

2 WHEREAS, The gender pay gap represents the difference between
3 male and female earnings expressed as a percentage of male
4 earnings or, simply stated, the average difference between men's
5 and women's hourly earnings; and

6 WHEREAS, Although enforcement of the EPA and other civil
7 rights laws for more than five decades has helped to narrow the
8 gender pay gap, significant male-female income differences
9 remain; and

10 WHEREAS, The gender pay gap is of particular concern in light
11 of the economic downturn and the struggle women and their
12 families continue to face during the current period of economic
13 recovery; and

14 WHEREAS, When the EPA was passed in 1963, women earned merely
15 59 cents for every dollar earned by men; and

16 WHEREAS, According to the latest United States Census Bureau
17 data, women nationwide now earn 77 cents for every dollar earned
18 by men; and

19 WHEREAS, According to the 2012 United States Census Bureau
20 data, female workers in this Commonwealth average 77 cents for
21 every dollar earned by men; and

22 WHEREAS, Among full-time workers in 2012, women of color,
23 including African-American and Hispanic women, had lower weekly
24 earnings than non-Hispanic white women and Asian-American women;
25 and

26 WHEREAS, The gender pay gap exists across a wide spectrum of
27 occupations and education levels; and

28 WHEREAS, In 2009, the largest income gap between men and
29 women was found in high-paying occupations, including among
30 health care professionals and persons who work in the financial

1 markets; and

2 WHEREAS, Although graduation from high school helps to boost
3 a woman's median income, the median income for a man with a high
4 school diploma is markedly higher than that of an equally
5 credentialed woman; and

6 WHEREAS, A 2012 study by the American Association of
7 University Women (AAUW) found, after accounting for college
8 major, occupation, economic sector, hours worked, months
9 unemployed since graduation, grade point average, undergraduate
10 institution, age, geographic region and marital status, a 7%
11 difference in the earnings of male and female college graduates
12 one year after graduation; and

13 WHEREAS, The AAUW study found a 12% difference in earnings
14 between full-time male and female workers ten years after
15 college graduation; and

16 WHEREAS, Disparities in pay follow women into retirement,
17 jeopardizing their economic security once they leave the work
18 force; and

19 WHEREAS, Women entering retirement are more likely to
20 experience poverty as many of the multiple sources of income
21 older Americans rely on, including Social Security and pension
22 benefits, are directly linked to an individual's career
23 earnings; and

24 WHEREAS, In 2009, Social Security benefits for an older woman
25 averaged 71% of those benefits granted to an older man, and
26 income from public and private pensions based on a woman's work
27 history were 60% and 48%, respectively, of a man's pension
28 income; and

29 WHEREAS, The fact that numerous women in this Commonwealth
30 are increasingly responsible for the economic security of their

1 families makes equal pay much more than a women's issue; and

2 WHEREAS, Between 1967 and 2010, the percentage of working
3 mothers nationwide who brought home at least a quarter of the
4 family's income increased from 28% to nearly 64%; and

5 WHEREAS, In 2012, the median pay for Pennsylvania women
6 working full time, year round, was \$37,414 per year, while the
7 median yearly pay for a man was \$49,330, establishing an annual
8 pay gap of \$11,916 between full-time working men and full-time
9 working women in this Commonwealth; and

10 WHEREAS, Studies have shown that even when all relevant
11 career and family attributes are taken into account, there is
12 still an unexplained pay gap which can be attributed to gender
13 discrimination; and

14 WHEREAS, If this gap were eliminated, women in this
15 Commonwealth and their families would have more money for
16 groceries, mortgage or rent, utility payments and family health
17 insurance premiums, with the extra earnings providing critical
18 income for thousands of families living in poverty; and

19 WHEREAS, On April 8, 2014, a Federal memorandum recommended
20 by the National Equal Pay Task Force was sent to the United
21 States Secretary of Labor directing the United States Department
22 of Labor (DL) to require Federal contractors and subcontractors
23 to submit to DL summary data on compensation paid to employees,
24 including data by sex and race, for purposes of enhancing the
25 effectiveness of Federal enforcement of compensation
26 discrimination; and

27 WHEREAS, An Executive order issued on April 8, 2014,
28 prohibits Federal contractors and subcontractors from
29 discharging or discriminating against any employee or applicant
30 because such employee or applicant has inquired about, discussed

1 or disclosed the compensation of the employee or applicant or
2 another employer, employee or applicant; and

3 WHEREAS, With the issuance of the Federal memorandum and the
4 Executive order, applicants and employees of Federal contractors
5 and subcontractors have the ability to discover violations of
6 equal pay laws and seek appropriate remedies, thus better
7 protecting them from compensation discrimination; and

8 WHEREAS, State government should work to eliminate gender pay
9 discrimination at all occupations and employment levels; and

10 WHEREAS, State government should combat the persistent gender
11 pay gap and contribute to the economic security of residents of
12 this Commonwealth by identifying any systemic discrimination,
13 providing women with more tools to achieve pay equity and
14 assisting families who rely on a woman's wage for all or a
15 significant portion of their income; therefore be it

16 RESOLVED, That the House of Representatives urge the Governor
17 to issue an Executive order affirming that the contract
18 provisions prohibiting discrimination under the Procurement Code
19 extend to gender pay discrimination; and be it further

20 RESOLVED, That the House of Representatives urge the Governor
21 to issue an Executive order directing the Department of Labor
22 and Industry to require State contractors and subcontractors to
23 submit quarterly data on compensation paid to employees,
24 including data by gender, race, age and geographic region, to
25 enhance effectiveness of State enforcement of gender pay
26 discrimination; and be it further

27 RESOLVED, That a copy of this resolution be transmitted to
28 the Office of the Governor.