

HB 349 -- Equal Employment Practices

Sponsor: Newman

This bill changes the laws regarding equal employment practices. In its main provisions, the bill:

(1) Requires every employer upon an individual's employment and at least annually thereafter to provide a written statement informing the employee of his or her job title, wage rate, and how the wage rate was calculated. The employee notice is to be supplemented whenever the employee is promoted or reassigned;

(2) Requires every employer to make and keep certain records regarding wages paid to employees and requires the Department of Labor and Industrial Relations to establish forms and procedures for employers to submit this information, protect the confidentiality of the acquired information, and compile and publish any reports it considers appropriate on the submitted information;

(3) Requires the department director to appoint, within 90 days of the effective date of the bill, a nine-member Equal Pay Commission to study and identify wage disparities in the public and private sectors between men and women and minorities and nonminorities as well as the causes, consequences, and needed actions including proposed legislation to eliminate and prevent the disparities. The commission's membership requirements are specified in the bill. The commission must report its findings and recommendations to the department director within 12 months of its formation who must transmit it to the Governor;

(4) Prohibits an employer from paying any employee a wage rate less than the rate paid to an employee of the opposite gender for equal work with certain specified exceptions. No employer may discharge or take any adverse action or otherwise discriminate against any individual because he or she opposed any unlawful act or practice or participated in an investigation, hearing, or other proceeding regarding the provisions of the bill. Any employer violating a provision regarding discharge or adverse action will be liable to the employee in the amount of all wages and benefits lost as a result of the retaliation as well as any damages awarded by the court. The court may also enjoin the employer from future violations and order additional steps as necessary. Remedies for any unlawful gender-based practice may also include the recovery of court costs and reasonable attorney fees; and

(5) Repeals the six-month statute of limitations for filing civil actions against an employer and requires an action to be

commenced within two years after the alleged violation occurred or the date of the reasonable discovery of the violation.