HB225

200487-7

By Representatives Clarke, Bracy, Hollis, Forte, McCampbell, Drummond, Alexander, Warren, Gray, Boyd, Coleman, Morris, Hatcher, Lawrence, Rafferty, Scott, Shiver, Rowe, Hall, Nordgren, Shaver, Wood (D), Collins, Moore (M), Wilcox, Givan, Baker, Faust, Gaston, Fincher, Stringer and Rogers

RFD: Commerce and Small Business

First Read: 19-MAR-19
ENROLLED, An Act,

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

(1) A seniority system.

(2) A merit system.

(3) A system that measures earnings by quantity or quality of production.
(4) A differential based on any factor other than
sex or race.

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

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

(c) An employer with more than 50 employees shall
maintain records of the wages and wage rates, job
classifications, and other terms and conditions of employment
of the persons employed by the employer. All the records shall
be kept on file for a period of three years. An employer with
fewer than 50 employees shall adopt the rules for record
keeping established by the United States Department of Labor
for the Fair Labor Standards Act, Title 29, Part 516 of the
Code of Federal Regulations.
(e) An employee who files a claim against his or her employer for a violation of subsection (a) must plead with particularity in demonstrating the following:

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

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

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

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

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

Passed
Passed, as amended by
Executive Amendment
Yeas 27, Nays 0, Ab-
stains 0

APPROVED 6-10-19
TIME 2:14

Alabama Secretary Of State
Act Num....: 2019-519
Bill Num....: H-225
Recvd 06/10/19 04:12pmSLF
HOUSE ACTION

I HEREBY CERTIFY THAT THE RESOLUTION AS REQUIRED IN SECTION C OF ACT NO. 81-889 WAS ADOPTED AND IS ATTACHED TO THE BILL, H.B. 325.

YEAS 93 NAYS 0

JEFF WOODARD, Clerk

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. __________

AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JEFF WOODARD, Clerk

CONFERENCE COMMITTEE

House Conferees

CONFERENCE COMMITTEE

House Conferees

RE-COMMITTED

Committee

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill.

HB __________

YEAS _______ NAYS __________

PATRICK HARRIS, Secretary