

1 HB225
2 200487-4
3 By Representatives Clarke, Bracy, Hollis, Forte, McCampbell,
4 Drummond, Alexander, Warren, Gray, Boyd, Coleman, Morris,
5 Hatcher, Lawrence, Rafferty, Scott, Shiver, Rowe, Hall,
6 Nordgren, Shaver, Wood (D), Collins, Moore (M), Wilcox, Givan,
7 Baker, Faust, Gaston, Fincher, Stringer and Rogers
8 RFD: Commerce and Small Business
9 First Read: 19-MAR-19

1 ENGROSSED

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4 A BILL
5 TO BE ENTITLED
6 AN ACT
7

8 Relating to wages; to prohibit an employer from
9 paying any of its employees at wage rates less than those paid
10 to employees of another sex or race for equal work unless a
11 wage differential is based upon one or more specified factors.
12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

21 (1) A seniority system.

22 (2) A merit system.

23 (3) A system that measures earnings by quantity or
24 quality of production.

25 (4) A differential based on any factor other than
26 sex or race.

1 (b) Any employer who violates subsection (a) is
2 liable to the employee affected in an amount equal to the
3 wages, and interest thereon, of which the employee is deprived
4 by reason of the violation.

5 (c) An employer with more than 50 employees shall
6 maintain records of the wages and wage rates, job
7 classifications, and other terms and conditions of employment
8 of the persons employed by the employer. All the records shall
9 be kept on file for a period of three years. An employer with
10 fewer than 50 employees shall adopt the rules for record
11 keeping established by the United States Department of Labor
12 for the Fair Labor Standards Act, Title 29, Part 516 of the
13 Code of Federal Regulations.

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

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

24 Section 2. 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.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Commerce and
Small Business..... 19-MAR-19

Read for the second time and placed
on the calendar with 1 substitute
and..... 07-MAY-19

Read for the third time and passed
as amended..... 15-MAY-19

Yeas 98, Nays 0, Abstains 0

Jeff Woodard
Clerk