

1 HB225  
2 200487-7  
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  
2 ENROLLED, An Act,

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

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

1           (4) A differential based on any factor other than  
2 sex or race.

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

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

14           ~~(c) An employer with more than 50 employees shall~~  
15 ~~maintain records of the wages and wage rates, job~~  
16 ~~classifications, and other terms and conditions of employment~~  
17 ~~of the persons employed by the employer. All the records shall~~  
18 ~~be kept on file for a period of three years. An employer with~~  
19 ~~fewer than 50 employees shall adopt the rules for record~~

20           ~~(c)~~ (d) An employer shall adopt the rules for record  
21 keeping established by the United States Department of Labor  
22 for the Fair Labor Standards Act, Title 29, Part 516 of the  
23 Code of Federal Regulations.

1           ~~(c)~~(e) An employee who files a claim against his or  
2 her employer for a violation of subsection (a) must plead with  
3 particularity in demonstrating the following:

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

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

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

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

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

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*Mac McCutchen*

Speaker of the House of Representatives

*[Signature]*

President and Presiding Officer of the Senate

House of Representatives

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

|        |                  |   |
|--------|------------------|---|
| Senate | <u>29-MAY-19</u> | Passed                                    |
| Senate | <u>30-MAY-19</u> | Passed, as amended by Executive Amendment |
|        |                  | Yeas 27, Nays 0, Abstains 0               |

**APPROVED** 6-10-19

**TIME** 2:14

*Ray Ivey*  
**GOVERNOR**

Alabama Secretary Of State

Act Num.....: 2019-519  
Bill Num....: H-225

Recv'd 06/10/19 04:20pmslf

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. 225

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 \_\_\_\_\_

Baker  
Faust  
Gaston  
Fincher  
Stringer  
Rogers

Lampbell  
Mummond  
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SENATE ACTION

DATE: \_\_\_\_\_ 20\_\_  
RD 1 RFD

This Bill was referred to the Standing Committee of the Senate on HR and was acted upon by such Committee in session and is by order of the Committee returned therefrom with a favorable report w/amend(s) 1 w/sub \_\_\_\_\_ by a vote of yeas 8 nays 0 abstain \_\_\_\_\_ this 22 day of May 2019.  
X Stringer, Chairperson

DATE: 5-22 20\_\_  
RF \_\_\_\_\_ RD 2 CAL

DATE: \_\_\_\_\_ 20\_\_  
RE-REFERRED \_\_\_\_\_ 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 225

YEAS \_\_\_\_\_ NAYS \_\_\_\_\_  
PATRICK HARRIS,  
Secretary