# State Action on Equal Pay

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Legislative Summary

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In America, people's wages should be based on the value of their work. But for many women and people of color, that American promise remains unfulfilled and families are paying the price. America's working families lose an average of $4,000 per year due to the gender wage gap alone. Federal equal pay laws have been in existence for over thirty years. The Equal Pay Act was signed in 1963 and Title VII of the Civil Rights Act prohibiting discrimination in employment has been in effect since 1964. Yet these laws have proven to be difficult to enforce and the wage gap still exists. Further, they do not apply to the problem of unequal pay for equivalent work in different jobs.

States began taking action on equal pay in 1982, when Minnesota first implemented equal pay for all public sector employees, from the state to the county and local levels. States continue to be the source of innovative solutions for solving the wage gap. In 2001, at least thirty-four states have introduced eighty-seven bills in an effort to close the wage gap. These bills range from prohibiting wage discrimination and imposing penalties to establishing task forces and commissions to study the wage gap and recommend solutions to targeting specific occupations for wage increases. (Note: Some legislation may include multiple components.)

Both women and men across party lines are convinced that wage discrimination exists and they strongly support solutions. Nearly three-quarters of women and two-thirds of men believe that women are paid less than men for equivalent work, according to CPA's and Lifetime Television's *Women's Voices 2000* survey. Seventy-five percent of women and 62 percent of men also said they believe it is "very important" to adopt policies to address equal pay. Support also cuts across party lines, with men and women across the political spectrum saying that the issue is very important to them personally. This bipartisan support is also demonstrated in the sponsorship of equal pay legislation in 2001. Of the 87 equal pays bills introduced in 2001, 56 were sponsored by Democrats, 7 by Republicans and 23 had bipartisan sponsorship.

### Prohibiting Wage Discrimination

Fourteen states (AL (3), FL (2), IA (3), IL (3), MA (3), MI (3), MS (2), MO (2), NY (11), PA (2), RI, SC (3), TX (2), VT (4), WI) introduced bills to prohibit wage discrimination based on gender, race, national origin and/or disability or for jobs that

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require similar skills, effort, responsibility and working conditions. In MA, legislation was introduced to prohibit discrimination in wages between full and part-time employees, and between permanent and contingent employees. In RI, legislation was introduced that would provide that any state agency or state appointing authority shall not do business with any employer who has diminished or reduced an employeè s wages or benefits or who has engaged in any discriminatory practice. These bills also prohibit retaliation against an employee who files a charge of wage discrimination, many provide for relief and some impose penalties against the employer. Such legislation passed the House in IL and TX; four passed the Assembly in NY; and two passed the Senate in VT.

### Establishing an Equal Pay Commission, Committee or Task Force

Fourteen states (AK, AZ, CA, CO, GA, IN, MI, MN (2), NV, NM, PA, TN, RI, WI) introduced legislation that would establish a commission, committee or task force to perform a study to determine the causes of wage discrimination and to recommend solutions. In addition to their own equal pay study bill, PA has also memorialized Congress to study the issue of workplace pay disparity and the need to reexamine existing Federal laws relating to that issue. Legislation creating a Commission or task force or authorizing a study was passed by the Senate and House in AK and NM (vetoed); the Senate in AZ, CO and GA; and the House in CA.

### Increasing Salaries and Opportunities of Specific Occupations

Occupational segregation is one the leading causes of wage disparities. In five states (CT, IL (2), MD (2), OR, WA) legislation has been introduced to prohibit wage discrimination or increase salaries and opportunities of certain occupations, particularly those that have been historically undervalued including child care providers (CT), teachers (IL), part-time community college faculty (WA), and community mental health providers (MD, OR). In CT, legislation that would increase benefits, wages and educational opportunities for child care providers was passed by the House and the Senate. Legislation that would determine and correct the disparity between wages and benefits paid to community direct service providers for developmentally disabled individuals and employees in State residential services was passed by the House and Senate and signed by the Governor in MD.

### Reinforcing/Clarifying Existing Equal Pay Laws

Five states (ME, NY (3), WV, VT, WY) have introduced bills that specifically reinforce or clarify existing laws regarding equal pay. In WY, the Governor signed legislation that clarifies hearing procedures for charges of wage discrimination; in ME, the Governor signed legislation to address the manner in which existing state and federal equal pay laws are implemented and enforced; and legislation introduced in NY to amend the civil service law to comply with the Federal Equal Pay Act and Federal Civil Rights Act passed the Assembly.

### Recognizing Equal Pay Day

To increase awareness of pay inequities, seven states (CA, ME, NV, RI (2), SC, VT (2), VA) introduced and resolutions recognizing April 3, 2001 as Equal Pay Day in their state. In addition, a resolution that passed the House and Senate in ME memorialized the President and Congress to support pay equity.