

Department of Planning and Budget 2015 Fiscal Impact Statement

1. Bill Number: HB1823

House of Origin	<input checked="" type="checkbox"/>	Introduced	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Engrossed
Second House	<input type="checkbox"/>	In Committee	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Enrolled

2. Patron: Herring

3. Committee: Commerce and Labor

4. Title: Equal pay irrespective of sex.

5. Summary: Increases the amount an employee can recover as damages for a violation of the existing requirement that employees receive equal pay for equal work irrespective of sex to triple the amount of wages withheld in violation of the requirement. Currently, such employees may recover double the amount of such wages.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Indeterminate. See Item 8, below.

8. Fiscal Implications: The Department of Labor and Industry does not anticipate a fiscal impact as the enforcement of this bill is by private right of action wherein the employee may pursue a claim against their employer.

The fiscal impact for the Department of Human Resource Management is indeterminate as data on the number of employees who may be impacted by this bill are unavailable. There are no known statistics on equal pay findings in the state.

9. Specific Agency or Political Subdivisions Affected: Department of Labor and Industry; Department of Human Resource Management; all state agencies.

10. Technical Amendment Necessary: No.

11. Other Comments: The Department of Human Resources does not have any information regarding whether agencies are in compliance with Title VII of the Civil Rights Act (Title VII) and/or the Equal Pay Act (EPA) with respect to pay. This is a case by case determination. DHRM also noted that the remedy “triple the amount of wages withheld” exceeds the “make-whole” relief provided under Title VII and the EPA.

SB772 also amends existing law requiring equal pay for equal work irrespective of sex and provides that an employee whose wages have been wrongfully withheld in violation of the provision of the bill may recover three times the amount of wages or benefits and privileges so withheld.

