

Department of Planning and Budget 2018 Fiscal Impact Statement

1. Bill Number: SB419

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: Wexton

3. Committee: General Laws and Technology

4. Title: Equal pay irrespective of sex.

5. Summary: Amends the existing law requiring equal pay for equal work irrespective of sex to (i) prohibit unequal provision of benefits and privileges on the basis of sex; (ii) prohibit employers from punishing employees for sharing salary information with their coworkers; and (iii) authorize a court to award reasonable attorney fees and costs to an employee who substantially prevails on the merits in an action for wrongful withholding of wages or benefits and privileges. The measure also deletes the exemption for employers covered by the federal Fair Labor Standards Act from the Commonwealth's prohibition on discrimination in the payment of wages on the basis of sex.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Indeterminate.

8. Fiscal Implications: 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. Current state personnel policies address this issue, including:

State Policy 2.05, EEO, provides that all aspects of human resource management be conducted without regard to race, sex, color, national origin, religion, sexual orientation, gender identity, age, veteran status, political affiliation, genetics, or disability in accordance with the Governor's Executive Order on Equal Opportunity and state and federal laws,

State Policy 3.05, Compensation, and the Commonwealth's Salary and Job Structures lay the foundation for ensuring the consistent and equitable application of pay decisions,

It is anticipated that this bill will not result in a fiscal impact to the Department of Labor and Industry, as the agency is not responsible for enforcement. An employee whose wages have been wrongfully withheld in violation has a right of action to recover damages.

Any impact to the court system as a result of the provisions of this bill can be absorbed

within the normal course of operations.

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

10. Technical Amendment Necessary: No.

11. Other Comments: None.