

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 1114

Short Title: NC Equal Pay Act. (Public)

Sponsors: Representatives Harrison, Fisher, G. Martin, and B. Richardson (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

May 11, 2016

A BILL TO BE ENTITLED

AN ACT TO ENACT THE EQUAL PAY ACT TO ENSURE THAT EMPLOYEES IN THIS STATE ARE PAID THE SAME WAGES IN THE SAME ESTABLISHMENT FOR THE SAME QUALITY AND QUANTITY OF THE SAME CLASSIFICATION OF WORK.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 95 of the General Statutes is amended by adding a new Article to read:

"Article 2B.

"Equal Pay Act.

"§ 95-25.26. Definitions.

The following definitions apply in this Article:

- (1) Employee. – Every woman or man in receipt of or entitled to compensation for labor performed for another.
- (2) Employer. – Includes (i) this State and any local political subdivision of the State and (ii) every person having control or direction of any woman or man employed at any labor, or responsible directly or indirectly for the wages of another, who employs more than five employees.
- (3) Person. – As defined by G.S. 95-25.2(11).
- (4) Wage or wages. – Any compensation for labor measured by time, piece, or otherwise.

"§ 95-25.27. Equal wage rates.

(a) No employer shall pay any person in the employer's employ at wage rates less than the rates paid to employees of the opposite sex in the same establishment for the same quantity and quality of the same classification of work. Any employer who violates this section is liable to the employee affected in the amount of the wages that the employee is deprived by reason of the violation.

(b) Notwithstanding the provisions of subsection (a) of this section, nothing in this section prohibits a variation of rates of pay for male and female employees engaged in the same classification of work based upon seniority, a difference in length of service, ability, skill, difference in duties or services performed, whether regularly or occasionally, difference in the shift or time of day worked, hours of work, or restrictions or prohibitions on lifting or moving objects in excess of specified weight, or other reasonable differentiation, or factor or factors other than sex, when exercised in good faith.



1 (c) An employer that is in violation of this section may not reduce the pay of any
2 employee in order to bring the employer into compliance with this Article.

3 (d) An employer shall not retaliate against any employee who seeks redress pursuant to
4 this Article or who participates in the investigation of a complaint under this Article.

5 **"§ 95-25.28. Complaints; enforcement; civil actions.**

6 (a) An affected employee may file with the Department of Labor a complaint that the
7 wages paid to the employee are less than the wages to which the employee is entitled under this
8 Article. The Department of Labor shall investigate the complaint and notify the employer and
9 employee of the results of the investigation.

10 (b) An employee receiving less than the wage to which the employee is entitled under this
11 section may recover in a civil action the balance of such wages, together with the costs and
12 attorneys' fees, notwithstanding any agreement to work for a lesser wage. The employee is not
13 required to exhaust administrative remedies before filing the civil action.

14 (c) A civil action pursuant to this section shall be instituted within two years after the date
15 that the alleged violation is discovered by the affected employee."

16 **SECTION 2.** This act is effective when it becomes law.