

# The Pay Equity Project – Fifty-State Pay Equity Law Summary

Alabama	Hawaii	Massachusetts	New Mexico	South Dakota
Alaska	Idaho	Michigan	New York	Tennessee
Arizona	Illinois	Minnesota	North Carolina	Texas
Arkansas	Indiana	Mississippi	North Dakota	Utah
California	Iowa	Missouri	Ohio	Vermont
Colorado	Kansas	Montana	Oklahoma	Virginia
Connecticut	Kentucky	Nebraska	Oregon	Washington
Delaware	Louisiana	Nevada	Pennsylvania	West Virginia
Florida	Maine	New Hampshire	Rhode Island	Wisconsin
Georgia	Maryland	New Jersey	South Carolina	Wyoming

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Alabama	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
Alabama	Public and private employers are covered by the Equal pay law.  <a href="#">2019 Ala. Laws 519 (H.B. 225)</a>	Sex, Race  Other protections: Age discrimination 29 C.F.R. § 1620.3; 42 U.S.C. § 2000e (b); 42 U.S.C. § 12111(5); 29 U.S.C. § 630	<b>Equal pay law called "Clarke-Figures Equal Pay Act" (effective Aug. 1, 2019):</b>  Employers cannot pay wage rates to employees of one sex or race that are lower than wage rates paid to employees of another sex or race for equal work that requires equal skill, effort, education, experience, and responsibility that is performed in the same establishment and under similar work conditions, unless the differential is based on: <ul style="list-style-type: none"> <li>a seniority system;</li> <li>a merit system;</li> <li>a system that measures earnings by quantity or quality of production; or</li> <li>a differential based on any factor other than sex or race.</li> </ul> Employees that file claims alleging violations of these provisions must establish that they were paid less than someone else for equal work despite having equal skill, effort, education, experience, and responsibility; and that the applicable wage schedule is not or was not correlated with any permissible differentials set forth above. <a href="#">2019 Ala. Laws 519 (H.B. 225)</a>  Statutory Language ( <a href="#">2019 Ala. Laws 519</a> ): "Relating to wages; to prohibit an employer from paying any of its employees at wage rates less than those paid to employees of another sex or race for equal work unless a wage differential is based upon one or more specified factors."  "(a) An employer, including the state or any of its political subdivisions, including public bodies, may not pay any of its employees at wage rates less than the rates paid to employees of another sex or race for equal work within the same establishment on jobs the performance of which requires equal skill, effort, education, experience, and responsibility, and performance under similar working conditions, except where the payment is made pursuant to any of the following: A seniority system. A merit system. A system that measures earnings by quantity or quality of production. A differential based on any factor other than sex or race.	Employers cannot pay wage rates to employees of one sex or race that are lower than wage rates paid to employees of another sex or race for equal work that requires equal skill, effort, education, experience, and responsibility that is performed in the same establishment and under similar work conditions, unless the differential is based on: a seniority system; a merit system; a system that measures earnings by quantity or quality of production; or a differential based on any factor other than sex or race.	Equal pay law (effective Aug. 1, 2019):  Applicants or employees may choose to voluntarily provide their wage history to employers. Wage history means the wages paid to an individual for employment by the individual's current or former employer. Employers cannot refuse to interview, hire, promote, or employ applicants or employees, or otherwise retaliate against applicants or employees, because they refuse to provide their wage history.  <a href="#">2019 Ala. Laws 519 (H.B. 225)</a>	Employers cannot retaliate against applicants or employees because they refuse to provide their wage history.  <a href="#">2019 Ala. Laws 519 (H.B. 225)</a>	Employers that violate the Equal pay law are liable to the affected employee for the amount of wages that the employee was deprived as a result of the violation, plus interest. If an employee recovers wages from an employer under the salary history provisions, and also recovers wages under federal law for the same violation, the employee must return the lesser of the two amounts to the employer.  <a href="#">2019 Ala. Laws 519 (H.B. 225)</a>	Equal pay law (effective Aug. 1, 2019): <a href="#">2019 Ala. Laws 519 (H.B. 225)</a>  Alabama Laws: <a href="http://alisondb.legislature.state.al.us/acas/ACA_SLoginie.asp">http://alisondb.legislature.state.al.us/acas/ACA_SLoginie.asp</a>

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

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Alaska	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
Alaska	See Fair employment practices law.	<p>In compensation: Race, religion, color, or national origin (which includes ancestry), age, physical or mental disability, sex, marital status, marital status changes, pregnancy, or parenthood.</p> <p>In the payment of wages: sex</p>	<p>It is unlawful for an employer to discriminate in compensation based on race, religion, color, or national origin, which includes ancestry. It's also unlawful for an employer to discriminate in compensation based on age, physical or mental disability, sex, marital status, marital status changes, pregnancy, or parenthood, unless a distinction on that basis is required by business necessity or a position's reasonable demands.</p> <p>Employers cannot discriminate based on sex in the payment of wages. They also cannot pay female employees in Alaska at a salary or wage rate that is less than the salary or wage rate paid to male employees for comparable work or for work in the same operation, business, or line of work at the same locality. [Note: The Alaska Supreme Court has interpreted comparable work to mean substantially equal work, rather than work of comparable value to the employer (Alaska State Commission for Human Rights v. State, Dept. of Administration, 796 P.2d 458 (Alaska 1990)).]</p> <p>Employers and their employees cannot aid, abet, incite, compel, or coerce unlawful discriminatory acts or try to do so. <a href="#">Alaska Stat. § 18.80.260.</a></p> <p>Statutory Language (<a href="#">Alaska Stat. § 18.80.220. Unlawful Employment Practices</a>):                      "(a) Except as provided in (c) of this section, it is unlawful for (1) an employer to refuse employment to a person, or to bar a person from employment, or to discriminate against a person in compensation or in a term, condition, or privilege of employment because of the person's race, religion, color, or national origin, or because of the person's age, physical or mental disability, sex, marital status, changes in marital status, pregnancy, or parenthood when the reasonable demands of the position do not require distinction on the basis of age, physical or mental disability, sex, marital status, changes in marital status, pregnancy, or parenthood..."</p> <p>Statutes:  <a href="#">Alaska Stat. § 18.80.220</a>  <a href="#">Alaska Admin. Code tit. 6, § 30.910</a></p>	<p>Employers can defend against complaints of such discrimination by establishing that: the distinction is necessary for safe and efficient business operations; the business purpose is sufficiently compelling to override any disproportionate impact on employees and applicants in protected classes; the challenged business practice efficiently carries out that business purpose; and there is no available or acceptable policy or practice that would accomplish that business purpose with less discriminatory impact.</p>	N/A	See Fair employment practices law.	See Fair employment practices law.	<p>Coverage: <a href="#">Alaska Stat. §§ 18.80.220</a>, 18.80.300                      Alaska Admin. Code tit. 6, § 30.985</p> <p>Pay Discrimination Prohibitions: <a href="#">Alaska Stat. §§ 18.80.220, 18.80.260</a>                      Alaska Admin. Code tit. 6, § 30.910</p> <p>Alaska Laws:  <a href="http://www.legis.state.ak.us/basis/folio.asp">http://www.legis.state.ak.us/basis/folio.asp</a>                      Alaska Regulations:  <a href="http://www.legis.state.ak.us/basis/aac.asp">http://www.legis.state.ak.us/basis/aac.asp</a></p>

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Arizona	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
Arizona	Public and private employers (and their agents) that employ men and women are covered by the Equal pay law.  <a href="#">Ariz. Rev. Stat. § 23-340</a>	Equal pay law: Sex  Fair employment practices law: Race, color, religion, sex, age (40 and older), national origin, or disability.	Equal pay law: Employers cannot pay employees of one sex at wage rates that are less than the wage rates paid to employees of the opposite sex for the same quality and quantity of the same classification of work in the same establishment. Wage means any compensation for work measured by time, piece, or another basis. Ariz. Rev. Stat. <a href="#">§§ 23-340 to 23-341</a>  Statutory Language. <a href="#">23-341. Equal wage rates; variations; penalties; enforcement</a> “A. Notwithstanding the other provisions of this chapter, no employer shall pay any person in his 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, provided, that nothing herein shall prohibit a variation of rates of pay for male and female employees engaged in the same classification of work based upon a difference in seniority, 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, factor or factors other than sex, when exercised in good faith.”  “G. The burden of proof shall be upon the person bringing the claim to establish that the differentiation in rate of pay is based upon the factor of sex and not upon other differences, factor or factors.”  Fair employment practices law: Employers cannot discriminate in compensation based on race, color, religion, sex, age (40 and older), national origin, or disability.	Employers can vary wage rates for male and female employees in the same work classification if these variations are made in good faith and based on differences in: seniority or length of service; ability or skill; duties or services that are regularly or occasionally performed; the shift or time of day worked or hours of work; restrictions or prohibitions on lifting or moving objects in excess of a specified weight; or other reasonable factors other than sex.  Fair employment practices law: Employers can apply different compensation standards pursuant to bona fide seniority or merit systems, pursuant to systems that measure earnings by production quantity or quality or to employees who work in different locations if these differences are not the result of an intent to discriminate based on race, color, religion, sex, or national origin. Employers also can differentiate wages or compensation based on sex or disability if these differences are authorized by the federal Fair Labor Standards Act ( <a href="#">29 U.S.C. §§ 206(d)</a> ), 214). <a href="#">Ariz. Rev. Stat. § 41-1463</a>	N/A	See Fair employment practices law.	Employers that violate the Equal pay law can be ordered to pay employees the amount of wages owed, for up to 30 days before employers received written notice of employees' claim, plus litigation costs.  <a href="#">Ariz. Rev. Stat. §§ 23-340 to 23-341</a>	Coverage: Equal pay law: <a href="#">Ariz. Rev. Stat. § 23-340</a> Fair employment practices law: <a href="#">Ariz. Rev. Stat. §§ 41-1461 to 41-1463</a>  Pay Discrimination Prohibitions: Equal pay law: <a href="#">Ariz. Rev. Stat. §§ 23-340 to 23-341</a> Fair employment practices law: Ariz. Rev. Stat. § 41-1463  Penalties/Remedies: Equal pay law: <a href="#">Ariz. Rev. Stat. §§ 23-340 to 23-341</a>  Arizona Laws: <a href="http://www.azleg.state.az.us/ArizonaRevisedStatutes.aspx">http://www.azleg.state.az.us/ArizonaRevisedStatutes.aspx</a>

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Arkansas	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
Arkansas	<p>Public and private employers are covered by the equal pay provisions.</p> <p><a href="#">Ark. Code Ann. § 11-4-601</a></p>	Sex	<p>Equal pay: Employers cannot discriminate solely based on sex in the payment of wages or compensation. They must pay employees equal compensation for equal work.</p> <p>Ark. Code Ann. § 11-4-601</p> <p><a href="#">Statutory Language (Ark. Code Ann. § 11-4-601. Discrimination on the basis of sex prohibited.)</a></p> <p>“(a) Every employer in the state shall pay employees equal compensation for equal services, and no employer shall discriminate against any employee in the matter of wages or compensation solely on the basis of the sex of the employee.”</p> <p>“(b) An employer who violates or fails to comply with the provisions of this section shall be guilty of a Class C misdemeanor, and each day that the violation or failure to comply continues shall be a separate offense.”</p> <p>Wage discrimination: Employers cannot discriminate in the payment of wages based on sex. They also cannot pay female employees at salary or wage rates that are less than those paid to male employees for comparable work.</p> <p><a href="#">Ark. Code Ann. §§ 11-4-610 to 11-4-611</a></p> <p><a href="#">Statutory Language (Ark. Code Ann. § 11-4-610. Additional sex discrimination)</a></p> <p>“(a) No employer shall discriminate in the payment of wages as between the sexes or shall pay any female in his or her employ salary or wage rates less than the rates paid to male employees for comparable work.”</p> <p>“(b) Nothing in <a href="#">§§ 11-4-607 -- 11-4-612</a> shall prohibit a variation in rates of pay based upon a difference in seniority, experience, training, skill, ability, differences in duties and services performed, differences in the shift or time of the day worked, or any other reasonable differentiation except difference in sex.”</p>	<p>Employers can pay different wage rates based on: differences in seniority, experience, training, skill, or ability; differences in duties and services performed; differences in the shift or time of day worked; or any other reasonable differentiation other than sex.</p>	N/A	<p>Wage discrimination: Employers cannot discriminate against employees because they: make complaints to their employer, the Arkansas Department of Labor and Licensing, or any person alleging violations of the wage discrimination provisions; initiate or trigger proceedings related to the provisions; or testify or are about to testify in those proceedings.</p> <p><a href="#">Ark. Code Ann. § 11-4-608</a></p>	<p>Employers that violate the equal pay provisions are guilty of a misdemeanor. Each day of noncompliance is considered a separate offense.</p> <p><a href="#">Ark. Code Ann. § 11-4-601</a></p>	<p>Coverage: Equal pay: Ark. Code Ann. § 11-4-601</p> <p>Pay Discrimination Prohibitions: Equal pay: <a href="#">Ark. Code Ann. § 11-4-601</a></p> <p>Retaliation Prohibition: Wage discrimination: Ark. Code Ann. <a href="#">§ 11-4-608</a></p> <p>Penalties/Remedies: Equal pay: <a href="#">Ark. Code Ann. § 11-4-601</a> Arkansas Laws: <a href="http://www.state.ar.us/">http://www.state.ar.us/</a></p>

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California	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
California	<p>Public and private employers are covered by the Equal pay law. The law does not cover outside sales employees or persons participating in a national service program through assistance provided under <a href="#">42 U.S.C. § 12571</a>. <a href="#">Cal. Lab. Code §§ 1171, 1197.5</a></p> <p>Public and private employers are covered by the wage payment law. <a href="#">Cal. Lab. Code §§ 232 to 232.5</a></p> <p>Salary history: Public and private employers are covered by the salary history provisions. <a href="#">Cal. Lab. Code § 432.3</a></p>	<p>Equal pay law: Sex</p> <p>Fair employment practices law: Employers cannot discriminate in compensation based on race, religious creed, color, national origin, ancestry, physical or mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age (40 and older), sexual orientation, or military or veteran status, unless a permissible defense applies. They also cannot discriminate based on perceived race, religious creed, color, national origin, ancestry, physical or mental disability, medical condition, genetic information, marital status, sex, age (40 and older), sexual orientation, or military or veteran status, and cannot discriminate based on an association with people who belong or are perceived to belong to these protected classes. In addition, employers cannot base any amount of compensation on employees' sex, except as legally required or permitted</p>	<p>Equal pay law: Employers cannot pay employees of one sex at wage rates that are less than the wage rates paid to employees of the opposite sex for substantially similar work (when viewed as a composite of skill, effort, and responsibility) performed under similar working conditions. Employers also cannot pay employees of one race or ethnicity at wage rates that are less than the wage rates paid to employees of another race or ethnicity for substantially similar work (when viewed as a composite of skill, effort, and responsibility) performed under similar working conditions.</p> <p>Until Jan. 1, 2019, employees' prior salary cannot, by itself, justify any compensation disparity. Employees' prior salary cannot justify any compensation disparity; however, employers can make compensation decisions based on current employees' existing salary if any resulting wage differential is justified by one or more of the factors listed above. <a href="#">Cal. Lab. Code § 1197.5</a></p> <p>Statutory Language: <a href="#">Cal. Lab. Code § 1197.5</a>. Equal wage rates; exceptions; liability; enforcement; retaliation</p> <p>“(a) An employer shall not pay any of its employees at wage rates less than the rates paid to employees of the opposite sex for substantially similar work, when viewed as a composite of skill, effort, and responsibility, and performed under similar working conditions, except where the employer demonstrates:</p> <p>The wage differential is based upon one or more of the following factors:                      A seniority system.                      A merit system.                      A system that measures earnings by quantity or quality of production.                      A bona fide factor other than sex, such as education, training, or experience. This factor shall apply only if the employer demonstrates that the factor is not based on or derived from a sex-based differential in compensation, is job related with respect to the position in question, and is consistent with a business necessity. For purposes of this subparagraph, “business necessity” means an overriding legitimate business purpose such that the factor relied upon effectively fulfills the business purpose it is supposed to serve. This defense shall not apply if the employee demonstrates that an alternative business practice exists that would serve the</p>	<p>Employers can pay wage differentials, based on any of the following factors, if they can show that these factors are reasonably applied and together account for the entire wage differential: seniority or merit systems; systems that measure earnings by production quantity or quality; or any bona fide factor other than sex, race, or ethnicity, such as education, training, or experience.</p> <p>Employers can base wage differentials on any bona fide factor only if they can show that the factor is job-related, is consistent with business necessity, and is not based on sex, race, or ethnicity. Business necessity means that the factor is needed to effectively fulfill a legitimate business purpose. This defense does not apply if employees can show that an alternative practice could serve the same business purpose without producing a wage differential.</p> <p>Fair Employment Discrimination - Permissible Defenses Employers can discriminate if they can prove one of the following permissible defenses and show that less discriminatory alternatives are not available: Business necessity: If an apparently neutral</p>	<p>Employers and their agents cannot seek information, orally or in writing, about applicants' salary, compensation, or benefits history. Employers also cannot rely on this information as a factor in determining whether to offer applicants employment or what salary to offer them.</p> <p>Applicants are people seeking employment with an employer that they are not employed by in any capacity or position.</p> <p>Applicants can voluntarily disclose information about their salary, compensation, or benefits history to employers. If they do, employers can consider or rely on this information in determining what salary to offer applicants. Employers also can ask applicants about their salary expectations for a position. These provisions do not allow applicants' prior salary, by itself (until Jan. 1, 2019), to justify any compensation disparity.</p> <p>Employers must provide a position's pay scale to applicants who make a reasonable request for this information. pay scale is a salary or hourly wage range. A reasonable request is a request made after applicants have completed an initial interview.</p>	<p>Employers cannot discharge or otherwise discriminate or retaliate against employees because they cause or assist with the Equal pay law's enforcement. Employers also cannot discharge or otherwise discriminate or retaliate against employees in terms and conditions of employment because they engage in protected conduct under the law.</p> <p><a href="#">Cal. Lab. Code § 1197.5</a></p>	<p>If employers are sued by the California Department of Industrial Relations or its Division of Labor Standards Enforcement, they can be ordered to: Pay employees the amount of unpaid wages due (plus interest); An additional equal amount in liquidated damages; and Costs. If employers willfully violate the law, the division also can seek court orders to stop violations. Employers that are sued by employees can be ordered to pay: The amount of unpaid wages due (plus interest); An additional equal amount in liquidated damages; Reasonable attorneys' fees; and Costs. If employees recover such wages, interest, or damages and also recover an amount under the federal Equal Pay Act for the same violation, they must return the lesser amount to employers.</p> <p>Employers and their officers, agents, or employees who violate or fail to comply with the law are guilty of a misdemeanor and can be fined at least \$100, imprisoned for at least 30 days, or both. If they willfully violate the law's pay discrimination prohibitions or willfully reduce any employee's wages to comply with the prohibitions, they are guilty of a</p>	<p>Coverage: Equal pay law: Cal. Lab. <a href="#">Code §§ 1171, 1197.5</a> Fair employment practices law: <a href="#">Cal. Gov't Code §§ 12926 to 12926.05, 12926.2, 12928</a>, 12940; Cal. Code Regs. tit. 2, §§ 11008 (27-Z Cal. Regulatory Notice Reg. 1013 (July 10, 2019)), 11027.1 to 11028</p> <p>Pay Discrimination Prohibitions: Equal pay law: <a href="#">Cal. Lab. Code § 1197.5</a> Fair employment practices law: Cal. Gov't Code §§ 12940, 12964.5; Cal. Code Regs. tit. 2, § 11034</p> <p>Wage Disclosure: Equal pay law: <a href="#">Cal. Lab. Code § 1197.5</a> Salary History: Cal. Lab. Code § 432.3 Retaliation Prohibition: Equal pay law: Cal. Lab. Code § 1197.5</p> <p>Penalties/Remedies: Equal pay law: Cal. Lab. Code §§ 23, 1194.3, 1194.5, <a href="#">1197.5, 1199 to 1199.5</a></p> <p>California Laws: <a href="http://leginfo.ca.gov/faces/codes.xhtml">http://leginfo.ca.gov/faces/codes.xhtml</a> California Department of Industrial Relations, Division of Labor Standards Enforcement: <a href="http://www.dir.ca.gov/dlse/dlse.html">http://www.dir.ca.gov/dlse/dlse.html</a></p>

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			<p>same business purpose without producing the wage differential.”</p> <p>Fair employment practices law: Employers cannot discriminate in compensation based on race, religious creed, color, national origin, ancestry, physical or mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age (40 and older), sexual orientation, or military or veteran status, unless a permissible defense applies. They also cannot discriminate based on perceived race, religious creed, color, national origin, ancestry, physical or mental disability, medical condition, genetic information, marital status, sex, age (40 and older), sexual orientation, or military or veteran status, and cannot discriminate based on an association with people who belong or are perceived to belong to these protected classes. In addition, employers cannot base any amount of compensation on employees' sex, except as legally required or permitted.</p> <p>Employers must take reasonable steps to prevent and promptly correct unlawful discrimination. Employers cannot aid, abet, incite, compel, or coerce unlawful discriminatory acts or try to do so.</p> <p>Releases and nondisparagement agreements: Employers cannot require employees to do either of the following in exchange for a raise or bonus: Sign a release of a claim or right under the Fair employment practices law. A release of a claim or right includes a statement that an employee does not have any claim or injury against an employer. It also includes a release of the right to file and pursue a civil action or complaint with, or to otherwise notify, a state agency, other public prosecutor, law enforcement agency, or any court or other government entity. Sign a nondisparagement agreement or other document that appears to deny them the right to disclose information about unlawful or potentially unlawful acts in the workplace.</p> <p>Any such release or agreement is unenforceable. These provisions do not apply to negotiated settlement agreements resolving claims under the Fair employment practices law that employees filed with a court, administrative agency, or alternative dispute resolution forum or through their employer's internal complaint process. Settlement agreements are negotiated if they are voluntary, deliberate, and informed; they provide</p>	<p>employment practice is discriminatory in effect, employers must prove that an overriding, legitimate business purpose makes this practice necessary to safe, efficient business operations; that the practice effectively accomplishes this purpose; and that no alternative practice exists to accomplish that purpose equally well with a less discriminatory impact.</p> <p>Security regulations: Employment practices are lawful if they conform to applicable federal or California security regulations.</p> <p>Nondiscrimination plans or affirmative action plans: Employment practices are lawful if they conform to bona fide, voluntary affirmative action plans (under <a href="#">Cal. Code Regs. tit. 2, § 11011</a>), nondiscrimination plans (under <a href="#">Cal. Gov't Code § 12990</a>), or state or federal court or administrative agency orders. Otherwise legally required: Employment practices are lawful if they are required by state or federal laws or court orders.</p>	<p><a href="#">Cal. Lab. Code § 432.3</a></p>		<p>misdemeanor and can be fined up to \$10,000, imprisoned for up to six months (for a subsequent offense after a prior conviction), or both.</p> <p>Retaliation prohibition: Employers that retaliate against employees for engaging in protected conduct can be ordered to reinstate employees, reimburse them for lost wages and benefits with interest, and provide other remedies.</p> <p><a href="#">Cal. Lab. Code §§ 23, 1194.3, 1194.5, 1197.5, 1199 to 1199.5</a></p>	



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			valuable consideration to employees; and employees are given notice and an opportunity to retain an attorney or are represented by an attorney.  <a href="#">Cal. Gov't Code §§ 12940, 12964.5</a> ; <a href="#">Cal. Code Regs. tit. 2, § 11034</a>					

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Colorado	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
Colorado	<p>Public and private employers with employees in Colorado, employment agencies, and labor organizations are covered by the Equal pay law. Employees do not include domestic service workers. The law does not apply to employers that are exempt from the federal National Labor Relations Act (<a href="#">29 U.S.C. § 151</a>).</p> <p><a href="#">Colo. Rev. Stat. § 8-5-101</a></p>	<p>Equal pay law: Sex</p> <p>Fair employment practices law: Disability, race, creed, color, sex, sexual orientation, religion, age (40 and older), national origin, or ancestry. Sex discrimination includes discrimination based on pregnancy. Sexual orientation includes transgender status.</p>	<p>Equal pay law: Employers cannot discriminate solely based on sex in the amount of wages or salary paid to employees. <a href="#">Colo. Rev. Stat. § 8-5-102</a></p> <p>Fair employment practices law: Employers cannot discriminate in compensation against qualified employees or applicants based on disability, race, creed, color, sex, sexual orientation, religion, age (40 and older), national origin, or ancestry. Sex discrimination includes discrimination based on pregnancy. Sexual orientation includes transgender status.</p> <p>Employers can make individual agreements regarding compensation or terms, conditions, and privileges of employment for employees with disabilities if these agreements are part of a therapeutic or job training program lasting up to 20 hours per week for up to 18 months. <a href="#">Colo. Rev. Stat. § 24-34-402</a></p> <p>Statutory Language: <a href="#">Colorado's Equal Pay for Equal Work Act (SB 19-085)</a> -- Effective Jan 1, 2021. "(1) An employer shall not discriminate between employees on the basis of sex, or on the basis of sex in combination with another protected status as described in section 24-34-402 (1)(a), by paying an employee of one sex a wage rate less than the rate paid to an employee of a different sex for substantially similar work, regardless of job title, based on a composite of skill; effort, which may include consideration of shift work; and responsibility, except where the employer demonstrates each of the following: "(a) that the wage rate differential is based on: a seniority system; a merit system; a system that measures earnings by quantity or quality of production; the geographic location where the work is performed; education, training, or experience to the extent that they are reasonably related to the work in question; or travel, if the travel is a regular and necessary condition of the work performed; that each factor relied on in subsection (1)(a) of this section is applied reasonably; that each factor relied on in subsection (1)(a) of this section accounts for the entire wage rate differential; and that prior wage rate history was not relied on to justify a disparity in current wage rates."</p>	<p>Where the employer demonstrates each of the following: (a) that the wage rate differential is based on: a seniority system; a merit system; a system that measures earnings by quantity or quality of production; the geographic location where the work is performed; education, training, or experience to the extent that they are reasonably related to the work in question; or travel, if the travel is a regular and necessary condition of the work performed; that each factor relied on in subsection (1)(a) of this section is applied reasonably; that each factor relied on in subsection (1)(a) of this section accounts for the entire wage rate differential; and that prior wage rate history was not relied on to justify a disparity in current wage rates."</p>	<p>Statutory Language: Colorado's Equal Pay for Equal Work Act (SB 19-085)</p> <p>An employer shall not: seek the wage rate history of a prospective employee or rely on the wage rate history of a prospective employee to determine a wage rate; discriminate or retaliate against a prospective employee for failing to disclose the prospective employee's wage rate history; discharge, or in any manner discriminate or retaliate against, an employee for invoking this section on behalf of anyone or assisting in the enforcement of this subsection (2); discharge, discipline, discriminate against, coerce, intimidate, threaten, or interfere with an employee or other person because the employee or person inquired about, disclosed, compared, or otherwise discussed the employee's wage rate; prohibit, as a condition of employment, an employee from disclosing the employee's wage rate; or require an employee to sign a waiver or other document that: (i) prohibits the employee from disclosing wage rate information; or (ii) purports to deny the employee the right to disclose the employee's wage rate information.</p>	<p>Equal pay law (Effective January 1, 2021)</p> <p>Employers must not discriminate or retaliate against a prospective employee for failing to disclose their wage history, or discharge, discriminate, or retaliate against an employee for assisting in the enforcement of the wage history provisions of the Equal pay law. Employers also must not discharge, discipline, discriminate against, coerce, intimidate, threaten, or interfere with an employee or other person because the employee or person inquired about, disclosed, compared, or otherwise discussed the employee's wage rate. <a href="#">Colo. Rev. Stat. § 8-5-102</a> (2019 Colo. Sess. Laws. 247 (S.B. 19-085)).</p>	<p>An employer can be liable for: Legal and equitable relief, with may include employment, reinstatement, promotion, pay increase, payment of lost wage rates, and liquidated damages; and the employee's reasonable costs, including attorneys' fees. Employers that violate the Equal pay law can be ordered to pay an amount equal to the difference between the amount of wages or salary paid to the complaining employee and the amount to which the employee would have received had there been no discrimination. Employers that willfully violate the prohibitions also can be ordered to pay an additional amount up to such wage or salary difference.</p> <p><a href="#">Colo. Rev. Stat. § 8-5-104</a></p>	<p>Coverage: Equal pay law: Colo. Rev. Stat. § 8-5-101</p> <p>Fair employment practices law: <a href="https://ccrd.colorado.gov/regulatory-information">https://ccrd.colorado.gov/regulatory-information</a> Colo. Rev. Stat. §§ 24-34-301, 24-34-401 to <a href="#">24-34-402</a>; 3 Colo. Code Regs. § 708-1-10.2</p> <p>Pay Discrimination Prohibitions: Equal pay law: Colo. Rev. Stat. § 8-5-102</p> <p>Fair employment practices law: <a href="#">Colo. Rev. Stat. § 24-34-402</a></p> <p>Wage Disclosure: Equal pay law: <a href="#">Colo. Rev. Stat. § 8-5-102</a></p> <p>Fair employment practices law: Colo. Rev. Stat. § 24-34-402</p> <p>Penalties/Remedies: Equal pay law: Colo. Rev. Stat. § 8-5-104</p> <p>Colorado Laws: <a href="https://www.colorado.gov/">https://www.colorado.gov/</a></p> <p>Colorado Department of Labor and Employment: <a href="http://www.colorado.gov/v/cdle/labor">http://www.colorado.gov/v/cdle/labor</a></p>

## The Pay Equity Project – Fifty-State Pay Equity Law Summary

Connecticut	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
Connecticut	Public and private employers are covered by the Equal pay law.  <a href="#">Conn. Gen. Stat. § 31-75</a>	Equal pay law: Sex  Fair employment practices law: race, color, religious creed, age, sex, gender identity or expression, marital status, national origin, or ancestry; a present or past history of mental, intellectual, learning, or physical disabilities, including blindness; or veteran status, sexual orientation, or civil union status.	Equal pay law: Employers cannot discriminate in compensation solely based on employees' sex. They also cannot pay employees of one sex at wage rates that are lower than the wage rates paid to employees of the opposite sex for equal work that requires equal skill, effort, and responsibility under similar working conditions. Such pay discrimination occurs when employers adopt discriminatory pay decisions or practices, employees become subject to these decisions or practices, or employees are affected by the application of the decisions or practices. A continuing violation occurs each time wages, benefits, or other compensation are paid. <a href="#">Conn. Gen. Stat. §§ 31-75</a> (see Smart Code® for the latest cases), 31-76  Statutory Language: <a href="#">Conn. Gen. Stat. Ann. § 31-75. Discrimination in compensation on the basis of sex. Prohibited practices. Employer demonstration</a> "(a) No employer shall discriminate in the amount of compensation paid to any employee on the basis of sex. Any difference in pay based on sex shall be deemed a discrimination within the meaning of this section."  "(b) If an employee can demonstrate that his or her employer discriminates on the basis of sex by paying wages to employees at the employer's business at a rate less than the rate at which the employer pays wages to employees of the opposite sex at such business for equal work on a job, the performance of which requires equal skill, effort and responsibility, and which are performed under similar working conditions, such employer must demonstrate that such differential in pay is made pursuant to (1) a seniority system; (2) a merit system; (3) a system which measures earnings by quantity or quality of production; or (4) a differential system based upon a bona fide factor other than sex, such as education, training or experience. Said bona fide factor defense shall apply only if the employer demonstrates that such factor (A) is not based upon or derived from a sex-based differential in compensation, and (B) is job-related and consistent with business necessity. Such defense shall not exist where the employee demonstrates that an alternative employment practice exists that would serve the same business purpose without producing such differential and that the employer has refused to adopt such alternative practice."  Fair employment practices law:	Employers can pay different wage rates pursuant to seniority or merit systems, systems that measure earnings by production quantity or quality, or factors other than sex (such as education, training, or experience) if these factors are job-related and consistent with business necessity.	Employers cannot inquire about applicants' wage or salary history, or direct third parties to inquire about applicants' wage or salary history, unless they disclose such information voluntarily. These provisions do not apply to employers or their agents if federal or state law authorizes the disclosure or verification of such information for employment purposes. Employers can inquire about other elements of an applicant's compensation structure as long as they do not inquire about the value of the elements of such compensation structure.  Wages means compensation for labor or services, regardless of whether the amount is calculated on a time, task, piece, commission, or other basis. <a href="#">Conn. Gen. Stat. § 31-40z</a>	Employers cannot discharge or otherwise discriminate against employees for opposing discriminatory compensation practices or making complaints, testifying, or assisting in proceedings under the Equal pay law.  <a href="#">Conn. Gen. Stat. § 31-75</a>	Employers that are sued by the Connecticut Department of Labor can be ordered to: pay the difference between the amount of wages paid and the maximum wage paid to any other employee for equal work; pay compensatory damages; and pay punitive damages if violations are intentional or committed with reckless indifference to employee rights under the Equal pay law.  Employers that are sued by employees can be ordered to: pay the difference between the amount of wages paid and the maximum wage paid to any other employee for equal work; pay compensatory damages; pay punitive damages if violations are intentional or committed with reckless indifference to employee rights under the Equal pay law; pay attorneys' fees and costs; and comply with other court orders.  <a href="#">Conn. Gen. Stat. §§ 31-75 to 31-76</a>	Equal pay law: <a href="#">Conn. Gen. Stat. §§ 31-75 to 31-76</a> Fair employment practices law: <a href="#">Conn. Gen. Stat. §§ 46a-51, 46a-60, 46a-81c</a> Wage disclosure and salary history: <a href="https://www.cga.ct.gov/current/pub/chap_557.htm">https://www.cga.ct.gov/current/pub/chap_557.htm</a> <a href="#">Conn. Gen. Stat. § 31-40z</a>  Connecticut Laws: <a href="http://search.cga.state.ct.us/r/statute/dtsearch_form.asp">http://search.cga.state.ct.us/r/statute/dtsearch_form.asp</a> Connecticut Department of Labor: <a href="http://www.ctdol.state.ct.us/">http://www.ctdol.state.ct.us/</a>

## The Pay Equity Project – Fifty-State Pay Equity Law Summary

Connecticut	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
			<p>Unless there is a bona fide occupational qualification or need, employers cannot discriminate in compensation based on race, color, religious creed, age, sex, gender identity or expression, marital status, national origin, or ancestry; a present or past history of mental, intellectual, learning, or physical disabilities, including blindness; or veteran status, sexual orientation, or civil union status. Employers and employees also cannot aid, abet, incite, compel, or coerce unlawful discriminatory acts or try to do so.</p> <p>Conn. Gen. Stat. <a href="#">§§ 46a-60</a> (see Smart Code® for the latest cases), 46a-81c</p>					

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## The Pay Equity Project – Fifty-State Pay Equity Law Summary

Delaware	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages	Citing References
Delaware	<p>Private employers are covered by the Equal pay law. Private employers with four or more employees are covered by the law's mandatory poster provisions. <a href="#">Del. Code Ann. tit. 19, § 1101</a></p> <p>Salary history: Public and private employers and their agents are covered by the salary history provisions. <a href="#">Del. Code Ann. tit. 19, § 709B</a></p>	<p>Equal pay law: Sex</p> <p>Fair employment practices law: race, marital status, genetic information, color, age (40 and older), religion, sex, pregnancy, sexual orientation, gender identity, or national origin.</p>	<p>Equal pay law: Employers cannot pay employees of one sex at wage rates that are lower than the wage rates paid to employees of the opposite sex for equal work that requires equal skill, effort, and responsibility under similar work conditions in the same workplace. If employers pay wage rate differentials in violation of these prohibitions, they cannot reduce any employee's wage rate to comply with the prohibitions. Employers also cannot make or use any private agreements with employees to set aside or avoid the prohibitions.</p> <p>Employers can pay different wage rates pursuant to seniority or merit systems, systems that measure earnings by production quantity or quality, or any other factor besides sex. <a href="#">Del. Code Ann. tit. 19, §§ 1107A, 1110</a></p> <p>Statutory Language: <a href="#">Del. Code Ann. tit. 19, § 1107A</a>. Differential rate of pay based on gender prohibited No employees shall be paid a wage at a rate less than the rate at which an employee of the opposite sex in the same establishment is paid for equal work on a job the performance of which requires equal skill, effort and responsibility, and which is performed under similar working conditions, except where payment is made pursuant to a differential based on: A seniority system; A merit system; A system which measures earnings by quantity or quality of production; or Any other factor other than sex; provided, that an employer who is paying a wage rate differential in violation of this subsection shall not, in order to comply with this subsection, reduce the wage rate of any employee.</p> <p>Fair employment practices law: Employers cannot discriminate in compensation based on race, marital status, genetic information, color, age (40 and older), religion, sex, pregnancy, sexual orientation, gender identity, or national origin.</p> <p>Employers can apply different compensation standards pursuant to bona fide seniority or merit systems, pursuant to systems that measure earnings by production quantity or quality, or to employees who work in different locations if these differences are not caused by an intent to discriminate based on those protected classes.</p> <p><a href="#">Del. Code Ann. tit. 19, § 711</a></p>	N/A	<p>Employers cannot: screen applicants based on their compensation history, including by requiring that their prior compensation satisfy minimum or maximum criteria; or seek applicants' compensation history from them or their current or former employers.</p> <p>Compensation includes monetary wages, benefits, and other forms of compensation.</p> <p>Employers can discuss and negotiate compensation expectations with applicants, but cannot request or require their compensation history. Employers also can confirm applicants' compensation history after they have received and accepted an offer of employment that includes the terms of compensation. <a href="#">Del. Code Ann. tit. 19, § 709B</a></p>	<p>Employers cannot discharge or otherwise discriminate against employees because they: make complaints or give information to the Delaware Department of Labor pursuant to the Equal pay law; initiate or are about to initiate any proceedings under the law; or testify or are about to testify in such proceedings.</p> <p><a href="#">Del. Code Ann. tit. 19, §§ 1101, 1112</a></p>	<p>Employers that violate the Equal pay law can be ordered to pay a fine of \$1,000 to \$5,000 for each violation, unpaid wages, liquidated damages, reasonable attorneys' fees, and costs.</p> <p><a href="#">Del. Code Ann. tit. 19, §§ 1112 to 1113</a></p>	<p>Coverage: Equal pay law: <a href="#">Del. Code Ann. tit. 19, § 1101</a> Fair employment practices law: <a href="#">Del. Code Ann. tit. 19, §§ 710 to 711</a></p> <p>Pay Discrimination Prohibitions: Equal pay law: <a href="#">Del. Code Ann. tit. 19, §§ 1107A, 1110</a> Fair employment practices law: <a href="#">Del. Code Ann. tit. 19, § 711</a></p> <p>Wage Disclosure: Fair employment practices law: <a href="#">Del. Code Ann. tit. 19, § 711</a></p> <p>Salary History: <a href="#">Del. Code Ann. tit. 19, § 709B</a></p> <p>Retaliation Prohibition: Equal pay law: <a href="#">Del. Code Ann. tit. 19, §§ 1101, 1112</a></p> <p>Penalties/Remedies: Equal pay law: <a href="#">Del. Code Ann. tit. 19, §§ 1112 to 1113</a></p> <p>Delaware Laws: <a href="http://delcode.delaware.gov/index.shtml">http://delcode.delaware.gov/index.shtml</a> Delaware Department of Labor: <a href="http://www.delawareworks.com">http://www.delawareworks.com</a></p>

## The Pay Equity Project – Fifty-State Pay Equity Law Summary

Florida	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
Florida	<p>Public and private employers are covered by the Equal pay law. The law does not apply to employers that are subject to the federal Fair Labor Standards Act. <a href="#">Fla. Stat. §§ 1.01, 448.07</a></p> <p>Wage payment law: Public and private employers with two or more employees are covered by the wage payment law. The law does not apply to employers that are subject to the federal Fair Labor Standards Act. <a href="#">Fla. Stat. § 448.07</a></p>	Sex, marital status, race	<p><b>Equal pay law:</b> Employers cannot discriminate based on sex, marital status, or race in providing equal pay for equal work. <a href="#">Fla. Stat. § 725.07</a></p> <p><b>Fair employment practices law:</b> Employers cannot discriminate in compensation based on race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status. National origin includes ancestry. Employers can take or fail to take any action based on religion, sex, pregnancy, national origin, age, handicap, or marital status if the action or inaction is justified by a bona fide occupational qualification that is reasonably necessary to job performance.</p> <p>Employers can observe the terms of bona fide seniority systems, bona fide employee benefit plans (such as retirement, pension, or insurance plans), or systems that measure earnings by production quantity or quality if these terms are not designed, intended, or used to evade the Fair employment practices law. However, such employee benefit plans or systems that measure earnings cannot be used to justify a failure to hire applicants based on factors unrelated to their job performance ability. Such seniority systems, employee benefit plans, or systems that measure earnings also cannot be used to justify employees' involuntary retirement based on factors unrelated to their job performance ability. These provisions do not prohibit employers from rejecting applicants or discharging employees who fail to meet their bona fide job requirements. <a href="#">Fla. Stat. § 760.10</a></p> <p><b>Wage payment law:</b> Employers cannot discriminate based on sex by paying employees of one sex at wage rates that are less than the wage rates paid to employees of the opposite sex for equal work that requires equal skill, effort, and responsibility under similar working conditions. Wages include all compensation paid by employers or their agents for work performed by employees, including the cash value of all compensation paid in any medium other than cash. Wage rates are the bases of compensation for work performed by employees for employers, such as the amount of time spent, number of operations accomplished, and quality produced or handled.</p> <p>Statutory Language: <a href="#">Fla. Stat. Ann. § 448.07</a>. “(2) Discrimination on basis of sex prohibited.—</p>	Employers can pay different wage rates pursuant to: seniority or merit systems; systems that measure earnings by production quantity or quality; or good-faith differentials based on any reasonable factor other than sex. <a href="#">Fla. Stat. § 448.07</a>	N/A	See Fair employment practices law.	Employers that violate the Equal pay law can be ordered to pay compensatory damages, punitive damages, and reasonable attorneys' fees.  <a href="#">Fla. Stat. § 725.07</a>	<p>Equal pay law: Fla. Stat. <a href="#">§§ 1.01, 448.07, 725.07</a></p> <p>Fair employment practices law: Fla. Stat. <a href="#">§§ 760.02, 760.10</a></p> <p>Florida Laws: <a href="http://www.leg.state.fl.us/Statutes/">http://www.leg.state.fl.us/Statutes/</a></p>

## The Pay Equity Project – Fifty-State Pay Equity Law Summary

Florida	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
			<p>(a) No employer shall discriminate between employees on the basis of sex by paying wages to employees at a rate less than the rate at which he or she pays wages to employees of the opposite sex for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except when such payment is made pursuant to: A seniority system; A merit system; A system which measures earnings by quantity or quality of production; or A differential based on any reasonable factor other than sex when exercised in good faith.</p> <p>(b) No person shall cause or attempt to cause an employer to discriminate against any employee in violation of the provisions of this section."</p>					

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## The Pay Equity Project – Fifty-State Pay Equity Law Summary

Georgia	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
Georgia	<p>Public and private employers are covered by the Equal pay law if they have 10 or more employees.</p> <p><a href="#">Ga. Code Ann. § 34-5-2</a></p>	Sex	<p>Employers cannot pay employees of one sex at wage rates that are lower than the wage rates paid to employees of the opposite sex for equal work that requires equal skill, effort and responsibility under similar working conditions in the same workplace. Employers that violate the Equal pay law cannot reduce any employee's wage rate to comply with the law.</p> <p>Statutory Language: <a href="#">Ga. Code Ann. § 34-5-3</a>. Prohibition of discrimination. "(a) No employer having employees subject to any provisions of this chapter shall discriminate, within any establishment in which such employees are employed, between employees on the basis of sex by paying wages to employees in such establishment at a rate less than the rate at which he pays wages to employees of the opposite sex in such establishment for equal work in jobs which require equal skill, effort, and responsibility and which are performed under similar working conditions, except where such payment is made pursuant to (1) a seniority system, (2) a merit system, (3) a system which measures earnings by quantity or quality of production, or (4) a differential based on any other factor other than sex. An employer who is paying a wage rate differential in violation of this subsection shall not, in order to comply with this subsection, reduce the wage rate of any employee."</p>	Employers can pay different wage rates pursuant to seniority, merit or piece-rate systems or any factor other than sex. Ga. Code Ann. §§ <a href="#">34-5-2</a> , <a href="#">34-5-3</a>	N/A	<p>Employers cannot discharge or otherwise discriminate against employees because they file complaints or participate in investigations, hearings or other proceedings under the Equal pay law.</p> <p><a href="#">Ga. Code Ann. § 34-5-3</a></p>	<p>Employers that violate the Equal pay law can be fined up to \$100. Employers that are sued can be ordered to pay any wages owed to employees, plus reasonable attorneys' fees and costs.</p> <p>Ga. Code Ann. §§ <a href="#">34-5-3</a>, <a href="#">34-5-5</a></p>	<p>Coverage: Ga. Code Ann. § <a href="#">34-5-2</a></p> <p>Pay Discrimination Prohibitions: Ga. Code Ann. §§ <a href="#">34-5-2</a> to <a href="#">34-5-3</a></p> <p>Retaliation Prohibition: Ga. Code Ann. § <a href="#">34-5-3</a></p> <p>Penalties/Remedies: Ga. Code Ann. §§ <a href="#">34-5-3</a>, <a href="#">34-5-5</a></p> <p>Georgia Laws: <a href="http://www.georgia.gov">http://www.georgia.gov</a></p> <p>Georgia Department of Labor: <a href="https://dol.georgia.gov/">https://dol.georgia.gov/</a></p>



## The Pay Equity Project – Fifty-State Pay Equity Law Summary

Hawaii	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
Hawaii	<p>Private employers and their agents are covered by the Equal pay law. The law does not apply to employees who work:</p> <ul style="list-style-type: none"> <li>for guaranteed compensation totaling \$2,000 or more per month;</li> <li>for their brother, sister, brother-in-law, sister-in-law, son, daughter, spouse, parent, or parent-in-law;</li> <li>in a bona fide executive, administrative, supervisory, or professional capacity;</li> <li>in a position where their minimum wage or their maximum hours without overtime pay are determined by the federal Fair Labor Standards Act or Hawaii law; or</li> <li>in specific positions that are excluded from the definition of “employee” in <a href="#">Haw. Rev. Stat. § 387-1</a>.</li> </ul> <p><a href="#">Haw. Rev. Stat. § 387-1</a></p>	<p>Equal Pay: Sex, race, religion</p> <p>Fair employment practices law: Sex</p>	<p>Equal pay law: Employers cannot discriminate in the payment of wages based on race, religion, or sex. Wages do not include tips or gratuities. Employers that pay wage rate differentials in violation of the Equal pay law cannot reduce any employee's wage rate to comply with the law. The law cannot be contravened or set aside through a private agreement.</p> <p>Fair employment practices law: Employers cannot discriminate against employees based on sex by paying employees of one sex at wage rates that are less than those paid to employees of the opposite sex for equal work that requires equal skill, effort, and responsibility under similar work conditions in the same establishment.</p> <p>Employers also cannot discriminate in compensation based on: race, gender identity or expression, sexual orientation, age, religion, color, disability, marital status, or arrest and court records; sex, which includes pregnancy, childbirth, or related medical conditions; reproductive health decisions; ancestry, which includes national origin; employees' status as victims of domestic or sexual violence if they notify employers, or employers have actual knowledge, of this status; or employees' credit history or credit report.</p> <p>Employers and their employees cannot aid, abet, incite, compel, or coerce unlawful discriminatory practices or try to do so. <a href="#">Haw. Rev. Stat. §§ 378-1 to 378-2.3, 378-3</a> <a href="#">Haw. Code R. 12-46-1, 12-46-183</a></p> <p>Statutory Language: <a href="#">Haw. Rev. Stat. Ann. § 378-2.3</a>. Equal pay; sex discrimination “(a) No employer shall discriminate between employees because of sex, by paying wages to employees in an establishment at a rate less than the rate at which the employer pays wages to employees of the opposite sex in the establishment for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and that are performed under similar working conditions. Payment differentials resulting from: A seniority system; A merit system; A system that measures earnings by quantity or quality of production; A bona fide occupational qualification; or A differential based on any other</p>	<p>Equal Pay: Employers can vary wage rates for employees in the same work classification based on seniority, length of service, shift or time of day worked, work hours, or substantial differences in duties or services performed. <a href="#">Haw. Rev. Stat. §§ 387-1, 387-4 to 387-4.5</a></p> <p>Fair employment practices law: Employers can pay wage differentials based on: seniority or merit systems; systems that measure earnings by production quantity or quality; bona fide occupational qualifications; or other permitted factors besides sex.</p> <p>The Fair employment practices law does not affect the terms or conditions of employer-provided bona fide retirement, pension, employee benefit, or insurance plans that are not intended to evade the law's purpose.</p>	<p>Fair employment practices law: Employers and their employees or agents cannot inquire about applicants' salary history. Employers and their employees or agents also cannot rely on applicants' salary history to determine their salary, benefits, or other compensation during the hiring process, including employment contract negotiations.</p> <p>Employers and their employees or agents can, without inquiring about salary history, engage in discussions with applicants about their expectations regarding salary, benefits, and other compensation. If applicants disclose their salary history voluntarily and without prompting, employers and their employees or agents can verify that history and consider it in determining applicants' salary, benefits, and other compensation.</p> <p>The salary history provisions do not apply to attempts by employers and their employees or applicants to verify applicants' disclosure of non-salary-related information or to conduct background checks. If these verifications or checks disclose applicants' salary history, however, that disclosure cannot</p>	<p>Employers and their agents can't discharge or otherwise discriminate against employees because they:</p> <ul style="list-style-type: none"> <li>complain to employers, the Hawaii Department of Labor and Industrial Relations, or anyone else about their wages not being paid in accordance with the Equal pay law;</li> <li>initiate or trigger any proceedings related to the Equal pay law; or</li> <li>testify or are about to testify in those proceedings.</li> </ul> <p><a href="#">Haw. Rev. Stat. §§ 387-1, 387-12</a></p>	<p>Employers can be ordered to stop acts or practices that violate or will violate the Equal pay law and to comply with the law.</p> <p>Employers that willfully violate the law or related orders are guilty of a misdemeanor and fined \$50 to \$500 and/or imprisoned for up to one year. The same penalty applies to employers and their agents who pay or agree to pay employees less than what they are entitled to under the law. That penalty also applies to employers and their agents who violate the law's retaliation prohibition.</p> <p><a href="#">Haw. Rev. Stat. § 387-12</a></p>	<p>Coverage: Equal pay law: <a href="#">Haw. Rev. Stat. § 387-1</a> Fair employment practices law: <a href="#">Haw. Rev. Stat. §§ 378-1 to 378-2, 378-3</a> Pay Discrimination Prohibitions: Equal pay law: <a href="#">Haw. Rev. Stat. §§ 387-1, 387-4 to 387-4.5</a> Fair employment practices law: <a href="#">Haw. Rev. Stat. §§ 378-1 to 378-2.3, 378-3</a> <a href="#">Haw. Code R. 12-46-1, 12-46-183</a> Wage Disclosure: Fair employment practices law: <a href="#">Haw. Rev. Stat. § 378-2.3</a> Salary History: Fair employment practices law: <a href="#">Haw. Rev. Stat. § 378-2.4</a> Retaliation Prohibition: Equal pay law: <a href="#">Haw. Rev. Stat. §§ 387-1, 387-12</a> Penalties/Remedies: Equal pay law: <a href="#">Haw. Rev. Stat. § 387-12</a> <a href="#">Hawaii Laws: http://www.capitol.hawaii.gov/</a> Hawaii Department of Labor and Industrial Relations: <a href="http://labor.hawaii.gov/">http://labor.hawaii.gov/</a></p>

## The Pay Equity Project – Fifty-State Pay Equity Law Summary

Hawaii	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
			<p>permissible factor other than sex [,] do not violate this section.</p> <p>(b) An employer shall not retaliate or discriminate against an employee for, nor prohibit an employee from, disclosing the employee's wages, discussing and inquiring about the wages of other employees, or aiding or encouraging other employees to exercise their rights under this section."</p>		<p>be relied on to determine their salary, benefits, or other compensation during the hiring process, including employment contract negotiations.</p> <p>Applicants do not include applicants for an internal transfer or promotion with their current employer.</p> <p>Inquire means communicating written, verbal, or other questions or statements to applicants, their current or former employers, or the current or former employees or agents of those employers to obtain applicants' salary history. It also means conducting searches of publicly available records or reports to obtain applicants' salary history. It does not include informing applicants, in writing or otherwise, about a position's proposed or anticipated salary or salary range.</p> <p>Salary history includes applicants' current or prior salary, benefits, and other compensation, but does not include objective productivity measures such as revenue or sales reports. Haw. Rev. Stat. § 378-2.4</p>			

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Idaho	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
Idaho	<p>Public and private employers are covered by the Equal pay law.</p> <p><a href="https://legislature.idaho.gov/statutesrules/idstat/tile44/t44ch17/sect44-1701/">https://legislature.idaho.gov/statutesrules/idstat/tile44/t44ch17/sect44-1701/</a></p> <p>Idaho Code Ann. § 44-1701</p>	<p>Equal pay law: Sex</p> <p>Fair employment practices law: race, color, religion, sex, national origin, age, disability</p>	<p>Equal pay law: Employers cannot discriminate against employees in the same establishment based on sex. Specifically, employers cannot pay employees of one sex wage rates that are lower than the wage rates paid to employees of the opposite sex for comparable work that requires comparable skill, effort, and responsibility.</p> <p>Statutory Language: <a href="#">Idaho Code Ann. § 44-1702</a>. Discriminatory payment of wages based upon sex prohibited</p> <p>“(1) No employer shall discriminate between or among employees in the same establishment on the basis of sex, by paying wages to any employee in any occupation in this state at a rate less than the rate at which he pays any employee of the opposite sex for comparable work on jobs which have comparable requirements relating to skill, effort and responsibility. Differentials which are paid pursuant to established seniority systems or merit increase systems, which do not discriminate on the basis of sex, are not within this prohibition.”</p> <p>“(2) No person shall cause or attempt to cause an employer to discriminate against any employee in violation of this act.”</p> <p>“(3) No employer may discharge or discriminate against any employee by reason of any action taken by such employee to invoke or assist in any manner the enforcement of this act.”</p> <p>Fair employment practices law: Employers cannot discriminate against employees in compensation based on race, color, religion, sex, national origin, age, or disability. They also cannot reduce any employee's wages to comply with this prohibition. Employers can observe the terms of bona fide seniority systems if they are not used to evade the purposes of the Fair employment practices law. <a href="#">Idaho Code Ann. § 67-5909</a></p>	<p>Employers can pay differentials pursuant to established seniority systems or merit increase systems that do not discriminate based on sex. <a href="#">Idaho Code Ann. §§ 44-1701 to 44-1702</a></p>	N/A	<p>Employers cannot discharge or otherwise discriminate against employees because they file complaints or participate in proceedings under the Equal pay law.</p> <p><a href="#">Idaho Code Ann. § 44-1702</a></p>	<p>Employers that are sued can be ordered to: stop discriminatory practices; pay unpaid wages to which employees are entitled; pay additional liquidated damages equal to the amount of unpaid wages for willful violations; pay reasonable attorneys' fees and costs; and comply with other court orders, including orders to reinstate employees.</p> <p><a href="#">Idaho Code Ann. § 44-1704</a></p>	<p>Coverage: Equal pay law: Idaho Code Ann. § <a href="#">44-1701</a></p> <p>Fair employment practices law: <a href="#">Idaho Code Ann. §§ 67-5902, 67-5909 to 67-5910</a></p> <p>Pay Discrimination Prohibitions: Equal pay law: Idaho Code Ann. <a href="#">§§ 44-1701 to 44-1702</a></p> <p>Fair employment practices law: <a href="#">Idaho Code Ann. § 67-5909</a></p> <p>Retaliation Prohibition: Equal pay law: Idaho Code Ann. <a href="#">§ 44-1702</a></p> <p>Penalties/Remedies: Equal pay law: Idaho Code Ann. <a href="#">§ 44-1704</a></p> <p>Idaho Laws: <a href="https://legislature.idaho.gov/statutesrules/idstat/">https://legislature.idaho.gov/statutesrules/idstat/</a> / Idaho Department of Labor, Human Rights Commission: <a href="https://humanrights.idaho.gov/">https://humanrights.idaho.gov/</a></p>

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Illinois	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
Illinois	<p>Public and private employers with employees in Illinois are covered by Illinois Equal pay law. Employees do not include independent contractors. The law also applies to employers' officers or agents who willfully and knowingly permit employers to evade final judgments or final awards under the law. <a href="#">820 Ill. Comp. Stat. 112/5, 112/27; Ill. Admin. Code tit. 56, §§ 320.120 to 320.130</a></p> <p>Equal wage law: Manufacturing employers with six or more employees in Illinois are covered by the equal wage law. <a href="#">820 Ill. Comp. Stat. 110/1</a></p>	<p>Equal pay law: Sex, African Americans</p> <p>Fair employment practices law: sex, physical or mental disability</p>	<p>Equal pay law: Employers cannot discriminate based on sex in the payment of wages. Specifically, employers cannot pay wage rates to employees of one sex that are lower than wage rates paid to employees of the opposite sex for the same or substantially similar work that requires, until Sept. 29, 2019, equal skill, effort, and responsibility and is performed under similar work conditions. Effective Sept. 29, 2019, employers cannot pay wage rates to employees of one sex that are lower than wage rates paid to employees of the opposite sex that are lower than wage rates paid to other employees for the same or substantially similar work that requires substantially similar skill, effort, and responsibility and is performed under similar work conditions.</p> <p>Employers cannot discriminate against African Americans in the payment of wages. Specifically, employers cannot pay wage rates to African-American employees that are lower than wage rates paid to other employees for the same or substantially similar work that requires, until Sept. 29, 2019, equal skill, effort, and responsibility and is performed under similar work conditions. Effective Sept. 29, 2019, employers cannot pay wage rates to African-American employees that are lower than wage rates paid to other employees for the same or substantially similar work that requires substantially similar skill, effort, and responsibility and is performed under similar work conditions.</p> <p>Employers that pay wages to employees in violation of these prohibitions cannot reduce other employees' wages to achieve compliance.</p> <p>Wage means any compensation for employment, regardless of whether it is paid periodically or deferred until a later date. It includes wage, salary, commission, bonus, profit-sharing, and pension payments; vacation, holiday, sick, overtime, and premium pay; health, life, and disability insurance benefits; cafeteria plan and education benefits; and uniform, hotel, and vehicle expenses.</p> <p>Substantially similar work means comparable work on jobs that require comparable skill, effort, and responsibility. The focus is on actual job requirements and genuine differences in how work is performed, rather than job classifications or titles.</p>	<p>Equal pay law: Employers can pay different wage rates pursuant to: seniority systems; established, bona fide, uniform, and objective merit systems that reward employees with promotions, bonuses, pay raises, or other advantages based on competence, expertise, proficiency, and human relations; systems that measure earnings by production, quantity, or quality; or differentials that are not based on sex, race, or other factors protected under Illinois Fair employment practices law (775 Ill. Comp. Stat. Ann. 5/1-101 et seq.), provided, effective Sept. 29, 2019, that the factor is not based on a compensation differential based on sex or another protected characteristic, is job-related and consistent with a business necessity, and accounts for the compensation differential.</p> <p>Employers also can pay different wage rates to employees who work in different counties for work that requires equal skill, effort, and responsibility and is performed under similar work conditions. <a href="#">820 Ill. Comp. Stat. 112/10</a> (2019 Ill. Laws 101-0177 (H.B. 834)); Ill. Admin. Code tit. 56, § 320.120.</p>	<p>Equal pay law: Effective Sept. 29, 2019, it is unlawful for an employer, employment agency, or employee or agent thereof to: screen job applicants based on their current or prior wages or salary histories, including benefits or other compensation, by requiring that the wage or salary history of an applicant satisfy minimum or maximum criteria; request or require a wage or salary history as a condition of being considered for employment, as a condition of being interviewed, as a condition of continuing to be considered for an offer of employment, as a condition of an offer of employment or an offer of compensation; or request or require that an applicant disclose wage or salary history as a condition of employment.</p> <p>An employer also may not lawfully seek the wage or salary history, including benefits or other compensation, of a job applicant from the applicant's current or former employer, unless: the job applicant's wage or salary history is a matter of public record under the Freedom of Information Act, or any other equivalent State or federal law; the job applicant's wage or salary history</p>	<p>Employers cannot interfere with, restrain, or deny employees' exercise of any rights under the Equal pay law. Employers also cannot discharge or otherwise discriminate against employees because they: ask about, disclose, compare, or otherwise discuss their wages or other employees' wages; aid or encourage other employees to exercise their rights under the Equal pay law; file charges or initiate proceedings related to the law; give or are about to give information in connection with inquiries or proceedings related to the law; testify or are about to testify in inquiries or proceedings related to the law; or effective Sept. 29, 2019, fail to comply with any wage or salary history inquiry.</p> <p>Employers and their agents also cannot knowingly discharge or otherwise discriminate against employees because they: complain to employers or the Illinois Department of Labor about violations of the Fair employment practices law; initiate proceedings related to the Equal pay law or consult counsel for this purpose; testify or are about to testify in investigations</p>	<p>Employers that are sued by the Illinois Department of Labor can be fined and ordered to pay the amount of unpaid wages plus costs. Depending on their business size and the seriousness of violations: employers with fewer than four employees can be fined up to \$500 per affected employee for a first offense, up to \$2,500 per affected employee for a second offense and up to \$5,000 per affected employee for a subsequent offense; and employers with four or more employees can be fined up to \$2,500 per affected employee for a first offense, up to \$3,000 per affected employee for a second offense and up to \$5,000 per affected employee for a subsequent offense.</p> <p>Employers that are sued by employees can be ordered to pay the amount of unpaid wages plus interest, reasonable attorneys' fees and costs, and, effective Sept. 29, 2019, compensatory damages if the employee shows the employer acted with malice or reckless indifference, and punitive damages and injunctive relief as may be appropriate. If employers fail to pay unpaid wages within 15 calendar days after</p>	<p>Coverage: Equal pay law: <a href="#">820 Ill. Comp. Stat. 112/5, 112/27</a>; Ill. Admin. Code tit. 56, §§ 320.120 to 320.130</p> <p>Fair employment practices law: 775 Ill. Comp. Stat. 5/1-103 to 5/2-102 (2019 Ill. Laws 101-0430 (H.B. 252))</p> <p>Pay Discrimination Prohibitions: Equal pay law: <a href="#">820 Ill. Comp. Stat. 112/10</a> (2019 Ill. Laws 101-0177 (H.B. 834)); Ill. Admin. Code tit. 56, § 320.120</p> <p>Fair employment practices law: 775 Ill. Comp. Stat. 5/1-101.1 to 5/2-104; Ill. Admin. Code tit. 56, § 5210.50</p> <p>Wage Disclosure: Equal pay law: <a href="#">820 Ill. Comp. Stat. 112/10</a> (2019 Ill. Laws 101-0177 (H.B. 834))</p> <p>Salary History: Equal pay law: <a href="#">820 Ill. Comp. Stat. 112/10</a> (2019 Ill. Laws 101-0177 (H.B. 834))</p> <p>Retaliation Prohibition: Equal pay law: <a href="#">820 Ill. Comp. Stat. 112/5 to 112/10</a> (2019 Ill. Laws 101-0177 (H.B. 834)), 112/35 16</p> <p>Penalties/Remedies: Equal pay law: <a href="#">820 Ill. Comp. Stat. 112/5, 112/30 to 112/35</a> (2019 Ill. Laws 101-0177 (H.B. 834)); Ill. Admin. Code tit. 56, §§ 320.100, 320.120, 320.340</p>

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Illinois	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
			<p>Skill means experience, training, education, and ability that are needed to meet the job requirements.</p> <p>Effort is physical or mental exertion needed to perform the total requirements of the job. Factors that cause or alleviate fatigue on the job are considered in determining effort. Occasional or sporadic activities that require extra exertion do not justify a finding of equal or unequal effort.</p> <p>Responsibility is the degree of accountability required to perform the job. Minor or occasional responsibilities that are not significant or important do not justify a finding of equal or unequal responsibility.</p> <p>Similar work conditions are surroundings (such as toxic chemicals or fumes) and physical hazards that employees regularly encounter. Frequency and intensity are considered in determining whether work conditions are similar. Slight or inconsequential differences do not justify wage differentials if employers (or collective bargaining negotiations if applicable) do not usually take them into account when setting wage rates. Jobs in different departments or locations are not necessarily performed under dissimilar work conditions.</p> <p>Statutory Language: <a href="#">820 Ill. Comp. Stat. Ann. 112/10. §10</a> Prohibited acts.  “(a) No employer may discriminate between employees on the basis of sex by paying wages to an employee at a rate less than the rate at which the employer pays wages to another employee of the opposite sex for the same or substantially similar work on jobs the performance of which requires substantially similar skill, effort, and responsibility, and which are performed under similar working conditions, except where the payment is made under: a seniority system; a merit system; a system that measures earnings by quantity or quality of production; or a differential based on any other factor other than: (i) sex or (ii) a factor that would constitute unlawful discrimination under the Illinois Human Rights Act, 1 provided that the factor: (A) is not based on or derived from a differential in compensation based on sex or another protected characteristic; (B) is job-related with respect to the position and consistent with a business necessity; and (C) accounts for the differential.”</p> <p>Fair employment practices law:</p>	<p>Fair employment practices: Employers can apply different compensation standards pursuant to merit or retirement systems, unless these systems or their administration effectively violate the Fair employment practices law or are used to evade it. <a href="#">775 Ill. Comp. Stat. 5/1-101.1</a> to 5/2-104; Ill. <a href="#">Admin. Code tit. 56. § 5210.50</a>.</p> <p>Equal wage law: Employers cannot pay manufacturing employees unequal wages for equal work, by time or piecework, unless variations in pay rates are: based on seniority, experience, training, skill, or ability; based on regular or occasional duties or services performed; based on availability for other operations; based on any other reasonable classification besides sex; or authorized by contracts between employers and recognized bargaining agents. <a href="#">820 Ill. Comp. Stat. 110/1</a></p> <p>Employers can pay different wage rates pursuant to: seniority or merit systems; systems that measure earnings by production quantity or quality; or differentials based on factors other than sex and mental or physical disability.</p>	<p>is contained in a document completed by the applicant's current or former employer and then made available to the public by the employer, or submitted or posted by the employer to comply with State or federal law; or the job applicant is a current employee and is applying for a position with the same current employer.</p> <p>Nothing in these provisions prevents an employer, employment agency, or employee or agent thereof from: providing information about the wages, benefits, compensation, or salary offered in relation to a position; or engaging in discussions with a job applicant about the applicant's expectations with respect to wage or salary, benefits, and other compensation.</p> <p>An employer does not violate these provisions when a job applicant makes a voluntary wage or salary history disclosure, provided the employer does not rely on the voluntary disclosure when determining whether to offer the applicant employment, making a compensation offer, or determining future wages, salary, benefits, or other compensation. <a href="#">820 Ill. Comp. Stat. 112/10 (2019 Ill. Laws 101-0177 (H.B. 834))</a></p>	<p>or proceedings under the law; or offer any evidence of violations of the law.</p> <p><a href="#">820 Ill. Comp. Stat. 112/5 to 112/10 (2019 Ill. Laws 101-0177 (H.B. 834)), 112/35</a></p>	<p>payment is required by the department or ordered by a court, they must pay employees an additional 1 percent of unpaid wages for each calendar day that payment is delayed. The amount of this penalty cannot exceed twice the sum of unpaid wages due to employees.</p> <p>Wage disclosure and salary history violations (effective Sept. 29, 2019): A civil action may be brought against an employer for violations of the wage disclosure or salary history provisions within five years from the date of the violation. An employer found to have violated these provisions may be ordered to pay the employee: any damages incurred; special damages not to exceed \$10,000; injunctive relief as may be appropriate; and reasonable attorneys' fees and costs necessary to make the employee whole, as determined by the court.</p> <p>An employee that receives special damages may only recover compensatory damages to the extent that they exceed the special damages amount. Employers that violate these provisions may also be ordered to pay a civil penalty of up to</p>	<p>Illinois Laws: <a href="http://www.ilga.gov/legislation/ilcs/ilcs.asp">http://www.ilga.gov/legislation/ilcs/ilcs.asp</a> Illinois</p> <p>Regulations: <a href="http://www.ilga.gov/commission/jcar/admincode/titles.html">http://www.ilga.gov/commission/jcar/admincode/titles.html</a></p> <p>Illinois Department of Labor: <a href="http://www.state.il.us/agency/idol/">http://www.state.il.us/agency/idol/</a> Illinois</p> <p>Department of Human Rights: <a href="http://www2.illinois.gov/dhr/Pages/default.aspx">http://www2.illinois.gov/dhr/Pages/default.aspx</a></p>

## The Pay Equity Project – Fifty-State Pay Equity Law Summary

Illinois	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
			<p>Employers cannot discriminate based on sex in negotiating or establishing wages, benefits, or other compensation. Employers also cannot differentiate wages or benefits based on sex among employees performing the same or substantially similar work under similar work conditions. In addition, employers cannot aid, abet, compel, or coerce anyone to violate the Fair employment practices law.</p> <p>Agreements and waivers (effective Jan. 1, 2020): Certain agreements, clauses, covenants, and waivers related to Fair employment practices law are invalid. For more information, see “Agreements and Waivers” in Illinois Equal Employment Opportunity.</p> <p>Minimum wage law: Employers cannot discriminate based on sex in the payment of wages. Specifically, employers cannot pay wage rates to employees of one sex that are lower than wage rates paid to employees of the opposite sex for the same or substantially similar work that requires equal skill, effort, and responsibility and is performed under similar work conditions.</p> <p>Employers cannot discriminate based on mental or physical disability in the payment of wages. Specifically, employers cannot pay wage rates to employees with disabilities that are lower than wage rates paid to employees without disabilities for the same or substantially similar work that requires equal skill, effort, and responsibility and is performed under similar work conditions.</p> <p>Employers can pay a subminimum wage to employees with disabilities under certain conditions. For more information, see “Amount of Subminimum Wage” in Illinois Minimum Wage. <a href="#">820 Ill. Comp. Stat. 105/4</a></p> <p>Wages of Women and Minors Act: Employers cannot employ women (age 18 or older) or minors (under age 18) in Illinois at an oppressive and unreasonable wage that is less than the fair and reasonable value of services rendered and insufficient to meet the minimum cost of living necessary for their health. Any contract, agreement, or understanding related to such employment is null and void.</p> <p>Employers and corporate officers or agents cannot pay or agree to pay women or minors less than the rates applicable to them under a mandatory</p>				<p>\$5,000 per affected employee for each violation, depending on their business size and the seriousness of violations.</p> <p>Retaliation prohibition: Employers that violate the retaliation prohibition are fined up to \$5,000 per affected employee for each violation, depending on their business size and the seriousness of violations. Employers and their agents who commit knowing violations can be ordered to pay back and front pay, restore the value of lost benefits, pay an additional equal amount as liquidated damages and comply with other remedies.</p> <p><a href="#">820 Ill. Comp. Stat. 112/5, 112/30 to 112/35</a> (2019 Ill. Laws 101-0177 (H.B. 834)); <a href="#">Ill. Admin. Code tit. 56, §§ 320.100, 320.120, 320.340</a></p>	

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Illinois	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
			<p>minimum fair wage order. Employers can employ women or minors at subminimum fair wage rates under certain conditions if their earning capacity is impaired by age or by physical or mental deficiency or injury.</p> <p><a href="#">820 Ill. Comp. Stat. 125/1 to 125/2, 125/8, 125/15</a></p>					

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Indiana	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
Indiana	Public and private employers are covered by the Equal pay law if they have two or more employees. The law does not apply to employers that are subject to the federal Fair Labor Standards Act. <a href="#">Ind. Code § 22-2-2-3</a>	Sex	Employers cannot pay employees of one sex at wage rates that are lower than the wage rates paid to employees of the opposite sex for equal work that requires equal skill, effort, and responsibility under similar working conditions in the same workplace. Employers that violate the Equal pay law cannot reduce any employee's wage rate to comply with the law. Statutory Language: <a href="#">Ind. Code Ann. § 22-2-2-4</a> . Minimum wage; discrimination; tip credits; overtime pay; exceptions; domestic service; railway or other carrier; remedial education (effective April 1, 2020) “(a) No employer having employees subject to any provisions of this section shall discriminate, within any establishment in which employees are employed, between employees on the basis of sex by paying to employees in such establishment a rate less than the rate at which the employer pays wages to employees of the opposite sex in such establishment for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to: (1) a seniority system; a merit system; a system which measures earnings by quantity or quality of production; or a differential based on any other factor other than sex. (b) An employer who is paying a wage rate differential in violation of subsection (a) shall not, in order to comply with subsection (a), reduce the wage rate of any employee, and no labor organization, or its agents, representing employees of an employer having employees subject to subsection (a) shall cause or attempt to cause such an employer to discriminate against an employee in violation of subsection (a).”	Employers can pay different wage rates pursuant to seniority, merit, or piece-rate systems or any factor other than sex. <a href="#">Ind. Code § 22-2-2-4</a>	N/A	N/A	Employers that violate the Equal pay law are guilty of a class C infraction and fined up to \$500, imprisoned for up to 60 days, or both. For a subsequent violation, employers are guilty of a class B misdemeanor and fined up to \$1,000, imprisoned for up to 180 days, or both. Employers that knowingly or intentionally violate the law are guilty of a class A infraction and fined up to \$5,000, imprisoned for up to one year, or both. Employers that are sued also can be ordered to pay the balance of wages due, plus liquidated damages of an equal amount, reasonable attorneys' fees, and court costs.  <a href="#">Ind. Code §§ 22-2-2-9, 22-2-2-11</a>	Coverage: <a href="#">Ind. Code § 22-2-2-3</a>  Pay Discrimination Prohibitions: <a href="#">Ind. Code § 22-2-2-4</a> <a href="#">Penalties/Remedies: Ind. Code §§ 22-2-2-9, 22-2-2-11</a>  Indiana Laws: <a href="http://www.ai.org/legislative/ic/code/">http://www.ai.org/legislative/ic/code/</a> Indiana Department of Labor: <a href="https://www.in.gov/dol/">https://www.in.gov/dol/</a>



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Iowa	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
Iowa	See Fair employment practices law.	Age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability	<p>Employers cannot discriminate in pay based on age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability. Specifically, employers cannot pay wages to employees in a protected class at rates that are less than the rates paid to other employees for equal work that requires equal skill, effort, and responsibility under similar working conditions in the same establishment. Such pay discrimination occurs when discriminatory pay decisions or other practices are adopted; when employees become subject to these decisions or practices; and when employees are affected by the application of the decisions or practices, including each time wages, benefits, or other compensation are paid. Employers cannot remedy these violations by reducing any employees' wage rate.</p> <p>Employers and their employees cannot intentionally aid, abet, compel, or coerce anyone to commit unlawful discriminatory practices. Iowa Code §§ 216.6A (see Smart Code® for the latest cases), 216.11</p> <p>Statutory Language: Iowa Code Ann. § 216.6A Additional unfair or discriminatory practice--wage discrimination in employment "2. a. It shall be an unfair or discriminatory practice for any employer or agent of any employer to discriminate against any employee because of the age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability of such employee by paying wages to such employee at a rate less than the rate paid to other employees who are employed within the same establishment for equal work on jobs, the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions. An employer or agent of an employer who is paying wages to an employee at a rate less than the rate paid to other employees in violation of this section shall not remedy the violation by reducing the wage rate of any employee. b. For purposes of this subsection, an unfair or discriminatory practice occurs when a discriminatory pay decision or other practice is adopted, when an individual becomes subject to a discriminatory pay decision or other practice, or when an individual is affected by application of a discriminatory pay decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or other practice.</p>	N/A	N/A	See Fair employment practices law.	<p>For violations of the pay discrimination provisions, damages include reasonable attorneys' fees, court costs, and an amount equal to two times (three times for willful violations) the wage differential owed to employees for the period when they were subject to unlawful pay discrimination. [Note: The Iowa Supreme Court clarified that employees cannot seek damages under the law's pay discrimination provisions (Iowa Code § 216.6A) for wage payments that occurred before April 28, 2009, when the provisions were enacted. The court also found that employees can seek damages for wage claims under the law's general discrimination provisions (Iowa Code § 216.6) in addition to the pay discrimination provisions; however, these damages are limited to wage payments that occurred within 300 days before they filed a complaint with the Iowa Civil Rights Commission (Dindinger v. Allsteel Inc., 860 N.W.2d 557 (2015).]</p> <p><a href="#">Iowa Code § 216.15</a></p>	<p>Coverage: Iowa Code §§ 216.2, 216.6A Iowa Admin. Code r. 161-2.1</p> <p>Pay Discrimination Prohibitions: Iowa Code §§ 216.6A, 216.11 Penalties/Remedies: Iowa Code § 216.15 Iowa Laws: <a href="https://www.legis.iowa.gov/law/iowaCode">https://www.legis.iowa.gov/law/iowaCode</a> Iowa Regulations: <a href="https://www.legis.iowa.gov/law/administrativerules">https://www.legis.iowa.gov/law/administrativerules</a></p>

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Iowa	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
			<p>It shall be an affirmative defense to a claim arising under this section if any of the following applies:                      Payment of wages is made pursuant to a seniority system.                      Payment of wages is made pursuant to a merit system.                      Payment of wages is made pursuant to a system which measures earnings by quantity or quality of production.                      Pay differential is based on any other factor other than the age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability of such employee.                      4. This section shall not apply to any employer who regularly employs less than four individuals. For purposes of this subsection, individuals who are members of the employer's family shall not be counted as employees."</p>					

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## The Pay Equity Project – Fifty-State Pay Equity Law Summary

Kansas	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
<p><b>Kansas</b></p>	<p>Private and public employers, excluding the federal government, are covered by the Equal pay law. The law does not apply to employers that are subject to the federal Fair Labor Standards Act; employees who work in a bona fide executive, administrative or professional capacity; and employees who are 18 years of age or younger and work on an occasional or part-time basis.</p> <p><a href="#">Kan. Stat. Ann. § 44-1202</a></p>	<p>Equal pay law: sex</p> <p>Fair employment practices law: race, religion, color, sex, disability, national origin, ancestry, or age (40 or older)</p>	<p>Equal pay law: Employers cannot pay employees of one sex at wage rates that are lower than the wage rates paid to employees of the opposite sex for equal work that requires equal skill, effort and responsibility under similar working conditions in the same workplace. Employers also cannot make sex-based distinctions in paying wages or setting hours.</p> <p>Statutory Language <a href="#">Kan. Stat. Ann. § 44-1205</a>. Same; discrimination in payment of wages within establishment between sexes prohibited; exceptions “On and after January 1, 1978, no employer having employees of both sexes shall discriminate, within any establishment in which such employees are employed, between employees on the basis of sex by paying wages to employees in such establishment at a rate less than the rate of wages paid to employees of the opposite sex in such establishment for equal work on jobs, the performance of which requires equal skill, effort and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to: (a) A seniority system; (b) a merit system; (c) a system which measures earnings by quantity or quality of production; or (d) a differential based on a factor other than sex. An employer who is paying wage rate differential in violation of this section shall not be required, in order to comply with the provisions of this section, to reduce the wage rate of any employee.”</p> <p>Fair employment practices law: Employers cannot discriminate in compensation based on race, religion, color, sex, disability, national origin, ancestry, or age (40 or older). <a href="#">Kan. Stat. Ann. §§ 44-1009, 44-1113</a></p>	<p>Employers can pay different wage rates pursuant to seniority, merit or piece-rate systems or any reasonable factor other than sex. <a href="#">Kan. Stat. Ann. § 44-1205</a> Kan. Admin. Regs. 21-32-1</p>	<p>N/A</p>	<p>Employers cannot discharge or otherwise discriminate against employees who file complaints or participate in investigations, hearings or other anti-discrimination proceedings.</p> <p><a href="#">Kan. Stat. Ann. § 44-1210</a></p>	<p>Employers that are sued can be ordered to pay the balance of wages to which employees are entitled, reasonable attorneys' fees and costs. Employers that violate the Equal pay law, falsify records or retaliate against employees also can be fined \$200 to \$1,000.</p> <p><a href="#">Kan. Stat. Ann. §§ 44-1208, 44-1210, 44-1211</a></p>	<p>Coverage: Equal pay law: Kan. Stat. Ann. § <a href="#">44-1202</a> <a href="#">Fair employment practices law: Kan. Stat. Ann. 44-1002, 44-1112</a></p> <p>Pay Discrimination Prohibitions: Equal pay law: <a href="#">Kan. Stat. Ann. § 44-1205</a> Kan. Admin. Regs. 21-32-1 Fair employment practices law: <a href="#">Kan. Stat. Ann. §§ 44-1009, 44-1113</a></p> <p>Retaliation Prohibition: <a href="#">Kan. Stat. Ann. § 44-1210</a></p> <p>Penalties/Remedies: Equal pay law: <a href="#">Kan. Stat. Ann. §§ 44-1208, 44-1210, 44-1211</a></p> <p>Kansas Laws: <a href="http://www.kslegislature.org/li/statute/">http://www.kslegislature.org/li/statute/</a> Kansas Regulations: <a href="http://www.kssos.org/">http://www.kssos.org/</a> Kansas Department of Labor: <a href="http://www.dol.ks.gov/home/html/about_ALL.html">http://www.dol.ks.gov/home/html/about_ALL.html</a></p>

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Kentucky	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages	Citing References
<b>Kentucky</b>	<p>Public and private employers (and their agents) are covered by the Equal pay law if they have two or more employees in the state in each of 20 or more calendar weeks in the current or preceding calendar year. The law does not apply to employers if they are subject to the federal Fair Labor Standards Act, the FLSA's requirements are comparable to or greater than the Equal pay law's requirements, and they file a statement with the Kentucky Department of Workplace Standards regarding their FLSA coverage.</p> <p>Ky. Rev. Stat. Ann. §§ <a href="#">337.420</a>, <a href="#">337.423</a>; <a href="#">803 Ky. Admin. Regs. 1:025</a></p> <p>Public and private employers are covered by the retaliation prohibition</p>	<p>Equal pay law: Sex</p> <p>Fair employment practices law: Race, color, religion, national origin, sex, or age (40 and older); because they are a qualified person with a disability; or because they are a smoker or nonsmoker (as long as they comply with any workplace smoking policy).</p> <p>Equal Opportunity Act: Physical disabilities, which are congenital or acquired physical conditions that constitute substantial disabilities and are verifiable through medically accepted clinical or laboratory diagnostic techniques. Employees and applicants who have AIDS, AIDS-related complex, or HIV are afforded the same protections as persons with disabilities.</p>	<p>Equal pay law: Employers cannot discriminate based on sex, in any occupation in Kentucky, by paying employees of one sex at wage rates that are less than the wage rates paid to employees of the opposite sex for comparable work that requires comparable skill, effort, and responsibility in the same establishment. If employers pay wage rate differentials in violation of the Equal pay law, they cannot reduce any employee's wage rate to comply with the law. Employers also cannot limit a position to employees of one sex, through hiring, discharges, or transfers, to avoid complying with the law.</p> <p>Unlawful pay discrimination can occur even when men and women are not employed in the same job at the same time. For example, if a woman is hired or assigned to a position that was previously held by a man, employers must compare their wage rates to ensure compliance.</p> <p>Occupation includes any industry, trade, business, employment, or type of employment.</p> <p>Wage rates cover all payments made to or on behalf of employees as remuneration for employment, including in-kind payments and amounts paid by employers for employee benefits such as pension or insurance benefits, vacation or holiday pay, and premium pay for overtime, weekend, or holiday work; they do not include reasonable payments for reimbursable expenses incurred for work-related travel. Making unequal benefit contributions for employees of opposite sexes is not considered a violation if the resulting benefits are equal for employees of both sexes.</p> <p>Skill includes factors such as experience, training, education, and ability that are needed to meet a job's requirements.</p> <p>Effort is the degree or amount of physical or mental exertion needed to perform a job. Jobs can require comparable effort even when the effort is different or exerted in different ways.</p> <p>Responsibility is the degree of accountability needed to perform a job, with an emphasis on the importance of the job obligation. Establishment applies to all work performed in an establishment, even if employees perform the work away from the physical premises of the establishment where they are employed.</p>	<p>Equal pay law: Employers can pay wage rate differentials pursuant to established seniority or merit increase systems that do not discriminate based on sex. Employers be able to show that these differentials are based on factors other than sex.</p> <p>Fair employment practices law: Employers can apply different compensation standards pursuant to bona fide seniority or merit systems, pursuant to systems that measure earnings by production quantity or quality or to employees who work in different locations if these differences are not the result of an intention to discriminate based on race, color, religion, national origin, sex or age (40 and older), or a qualified person's disability. Ky. Rev. Stat. Ann. §§ <a href="#">344.040</a>, <a href="#">344.100</a></p> <p>Equal Opportunity Act: Employers also cannot discriminate against employees and applicants with respect to wages or rates of pay on the basis of the results of an HIV-related test, unless the absence of HIV infection is a bona fide occupational qualification. Ky. Rev. Stat. Ann. §§ <a href="#">207.130</a>, <a href="#">207.150</a></p>	N/A	<p>Employers cannot discharge or otherwise discriminate against employees because they take any action to initiate or assist with the Equal pay law's enforcement. Such action includes making complaints to employers, the Kentucky Department of Workplace Standards or any person and initiating, triggering, testifying in or preparing to testify in any proceedings related to the law.</p> <p>Ky. Rev. Stat. Ann. §§ <a href="#">337.420</a> to <a href="#">337.423</a>, <a href="#">337.990</a></p>	<p>Employers that are sued can be ordered to: stop violations; pay the amount of wages owed to employees, plus up to an equal amount in liquidated damages for willful violations; reinstate employees; pay reasonable attorneys' fees and costs; and provide other remedies.</p> <p>Employers that violate the retaliation prohibition also are fined \$100 to \$1,000.</p> <p>Ky. Rev. Stat. Ann. §§ <a href="#">337.427</a>, <a href="#">337.990</a></p>	<p>Coverage: Equal pay law: Ky. Rev. Stat. Ann. §§ <a href="#">337.420</a> to <a href="#">337.423</a>; <a href="#">803 Ky. Admin. Regs. 1:025</a> Fair employment practices law: Ky. Rev. Stat. Ann. §§ <a href="#">344.010</a>, <a href="#">344.030</a>, <a href="#">344.050</a> to <a href="#">344.060</a> Pay Discrimination Prohibitions: Equal pay law: Ky. Rev. Stat. Ann. §§ <a href="#">337.420</a> to <a href="#">337.423</a>; <a href="#">803 Ky. Admin. Regs. 1:025</a> Fair employment practices law: Ky. Rev. Stat. Ann. §§ <a href="#">344.040</a>, <a href="#">344.100</a> Retaliation Prohibition: Equal pay law: Ky. Rev. Stat. Ann. §§ <a href="#">337.420</a> to <a href="#">337.423</a>, <a href="#">337.990</a> Mandatory Poster: Equal pay law: Ky. Rev. Stat. Ann. § <a href="#">337.433</a> Penalties/Remedies: Equal pay law: Ky. Rev. Stat. Ann. §§ <a href="#">337.427</a>, <a href="#">337.990</a> Kentucky Laws: <a href="http://www.lrc.ky.gov/Statutes/index.aspx">http://www.lrc.ky.gov/Statutes/index.aspx</a> Kentucky Regulations: <a href="http://www.lrc.ky.gov/kar/frntpage.htm">http://www.lrc.ky.gov/kar/frntpage.htm</a> Kentucky Labor Cabinet, Department of Workplace Standards: <a href="https://labor.ky.gov/standards/Pages/default.aspx">https://labor.ky.gov/standards/Pages/default.aspx</a></p>

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Kentucky	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages	Citing References
			<p>Ky. Rev. Stat. Ann. <a href="#">337.420</a>, <a href="#">337.423</a>; <a href="#">803 Ky. Admin. Regs. 1:025</a></p> <p>Statutory Language Ky. <a href="#">Rev. Stat. Ann. § 337.423</a>. Discrimination prohibited “(1) No employer shall discriminate between employees in the same establishment on the basis of sex, by paying wages to any employee in any occupation in this state at a rate less than the rate at which he or she pays any employee of the opposite sex for comparable work on jobs which have comparable requirements relating to skill, effort and responsibility. Differentials which are paid pursuant to established seniority systems or merit increase systems, which do not discriminate on the basis of sex, shall not be included within this prohibition. Nothing in KRS 337.420 to 337.433 and 337.990(11) shall apply to any employer who is subject to the federal Fair Labor Standards Act of 1938,1 as amended, when that act imposes comparable or greater requirements than contained in KRS 337.420 to 337.433 and 337.990(11) and when the employer files with the commissioner of the Department of Workplace Standards a statement that the employer is covered by the federal Fair Labor Standards Act of 1938, as amended. An employer who is paying a wage differential in violation of KRS 337.420 to 337.433 and 337.990(11) shall not, in order to comply with it, reduce the wage rates of any employee. No person shall cause or attempt to cause an employer to discriminate against any employee in violation of KRS 337.420 to 337.433 and 337.990(11).” No employer may discharge or discriminate against any employee by reason of any action taken by such employee to invoke or assist in any manner the enforcement of KRS 337.420 to 337.433 and 337.990(11).”</p> <p>Fair employment practices law: Employers cannot discriminate against employees in compensation based on race, color, religion, national origin, sex, or age (40 and older); because they are a qualified person with a disability; or because they are a smoker or nonsmoker (as long as they comply with any workplace smoking policy).</p> <p>Equal Opportunity Act: Employers cannot discriminate against employees and applicants with respect to wages or rates of pay on the basis of physical disability, unless the disability restricts the employee's or applicant's</p>					

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Kentucky	Coverage	Protected Classes	Key Provisions		Employer Defenses	Salary History	Retaliation	Remedies/Damages	Citing References
			ability to perform a job or otherwise permitted by law. Physical disabilities are congenital or acquired physical conditions that constitute substantial disabilities and are verifiable through medically accepted clinical or laboratory diagnostic techniques. Employees and applicants who have AIDS, AIDS-related complex, or HIV are afforded the same protections as persons with disabilities.						

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Louisiana	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
Louisiana	<p>Public and private employers with 20 or more employees in Louisiana for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, employment agencies and labor organizations are covered by the discrimination prohibitions. Employees do not include domestic service workers and anyone employed by a parent, spouse or child.</p> <p><a href="#">La. Rev. Stat. Ann. §§ 23:302, 23:312, 23:323, 23:332, 23:341, 23:352, 23:368</a></p>	<p>Race, color, religion, sex, national origin, age (40 or older), disability, sick cell trait, genetic information, if female (pregnancy, childbirth, or related medical conditions)</p>	<p>Employers cannot intentionally discriminate against employees in compensation based on race, color, religion, sex or national origin. They also cannot intentionally pay employees of one sex wage rates that are lower than the wage rates paid to employees of the opposite sex for equal work that requires equal skill, effort and responsibility under similar working conditions.</p> <p>Employers also cannot discriminate against employees in compensation based on age (40 and older) or reduce the wage rate of any employee to comply with this prohibition. In addition, employers cannot:</p> <ul style="list-style-type: none"> <li>discriminate against employees in compensation based on disability if they can perform the essential functions of their job with reasonable accommodation;</li> <li>discriminate against employees in compensation because they have sickle cell trait or reduce the wage rate of any employee to comply with this prohibition;</li> <li>discriminate against otherwise qualified employees in compensation based on their genetic information or information about their requests for or receipt of genetic services; or</li> <li>discriminate against female employees in compensation based on pregnancy, childbirth or related medical conditions.</li> </ul> <p>La. Rev. Stat. Ann. <a href="#">23:311 to 23:312, 23:322 to 23:323, 23:332, 23:342, 23:352, 23:368</a></p> <p>Statutory Language <a href="#">La. Stat. Ann. § 23:332</a>.                      Intentional discrimination in employment                      “A. It shall be unlawful discrimination in employment for an employer to engage in any of the following practices:                      (1) Intentionally fail or refuse to hire or to discharge any individual, or otherwise to intentionally discriminate against any individual with respect to compensation, or terms, conditions, or privileges of employment, because of the individual's race, color, religion, sex, or national origin.                      (3) Intentionally pay wages to an employee at a rate less than that of another employee of the opposite sex for equal work on jobs in which their performance requires equal skill, effort, and responsibility and which are performed under similar working conditions. An employer paying wages in violation of this Section may not reduce the wages of any other employee in order to comply with this Section.”</p>	<p>Employers that pay wages in violation of these pay discrimination prohibitions cannot reduce any employees' wages to comply with the prohibitions. Employers can apply different compensation standards, under certain circumstances, if such differences are not the result of an intention to discriminate based on race, color, religion, sex or national origin. Specifically, employers can differentiate compensation pursuant to bona fide seniority or merit systems; pursuant to systems that measure earnings by production quantity or quality; based on factors other than sex; or to employees who work in different locations.</p> <p>Employers can differentiate compensation based on reasonable factors other than age or to comply with bona fide seniority systems that are not designed to evade this pay discrimination prohibition.</p>	N/A	See Fair employment practices law.	See Fair employment practices law.	<p><a href="#">Coverage: La. Rev. Stat. Ann. §§ 23:302, 23:312, 23:323, 23:332, 23:341, 23:352, 23:368</a>  <a href="#">Pay Discrimination Prohibitions: La. Rev. Stat. Ann. 23:311 to 23:312, 23:322 to 23:323, 23:332, 23:342, 23:352, 23:368</a></p> <p>Louisiana Laws:  <a href="http://www.legis.state.la.us/">http://www.legis.state.la.us/</a></p>

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Maine	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
Maine	<p>Public and private employers are covered by the Equal pay law.</p> <p><a href="#">Me. Rev. Stat. Ann. tit. 26, § 628</a></p>	<p>Equal pay law: Sex</p> <p>Fair employment practices law: Race, color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin, previous assertions of workers' compensation claims or rights, or previous reports of or refusals to commit illegal acts. Sex includes pregnancy or related medical conditions.</p>	<p>Equal pay law: Employers cannot discriminate based on sex in any occupation by paying employees of one sex at wage rates that are less than the wage rates paid to employees of the opposite sex for comparable work that requires comparable skill, effort, and responsibility at the same establishment in Maine. An establishment operated at different locations is considered a single establishment if employees are engaged in functionally similar operations and there is a substantial degree of central authority for establishing personnel rules and approving wage rates.</p> <p>Wages are all forms of compensation for employment, including: periodic or deferred payments; wage, salary, profit-sharing, expense account, monthly minimum, bonus, board, lodging, vacation, or holiday payments; premium pay for weekend, holiday, or other work in excess or outside of employees' regular schedule; and uniform cleaning, company car, or gasoline allowances.</p> <p>Skill means job performance requirements, including experience, training, education, ability, human relations, and communication. Job performance efficiency is not a factor in evaluating skill level.</p> <p>Effort is the physical or mental exertion required to perform all of a job's requirements to a reasonable, necessary extent under the job's working conditions.</p> <p>Responsibility is the degree of accountability and reliability required.</p> <p>Salary history: Violations of the provisions on compensation history inquiries can constitute evidence of unlawful employment discrimination under the Equal pay law. For more information, see "Salary History" in this summary. <a href="#">Me. Rev. Stat. Ann. tit. 26, § 628</a>; 12-170-12 Me. Code R. § 1</p> <p>Fair employment practices law: Employers cannot discriminate in compensation based on race, color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin, previous assertions of workers' compensation claims or rights, or previous reports of or refusals</p>	<p>Employers can pay different wages pursuant to established seniority systems, merit increase systems, or differences in the shift or time of day worked if these differentials do not discriminate based on sex. Seniority systems are systems that give preference to workers based on years of service. Merit increase systems are bona fide, uniform, objective systems that reward employees with promotions, pay increases, or other advantages based on competence.</p>	<p>Equal pay law (effective on or about Sept. 17, 2019): An employer cannot use or inquire about an applicant's compensation history, from the applicant or the applicant's current or former employer, unless an employment offer has been negotiated and made to the applicant which includes all terms of compensation. After such an offer has been negotiated and made, the employer can inquire about or confirm the applicant's compensation history. These provisions do not apply if federal or state law specifically requires disclosure or verification of compensation history for employment purposes. <a href="#">Me. Rev. Stat. Ann. tit. 26, § 628-A</a> (2019 Me. Laws 35 (L.D. 278)) Fair employment practices law (effective on or about Sept. 17, 2019): If an employer violates the compensation history provisions by directly or indirectly inquiring about an applicant's compensation history from the applicant or the applicant's current or former employer, or otherwise seeking an applicant's compensation history information, such actions constitute evidence of unlawful employment discrimination under</p>	<p>Employers cannot discharge or discriminate against employees because they file complaints under the Equal pay law or otherwise assist in enforcing the law. <a href="#">Me. Rev. Stat. Ann. tit. 26, § 628</a></p>	<p>Employers that violate the Equal pay law can be ordered to pay: a fine of \$100 to \$500 for each violation; the amount of unpaid wages; damages equal to twice the amount of unpaid wages; and reasonable interest, reasonable attorneys' fees, and costs.</p> <p><a href="#">Me. Rev. Stat. Ann. tit. 26, §§ 626-A, 628-A</a> (2019 Me. Laws 35 (L.D. 278))</p>	<p>Coverage: Equal pay law: <a href="#">Me. Rev. Stat. Ann. tit. 26, § 628</a> Fair employment practices law: Me. Rev. Stat. Ann. tit. 5, § 4553 (2019 Me. Laws 464 (L.D. 1701)) 94-348-003 Me. Code R. §§ 1 to 2</p> <p>Pay Discrimination Prohibitions: Equal pay law: Me. Rev. Stat. Ann. tit. 26, § 628 12-170-12 Me. Code R. § 1 Fair employment practices law: Me. Rev. Stat. Ann. tit. 5, §§ 4553, 4571 to 4572-A 94-348-003 Me. Code R. §§ 1, 3, 13</p> <p>Wage Disclosure: Equal pay law: <a href="#">Me. Rev. Stat. Ann. tit. 26, § 628</a> (2019 Me. Laws 35 (L.D. 278))</p> <p>Salary History: Equal pay law: <a href="#">Me. Rev. Stat. Ann. tit. 26, § 628-A</a> (2019 Me. Laws 35 (L.D. 278)) Fair employment practices law: Me. Rev. Stat. Ann. tit. 5, § 4577 (2019 Me. Laws 35 (L.D. 278))</p> <p>Retaliation Prohibition: Equal pay law: <a href="#">Me. Rev. Stat. Ann. tit. 26, § 628</a></p> <p>Penalties/Remedies: Equal pay law: <a href="#">Me. Rev. Stat. Ann. tit. 26, §§ 626-A, 628-A</a> (2019 Me. Laws 35 (L.D. 278))</p> <p>Maine Laws: <a href="http://www.mainelegislature.org/legis/statutes/">http://www.mainelegislature.org/legis/statutes/</a> Maine Regulations:</p>



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Maine	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
			<p>to commit illegal acts. Sex includes pregnancy or related medical conditions.</p> <p>Salary history: Violations of the provisions on compensation history inquiries can constitute evidence of unlawful employment discrimination under the Fair employment practices law. For more information, see “Salary History” in this summary.  <a href="#">Me. Rev. Stat. Ann. tit. 5, §§ 4553, 4571 to 4572-A; 94-348-003 Me. Code R. §§ 1, 3, 13</a></p> <p>Statutory Language: <a href="#">Me. Rev. Stat. tit. 26, § 628. Equal pay</a>                      “An employer may not discriminate between employees in the same establishment on the basis of sex by paying wages to any employee in any occupation in this State at a rate less than the rate at which the employer pays any employee of the opposite sex for comparable work on jobs that have comparable requirements relating to skill, effort and responsibility.                      Differentials that are paid pursuant to established seniority systems or merit increase systems or difference in the shift or time of the day worked that do not discriminate on the basis of sex are not within this prohibition. An employer may not discharge or discriminate against any employee by reason of any action taken by such employee to invoke or assist in any manner the enforcement of this section. An employer may not prohibit an employee from disclosing the employee’s own wages or from inquiring about or disclosing another employee’s wages if the purpose of the disclosure or inquiry is to enforce the rights granted by this section. Nothing in this section creates an obligation to disclose wages.”                      “The Department of Labor shall annually report to the joint standing committee of the Legislature having jurisdiction over labor matters on progress made in the State to comply with this section. The report must be issued annually on Equal Pay Day as designated pursuant to Title 1, section 145.”</p>		<p>the Fair employment practices law and the Equal pay law, unless: an employment offer that includes all terms of compensation has already been negotiated and made to the applicant; the employer is seeking to confirm compensation history information that was voluntarily disclosed by the applicant, without prompting by the employer; or federal or state law specifically requires disclosure or verification of compensation history for employment purposes.</p> <p><a href="#">Me. Rev. Stat. Ann. tit. 5, § 4577</a> (2019 Me. Laws 35 (L.D. 278))</p>			<p><a href="http://www.maine.gov/so/s/cec/rules/index.html">http://www.maine.gov/so/s/cec/rules/index.html</a>                      Maine Department of Labor, Bureau of Labor Standards: <a href="http://www.maine.gov/labor/">http://www.maine.gov/labor/</a>                      Office of the Maine Attorney General: <a href="http://www.maine.gov/ag/">http://www.maine.gov/ag/</a></p>

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Maryland	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
<p><b>Maryland</b></p>	<p>Public and private employers (and their agents) are covered by Maryland Equal pay law if they do business in the state and employ both men and women in a lawful enterprise.</p> <p><a href="#">Md. Code Ann., Lab. &amp; Empl. §§ 3-301, 3-302</a></p>	<p>Equal pay law: Sex, gender identity</p> <p>Fair employment practices law: race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or genetic information; a disability if the nature and extent of the disability are not reasonably related to preventing job performance; or a refusal to submit to a genetic test or make genetic test results available.</p>	<p>Equal pay law: Employers cannot discriminate by paying employees of one sex or gender identity at wage rates that are less than the wage rates paid to employees of the opposite sex or gender identity. Specifically, this prohibition applies to employees who work in any occupation in the same establishment if they perform work that is comparable or on the same operation, in the same business, or of the same type. Employers that violate these prohibitions cannot reduce any employees' wages to comply with the prohibitions.</p> <p>Wage means all compensation for employment, including board, lodging and other benefits provided to employees for employers' convenience. Employees are considered to work at the same establishment if they work for the same employer at workplaces located in the same Maryland county. Gender identity is defined in <a href="#">Md. Code Ann., State Gov't § 20-101</a>.</p> <p>Employment opportunities: Employers cannot provide less favorable employment opportunities to employees based on their sex or gender identity. Specifically, employers cannot: assign or direct employees to less favorable career tracks or positions; fail to provide employees with information about promotions or advancement in the full range of career tracks offered; or limit or deprive employees of employment opportunities that would otherwise be available. <a href="#">Md. Code Ann., Lab. &amp; Empl. §§ 3-301, 3-304</a></p> <p>Fair employment practices law: Employers cannot discriminate in compensation based on race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or genetic information; a disability if the nature and extent of the disability are not reasonably related to preventing job performance; or a refusal to submit to a genetic test or make genetic test results available.</p> <p>Compensation discrimination occurs when employers adopt discriminatory compensation decisions or other practices and when employees become subject to these decisions or practices or are affected by the application of the decisions or practices, including each time discriminatory wages, benefits, or other compensation are paid.</p>	<p>Equal pay law: Employers can pay different wages based on: seniority systems or merit increase systems that do not discriminate based on sex or gender identity; jobs that require different abilities, different skills, or the regular performance of different duties or services; work that is performed on different shifts or at different times of day; work performed on different shifts or at different times of day; systems that measure performance based on production quality or quantity; or bona fide factors other than sex or gender identity (including education, training, or experience), if they are job-related, consistent with business necessity, and account for entire wage differential. These exceptions do not prevent employees from showing that employers' reliance on the exceptions is a pretext for discriminating based on sex or gender identity.</p> <p>Fair employment practices law: Employers can observe the terms of bona fide seniority systems or employee benefit plans, such as retirement, pension, or insurance plans, that are not a subterfuge for evading the purposes</p>	<p>Equal Pay for Equal Work—Inquiring About Wages—Prohibition On Adverse Action, 2020 Maryland Laws Ch. 25 (H.B. 14) "(a) An employer may not: prohibit an employee from: inquiring about, discussing, or disclosing the wages of the employee or another employee; or requesting that the employer provide a reason for why the employee's wages are a condition of employment; require an employee to sign a waiver or any other document that purports to deny the employee the right to disclose or discuss the employee's wages; or take any adverse employment action against an employee for: inquiring about the employee's wages or another employee's wages; discussing the employee's own wages; discussing another employee's wages if those wages have been disclosed voluntarily; asking the employer to provide a reason for the employee's wages; or aiding or encouraging another employee's exercise of rights under this section."</p>	<p>Employers cannot discharge or otherwise discriminate against employees because they: make complaints to their employer, the Maryland Division of Labor and Industry or another person; initiate or trigger lawsuits under the Equal pay law or related proceedings; or have testified or will testify in lawsuits under the Equal pay law or related proceedings.</p> <p><a href="#">Md. Code Ann., Lab. &amp; Empl. §§ 3-301, 3-308</a></p>	<p>Employers that are sued for violating the Equal pay law can subject to injunctive relief and can be ordered to: pay damages; pay wages owed plus an equal amount as liquidated damages for violations of the law's pay discrimination prohibitions; pay actual damages plus an equal amount as liquidated damages for violations of the law's wage disclosure provisions; and pay reasonable attorneys' fees, costs, and interest for pay discrimination or wage disclosure violations.</p> <p>Employers that violate the Equal pay law two or more times within a three-year period can be required to pay a civil penalty equal to 10 percent of the damages owed. Employers are guilty of a misdemeanor and fined up to \$300 if they hinder, delay, or otherwise interfere with the division's enforcement of the law, or if they deny the division's access to workplaces that it is authorized to inspect under the law.</p> <p><a href="#">Md. Code Ann., Lab. &amp; Empl. §§ 3-307 to 3-308(+UPDATE OCTOBER 1, 2020*)</a></p>	<p>Coverage: Equal pay law: Md. Code Ann., Lab. &amp; Empl. §§ 3-301 to 3-302 Fair employment practices law: Md. Code Ann., State Gov't §§ 20-601, 20-604, 20-606 Pay Discrimination Prohibitions: Equal pay law: <a href="#">Md. Code Ann., Lab. &amp; Empl. §§ 3-301, 3-304</a> Fair employment practices law: Md. Code Ann., State Gov't §§ 20-605 to 20-607, 20-801 Wage Disclosure: Equal pay law: <a href="#">Md. Code Ann., Lab. &amp; Empl. § 3-304.1</a> Retaliation Prohibition: Equal pay law: <a href="#">Md. Code Ann., Lab. &amp; Empl. §§ 3-301, 3-308</a> Penalties/Remedies: Equal pay law: <a href="#">Md. Code Ann., Lab. &amp; Empl. §§ 3-307 to 3-308</a> Fair employment practices law: Md. Code Ann., State Gov't § 20-607 Maryland Laws: <a href="http://mgaleg.maryland.gov/">http://mgaleg.maryland.gov/</a> Maryland Department of Labor, Division of Labor and Industry: <a href="https://www.dlir.state.md.us/labor/">https://www.dlir.state.md.us/labor/</a> Maryland Office of the Attorney General: <a href="http://www.marylandattorneygeneral.gov/">http://www.marylandattorneygeneral.gov/</a></p>

## The Pay Equity Project – Fifty-State Pay Equity Law Summary

Maryland	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
			<p>Employers and their employees cannot aid, abet, incite, compel, or coerce anyone to commit unlawful discriminatory acts; directly or indirectly try to commit unlawful discriminatory acts; or obstruct or prevent anyone from complying with the Fair employment practices law or any order issued under the law.</p> <p><a href="#">Md. Code Ann., State Gov't §§ 20-605 to 20-607</a> (see Smart Code® for the latest cases), <a href="#">20-801</a></p> <p>Statutory Language: <a href="#">Md. Code Ann., Lab. &amp; Empl. § 3-304</a>. Equal pay for equal work                      “Providing less favorable employment opportunities” defined (a) In this section, “providing less favorable employment opportunities” means:                      assigning or directing the employee into a less favorable career track, if career tracks are offered, or position;                      failing to provide information about promotions or advancement in the full range of career tracks offered by the employer; or                      limiting or depriving an employee of employment opportunities that would otherwise be available to the employee but for the employee's sex or gender identity.                      In general                      (b)(1) An employer may not discriminate between employees in any occupation by:                      paying a wage to employees of one sex or gender identity at a rate less than the rate paid to employees of another sex or gender identity if both employees work in the same establishment and perform work of comparable character or work on the same operation, in the same business, or of the same type; or                      providing less favorable employment opportunities based on sex or gender identity.                      (2) For purposes of paragraph (1)(i) of this subsection, an employee shall be deemed to work at the same establishment as another employee if the employees work for the same employer at workplaces located in the same county of the State.                      Effect of requirement                      Except as provided in subsection (d) of this section, subsection (b) of this section does not prohibit a variation in a wage that is based on:                      a seniority system that does not discriminate on the basis of sex or gender identity; (2) a merit increase system that does not discriminate on the basis of sex or gender identity;                      jobs that require different abilities or skills;                      jobs that require the regular performance of different duties or services;</p>	<p>of the Fair employment practices law; however, the plans cannot be used as an excuse for failing to hire any applicant.</p>				

## The Pay Equity Project – Fifty-State Pay Equity Law Summary

Maryland	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
			<p>work that is performed on different shifts or at different times of day;</p> <p>a system that measures performance based on a quality or quantity of production; or</p> <p>a bona fide factor other than sex or gender identity, including education, training, or experience, in which the factor: (i) is not based on or derived from a gender-based differential in compensation; (ii) is job related with respect to the position and consistent with a business necessity; and (iii) accounts for the entire differential.</p> <p>Exceptions cannot be pretext for discrimination</p> <p>This section does not preclude an employee from demonstrating that an employer's reliance on an exception listed in subsection (c) of this section is a pretext for discrimination on the basis of sex or gender identity.</p> <p>Reduction in wages</p> <p>An employer who is paying a wage in violation of this subtitle may not reduce another wage to comply with this subtitle."</p>					

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## The Pay Equity Project – Fifty-State Pay Equity Law Summary

Massachusetts	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
Massachusetts	<p>Public and private employers and their agents are covered by the Equal pay law.</p> <p><a href="#">Mass. Gen. Laws ch. 149, § 1</a></p>	<p>Equal pay law: Gender</p> <p>Fair employment practices law: race, color, religious creed, national origin, sex, gender identity, sexual orientation, genetic information, pregnancy or related conditions, ancestry, veteran status, or age (40 and older), unless this discrimination is based on a bona fide occupational qualification.</p>	<p>Equal pay law: Employers cannot discriminate based on gender in the payment of wages. Wages include all forms of remuneration for employment.</p> <p>Employers also cannot pay employees of one gender at salary or wage rates that are less than the rates paid to employees of a different gender for comparable work. Comparable work is work that is substantially similar because it requires substantially similar skills, effort, and responsibility under similar work conditions. Job titles or job descriptions alone do not determine whether work is comparable. Work conditions include environmental and other similar circumstances normally taken into consideration in setting salaries or wages, including reasonable shift differentials and a job's physical surrounding and hazards.</p> <p>Employers cannot reduce any employee's wages solely to achieve compliance with the pay discrimination prohibitions.</p> <p>Fair employment practices law: Employers cannot discriminate in compensation based on race, color, religious creed, national origin, sex, gender identity, sexual orientation, genetic information, pregnancy or related conditions, ancestry, veteran status, or age (40 and older), unless this discrimination is based on a bona fide occupational qualification. Employers and their employees cannot aid, abet, incite, compel, or coerce unlawful discriminatory acts or try do so. <a href="#">Mass. Gen. Laws ch. 151B, §§ 1, 4; Mass. Regs. Code tit. 804, § 3.01</a></p> <p>Statutory Language: <a href="#">Mass. Gen. Laws Ann. ch. 149, § 105A</a>. Discrimination on basis of gender in payment of wages prohibited; enforcement; unlawful practices; good faith self-evaluation of payment practices                      “(b) No employer shall discriminate in any way on the basis of gender in the payment of wages, or pay any person in its employ a salary or wage rate less than the rates paid to its employees of a different gender for comparable work; provided, however, that variations in wages shall not be prohibited if based upon: (i) a system that rewards seniority with the employer; provided, however, that time spent on leave due to a pregnancy-related condition and protected parental, family and medical leave, shall not reduce seniority; (ii) a merit system; (iii) a system which measures earnings by quantity or quality of production,</p>	<p>Equal pay law: Employers can vary wages based on: seniority systems, provided that leave for pregnancy-related conditions and protected parental, family, or medical leave do not reduce seniority; merit systems; systems that measure earnings by quantity or quality of production, sales, or revenue; the job's location; education, training, or experience to the extent these factors are reasonably job-related; or travel that is a regular, necessary job condition. <a href="#">Mass. Gen. Laws ch. 149, §§ 1, 105A</a></p> <p>Fair employment practices law: Employers can observe the terms of bona fide seniority systems that are not a subterfuge for evading the Fair employment practices law.</p>	<p>Equal pay law: Employers cannot seek applicants' wage or salary history from them or their current or former employers. Employers also cannot require that this history meet certain criteria.</p> <p>Employers can confirm or allow applicants to confirm their wage or salary history if they voluntarily disclose it. Employers also can seek or confirm this history after an offer of employment with compensation has been negotiated and made. <a href="#">Mass. Gen. Laws ch. 149, § 105A</a></p>	<p>Employers cannot discharge or otherwise discriminate against employees because they: make complaints to their employer, the Massachusetts attorney general's office, or another person related to the Equal pay law; initiate or trigger proceedings related to the law; or testify or are about to testify in these proceedings.</p> <p>Employers cannot discharge or otherwise retaliate against employees because they: oppose unlawful acts or practices under the Equal pay law; make or indicate an intent to make complaints under the law; otherwise initiate or trigger proceedings under the law; or testify or are about to testify, assist, or otherwise participate in investigations or proceedings under the law.</p> <p><a href="#">Mass. Gen. Laws ch. 149, § 105A</a></p>	<p>Pay discrimination prohibitions: Employers that violate the pay discrimination prohibitions are fined up to \$100. Employers that are sued also can be ordered to pay any unpaid wages plus an equal amount in liquidated damages, reasonable attorneys' fees, and costs. If employees recover unpaid wages under the Equal pay law and the federal Equal Pay Act for the same violations, they must return the lesser amount to employers. Wage disclosure: Employers that violate the wage disclosure provisions are fined up to \$100. Employers that are sued also can be ordered to pay damages, reasonable attorneys' fees, and costs. Salary history: Employers that violate the salary history provisions are fined up to \$100. Employers that are sued also can be ordered to pay damages, reasonable attorneys' fees, and costs. Retaliation prohibition: Employers that violate the retaliation prohibition are fined up to \$100. Employers that are sued also can be ordered to pay damages, reasonable attorneys' fees, and costs.</p> <p>Mass. Gen. Laws ch. <a href="#">149, §§ 105A to 105B</a></p>	<p>Coverage: Equal pay law: <a href="#">Mass. Gen. Laws ch. 149, § 1</a>                      Fair employment practices law: <a href="#">Mass. Gen. Laws ch. 151B, §§ 1, 4; Mass. Regs. Code tit. 804, § 3.01</a></p> <p>Pay Discrimination Prohibitions: Equal pay law: <a href="#">Mass. Gen. Laws ch. 149, §§ 1, 105A</a>                      Fair employment practices law: <a href="#">Mass. Gen. Laws ch. 151B, §§ 1, 4; Mass. Regs. Code tit. 804, § 3.01</a></p> <p>Wage Disclosure: Equal pay law: <a href="#">Mass. Gen. Laws ch. 149, § 105A</a>                      Salary History: Equal pay law: <a href="#">Mass. Gen. Laws ch. 149, § 105A</a>                      Retaliation Prohibition: Equal pay law: <a href="#">Mass. Gen. Laws ch. 149, §§ 105A to 105B</a></p> <p>Penalties/Remedies: Equal pay law: <a href="#">Mass. Gen. Laws ch. 149, §§ 105A to 105B</a></p> <p>Massachusetts Laws: <a href="http://www.malegislature.gov/Laws/GeneralLaws/Search">http://www.malegislature.gov/Laws/GeneralLaws/Search</a>                      Massachusetts Office of the Attorney General: <a href="http://www.mass.gov/ago/">http://www.mass.gov/ago/</a></p>

## The Pay Equity Project – Fifty-State Pay Equity Law Summary

Massachusetts	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
			sales, or revenue; (iv) the geographic location in which a job is performed; (v) education, training or experience to the extent such factors are reasonably related to the particular job in question; or (vi) travel, if the travel is a regular and necessary condition of the particular job. An employer who is paying a wage differential in violation of this section shall not reduce the wages of any employee solely in order to comply with this section."					

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## The Pay Equity Project – Fifty-State Pay Equity Law Summary

Michigan	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
Michigan	<p>Public and private employers (and their agents) with two or more employees at any one time in a calendar year are covered by Michigan Equal pay law for the remainder of that year. Employees are employees age 16 or older who work on employer premises or at a fixed, employer-designated worksite; they do not include employees who are exempt from federal minimum wage requirements, employees covered by 29 U.S.C. § 214 and certain agricultural or temporary summer camp workers. If the Michigan minimum wage is at or below the federal minimum wage, the Equal pay law does not apply to employers that are subject to federal minimum wage requirements.</p> <p>Mich. Comp. Laws §§ <a href="#">408.412</a>; <a href="#">408.420</a></p>	<p>Equal pay law: Sex</p> <p>Fair employment practices law: Religion, race, color, national origin, age, sex, height, weight or marital status.</p>	<p>Equal pay law: Employers cannot discriminate based on sex by paying employees of one sex at wage rates that are lower than those paid to employees of the opposite sex for equal work that requires equal skill, effort and responsibility under similar working conditions at the same workplace. If employers violate this prohibition, they cannot reduce any employee's wage rate to comply with the prohibition.</p> <p>Fair employment practices law: Employers cannot discriminate in compensation based on religion, race, color, national origin, age, sex, height, weight or marital status. <a href="#">Mich. Comp. Laws §§ 37.2202, 37.2211</a></p> <p>Statutory Language: <a href="#">Mich. Comp. Laws Ann. § 750.556</a>. Discrimination between sexes in payment of wages “Any employer of labor in this state, employing both males and females, who shall discriminate in any way in the payment of wages as between sexes who are similarly employed, shall be guilty of a misdemeanor. No female shall be assigned any task disproportionate to her strength, nor shall she be employed in any place detrimental to her morals, her health or her potential capacity for motherhood. Any difference in wage rates based upon a factor other than sex shall not violate this section.”</p>	<p>Equal pay law: Employers can pay different wage rates pursuant to: seniority or merit systems; systems that measure earnings by production quantity or quality; or differentials based on factors other than sex. <a href="#">Mich. Comp. Laws § 408.423</a></p> <p>Fair employment practices law: Employers can apply different compensation standards pursuant to bona fide seniority or merit systems.</p>	<p>State department and government agencies shall not inquire about a job applicant's current or previous salaries unless and until the department or agency first makes a conditional offer of employment, including an explanation of proposed compensation and shall not make inquiry of current or prior employer or search public records databases to ascertain an applicant's current or previous salary. A state department or government agency shall take reasonable measures to avoid inadvertently discovering salary history while gathering other information about an applicant. Information unintentionally discovered relating to an applicant's salary history must not be used by the department or agency in an employment decision. A state department or government agency may request and verify current or previous compensation information for a job applicant before a conditional offer of employment that includes compensation information only if the applicant voluntarily provides the information or if verification is required by applicable law. If a state department or government agency</p>	<p>Employers cannot discharge or otherwise discriminate against employees because they: serve, are about to serve or might serve on the Michigan Wage Deviation Board; testify, are about to testify or might testify before the board; or might testify in investigations under the Equal pay law.</p> <p><a href="#">Mich. Comp. Laws § 408.421</a></p>	<p>Employers are fined up to \$1,000 if they violate the Equal pay law's pay discrimination prohibitions. Anyone who violates the law also is guilty of a misdemeanor. In addition, employers that are sued can be ordered to pay wages owed to employees plus an equal amount in damages, reasonable attorneys' fees and costs. Mich. Comp. Laws §§ <a href="#">408.419</a>, <a href="#">750.556</a> Wage disclosure: Employers that violate the wage disclosure provisions are fined up to \$1,000 by the Michigan Department of Licensing and Regulatory Affairs. They also are guilty of a misdemeanor. In addition, employers that violate the retaliation prohibition can be ordered to rehire or reinstate employees with back pay.</p> <p>Mich. Comp. Laws §§ <a href="#">408.483</a>, <a href="#">408.488</a></p>	<p>Equal pay law: <a href="#">Mich. Comp. Laws §§ 408.412, 408.416 to 408.421, 408.423, 750.556</a> Fair employment practices law: Mich. Comp. Laws §§ 37.2204, 37.2211103 to 37.2202, 37.2203 to Salary History: Executive Directive No. 2019-10.</p> <p>Michigan Laws: <a href="http://www.legislature.mi.gov/%28S%28z10sop55ddfmgyjwqkncig55%29%29/mileg.aspx?page=Home">http://www.legislature.mi.gov/%28S%28z10sop55ddfmgyjwqkncig55%29%29/mileg.aspx?page=Home</a> Michigan Department of Licensing and Regulatory Affairs: <a href="https://www.michigan.gov/lara/">https://www.michigan.gov/lara/</a></p>

## The Pay Equity Project – Fifty-State Pay Equity Law Summary

Michigan	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
					<p>already is in possession of a job applicant's compensation information on the effective date of this directive, it shall not use that information in any employment decision unless required by law or a collective bargaining agreement. This directive does not prevent a job applicant from volunteering information about compensation, but an applicant's refusal to volunteer compensation information must not be considered in an employment decision. Executive Directive No. 2019-10.</p>			

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## The Pay Equity Project – Fifty-State Pay Equity Law Summary

Minnesota	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
Minnesota	<p>Private employers with one or more employees are covered by Minnesota Equal pay law. Employees provide services in Minnesota to employers that pay or agree to pay them at a fixed rate. They do not include partners, independent contractors, or employees who provide services only partly in the state, unless they entered into an employment contract or their payments usually are made or will be made in the state. <a href="#">Minn. Stat. § 181.66</a></p> <p>Public and private employers are covered by the wage disclosure provisions. <a href="#">Minn. Stat. § 181.172</a></p>	<p>Equal pay law: Sex</p> <p>Fair employment practices law: Race, color, creed, religion, national origin, sex, marital status, public assistance status, familial status, membership or activity in local commissions, disability, sexual orientation, or age, unless this discrimination is justified by a bona fide occupational qualification.</p>	<p>Equal pay law: Employers cannot discriminate based on sex by paying employees of one sex at wage rates that are lower than those paid to employees of the opposite sex for equal work that requires equal skill, effort, and responsibility under similar working conditions. Wages are all forms of compensation (including the cash value of non-cash compensation) for services provided by employees, regardless of whether payments are made by employers or other entities. Wage rate is the basis of compensation and includes compensation based on the time spent in the performance of such services, or on the number of operations accomplished, or on the quantity produced or handled. Employers that pay wage rates in violation of these prohibitions cannot reduce any employee's wage rate to comply with the prohibitions.</p> <p>Fair employment practices law: Employers cannot discriminate in compensation based on race, color, creed, religion, national origin, sex, marital status, public assistance status, familial status, membership or activity in local commissions, disability, sexual orientation, or age, unless this discrimination is justified by a bona fide occupational qualification.</p> <p>No person (as defined in <a href="#">Minn. Stat. § 363A.03</a>) can: intentionally aid, abet, incite, compel, or coerce another person to violate the Fair employment practices law, or attempt to do so; intentionally obstruct or prevent another person from complying with the Fair employment practices law or any related orders; or resist, prevent, impede, or interfere with the Department of Human Rights in the performance of its duties. <a href="#">Minn. Stat. § 363A.08</a></p> <p>Statutory Language: <a href="#">Minn. Stat. Ann. § 181.67</a>. Wage discrimination based on sex; protection of employees involved in proceeding “General prohibition. No employer shall discriminate between employees on the basis of sex by paying wages to employees at a rate less than the rate the employer pays to employees of the opposite sex for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to a seniority system, a merit system, a system which measures earnings</p>	<p>Employers can pay different wage rates pursuant to seniority or merit systems; systems that measure earnings by production quantity or quality; or any other factor besides sex. <a href="#">Minn. Stat. §§ 181.66, 181.67</a></p>	N/A	<p>Employers cannot discriminate against employees in hiring, tenure, or other terms and conditions of employment because they file complaints under the Equal pay law, or because they testify or are about to testify in investigations, proceedings, or criminal actions under the law. <a href="#">Minn. Stat. § 181.67</a></p>	<p>Employers that are sued can be ordered to pay any unpaid wages for the one-year period preceding the filing of these lawsuits, punitive damages of up to the amount of such unpaid wages, and reasonable attorneys' fees. Unpaid wages means the difference between wages paid to employees and wages required to be paid under the Equal pay law. Employers that violate the law also are guilty of a misdemeanor. <a href="#">Minn. Stat. §§ 181.66, 181.68, 181.70</a></p> <p>Wage disclosure: If employers violate the wage disclosure provisions (excluding the employer policy requirements), the Minnesota Department of Labor and Industry can order them to: stop violations; take affirmative steps to comply with the provisions; pay back pay, gratuities, compensatory damages, and an additional equal amount as liquidated damages; pay a fine of up to \$1,000 per employee for each repeated or willful violation; pay litigation and hearing costs; and pay interest on the unpaid balance of these amounts from the date the order is signed until it is paid.</p>	<p>Coverage: Fair employment practices law: <a href="#">Minn. Stat. §§ 363A.03, 363A.26</a> Equal pay law: <a href="#">Minn. Stat. § 181.66</a>  Pay Discrimination Prohibitions: Fair employment practices law: <a href="#">Minn. Stat. § 363A.08</a> Equal pay law: <a href="#">Minn. Stat. §§ 181.66 to 181.68</a>  Retaliation Prohibition: Equal pay law: <a href="#">Minn. Stat. § 181.67</a>  Penalties/Remedies: Equal pay law: <a href="https://www.revisor.mn.gov/statutes/cite/181.67">https://www.revisor.mn.gov/statutes/cite/181.67</a> <a href="#">Minn. Stat. §§ 181.66, 181.68, 181.70</a>  Minnesota Laws: <a href="https://www.revisor.mn.gov/statutes/">https://www.revisor.mn.gov/statutes/</a> Minnesota Department of Labor and Industry: <a href="https://www.dli.mn.gov/">https://www.dli.mn.gov/</a> Minnesota Department of Labor and Industry, Division of Labor Standards and Apprenticeship: <a href="https://www.dli.mn.gov/laborlaw">https://www.dli.mn.gov/laborlaw</a></p>

## The Pay Equity Project – Fifty-State Pay Equity Law Summary

Minnesota	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
			by quantity or quality of production, or a differential based on any other factor other than sex. Provided, that an employer who is paying a wage rate differential in violation of sections 181.66 to 181.71 shall not, in order to comply with the provisions of sections 181.66 to 181.71, reduce the wage rate of any employee."				Employers that are sued by employees also can be ordered to: stop violations; reinstate employees; pay back pay and restore lost service credits; expunge employees' adverse records related to violations; pay damages; pay reasonable attorneys' fees, costs, and other expenses; and comply with other remedies.  Minn. Stat. §§ 177.23, 177.27, 181.172, 181.944	

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## The Pay Equity Project – Fifty-State Pay Equity Law Summary

Mississippi	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
Mississippi	N/A	N/A	N/A	N/A	N/A	N/A	No state statutory or regulatory provisions apply generally to private-sector employment.	Mississippi Laws: <a href="https://www.ms.gov/">https://www.ms.gov/</a>

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## The Pay Equity Project – Fifty-State Pay Equity Law Summary

Missouri	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
Missouri	<p>Public and private employers are covered by the Equal pay law.</p> <p><a href="#">Mo. Rev. Stat. § 290.400</a></p>	<p>Equal pay law: Women</p> <p>Fair employment practices law: Race, color, religion, national origin, sex, ancestry, age (40 to 69), or disability.</p>	<p>Equal pay law: Employers cannot pay women at wage rates that are lower than the wage rates paid to men for the same quantity, quality, and classification of work at the same workplace. Wages are compensation for labor measured by time, piece, or other factors. <a href="#">Mo. Rev. Stat. § 290.410</a></p> <p>Statutory Language: <a href="#">Mo. Ann. Stat. § 290.410</a>. Employer not to pay female lower wage                      “Notwithstanding any other provisions of the law, no employer shall pay any female in his employ at wage rates less than the wage rates paid to male employees in the same establishment for the same quantity and quality of the same classification of work, provided that nothing herein shall prohibit a variation of rates of pay for male and female employees engaged in the same classification of work based upon a difference in seniority, length of service, ability, skill, difference in duties or services performed, 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 factors other than sex, when exercised in good faith.”</p> <p>Fair employment practices law: Employers cannot discriminate in compensation based on race, color, religion, national origin, sex, ancestry, age (40 to 69), or disability. Unlawful discrimination occurs when employees' and applicants' protected class is the motivating factor for an adverse decision or action. Their protected class is the motivating factor if it actually plays a role in and has a determinative influence on the adverse decision or action. Employers also cannot aid, abet, incite, compel, or coerce unlawful discriminatory acts or try to do so.</p>	<p>Equal pay law: Employers can pay wage differentials to women and men in good faith based on seniority or length of service; ability or skills; differences in duties or services performed; work performed on different shifts or at different times of day; hours of work; restrictions or prohibitions on lifting or moving objects in excess of specified weight; or reasonable differentiations based on factors other than sex.</p> <p>Fair employment practices law: Employers can apply different compensation standards pursuant to bona fide seniority or merit systems, pursuant to systems that measure earnings by production quantity or quality, or to employees who work in different locations if these differences or systems are not intended, designed, or used to discriminate based on a protected class.  <a href="#">Mo. Rev. Stat. § 213.055</a></p>	N/A	See Fair employment practices law.	<p>Employers that are sued for violating the Equal pay law can be ordered to pay lost wages and court costs.</p> <p><a href="#">Mo. Rev. Stat. § 290.440</a></p>	<p>Coverage: Equal pay law: <a href="#">Mo. Rev. Stat. § 290.400</a></p> <p>Fair employment practices law: <a href="#">Mo. Rev. Stat. § 213.010</a></p> <p>Pay Discrimination Prohibitions: Equal pay law: <a href="#">Mo. Rev. Stat. § 290.410</a></p> <p>Fair employment practices law: <a href="#">Mo. Rev. Stat. § 213.055</a></p> <p>Penalties/Remedies: Equal pay law: <a href="#">Mo. Rev. Stat. § 290.440</a></p> <p>Missouri Laws: <a href="http://www.moga.mo.gov/mostatutes/statutesAna.html">http://www.moga.mo.gov/mostatutes/statutesAna.html</a></p> <p>Missouri Labor and Industrial Relations Commission: <a href="http://www.labor.mo.gov/LIRC/">http://www.labor.mo.gov/LIRC/</a></p>

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Montana	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
Montana	Public and private employers are covered by the Equal pay law.  <a href="#">Mont. Code Ann. § 39-3-104</a>	Equal pay law: Female  Fair employment practices law: race, creed, religion, color, national origin, age, physical or mental disability, marital status or sex (including pregnancy), unless a position's reasonable demands require distinctions based on age, physical or mental disability, marital status or sex.	Equal pay law: Employers cannot pay female employees less than male employees for equivalent services or for the same amount or class of work in the same industry or workplace. <a href="#">Mont. Code Ann. § 39-3-104.</a>  Statutory Language: <a href="#">Mont. Code Ann. § 39-3-104.</a> Equal pay for women for equivalent service “(1) It is unlawful for the state or any county, municipal entity, school district, public or private corporation, person, or firm to employ women in any occupation within the state for compensation less than that paid to men for equivalent service or for the same amount or class of work or labor in the same industry, school, establishment, office, or place of employment of any kind or description. If the state or any county, municipal entity, school district, public or private corporation, person, or firm violates any of the provisions of subsection (1), it is guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$25 or more than \$500 for each offense.”  Fair employment practices law: Employers cannot discriminate in compensation based on race, creed, religion, color, national origin, age, physical or mental disability, marital status or sex (including pregnancy), unless a position's reasonable demands require distinctions based on age, physical or mental disability, marital status or sex. <a href="#">Mont. Code Ann. § 49-2-303.</a>  Statutory Language: <a href="#">Mont. Code Ann. § 49-2-303.</a> Discrimination in employment “(1) It is an unlawful discriminatory practice for: an employer to refuse employment to a person, to bar a person from employment, or to discriminate against a person in compensation or in a term, condition, or privilege of employment because of race, creed, religion, color, or national origin or because of age, physical or mental disability, marital status, or sex when the reasonable demands of the position do not require an age, physical or mental disability, marital status, or sex distinction; (2) The exceptions permitted in subsection (1) based on bona fide occupational qualifications must be strictly construed.”	See Fair employment practices law.	N/A	See Fair employment practices law.	Employers that violate the Equal pay law are guilty of a misdemeanor and can be fined \$25 to \$500 for each violation.  <a href="#">Mont. Code Ann. § 39-3-104</a>	Coverage: Equal pay law: <a href="#">Mont. Code Ann. § 39-3-104</a> Fair employment practices law: <a href="#">Mont. Code Ann. §§ 49-2-101, 49-2-303</a>  Pay Discrimination Prohibitions Equal pay law: <a href="#">Mont. Code Ann. § 39-3-104</a>  Penalties/Remedies: Equal pay law: <a href="#">Mont. Code Ann. § 39-3-104</a>  Montana Laws: <a href="http://leg.mt.gov/bills/mca_toc/index.htm">http://leg.mt.gov/bills/mca_toc/index.htm</a> Montana Department of Labor and Industry: <a href="http://dli.mt.gov/">http://dli.mt.gov/</a>

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Nebraska	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
Nebraska	<p>Private employers (and their agents) are covered by Nebraska Equal pay law if they have two or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year. The law also applies to any business financed wholly or partly under Nebraska's Investment Finance Authority Act and all Nebraska state or local government employers. It does not apply to federal government employers or corporations wholly owned by the federal government.</p> <p>Neb. Rev. Stat. § <a href="#">48-1220</a>; <a href="#">139 Neb. Admin. Code § 1-002</a></p>	<p>Equal pay law: Sex</p> <p>Fair employment practices law: Race, color, religion, sex, disability, marital status, national origin or pregnancy, childbirth or related medical conditions.</p>	<p>Equal pay law: Employers cannot discriminate based on sex by paying employees of one sex at wage rates that are less than the wage rates paid to employees of the opposite sex for equal work that requires equal skill, effort and responsibility under similar working conditions in the same establishment. Wage rates are all forms of compensation, including in-kind payments; employer payments for medical, hospital, accident, life insurance or retirement benefits; profit-sharing or bonus plans; and leave. Employers that violate the Equal pay law cannot reduce any employee's wage rate to comply with the law. Neb. Rev. Stat. §§ <a href="#">48-1219</a> to <a href="#">48-1221</a>; 139 Neb. Admin. Code §§ <a href="#">1-003</a>, <a href="#">1-005</a></p> <p>Fair employment practices law: Employers cannot discriminate in compensation based on race, color, religion, sex, disability, marital status, national origin or pregnancy, childbirth or related medical conditions.</p> <p>Statutory Language: Neb. Rev. Stat. Ann. § <a href="#">48-1221</a>. Prohibited acts “(1) No employer shall discriminate between employees in the same establishment on the basis of sex, by paying wages to any employee in such establishment at a wage rate less than the rate at which the employer pays any employee of the opposite sex in such establishment for equal work on jobs which require equal skill, effort and responsibility under similar working conditions. Wage differentials are not within this prohibition where such payments are made pursuant to: (a) An established seniority system; (b) a merit increase system; or (c) a system which measures earning by quantity or quality of production or any factor other than sex.</p> <p>An employer who is paying a wage differential in violation of the provisions of sections <a href="#">48-1219</a> to <a href="#">48-1227</a> shall not, in order to comply with it, reduce the wage rates of any employee. No person shall cause or attempt to cause an employer to discriminate against any employee in violation of the provisions of sections <a href="#">48-1219</a> to <a href="#">48-1227</a>.</p> <p>No employer may discharge or discriminate against any employee by reason of any action taken by such employee to invoke or assist in any manner the enforcement of the provisions of sections <a href="#">48-1219</a> to <a href="#">48-1227</a>.”</p>	<p>Equal pay law: Employers can pay wage differentials pursuant to established seniority systems, merit increase systems, systems that measure earnings by production quantity or quality or any factor other than sex.</p> <p>Fair employment practices law: Employers can apply different compensation standards pursuant to bona fide seniority or merit systems, pursuant to systems that measure earnings by production quantity or quality or to employees who work in different locations if these differences are not the result of an intention to discriminate based on race, color, religion, sex, disability, marital status or national origin. Neb. Rev. Stat. §§ <a href="#">48-1104</a>, <a href="#">48-1107.01</a>, <a href="#">48-1111</a></p>	N/A	<p>Employers cannot discharge or discriminate against employees because they take any action to invoke or assist with the Equal pay law's enforcement. Neb. Rev. Stat. § <a href="#">48-1221</a></p>	<p>Employers are guilty of a class III misdemeanor and fined up to \$500, imprisoned for up to three months or fined and imprisoned if they: violate the law; discharge or otherwise discriminate against employees for complaining to employers, the commission or any person about alleged violations; or discharge or otherwise discriminate against employees for initiating or triggering any proceedings related to the law or for testifying or preparing to testify in these proceedings.</p> <p>Employers are guilty of a class V misdemeanor and fined up to \$100 if they hinder, delay or otherwise interfere with the Nebraska Equal Opportunity Commission's enforcement duties. Employers that are sued can be ordered to: stop violations; pay the amount of wages owed to employees; pay liquidated damages, up to the amount of wages owed to employees, for willful violations; reinstate employees; pay reasonable attorneys' fees and costs; comply with other remedies.</p> <p>Neb. Rev. Stat. §§ <a href="#">28-106</a>, <a href="#">48-1219</a> to <a href="#">48-1220</a>, <a href="#">48-1223</a>, <a href="#">48-1227</a>; 139 Neb. Admin. Code § <a href="#">1-002</a></p>	<p>Coverage: Equal pay law: Neb. Rev. Stat. § <a href="#">48-1220</a>; 139 Neb. Admin. Code § <a href="#">1-002</a> Fair employment practices law: Neb. Rev. Stat. §§ <a href="#">48-1102</a> to <a href="#">48-1103</a>; 138 Neb. Admin. Code § <a href="#">1.001</a></p> <p>Pay Discrimination Prohibitions: Equal pay law: Neb. Rev. Stat. §§ <a href="#">48-1219</a> to <a href="#">48-1221</a>; 139 Neb. Admin. Code §§ <a href="#">1-003</a>, <a href="#">1-005</a> Fair employment practices law: Neb. Rev. Stat. §§ <a href="#">48-1104</a>, <a href="#">48-1107.01</a>, <a href="#">48-1111</a></p> <p>Wage Disclosure: Fair employment practices law: Neb. Rev. Stat. § <a href="#">48-1114</a> (2019 Neb. L.B. 217)</p> <p>Retaliation Prohibition: Equal pay law: Neb. Rev. Stat. § <a href="#">48-1221</a></p> <p>Penalties/Remedies: Equal pay law: Neb. Rev. Stat. §§ <a href="#">28-106</a>, <a href="#">48-1219</a> to <a href="#">48-1220</a>, <a href="#">48-1223</a>, <a href="#">48-1227</a>; 139 Neb. Admin. Code § <a href="#">1-002</a></p> <p>Nebraska Laws: <a href="http://nebraskalegislatore.gov/laws/browse-statutes.php">http://nebraskalegislatore.gov/laws/browse-statutes.php</a> Nebraska Regulations: <a href="http://www.sos.ne.gov/rules-and-regs/regsearch">http://www.sos.ne.gov/rules-and-regs/regsearch</a> Nebraska Equal Opportunity Commission: <a href="http://www.neoc.ne.gov/">http://www.neoc.ne.gov/</a></p>

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Nevada	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
Nevada	Public and private employers are covered by the Equal pay law if they have control or custody of any employment, workplace, or employee. Employee includes a male or female person who works for an employer under any express, implied, oral, or written appointment or contract of hire or apprenticeship, regardless of whether the person is lawfully or unlawfully employed. [Note: The Nevada Supreme Court has held that the state's wage-protection law, which includes the equal pay provisions, does not impose personal liability on individual managers (Boucher v. Shaw, 196 P.3d 959, 2008 BL 267398 (Nev. 2008))].  <a href="#">Nev. Rev. Stat. §§ 608.007 to 608.011</a>	Equal pay law: Sex  Fair employment practices law: Race, color, religion, sex, sexual orientation, gender identity or expression, age, disability, or national origin.	Equal pay law: Employers cannot discriminate based on sex by paying employees of one sex at wages that are lower than the wages paid to employees of the opposite sex for equal work that requires equal skill, effort, and responsibility under similar working conditions in the same establishment. Wages are the amount that employers agree to pay employees for the time they have worked (computed in proportion to time) and commissions owed to employees, excluding bonus or profit-sharing payments. Employers that violate these pay discrimination prohibitions cannot reduce any employee's wages to comply with the prohibitions. <a href="#">Nev. Rev. Stat. Ann. § 608.017.</a>  Fair employment practices law: Employers cannot discriminate in compensation based on race, color, religion, sex, sexual orientation, gender identity or expression, age, disability, or national origin.  Lawful activities: Employers cannot discriminate against employees in compensation because they lawfully use any product off employer premises during nonwork hours in Nevada, unless such use adversely affects their ability to perform their job or the safety of their co-workers. <a href="#">Nev. Rev. Stat. §§ 613.330 to 613.333, 613.380</a>  Statutory Language: <a href="#">Nev. Rev. Stat. Ann. § 608.017</a> . Discrimination on basis of sex prohibited; exceptions "1. It is unlawful for any employer to discriminate between employees, employed within the same establishment, on the basis of sex by paying lower wages to one employee than the wages paid to an employee of the opposite sex who performs equal work which requires equal skill, effort and responsibility and which is performed under similar working conditions. 2. The provisions of subsection 1 do not apply where wages are paid pursuant to: A seniority system; A merit system; A compensation system under which wages are determined by the quality or quantity of production; or A wage differential based on factors other than sex. 3. An employer who violates the provisions of this section shall not reduce the wages of any employees in order to comply with such provisions."	Equal pay law: Employers can pay wage differentials pursuant to seniority or merit systems, compensation systems where wages are based on production quality or quantity, or other factors besides sex. <a href="#">Nev. Rev. Stat. §§ 608.012, 608.017</a>  Fair employment practices law: Employers can apply different compensation standards pursuant to bona fide seniority or merit systems, pursuant to systems that measure earnings by production quantity or quality, or to employees who work in different locations if these differences are not the result of an intention to discriminate based on race, color, religion, sex, sexual orientation, gender identity or expression, age, disability, or national origin.	An employer or an employment agency shall not, orally or in writing, personally or through an agent, seek the wage or salary history of an applicant for employment; rely on the wage or salary history of an applicant to determine whether to offer employment to an applicant or the rate of pay for the applicant; or refuse to interview, hire, promote or employ an applicant, or discriminate or retaliate against an applicant if the applicant does not provide wage or salary history.	Employers cannot use force, intimidation, threats of dismissal from employment, or other tactics to induce or try to induce employees to refrain from testifying in investigations or proceedings related to the Equal pay law. Employers also cannot discharge or penalize employees for such testimony.  <a href="#">Nev. Rev. Stat. § 608.015</a>	Employers that violate the Equal pay law are guilty of a misdemeanor. The Nevada labor commissioner's office also can fine them up to \$5,000 for each violation. In addition, employers that are sued can be ordered to pay the amount of wages owed to employees and reasonable attorneys' fees.  <a href="#">Nev. Rev. Stat. §§ 608.140, 608.195</a>	Coverage: Equal pay law: <a href="#">Nev. Rev. Stat. §§ 608.007 to 608.011</a> Fair employment practices law: <a href="#">Nev. Rev. Stat. §§ 613.310 to 613.320</a>  Pay Discrimination Prohibitions: Equal pay law: <a href="#">Nev. Rev. Stat. §§ 608.012, 608.017</a> Fair employment practices law: <a href="#">Nev. Rev. Stat. §§ 613.330 to 613.333, 613.380</a>  Wage Disclosure: Fair employment practices law: <a href="#">Nev. Rev. Stat. § 613.330</a>  Salary History: SB 293 Effective Oct. 1, 2021.  Retaliation Prohibition: Equal pay law: <a href="#">Nev. Rev. Stat. § 608.015</a>  Penalties/Remedies: Equal pay law: <a href="#">Nev. Rev. Stat. §§ 608.140, 608.195</a>  Nevada Laws: <a href="http://www.leg.state.nv.us/law1.cfm">http://www.leg.state.nv.us/law1.cfm</a>  Nevada Department of Business and Industry, Office of the Labor Commissioner: <a href="http://www.laborcommissioner.com/">http://www.laborcommissioner.com/</a> Nevada Office of the Attorney General: <a href="http://ag.nv.gov/">http://ag.nv.gov/</a>

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New Hampshire	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
New Hampshire	<p>Public and private employers and their agents are covered by the Equal pay law. Employees do not include domestic service, agricultural, temporary or service workers, or employees of a nonprofit social club or fraternal, charitable, educational, religious, scientific, or literary association.</p> <p><a href="#">N.H. Rev. Stat. Ann. § 275:36</a></p>	<p>Equal pay law: Sex <a href="#">N.H. Rev. Stat. Ann. § 275:37</a></p> <p>Fair employment practices law: Age, sex, gender identity, race, color, marital status, physical or mental disability, religious creed, national origin, or sexual orientation, unless this discrimination is based on a bona fide occupational qualification.</p>	<p>Equal pay law: Employers cannot discriminate based on sex by paying employees of one sex at rates that are less than the rates paid to employees of the opposite sex for equal work that requires equal skill, effort, and responsibility under similar working conditions. Employers that violate these prohibitions cannot reduce any employee's wage rate to comply with the prohibitions. <a href="#">N.H. Rev. Stat. Ann. § 275:37</a></p> <p>Fair employment practices law: Employers cannot discriminate in compensation based on age, sex, gender identity, race, color, marital status, physical or mental disability, religious creed, national origin, or sexual orientation, unless this discrimination is based on a bona fide occupational qualification. <a href="#">N.H. Rev. Stat. Ann. §§ 354-A:2, 354-A:7</a></p> <p>Statutory Language: <a href="#">N.H. Rev. Stat. Ann. § 275:37 Equal Pay</a>. “I. No employer or person seeking employees shall discriminate between employees on the basis of sex by paying employees of one sex at a rate less than the rate paid to employees of the other sex for equal work that requires equal skill, effort, and responsibility and is performed under similar working conditions, except where such payment is made pursuant to: A seniority system; A merit or performance-based system; A system which measures earnings by quantity or quality of production; Expertise; Shift differentials; A demonstrable factor other than sex, such as education, training, or experience. “II. An employer who is paying wages in violation of this section shall not reduce the wage rate of any other employee in order to comply with this section.”</p>	<p>Employers can pay different rates pursuant to: seniority, merit, or performance-based systems; systems that measure earnings by production quantity or quality; expertise; shift differentials; and demonstrable factors other than sex, such as education, training, or experience.</p> <p>Fair employment practices law: Employers cannot discriminate in compensation based on age, sex, gender identity, race, color, marital status, physical or mental disability, religious creed, national origin, or sexual orientation, unless this discrimination is based on a bona fide occupational qualification.</p>	N/A	<p>Employers cannot discharge or otherwise discriminate against employees because they: make charges, file complaints, or initiate investigations (including investigations by employers), proceedings, hearings, or lawsuits related to the Equal pay law; or testify, plan to testify, assist, or otherwise participate in these investigations, proceedings, hearings, or lawsuits.</p> <p><a href="#">N.H. Rev. Stat. Ann. § 275:38-a</a></p>	<p>Employers that violate the Equal pay law are guilty of a violation or misdemeanor and fined up to \$2,500. They also can be ordered to stop doing business at affected facilities, pay up to \$2,500 in additional fines, and pay any unpaid wages due to employees plus an equal amount in liquidated damages.</p> <p><a href="#">N.H. Rev. Stat. Ann. §§ 273:11 to 273:11-a, 275:39 to 275:40, 275:41-a</a></p>	<p>Coverage: Equal pay law: <a href="#">N.H. Rev. Stat. Ann. § 275:36</a> Fair employment practices law: <a href="#">N.H. Rev. Stat. Ann. § 354-A:2</a></p> <p>Pay Discrimination Prohibitions: Equal pay law: <a href="#">N.H. Rev. Stat. Ann. § 275:37</a> Fair employment practices law: <a href="#">N.H. Rev. Stat. Ann. §§ 354-A:2, 354-A:7</a></p> <p>Wage Disclosure: Equal pay law: <a href="#">N.H. Rev. Stat. Ann. §§ 275:38-a, 275:41-b</a></p> <p>Retaliation Prohibition: Equal pay law: <a href="#">N.H. Rev. Stat. Ann. § 275:38-a</a></p> <p>Penalties/Remedies: Equal pay law: <a href="#">N.H. Rev. Stat. Ann. §§ 273:11 to 273:11-a, 275:39 to 275:40, 275:41-a</a></p> <p>New Hampshire Laws: <a href="http://www.gencourt.state.nh.us/rsa/html/nhtoc.htm">http://www.gencourt.state.nh.us/rsa/html/nhtoc.htm</a></p> <p>New Hampshire Department of Labor: <a href="https://www.nh.gov/labor/">https://www.nh.gov/labor/</a></p>



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New Jersey	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
New Jersey	<p>Public and private employers and their agents are covered by the Equal pay law. The law does not apply to nonprofit hospital associations or corporations. Employees do not include volunteers for nonprofit organizations or corporations and farm, domestic service, or hotel workers. Notification requirements and mandatory poster: Public and private employers in New Jersey are covered by the law's notification requirements and mandatory poster provisions if they have 50 or more employees (as defined above) who work in or outside the state.</p> <p>N.J. Stat. Ann. §§ 34:11-56.1, 34:11-56.12 N.J. Admin. Code § 12:2-2.2</p> <p>Public and private employers and employment agencies are covered by the salary history law. N.J. Stat. Ann. § 34:6B-20</p>	<p>Equal pay law: Sex <a href="#">N.J. Stat. Ann. § 34:11-56.2</a></p> <p>Fair employment practices law: Protected class, which means: race, creed, color, age, affectional or sexual orientation, pregnancy, breastfeeding, sex, gender identity or expression, disability, or liability for service in the U.S. armed forces; national origin, ancestry, or nationality; marital, civil union, or domestic partnership status; or genetic information, atypical hereditary cellular or blood trait, a refusal to submit to a genetic test, or a refusal to make genetic test results available.</p> <p>Fair employment practices law: <a href="#">N.J. Stat. Ann. §§ 10:5-5, 10:5-12, 10:5-12.6</a></p>	<p>Equal pay law: Employers cannot discriminate in wage rates or payment methods based on sex. <a href="#">N.J. Stat. Ann. § 34:11-56.2</a></p> <p>Statutory Language: <a href="#">N.J. Stat. Ann. § 34:11-56.2</a>. Discrimination in pay based on sex prohibited "No employer shall discriminate in any way in the rate or method of payment of wages to any employee because of his or her sex. A differential in pay between employees based on a reasonable factor or factors other than sex shall not constitute discrimination within the meaning of this section."</p> <p>Fair employment practices law: Employers cannot discriminate in compensation or terms, conditions, and privileges of employment based on a protected class. However, they can discriminate based on competence, performance, conduct, or other reasonable standards. Discrimination in compensation or the financial terms or conditions of employment occurs each time employees are affected by the application of discriminatory compensation decisions or other practices, including each time they are paid wages, benefits, or other compensation resulting in any way from these decisions or practices.</p> <p>Employers also cannot pay employees who are members of a protected class at a rate of compensation or benefits that is less than the rate paid to other employees for substantially similar work in terms of skill, effort, and responsibility. Employers that violate this prohibition cannot reduce any employee's rate of compensation or benefits in order to comply with the prohibition. Wage rate comparisons are based on wage rates in all of an employer's operations or facilities.</p> <p>Employers cannot require employees and applicants to waive any of the protections provided by the Fair employment practices law.</p> <p>No person (as defined in N.J. Stat. Ann. § 10:5-5) can aid, abet, incite, compel, or coerce unlawful discriminatory acts or attempt to do so.</p> <p>Fair employment practices law: N.J. Stat. Ann. §§ 10:5-5, 10:5-12, 10:5-12.6</p> <p>Salary history: Effective Jan. 1, 2020, employers who use salary history to screen a job applicant who is a member of a protected class, as defined in N.J. Stat. Ann. § 10:5-12, or who require that the salary history of an applicant who is a member of a</p>	<p>Equal pay law: Employers can pay differentials based on reasonable factors other than sex.</p> <p>Fair employment practices law: Employers can pay different rates of compensation or benefits if they can show that this differential is pursuant to seniority or merit systems or if they can show that: the differential is based on one or more legitimate, bona fide factors other than the characteristics of a protected class, such as training, education, experience, or production quantity or quality; these factors are not based on, and do not perpetuate the differential based on, the characteristics of a protected class; each of the factors is reasonably applied; one or more of the factors account for the entire differential; the factors are job-related for affected positions; the factors are based on a legitimate business necessity; and there is no alternative that would serve the same business purpose without producing the differential.</p>	<p>Effective Jan. 1, 2020, employers commit an unlawful employment practice if they screen job applicants based on their salary history, including, but not limited to, wages, salaries, and benefits. They also cannot require that a job applicant's salary history satisfies a minimum or maximum criteria.</p> <p>Effective Jan. 1, 2020, employers may verify a job applicant's salary history or consider salary history in determining what salary and benefits to offer to an applicant, but only if the applicant voluntarily offers their salary history without any prompting.</p> <p>Effective Jan. 1, 2020, where salary history information is publicly available, an employer may acquire that information, but the employer cannot retain or consider that information in determining the salary of an applicant, unless the applicant volunteers their salary history without prompting.</p> <p>Effective Jan. 1, 2020, employers cannot consider a job applicant's refusal to volunteer salary history information while making any employment decisions.</p>	<p>Employers cannot discharge or otherwise discriminate against employees because they make complaints to employers, the New Jersey Department of Labor and Workforce Development, or other people related to the Equal pay law; initiate or trigger proceedings related to the law; or testify or are about to testify in these proceedings.</p> <p><a href="#">N.J. Stat. Ann. §§ 34:11-56.1, 34:11-56.6</a></p>	<p>Employers that willfully violate the Equal pay law or the retaliation prohibition are guilty of a misdemeanor and fined \$50 to \$200, imprisoned for 10 to 90 days, or both. Employers that are sued also can be ordered to pay: The full amount of salary or wages owed to employees; An additional equal amount as liquidated damages; and Reasonable attorneys' fees and costs.</p> <p><a href="#">N.J. Stat. Ann. §§ 34:11-56.6, 34:11-56.8</a></p>	<p>Coverage: Equal pay law: N.J. Stat. Ann. §§ <a href="#">34:11-56.1, 34:11-56.12</a> N.J. Admin. Code § 12:2-2.2</p> <p>Fair employment practices law: N.J. Stat. Ann. §§ 10:5-5, 10:5-12, 10:5-12.6</p> <p>Pay Discrimination Prohibitions: Equal Pay law: <a href="#">N.J. Stat. Ann. § 34:11-56.2</a> Fair employment practices law: <a href="#">N.J. Stat. Ann. §§ 10:5-3, 10:5-12, 10:5-12.6</a> N.J. Admin. Code § 13:13-2.6</p> <p>Wage Disclosure: Fair Employment Practices Law: N.J. Stat. Ann. § 10:5-12</p> <p>Salary History: Salary history law: <a href="#">N.J. Stat. Ann. §§ 34:6B-20, 10:5-12.12</a></p> <p>Retaliation Prohibition: Equal pay law: <a href="#">N.J. Stat. Ann. §§ 34:11-56.1, 34:11-56.6</a></p> <p>Penalties/Remedies: Equal pay law: N.J. Stat. Ann. §§ <a href="#">34:11-56.6, 34:11-56.8</a> Fair employment practices law: N.J. Stat. Ann. §§ <a href="#">10:5-5, 10:5-12 to 10:5-13</a> (2019 N.J. Laws 436 (S.B. 3878)), 10:5-17</p> <p>New Jersey Laws: <a href="http://www.njleg.state.nj.us/">http://www.njleg.state.nj.us/</a></p> <p>New Jersey Regulations:</p>

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New Jersey	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
			<p>protected class satisfy a minimum or maximum criteria, violate the fair employment law.  <a href="#">N.J. Stat. Ann. § 10:5-12.12</a></p>		<p>Effective Jan. 1, 2020, employers may request that an applicant provide a written authorization to confirm their salary history, but only after the employer has made an offer of employment to that applicant, and the offer includes an explanation of the entire compensation package.</p> <p>Effective Jan. 1, 2020, these provisions do not apply to:</p> <ul style="list-style-type: none"> <li>internal transfers or promotions with an employee's current employer, or use by an employer of previously acquired knowledge of an applicant's salary history due to prior employment with the employer;</li> <li>internal transfers or promotions with an employee's current employer, or use by an employer of previously acquired knowledge of an applicant's salary history due to prior employment with the employer;</li> <li>employer actions pursuant to federal laws or regulations that expressly require the disclosure or verification of salary history for employment purposes, or require knowledge of salary history to determine an employee's compensation;</li> <li>attempts by an employer to obtain or verify non-salary information as part of a background check, as long as the employer</li> </ul>			<p><a href="http://www.state.nj.us/ol/rules.html">http://www.state.nj.us/ol/rules.html</a></p> <p>New Jersey Department of Labor and Workforce Development:  <a href="https://nj.gov/labor/">https://nj.gov/labor/</a></p> <p>New Jersey Department of Law and Public Safety, Office of the Attorney General, Division on Civil Rights:  <a href="https://www.nj.gov/lps/dcr/index.html">https://www.nj.gov/lps/dcr/index.html</a></p>

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New Jersey	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
					<p>specifies in the information request that salary history should not be disclosed, and as long as the employer does not retain any salary history information received as part of the background check and does not consider that disclosed information while determining an applicant's compensation package; and employer inquiries about a job applicant's experience with incentive and commission plans, but only if the opening for which the applicant is being considered includes such a plan as part of the total compensation package.</p> <p>Effective Jan. 1, 2020, employers may provide a job applicant with salary information or wage rates set by collective bargaining agreements or by statute, and may pay those rates if the applicant is hired.</p> <p>Effective Jan. 1, 2020, employers who recruit employees or do business in at least one state other than New Jersey may include a salary history inquiry on their employment applications, so long as a statement immediately precedes that inquiry instructing applicants for positions physically located in New Jersey to not</p>			

## The Pay Equity Project – Fifty-State Pay Equity Law Summary

New Jersey	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
					<p>answer the salary history inquiry.</p> <p>Effective Jan. 1, 2020, employers also violate New Jersey's fair employment law (N.J. Stat. Ann. §§ 10:5-1 to 10:5-49) if they unlawfully use salary history to screen job applicants who are members of a protected class, or if they require that the salary history of the applicant who is a member of a protected class satisfies a minimum or maximum criteria. N.J. Stat. Ann. §§ 34:6B-20, <a href="#">10:5-12.12</a></p>			

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New Mexico	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
New Mexico	<p>Public and private employers (and their agents) with four or more employees are covered by the Equal pay law.</p> <p><a href="#">N.M. Stat. Ann. § 28-23-2</a></p>	<p>Equal pay law: Sex <a href="#">N.M. Stat. Ann. § 28-23-3</a>.</p> <p>Fair employment practices law: race, age, religion, color, national origin, ancestry, sex, physical or mental handicap, serious medical condition, spousal affiliation, sexual orientation, gender identity, or, effective May 20, 2020, pregnancy, childbirth, or related conditions unless such discrimination is based on a bona fide occupational qualification or another statutory prohibition. <a href="#">N.M. Stat. Ann. §§ 28-1-2, 28-1-7</a> (2020 N.M. Laws 49 (H.B. 25)).</p>	<p>Equal pay law: Employers cannot pay employees of one sex at wage rates that are lower than the wage rates paid to employees of the opposite sex for equal work that requires equal skill, effort and responsibility under similar working conditions in the same establishment. Wage means compensation for performance of employee services, including the cash value of all compensation paid in any medium other than cash. Employers also cannot reduce employees' wages to comply with the Equal pay law. <a href="#">N.M. Stat. Ann. § 28-23-3</a>.</p> <p>Fair employment practices law: Employers cannot discriminate in compensation against otherwise qualified employees based on race, age, religion, color, national origin, ancestry, sex, physical or mental handicap, serious medical condition, spousal affiliation, sexual orientation, gender identity, or, effective May 20, 2020, pregnancy, childbirth, or related conditions unless such discrimination is based on a bona fide occupational qualification or another statutory prohibition. <a href="#">N.M. Stat. Ann. §§ 28-1-2, 28-1-7</a> (2020 N.M. Laws 49 (H.B. 25))</p> <p>Statutory Language: <a href="#">N.M. Stat. Ann. § 28-23-3</a>. Prohibition on paying employees less for same work "A. No employer shall discriminate, within any establishment in which such employees are employed, between employees on the basis of sex by paying wages to employees in the establishment at a rate less than the rate that the employer pays wages to employees of the opposite sex in the establishment for equal work on jobs the performance of which requires equal skill, effort and responsibility and that are performed under similar working conditions, except where the payment is made pursuant to a: seniority system; merit system; or system that measures earnings by quantity or quality of production. B. An employer shall not reduce the wage of an employee to comply with this section. C. No agreement between an employer and an employee for a specific wage in violation of the Fair Pay for Women Act shall prevent the employee from raising a claim based on a violation of the Fair Pay for Women Act."</p>	<p>Equal pay law: Employers can pay wage differentials pursuant to seniority or merit systems or systems that measure earnings by production quantity or quality. <a href="#">N.M. Stat. Ann. §§ 28-23-2, 28-23-3</a></p> <p>Fair employment practices law: Employers cannot discriminate in compensation against otherwise qualified employees based on race, age, religion, color, national origin, ancestry, sex, physical or mental handicap, serious medical condition, spousal affiliation, sexual orientation, gender identity, or, effective May 20, 2020, pregnancy, childbirth, or related conditions unless such discrimination is based on a bona fide occupational qualification or another statutory prohibition. Fair employment practices law: <a href="#">N.M. Stat. Ann. §§ 28-1-2, 28-1-7</a> (2020 N.M. Laws 49 (H.B. 25))</p>	N/A	<p>Employers and their agents cannot discharge, demote, deny promotion to or otherwise discriminate against employees for asserting claims under the Equal pay law, assisting others in asserting such claims or informing others about their rights under the law. <a href="#">N.M. Stat. Ann. § 28-23-5</a></p>	<p>Employers that violate the Equal pay law can be ordered by the New Mexico Human Rights Commission to: stop discriminatory practices; take further affirmative action, including reporting compliance with commission orders; and pay actual damages and reasonable attorneys' fees</p> <p>Employers that are sued can be ordered to: hire, reinstate and promote employees; stop discriminatory practices; post notice in their place of business describing violations or a copy of a cease and desist order; pay employees unpaid wages (limited to six years prior to the date of the last pay violation) and damages from retaliation; pay actual, triple and punitive damages; pay costs and reasonable attorneys' fees; and comply with other court orders.</p> <p>Employers might not be ordered to pay triple damages or any other amount exceeding the amounts established in the Equal pay law if employers establish that any action was taken in good faith and with reasonable grounds for believing such action did not violate the law. <a href="#">N.M. Stat. Ann. § 28-23-6</a></p>	<p>Coverage: Equal pay law: <a href="#">N.M. Stat. Ann. § 28-23-2</a> Fair employment practices law: <a href="#">N.M. Stat. Ann. §§ 28-1-2, 28-1-9</a>; <a href="#">N.M. Code R. § 9.1.1.7</a></p> <p>Pay Discrimination Prohibitions: Equal pay law: <a href="#">N.M. Stat. Ann. §§ 28-23-2, 28-23-3</a> Fair employment practices law: <a href="#">N.M. Stat. Ann. §§ 28-1-2, 28-1-7</a> (2020 N.M. Laws 49 (H.B. 25))</p> <p>Retaliation Prohibition: Equal pay law: <a href="#">N.M. Stat. Ann. § 28-23-5</a> <a href="#">Penalties/Remedies: Equal pay law: N.M. Stat. Ann. § 28-23-6</a></p> <p>New Mexico Laws: <a href="http://www.newmexico.gov/">http://www.newmexico.gov/</a></p> <p>New Mexico Regulations: <a href="http://www.nmcpr.state.nm.us/nmac/">http://www.nmcpr.state.nm.us/nmac/</a></p> <p>New Mexico Department of Workforce Solutions, Labor Relations Division, Human Rights Bureau: <a href="http://www.dws.state.nm.us/LaborRelations/HumanRights/Information">http://www.dws.state.nm.us/LaborRelations/HumanRights/Information</a></p> <p>New Mexico Human Rights Commission: <a href="http://governor.state.nm.us/Human_Rights.aspx">http://governor.state.nm.us/Human_Rights.aspx</a></p>

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New York	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
New York	<p>All employers in New York are covered by the Fair employment practices law. Employees exclude domestic service workers, except under the harassment provisions, and people employed by their parent, spouse, or child. Special provisions apply to licensing agencies, employment agencies, labor organizations, and certain religious employers. Any person (as defined in N.Y. Exec. Law § 292) is covered by the prohibitions against aiding, abetting, inciting, compelling, or coercing unlawful discriminatory acts.</p> <p><a href="#">N.Y. Exec. Law §§ 292, 296</a> (2019 N.Y. Laws 160 (S.B. 6577); 2019 N.Y. Laws 161 (S.B. 6594))</p> <p>Employees and interns are covered under this law.</p>	<p>Protected Classes applies to equal pay and fair employment discrimination law. Protected classes include: age (18 and older), race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status (including pregnancy), marital status, or domestic violence victim status. National origin includes ancestry. <a href="#">N.Y. Lab. Law §§ 190, 194</a> (2019 N.Y. Laws 93 (S.B. 5248))</p>	<p>Fair employment practices law: Employers cannot discriminate in compensation based on age (18 and older), race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status (including pregnancy), marital status, or domestic violence victim status. National origin includes ancestry.</p> <p>No person (as defined in <a href="#">N.Y. Exec. Law § 292</a>) can aid, abet, incite, compel, or coerce unlawful discriminatory acts or try to do so.</p> <p>No employees: It is unlawful for an employer to permit unlawful discrimination against non-employees in its workplace. Nonemployees include contractors, subcontractors, vendors, consultants, or other persons providing services pursuant to a contract in the workplace. An employer may be held liable for discrimination against a nonemployee when the employer, its agents, or supervisors knew or should have known that such nonemployee was subjected to an unlawful discriminatory practice in the workplace, and the employer failed to take immediate and appropriate corrective action. The extent of the employer's control and any other legal responsibility the employer might have over the person who engaged in discriminatory conduct is considered when liability is determined.</p> <p>Agreements and waivers: Certain agreements, clauses, covenants, and waivers related to the Fair employment practices law are invalid. <a href="#">N.Y. Exec. Law §§ 292, 296</a> (2019 N.Y. Laws 160 (S.B. 6577); 2019 N.Y. Laws 161 (S.B. 6594))</p> <p>Equal pay law: Subject to the exceptions below, employers cannot pay employees or interns who are members of protected classes under the Fair employment practices law wage rates that are lower than the wage rates paid to employees or interns who are not members of the same protected classes for: equal work that requires equal skill, effort, and responsibility under similar working conditions in the same establishment; or substantially similar work, when viewed as a composite of skill, effort, and responsibility, and performed under similar working conditions in the same establishment.</p>	<p>Employers can pay different wage rates pursuant to: seniority or merit systems; systems that measure earnings by production quantity or quality; or bona fide factors other than status within one or more protected classes, such as education, training, or experience.</p> <p>Any such bona fide factors cannot be based upon or derived from a differential in pay based on status in one or more protected classes and must be job-related and consistent with business necessity. Business necessity means that a factor bears a manifest relationship to the job in question.</p> <p>Employers cannot pay different wage rates pursuant to bona fide factors other than sex if employees can show that: these pay practices result in pay differentials based on status within one or more protected classes (disparate impact); alternative pay practices would serve the same business purpose without resulting in such pay differentials; and employers refuse to adopt such alternative pay practices.</p>	<p>Equal pay law (effective Jan. 6, 2020): Employers cannot: rely on applicants' wage or salary history in deciding whether to offer them employment or determining their wages or salary; seek, request, or require (orally or in writing) applicants' or employees' wage or salary history as a condition of employment or promotion, or as a condition of being interviewed or continuing to be considered for employment; seek, request, or require (orally or in writing) applicants' or employees' wage or salary history from a current or former employer or employee, or an agent of such an employer, except as provided below; refuse to interview, hire, promote, employ, or otherwise retaliate against applicants or employees based on their prior wage or salary history; refuse to interview, hire, promote, employ, or otherwise retaliate against applicants or employees because they do not provide their wage or salary history; or refuse to interview, hire, promote, employ, or otherwise retaliate against applicants, employees, or former employees who file complaints with the New York State</p>	<p>Employers cannot: retaliate against applicants or employees based on their prior wage or salary history; retaliate against applicants or employees because they do not provide their wage or salary history; or retaliate against applicants, employees, or former employees who file complaints with the New York State Department of Labor alleging violations of the salary history provisions.</p> <p><a href="#">N.Y. Lab. Law § 194-a</a> (2019 N.Y. Laws 94 (S.B. 6549))</p> <p>Employers cannot discharge, threaten, penalize, or otherwise discriminate or retaliate against employees because: they make complaints to anyone, including their employer, the New York State Department of Labor, or the New York attorney general's office, about employer conduct that they reasonably believe violates the state's labor law or department orders; employers or other people believe that employees made those complaints; they initiate or are about to initiate proceedings related to the labor law; they provide information to the department or attorney general;</p>	<p>Employers that fail to pay wages in accordance with the Equal pay law are guilty of a misdemeanor and fined \$500 to \$20,000 or imprisoned for up to one year for a first violation. For each subsequent violation that occurs within six years of a conviction for a prior violation, employers are guilty of a felony and fined \$500 to \$20,000, imprisoned for up to one year plus one day, or fined and imprisoned. The same penalties apply to officers or agents of corporations, partnerships, or limited liability companies if they knowingly permit these violations. Employers that otherwise violate or fail to comply with the law are guilty of a misdemeanor and fined up to \$100 for a first offense; fined \$100 to \$500, imprisoned for up to 30 days, or fined and imprisoned for a second offense; and fined at least \$300, imprisoned for up to 60 days, or fined and imprisoned for a subsequent offense. The same penalties apply to employers' agents or employees who violate or fail to comply with the law. They also apply to officers or agents of corporations if they knowingly permit these violations. The New York State Department of Labor</p>	<p>Coverage: Fair employment practices law: <a href="#">N.Y. Exec. Law §§ 292, 296</a> (2019 N.Y. Laws 160 (S.B. 6577); 2019 N.Y. Laws 161 (S.B. 6594))</p> <p>Pay Discrimination Prohibitions: Fair employment practices law: N.Y. Exec. Law §§ 292, 296 (2019 N.Y. Laws 160 (S.B. 6577); 2019 N.Y. Laws 161 (S.B. 6594))</p> <p>Wage Disclosure: <a href="#">Equal pay law: N.Y. Lab. Law § 194</a> N.Y. Comp. Codes R. &amp; Regs. tit. 12, §§ 194-1.1 to 194-1.4</p> <p>Salary History: <a href="#">Equal pay law: N.Y. Lab. Law § 194-a</a> (2019 N.Y. Laws 94 (S.B. 6549))</p> <p>Retaliation Prohibition: <a href="#">Equal pay law: N.Y. Lab. Law § 194-a</a> (2019 N.Y. Laws 94 (S.B. 6549))</p> <p>Penalties/Remedies: <a href="#">Equal pay law: N.Y. Lab. Law §§ 2, 194-a</a> (2019 N.Y. Laws 94 (S.B. 6549)), 196, 197 to 198-a, 213, 218, 219, 219-c</p> <p>New York Laws: <a href="http://public.leginfo.state.ny.us/lawsrchr.cgi?NVLWO">http://public.leginfo.state.ny.us/lawsrchr.cgi?NVLWO</a>:</p> <p>New York Regulations: <a href="https://www.dos.ny.gov/info/nycrr.html">https://www.dos.ny.gov/info/nycrr.html</a></p> <p>New York State Department of Labor: <a href="http://www.labor.state.ny.us/">http://www.labor.state.ny.us/</a></p>

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New York	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
			<p>Protected classes under the Fair employment practices law include: age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status (including pregnancy), marital status, and domestic violence victim status; any employee otherwise protected from discrimination under <a href="#">N.Y. Exec. Law § 296</a>(1)(a) to (1)(c); and any intern protected from discrimination under N.Y. Exec. Law § 296-c. Wages include earnings based on time, piece, commission, or other factors and certain wage and benefit supplements. Employees work in the same establishment if they work for the same employer in the same county or smaller geographical region.</p> <p><a href="#">N.Y. Lab. Law §§ 190, 194 (2019 N.Y. Laws 93 (S.B. 5248))</a></p> <p>Statutory Language: <a href="#">N.Y. Lab. Law § 194</a>. Differential in rate of pay because of protected class status prohibited “1. No employee with status within one or more protected class or classes shall be paid a wage at a rate less than the rate at which an employee without status within the same protected class or classes in the same establishment is paid for: (a) equal work on a job the performance of which requires equal skill, effort and responsibility, and which is performed under similar working conditions, or (b) substantially similar work, when viewed as a composite of skill, effort, and responsibility, and performed under similar working conditions; except where payment is made pursuant to a differential based on: a seniority system; a merit system; a system which measures earnings by quantity or quality of production; or (iv) a bona fide factor other than status within one or more protected class or classes, such as education, training, or experience. Such factor: (A) shall not be based upon or derived from a differential in compensation based on status within one or more protected class or classes and (B) shall be job-related with respect to the position in question and shall be consistent with business necessity. Such exception under this paragraph shall not apply when the employee demonstrates (1) that an employer uses a particular employment practice that causes a disparate impact on the basis of status within one or more protected class or classes,</p>		<p>Department of Labor alleging violations of the salary history provisions.</p> <p>Employers can confirm wage or salary history only if, at the time that an employment offer with compensation is made, the applicant or employee responds to the offer by providing wage or salary history information to support a wage or salary higher than the wage or salary offered by the employer. Employees and applicants can voluntarily (and without prompting) disclose or verify their wage or salary history, such as for purposes of salary negotiations.</p> <p>These provisions do not supersede any federal, state, or local law enacted prior to Jan. 6, 2020, that requires the disclosure or verification of salary history information to determine employees' compensation. They also do not affect any applicants', employees', or former employees' rights under any other laws or regulations, collective bargaining agreements, or employment contracts. <a href="#">N.Y. Lab. Law § 194-a (2019 N.Y. Laws 94 (S.B. 6549))</a></p>	<p>they testify or are about to testify in investigations or proceedings under the labor law; they otherwise exercise their rights under the labor law; or they are involved in an adverse determination received by employers from the department.</p> <p>Effective Oct. 25, 2019, to threaten, penalize, or otherwise discriminate or retaliate against employees includes: contacting or threatening to contact federal immigration authorities; otherwise reporting or threatening to report employees' suspected citizenship or immigration status to federal, state, or local agencies; and otherwise reporting or threatening to report the suspected citizenship or immigration status of employees' family or household members (as defined in N.Y. Soc. Serv. Law § 459- a) to federal, state, or local agencies. <a href="#">N.Y. Lab. Law §§ 1 to 2, 10, 21, 215 (2019 N.Y. Laws 126 (S. 5791))</a></p>	<p>can order employers that violate the law to: comply with law; pay the amount of any wages owed to employees for the six-year period preceding the initiation of the administrative action; pay an additional amount (the amount of any wages owed to employees or up to three times that amount for willful violations) as liquidated damages, unless they prove a good- faith basis for believing they were in compliance with the law; pay a fine of \$500 for each violation; pay an additional fine of up to twice the amount of wages owed to employees for repeat, willful, or egregious violations; pay interest on any wages owed to employees, from the date of underpayment until the date of payment; pay a fine of up to \$1,000 for a first violation, \$2,000 for a second violation, and \$3,000 for a subsequent violation that does not involve failing to pay wages owed to employees; pay an additional 15 percent penalty on the total judgment amount; post a notice of violations and other relevant information, in an area visible to employees, for up to one year; post a notice of willful failures to pay wages</p>	<p>New York State Industrial Board of Appeals: <a href="http://industrialappeals.ny.gov/">http://industrialappeals.ny.gov/</a></p> <p>New York State Office of the Attorney General: <a href="https://ag.ny.gov/">https://ag.ny.gov/</a></p>

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New York	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
			<p>(2) that an alternative employment practice exists that would serve the same business purpose and not produce such differential, and (3) that the employer has refused to adopt such alternative practice.”</p> <p>“2. For the purpose of subdivision one of this section: (a) “business necessity” shall be defined as a factor that bears a manifest relationship to the employment in question, and (b) “protected class” shall include age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, or domestic violence victim status, and any employee protected from discrimination pursuant to paragraphs (a), (b), and (c) of subdivision one of section two hundred ninety-six and any intern protected from discrimination pursuant to section two hundred ninety-six-c of the executive law.”</p> <p>“3. For the purposes of subdivision one of this section, employees shall be deemed to work in the same establishment if the employees work for the same employer at workplaces located in the same geographical region, no larger than a county, taking into account population distribution, economic activity, and/or the presence of municipalities.”</p> <p>“4. (a) No employer shall prohibit an employee from inquiring about, discussing, or disclosing the wages of such employee or another employee.”</p> <p>“(b) An employer may, in a written policy provided to all employees, establish reasonable workplace and workday limitations on the time, place and manner for inquires about, discussion of, or the disclosure of wages. Such limitations shall be consistent with standards promulgated by the commissioner and shall be consistent with all other state and federal laws. Such limitations may include prohibiting an employee from discussing or disclosing the wages of another employee without such employee's prior permission.</p> <p>“(c) Nothing in this subdivision shall require an employee to disclose his or her wages. The failure of an employee to adhere to such reasonable limitations in such written policy shall be an affirmative defense to any claims made against an employer under this subdivision, provided that any adverse employment action taken by the employer was for failure to adhere to such reasonable limitations and not for mere inquiry, discussion or disclosure of wages in accordance with such reasonable limitations in such written policy.</p>				<p>as required, in an area visible to the public, for up to 90 days; and report certain statistics on their employees, including wage rates and work hours, if they committed repeat, willful, or egregious violations.</p> <p>If a successor employer is similar in operation and ownership to a prior employer that was found in violation of the law, they are considered the same employer under the department's order and the successor employer is subject to the order. The successor employer is similar if its work, work conditions, and supervisors or its production process, products, and customers are substantively the same. Employers that are sued for wage claims, by employees or the department, also can be ordered to:</p> <ul style="list-style-type: none"> <li>pay the amount of any wages owed to employees (plus prejudgment interest) for the six-year period preceding the filing of the lawsuit;</li> <li>pay an additional amount (the amount of any wages owed to employees or up to three times that amount for willful violations) as liquidated damages, unless they prove a good- faith basis for believing they were in compliance with the law;</li> </ul>	



## The Pay Equity Project – Fifty-State Pay Equity Law Summary

New York	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
			<p>“(d) This prohibition shall not apply to instances in which an employee who has access to the wage information of other employees as a part of such employee’s essential job functions discloses the wages of such other employees to individuals who do not otherwise have access to such information, unless such disclosure is in response to a complaint or charge, or in furtherance of an investigation, proceeding, hearing, or action under this chapter, including an investigation conducted by the employer.</p> <p>“(e) Nothing in this section shall be construed to limit the rights of an employee provided under any other provision of law or collective bargaining agreement.”</p>				<p>pay a 15 percent penalty on the total judgment amount if any part remains unpaid for more than 90 days after the judgment is issued or 90 days after the time to appeal expires (and no appeal is pending), whichever date is later;</p> <p>pay a fine of \$500 for each violation (if sued by the department); and</p> <p>pay reasonable attorneys’ fees and costs, including up to \$50 for expenses.</p> <p>If the department sues employers for failing to deposit a bond as required, they can be ordered to stop doing business (until this requirement is met) and otherwise compelled to comply. If it sues them for failing to provide an accounting of their assets, they can be fined up to \$10,000 and otherwise compelled to comply.</p> <p>Salary history (effective Jan. 6, 2020): In addition to the penalties/remedies above, employers that violate the salary history provisions are subject to any damages sustained by applicants, employees, or former employees as a result of the violation, injunctive relief, and reasonable attorneys’ fees.</p> <p><a href="#">N.Y. Lab. Law §§ 2.194-a</a> (2019 N.Y. Laws 94 (S.B. 6549)),</p>	

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New York	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
							196, 197 to 198-a, 213, 218, 219, 219-c	

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North Carolina	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
North Carolina	<p>Public and private employers with 15 or more full-time employees in North Carolina are covered by the pay discrimination prohibitions, excluding employers that only employ domestic service or farm workers at their home or farm. Employment agencies, labor organizations and apprenticeship or other training programs also are covered by the prohibitions.</p> <p><a href="#">N.C. Gen. Stat. § 168A-3</a></p>	<p>Disability</p> <p><a href="#">N.C. Gen. Stat. § 168A-5</a></p>	<p>Employers cannot discriminate in compensation based on disability. For more information, see North Carolina Disability Discrimination. <a href="#">N.C. Gen. Stat. § 168A-5</a></p>		<p>State agencies are prohibited from requesting salary history from applicants. State agencies may not rely upon previously obtained prior salary information in determining an applicant's salary.</p> <p><a href="#">Executive Order No. 93</a></p>	<p>Employers cannot discharge, expel, refuse to hire or otherwise discriminate against employees and applicants because they oppose discriminatory practices or because they testify, assist or otherwise participate in anti-discrimination proceedings. Employers also cannot retaliate against, coerce, intimidate, threaten or interfere with employees and applicants who exercise their rights or assist others in exercising their rights under the pay discrimination prohibitions.</p> <p><a href="#">N.C. Gen. Stat. § 168A-10</a></p>	<p>Employers that are sued for violating the pay discrimination prohibitions, including the related retaliation prohibition, can be ordered to:</p> <p>stop violations; hire applicants or reinstate employees; pay back pay for a period of up to two years before the lawsuit was filed; and pay reasonable attorneys' fees.</p> <p><a href="#">N.C. Gen. Stat. § 168A-11</a></p>	<p><a href="#">N.C. Gen. Stat. §§ 168A-3, 168A-5, 168A-9 to 168A-12</a></p> <p>Salary History: <a href="#">Executive Order No. 93</a></p> <p>North Carolina Laws: <a href="http://www.ncleg.net/gascripts/Statutes/Statutes.asp">http://www.ncleg.net/gascripts/Statutes/Statutes.asp</a></p>

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North Dakota	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
<p>North Dakota</p>	<p>Public and private employers that employ men and women are covered by the Equal pay law.</p> <p><a href="#">N.D. Cent. Code § 34-06.1-02</a></p>	<p>Equal pay law: Sex <a href="#">N.D. Cent. Code Ann. § 34-06.1-03</a></p> <p>Fair employment practices law: race, color, religion, sex, national origin, age (40 and older), physical or mental disability, marital or public assistance status or participation in lawful activities, such as smoking, off employer premises during nonwork hours (if those activities do not directly conflict with employers' essential business-related interests).</p>	<p>Equal pay law: Employers cannot pay employees of one sex wage rates that are lower than the wage rates paid to employees of the opposite sex for comparable work that requires comparable skill, effort and responsibility in the same establishment. Wage rates cover all compensation for employment, including amounts paid by employers for employee benefits. Employers that pay wage differentials in violation of the Equal pay law cannot reduce employees' wage rate to comply with the law.</p> <p>Unlawful pay discrimination occurs when: employers adopt discriminatory compensation decisions or practices; employees become subject to discriminatory compensation decisions or practices; or employees are affected by discriminatory compensation decisions or practices, including each time discriminatory wages, benefits or other compensation are paid.</p> <p><a href="#">N.D. Cent. Code §§ 34-06.1-01 to 34-06.1-03</a></p> <p>Statutory Language: <a href="#">N.D. Cent. Code Ann. § 34-06.1-03</a>. Prohibition of discrimination "1. An employer may not discriminate between employees in the same establishment on the basis of gender, by paying wages to any employee in any occupation in this state at a rate less than the rate at which the employer pays any employee of the opposite gender for comparable work on jobs that have comparable requirements relating to skill, effort, and responsibility. Differentials that are paid pursuant to established seniority systems, systems that measure earnings by quantity or quality of production, merit systems, or a bona fide factor other than gender, such as education, training, or experience, and which do not discriminate on the basis of gender, are not within this prohibition. An employer that is paying a wage differential in violation of this chapter may not, in order to comply with this chapter, reduce the wage rates of any employee. A person may not cause or attempt to cause an employer to discriminate against any employee in violation of this chapter. An employer may not discharge or discriminate against an employee by reason of any action taken by the employee to invoke or assist in any manner the enforcement of this chapter, except when proven that the act of the employee is fraudulent.</p>	<p>Equal pay law: Employers can pay different wage rates pursuant to: established seniority systems; systems that measure earnings by production quantity or quality; merit systems; or bona fide factors other than sex, such as education, training or experience, that do not discriminate based on sex.</p> <p>Fair employment practices law: Employers can apply different compensation standards pursuant to bona fide seniority or merit systems, pursuant to systems that measure earnings by production quantity or quality or to employees who work in different locations if these differences are not intended to discriminate based on protected status categories. <a href="#">N.D. Cent. Code §§ 14-02.4-02 to 14-02.4-05, 14-02.4-10</a></p>	<p>N/A</p>	<p>Employers cannot discharge or discriminate against employees because they take action to initiate enforcement or otherwise assist in enforcing the Equal pay law, unless these actions are fraudulent. Employers also cannot discharge or discriminate against employees because they complain about violations of the law, initiate any proceedings related to the law or testify or are about to testify in these proceedings.</p> <p><a href="#">N.D. Cent. Code §§ 34-06.1-03, 34-06.1-09</a></p>	<p>Employers that violate the Equal pay law or related retaliation prohibition are guilty of a class B misdemeanor and can be fined \$1,000, imprisoned for up to 30 days or fined and imprisoned. Special penalties apply to organizations, including corporations, limited liability companies and unincorporated associations. Employers that are sued also can be ordered to stop violations; pay wages owed to employees; pay up to an additional equal amount in damages for willful violations; reinstate employees; pay reasonable attorneys' fees and costs; and provide other remedies. Employees' agreement to work for less than the wage rate to which they are entitled does not bar voluntary wage restitution by employers.</p> <p><a href="#">N.D. Cent. Code §§ 12.1-03-04, 12.1-32-01 to 12.1-32-01.1, 12.1-32-03, 34-06.1-05, 34-06.1-09</a></p>	<p>Coverage: Equal pay law: <a href="#">N.D. Cent. Code § 34-06.1-02</a> Fair employment practices law: N.D. Cent. Code <a href="#">§§ 14-02.4-02 to 14-02.4-05, 14-02.4-10</a> Pay Discrimination Prohibitions: Equal pay law: N.D. Cent. Code <a href="#">§§ 34-06.1-01 to 34-06.1-03</a> Fair employment practices law: N.D. Cent. Code <a href="#">§ 14-02.4-09</a> Retaliation Prohibition: Equal pay law: <a href="#">N.D. Cent. Code §§ 34-06.1-03, 34-06.1-09</a> Penalties/Remedies: Equal pay law: N.D. Cent. Code <a href="#">§§ 12.1-03-04, 12.1-32-01 to 12.1-32-01.1, 12.1-32-03, 34-06.1-05, 34-06.1-09</a> North Dakota Laws: <a href="http://www.legis.nd.gov/information/statutes/cent-code.html">http://www.legis.nd.gov/information/statutes/cent-code.html</a> North Dakota Department of Labor and Human Rights: <a href="http://www.nd.gov/labor/human-rights/">http://www.nd.gov/labor/human-rights/</a></p>

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North Dakota	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
			<p>An unlawful employment practice occurs under this section when a discriminatory compensation decision or other practice is adopted; when an individual becomes subject to a discriminatory compensation decision or other practice; or when an individual is affected by application of a discriminatory compensation decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or other practice.”</p> <p>Fair employment practices law: Employers cannot discriminate against employees in compensation based on race, color, religion, sex, national origin, age (40 and older), physical or mental disability, marital or public assistance status or participation in lawful activities, such as smoking, off employer premises during nonwork hours (if those activities do not directly conflict with employers' essential business-related interests). <a href="#">N.D. Cent. Code §§ 14-02.4-02 to 14-02.4-05, 14-02.4-10</a></p>					

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## The Pay Equity Project – Fifty-State Pay Equity Law Summary

Ohio	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
Ohio	<p>Public and private employers are covered by the Equal pay law.</p> <p>Ohio Rev. Code §§ <a href="#">4111.14</a>, <a href="#">4111.17</a>; Ohio Const. art. II, § 34a</p>	<p>Race, color, religion, sex, age, national origin, or ancestry</p> <p><a href="#">Ohio Rev. Code Ann. § 4111.17</a></p>	<p>Employers cannot discriminate in pay based on race, color, religion, sex, age, national origin, or ancestry. Specifically, employers cannot pay employees in protected status categories wage rates that are less than the wage rates paid to other employees for equal work that requires equal skill, effort, and responsibility under similar working conditions. Wages are all compensation for employment, including commissions; they also generally include reasonable costs for providing board, lodging, and other facilities to employees. Employers cannot reduce any employee's wage rate in order to comply with the Equal pay law.</p> <p><a href="#">Ohio Rev. Code Ann. §§ 4111.01, 4111.06 to 4111.07, 4111.17</a></p> <p>Statutory Language: <a href="#">Ohio Rev. Code Ann. § 4111.17</a> Wage discrimination; exceptions; enforcement</p> <p>"(A) No employer, including the state and political subdivisions thereof, shall discriminate in the payment of wages on the basis of race, color, religion, sex, age, national origin, or ancestry by paying wages to any employee at a rate less than the rate at which the employer pays wages to another employee for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar conditions.</p> <p>Nothing in this section prohibits an employer from paying wages to one employee at a rate different from that at which the employer pays another employee for the performance of equal work under similar conditions on jobs requiring equal skill, effort, and responsibility, when the payment is made pursuant to any of the following:</p> <p>A seniority system;</p> <p>A merit system;</p> <p>A system which measures earnings by the quantity or quality of production;</p> <p>A wage rate differential determined by any factor other than race, color, religion, sex, age, national origin, or ancestry.</p> <p>(C) No employer shall reduce the wage rate of any employee in order to comply with this section."</p>	<p>Employers can pay wage differentials based on:</p> <p>seniority systems;</p> <p>merit systems;</p> <p>systems that measure earnings by production quality or quantity; or</p> <p>any factor other than race, color, religion, sex, age, national origin, or ancestry.</p> <p><a href="#">Ohio Rev. Code Ann. § 4111.17</a></p>	N/A	<p>Employers cannot discharge or otherwise discriminate against employees because they make complaints, initiate proceedings, or testify or are about to testify in proceedings related to violations of the Equal pay law.</p> <p><a href="#">Ohio Rev. Code §§ 4111.13, 4111.17</a></p>	<p>Employers that violate the Equal pay law are guilty of a minor misdemeanor and can be fined up to \$150.</p> <p>Employers that are organizations can be fined up to \$1,000 for such violations; organizations include corporations, partnerships, limited partnerships, joint ventures, unincorporated nonprofit associations, estates, trusts and other commercial or legal entities. Each day that a violation occurs is considered a separate offense.</p> <p>Employers that are sued can be ordered to pay the amount of unpaid wages due to employees and an additional amount equal to such unpaid wages, plus reasonable attorneys' fees and costs.</p> <p><a href="#">Ohio Rev. Code §§ 2901.23, 2929.28, 2929.31, 4111.13, 4111.17, 4111.99</a></p>	<p>Coverage: <a href="#">Ohio Rev. Code §§ 4111.14, 4111.17</a> Ohio Const. art. II, § 34a</p> <p>Pay Discrimination Prohibitions: <a href="#">Ohio Rev. Code Ann. §§ 4111.01, 4111.06 to 4111.07, 4111.17</a></p> <p>Retaliation Prohibition: <a href="#">Ohio Rev. Code §§ 4111.13, 4111.17</a></p> <p>Penalties/Remedies: <a href="#">Ohio Rev. Code §§ 2901.23, 2929.28, 2929.31, 4111.13, 4111.17, 4111.99</a><a href="https://codes.oio.gov/ohio-revised-code/section-4111.99">https://codes.oio.gov/ohio-revised-code/section-4111.99</a></p> <p>Ohio Laws: <a href="http://codes.ohio.gov/orc">http://codes.ohio.gov/orc</a> Ohio Department of Commerce: <a href="https://www.com.ohio.gov/">https://www.com.ohio.gov/</a></p>

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Oklahoma	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
Oklahoma	Public and private employers are covered by the Equal pay law.  <a href="#">Okla. Stat. tit. 40, § 198.1</a>	Equal pay law: Female (sex) <a href="#">Okla. Stat. Ann. tit. 40, § 198.1</a>  Fair employment practices law: Race, color, religion, sex, national origin, age, disability or genetic information <a href="#">Okla. Stat. tit. 25, § 1302</a>	Equal pay law: Employers cannot pay female employees at wage rates that are lower than the wage rates paid to male employees for comparable work that requires comparable skill, effort and responsibility. <a href="#">Okla. Stat. Ann. tit. 40, § 198.1.</a>  Fair employment practices law: Employers cannot discriminate in compensation based on race, color, religion, sex, national origin, age, disability or genetic information, unless this discrimination is justified by a bona fide occupational qualification that is reasonably necessary to normal business operations. <a href="#">Okla. Stat. tit. 25, §§ 1302, 1309, 1311</a>  Statutory Language: <a href="#">Okla. Stat. Ann. tit. 40, § 198.1.</a> Payment of discriminatory wages based on employee's sex prohibited "It shall be unlawful for any employer within the State of Oklahoma to willfully pay wages to women employees at a rate less than the rate at which he pays any employee of the opposite sex for comparable work on jobs which have comparable requirements relating to skill, effort and responsibility, except where such payment is made pursuant to a seniority system; a merit system; a system which measures earnings by quantity or quality of production; or a differential based on any factor other than sex."	Equal pay law: Employers can pay wage differentials wages pursuant to seniority systems or merit systems, systems that measure earnings by production quality or quantity or any factor other than sex. <a href="#">Okla. Stat. tit. 40, § 198.1</a>  Fair employment practices law: Employers can apply different compensation standards pursuant to bona fide seniority or merit systems, pursuant to systems that measure earnings by production quantity or quality or to employees who work in different locations if these differences are not the result of intention to discriminate based on those protected classes. Employers also can differentiate compensation based on sex if these differences are otherwise required or permitted by Oklahoma laws, Title VII of the federal Civil Rights Act of 1964 or the federal Fair Labor Standards <a href="#">Act. Okla. Stat. tit. 25, §§ 1302, 1309, 1311</a>	N/A	See Fair employment practices law.	Employers are guilty of a misdemeanor and can be fined \$25 to \$100.  <a href="#">Okla. Stat. tit. 40, § 198.2</a>	Coverage: Equal pay law: Okla. Stat. tit. <a href="#">40, § 198.1</a> ; Fair employment practices law: Okla. <a href="#">Stat. tit. 25, §§ 1301 to 1304, 1307 to 1308</a> ; Okla. Admin. Code § 335:15-3-1  Pay Discrimination Prohibitions: Equal pay law: <a href="#">Okla. Stat. tit. 40, § 198.1</a> Fair employment practices law: <a href="#">Okla. Stat. tit. 25, §§ 1302, 1309, 1311</a>  Penalties/Remedies: Equal pay law: <a href="#">Okla. Stat. tit. 40, § 198.2</a>  Oklahoma Laws: <a href="http://www.oklegislature.gov/osStatuesTitle.aspx">http://www.oklegislature.gov/osStatuesTitle.aspx</a>  Oklahoma Regulations: <a href="https://www.sos.ok.gov/oar/online/viewCode.aspx">https://www.sos.ok.gov/oar/online/viewCode.aspx</a>  Oklahoma Department of Labor: <a href="http://www.ok.gov/odol/">http://www.ok.gov/odol/</a>

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Oregon	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
Oregon	<p>Private and public employers, excluding the federal government, are covered by the Equal pay law if they have one or more employees. Employees are people who work in Oregon for employers that pay or agree to pay them at a fixed rate. They do not include partners, independent contractors, participants in work training programs administered under state or federal assistance laws, or people who work partly in the state (unless their employment contract is entered into in the state or payments under these contracts normally are made in the state).</p> <p><a href="#">Or. Rev. Stat. § 652.210</a>; <a href="#">Or. Admin. R. 839-008-0000</a></p>	<p>Protected class, which means a group of people distinguished by race, color, religion, sex, sexual orientation (as defined in <a href="#">Or. Rev. Stat. § 174.100</a>), national origin, marital status, veteran status (as defined in <a href="#">Or. Rev. Stat. § 408.225</a>), disability, or age.</p>	<p>Equal pay law: Employers cannot discriminate based on a protected class in the payment of wages or other compensation for comparable work. They also cannot pay wages or other compensation to any employee at a rate higher than the rate paid to employees of a protected class for comparable work. These actions are considered “unlawful employment practices” under the Fair employment practices law (<a href="#">Or. Rev. Stat. §§ 659A.001 to 659A.990</a>). In addition, employers cannot reduce an employee's compensation level to comply with the Equal pay law.</p> <p>Effective Jan. 1, 2020, employers may pay a different level of compensation to employees who receive wages for modified work in accordance with a claim for a compensable injury under <a href="#">Or. Rev. Stat. § 656.001</a> et seq.; as the result of a medical condition, are temporarily performing modified work that is authorized by a licensed medical professional; or as the result of a medical condition, are temporarily performing requested modified work which has been authorized by the employer in a manner that does not discriminate on the basis of a protected class.</p> <p>Comparable work means work that requires substantially similar knowledge, skill, effort, responsibility, and work conditions (as further defined in <a href="#">Or. Admin. R. 839-008-0010</a>), regardless of the job description or title. Work conditions include the work environment, hours, time of day, physical surroundings, and potential hazards. When evaluating comparable work, only Oregon employees need to be considered for purposes of comparison.</p> <p>Protected class means a group of people distinguished by race, color, religion, sex, sexual orientation (as defined in <a href="#">Or. Rev. Stat. § 174.100</a>), national origin, marital status, veteran status (as defined in <a href="#">Or. Rev. Stat. § 408.225</a>), disability, or age.</p> <p>Compensation includes wages, salaries, bonuses, benefits, fringe benefits, and equity-based compensation. It does not include tips or reimbursement for actual costs incurred, such as relocation expenses, mileage, and out-of-pocket expenses. Wages are all compensation for work performed by employees for employers, regardless of who pays this compensation or how it is paid. Rate means the basis of compensation</p>	<p>Employers can pay employees at different compensation levels for comparable work if these differences are based on one or more of the following bona fide job-related factors, including, effective Jan. 1, 2020, when such factors are contained in a collective bargaining agreement (each factor is further defined in <a href="#">Or. Admin. R. 839-008-0015</a>): <a href="#">seniority</a> or merit systems; systems that measure earnings by production quantity or quality, such as a piece-rate system; workplace location considerations; travel, if regular and necessary for the employee; or education, training, or experience.</p> <p>Employers also can provide employees different benefits (as a part of compensation) if the same benefit options are offered to all employees performing comparable work. The cost of a benefit that is offered to but declined by an employee can be considered as part of the total compensation paid to the employee.</p>	<p>Employers cannot screen applicants based on their current or past compensation, which includes using information about such compensation, obtained from any source, to determine an applicant's suitability or eligibility for employment. Employers also cannot determine compensation for positions based on applicants' current or past compensation. These actions are considered “unlawful employment practices” under the Fair employment practices law (<a href="#">Or. Rev. Stat. §§ 659A.001 to 659A.990</a>).</p> <p>Employers can ask applicants for written authorization to confirm their prior compensation after making them an offer of employment that includes a compensation amount. Employers also can consider current employees' compensation for internal transfer, move, or hiring purposes.</p> <p>Compensation includes wages, salaries, bonuses, benefits, fringe benefits, and equity-based compensation. Wages are all compensation for work performed by employees for employers, regardless of who pays this compensation or how it</p>	<p>Employers cannot discriminate against employees in the payment of wages or other compensation because they: file complaints under the Fair employment practices law (<a href="#">Or. Rev. Stat. § 659A.820</a>); file complaints in proceedings under the Equal pay law; file complaints in proceedings under the Fair employment practices law (<a href="#">Or. Rev. Stat. § 659A.885</a>); testify, are about to testify, or might testify in investigations, proceedings, or criminal actions under the Equal pay law; or testify, are about to testify, or might testify in investigations or proceedings under the Fair employment practices law (<a href="#">Or. Rev. Stat. §§ 659A.830, 659A.885</a>).</p> <p><a href="#">Or. Rev. Stat. § 652.220</a></p>	<p>Employers that are sued under the Equal pay law can be ordered to pay the amount of unpaid wages owed to employees for the one-year period before lawsuits were filed, plus an equal amount as liquidated damages and reasonable attorneys' fees. Unpaid wages are the difference between wages actually paid and wages required to be paid under the Equal pay law. If employees allege violations of the Equal pay law by filing a complaint with the Oregon Bureau of Labor and Industries under the Fair employment practices law (<a href="#">Or. Rev. Stat. §§ 659A.001 to 659A.030</a>; <a href="#">Or. Admin. R. 839-005-0000 to 839-005-0010, 839-005-0013, 839-005-0021</a>), the bureau can order employers to pay back pay for the lesser of: the two-year period immediately preceding the filing of the complaint plus the period of time between the date when the complaint was filed and the date when the bureau issued its order; or the period of time that employees were subject to an unlawful wage differential plus the period of time between the date when the complaint was filed and the date when the bureau issued its order.</p> <p>If employees allege violations of the Equal pay law by filing a lawsuit under the Fair</p>	<p>Coverage: Equal pay law: <a href="#">Or. Rev. Stat. § 652.210</a>; <a href="#">Or. Admin. R. 839-008-0000</a> Fair employment practices law: <a href="#">Or. Rev. Stat. §§ 659A.001, 659A.006, 659A.350</a>; <a href="#">Or. Admin. R. 839-005-0003, 839-005-0014</a> Pay Discrimination Prohibitions: Equal pay law: <a href="#">Or. Rev. Stat. §§ 652.210 to 652.220</a> (2019 Or. Laws 617 (S.B. 123)); <a href="#">Or. Admin. R. 839-008-0000, 839-008-0010 to 839-008-0025</a> Fair employment practices law: <a href="#">Or. Rev. Stat. §§ 659A.001 to 659A.030</a>; <a href="#">Or. Admin. R. 839-005-0000 to 839-005-0010, 839-005-0021</a> Wage Disclosure: Fair employment practices law: <a href="#">Or. Rev. Stat. § 659A.355</a> Salary History: Equal pay law: <a href="#">Or. Rev. Stat. §§ 652.210 to 652.220</a>; <a href="#">Or. Admin. R. 839-008-0005</a> Fair employment practices law: <a href="#">Or. Rev. Stat. § 659A.357</a> Retaliation Prohibition: Equal pay law: <a href="#">Or. Rev. Stat. § 652.220</a> Penalties/Remedies: Equal pay law: <a href="#">Or. Rev. Stat. §§ 652.210 to 652.235</a> (2019 Or. Laws 617 (S.B. 123)), 652.990, 659A.870,</p>



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Oregon	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
			<p>for work and compensation based on time worked or quantity accomplished, produced, or handled. System (effective Jan. 1, 2020) means a consistent and verifiable method in use at the time of an alleged violation. Individual types of compensation are defined as follows:</p> <p>Benefits means: the rate of contribution that an employer makes irrevocably to a trustee or third person under a plan, fund, or program (as further defined in <a href="#">Or. Admin. R. 839-008-0000</a>), beyond what is required by federal, state, or local law; or the rate of costs to an employer in providing benefits to an employee, beyond what is required by federal, state, or local law, based on an enforceable commitment to that employee to carry out a financially responsible plan or program (as further defined in <a href="#">Or. Admin. R. 839-008-0000</a>).</p> <p>Fringe benefits has the same meaning as “benefits,” above.</p> <p>Bonus means an amount that is paid or something of value given to an employee by an employer in addition to the employee's regular rate of pay, typically as a means of encouragement or recognition.</p> <p>Equity-based compensation means non-cash payments that represent ownership, membership interests, or opportunity for investment in the employer's business, such as restricted stock awards, stock options, employee stock purchase plans, stock appreciation rights, and similar compensation schemes. It does not include a one-time buyout.</p> <p>Salary means a predetermined amount constituting all or part of the employee's compensation paid for each pay period of one week or longer (but not more than one month).</p> <p><a href="#">Or. Rev. Stat. §§ 652.210 to 652.220 (2019 Or. Laws 617 (S.B. 123</a><a href="https://oregon.public.law/statutes/ors_652.220">https://oregon.public.law/statutes/ors_652.220</a>)); <a href="#">Or. Admin. R. 839-008-0000, 839-008-0010 to 839-008-0025</a></p> <p>Fair employment practices law: Employers cannot discriminate in compensation based on race, religion, color, sex, sexual orientation, marital status, familial status, national origin, age (18 and older), disability or expunged juvenile records, unless this discrimination is justified by a bona fide occupational qualification. Employers also cannot discriminate in compensation based on a perception that an employee is a member of a protected class or</p>		<p>is paid. For other applicable definitions, see “Pay Discrimination Prohibitions.”</p> <p>Or. Rev. Stat. §§ 652.210 to 652.220; <a href="#">Or. Admin. R. 839-008-0005</a></p> <p>Fair employment practices law: Employers cannot seek employees' and applicants' salary history from them or their current or former employers. These actions are considered “unlawful practices” under the Fair employment practices law (<a href="#">Or. Rev. Stat. §§ 659A.001 to 659A.990</a>). Employers can ask applicants for written authorization to confirm their prior compensation after making them an offer of employment that includes a compensation amount. <a href="#">Or. Rev. Stat. § 659A.357</a></p>		<p>employment practices law (<a href="#">Or. Rev. Stat. § 659A.885</a>), employers can be subject to penalties/remedies under the Fair employment practices law. For more information, see Oregon EEO Enforcement. They also can be ordered to pay punitive damages if: evidence proves that they engaged in fraud, acted with malice, or acted with willful and wanton misconduct; or they previously were adjudicated for violating the Equal pay law through proceedings under the Fair employment practices law (<a href="#">Or. Rev. Stat. §§ 659A.885, 659A.850</a>).</p> <p>In any lawsuit alleging violations of the Equal pay law, employers can file a motion to disallow an award of compensatory or punitive damages. Courts grant this motion if employers can prove all of the following: They completed a good-faith equal pay analysis of their pay practices within three years before the lawsuit was filed. This analysis involves an evaluation process to assess and correct wage disparities among employees who perform comparable work. Their equal pay analysis was reasonable in detail and scope for their size. Until Jan. 1, 2020,</p>	<p>659A.885; Or. Admin. R. 839-008-0000</p> <p>Oregon Laws: <a href="https://www.oregonlegislature.gov/bills_laws/Pages/ORS.aspx">https://www.oregonlegislature.gov/bills_laws/Pages/ORS.aspx</a></p> <p>Oregon Regulations: <a href="http://arcweb.sos.state.or.us/pages/rules/access/index.html">http://arcweb.sos.state.or.us/pages/rules/access/index.html</a></p> <p>Oregon Bureau of Labor and Industries: <a href="https://www.oregon.gov/boli/Pages/index.aspx">https://www.oregon.gov/boli/Pages/index.aspx</a></p>

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			<p>based on an employee's association with a person who is a member of a protected class.                      Or. Rev. Stat. §§ 659A.001 to 659A.006, 659A.029 to 659A.030; Or. Admin. R. 839-005-0000 to 839-005-0010, 839-005- 0013, 839-005-0021</p> <p>Statutory Language: Or. Rev. Stat. Ann. § 652.220. Discriminatory wage practices; complaints; posting of notice “(1) It is an unlawful employment practice under ORS chapter 659A for an employer to: In any manner discriminate between employees on the basis of a protected class in the payment of wages or other compensation for work of comparable character.                      Pay wages or other compensation to any employee at a rate greater than that at which the employer pays wages or other compensation to employees of a protected class for work of comparable character.                      Screen job applicants based on current or past compensation.                      Determine compensation for a position based on current or past compensation of a prospective employee. This paragraph is not intended to prevent an employer from considering the compensation of a current employee of the employer during a transfer, move or hire of the employee to a new position with the same employer.                      Notwithstanding subsection (1) of this section: An employer may pay employees for work of comparable character at different compensation levels if all of the difference in compensation levels is based on a bona fide factor that is related to the position in question and is based on:                      A seniority system;                      B) A merit system;                      A system that measures earnings by quantity or quality of production, including piece-rate work;                      Workplace locations;                      Travel, if travel is necessary and regular for the employee;                      Education;                      Training;                      Experience; or                      Any combination of the factors described in this paragraph, if the combination of factors accounts for the entire compensation differential.                      (b) An employer may pay employees for work of comparable character at different compensation levels on the basis of one or more of the factors listed in paragraph (a) of this subsection that are contained in a collective bargaining agreement.                      (3) An employer may not in any manner discriminate in the payment of wages or other compensation</p>				<p>this analysis also must be related to the protected class asserted by the plaintiff. Effective Jan. 1, 2020, this analysis must also include a review of practices designed to eliminate unlawful wage differentials. Until Jan. 1, 2020, they eliminated wage differentials for the plaintiff and made reasonable, substantial progress toward eliminating wage differentials for the protected class asserted by the plaintiff. Effective Jan. 1, 2020, they made reasonable, substantial progress toward eliminating unlawful wage differentials for their employees.</p> <p>Effective Jan. 1, 2020, evidence that an employer increased an employee's pay as a result of conducting an equal-pay analysis or has not completed an equal-pay analysis will not be considered an admission of a violation of the Equal pay law. Until Jan. 1, 2020, if a court grants the motion, it can order employers to pay back pay only for the two-year period immediately preceding the filing of the lawsuit, plus reasonable attorneys' fees and costs, but cannot award compensatory or punitive damages. Effective Jan. 1, 2020, if a court grants the motion and the employee prevails on a</p>	

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Oregon	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
			<p>against any employee because the employee has filed a complaint under <a href="#">ORS 659A.820</a> or in a proceeding under <a href="#">ORS 652.210</a> to <a href="#">652.235</a> or <a href="#">659A.885</a> or has testified, or is about to testify, or because the employer believes that the employee may testify, in any investigation or proceedings pursuant to <a href="#">ORS 652.210</a> to <a href="#">652.235</a>, <a href="#">659A.830</a> or <a href="#">659A.885</a> or in a criminal action pursuant to <a href="#">ORS 652.210</a> to <a href="#">652.235</a>.</p> <p>(4) An employer may not reduce the compensation level of an employee to comply with the provisions of this section.”</p>				<p>claim alleging a violation of the Equal pay law, the court: will order the employer to eliminate the unlawful wage differential for the employee; will award back pay or unpaid wages pursuant to the Equal pay law or the Fair employment practices law, as described above; and can award the employee costs and attorneys' fees (but not compensatory or punitive damages).</p> <p>Employers that violate the Equal pay law also are guilty of a class A misdemeanor.</p> <p><a href="#">Or. Rev. Stat. §§ 652.210 to 652.235 (2019 Or. Laws 617 (S.B.123))</a>, 652.990, 659A.870, 659A.885; Or. Admin. R. 839-008-0000</p>	

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Pennsylvania	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
Pennsylvania	<p>Public and private employers are covered by Pennsylvania Equal pay law.</p> <p>Employees subject to the federal Fair Labor Standards Act are exempt from the law.</p> <p><a href="#">43 Pa. Stat. § 336.2</a></p>	<p>Equal pay law: Sex</p> <p>Fair employment practices law: race, color, religious creed, ancestry, age (40 and older), sex, national origin, non job-related handicap or disability or the use of guide or support animals because of blindness, deafness or physical handicap, unless this discrimination is based on bona fide occupational qualifications or applicable federal or state security regulations.</p>	<p>Equal pay law: Employers cannot pay employees of one sex at wage rates that are lower than the wage rates paid to employees of the opposite sex for equal work that requires equal skill, effort and responsibility under similar working conditions in the same workplace.</p> <p>Statutory Language: 43 Pa. Stat. Ann. § 336. Wage rates “(a) No employer having employees subject to any provisions of this section shall discriminate, within any establishment in which such employees are employed, between employees on the basis of sex by paying wages to employees in such establishment at a rate less than the rate at which he pays wages to employees of the opposite sex in such establishment for equal work on jobs, the performance of which, requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to (1) a seniority system; (2) a merit system; (3) a system which measures earnings by quantity or quality of production; or (4) a differential based on any other factor other than sex: Provided, That any employer who is paying a wage rate differential in violation of this subsection shall not in order to comply with the provisions of this subsection, reduce the wage rate of any employee. (b) No labor organization, or its agents, representing employees of an employer having employees subject to any provisions of this section, shall cause or attempt to cause such an employer to discriminate against an employee in violation of subsection (a) of this section.”</p> <p>Fair employment practices law: Employers cannot discriminate in compensation based on race, color, religious creed, ancestry, age (40 and older), sex, national origin, nonjob-related handicap or disability or the use of guide or support animals because of blindness, deafness or physical handicap, unless this discrimination is based on bona fide occupational qualifications or applicable federal or state security regulations. Specifically, employers cannot discriminate against employees, applicants and independent contractors who are the best able and most competent persons to perform required services.</p> <p>Employers can request a BFOQ interpretation from the Pennsylvania Human Relations Commission. BFOQs have limited scope and application, and are permitted only when</p>	<p>Equal pay law: Employers can pay different wage rates pursuant to seniority, merit or piece-rate systems or any factor other than sex. <a href="#">43 Pa. Stat. §§ 336.2 to 336.3</a></p> <p>Fair employment practices law: Employers can request a BFOQ interpretation from the Pennsylvania Human Relations Commission. BFOQs have limited scope and application, and are permitted only when employers can prove a factual basis for believing that all or substantially all members of a protected class would be unable to safely and efficiently perform the job duties; otherwise applicants only can be excluded upon showing that they are unable to perform the job. Race, color, religious creed, ancestry, age, sex and national origin are valid BFOQs only if they are reasonably necessary to essential, normal business operations. Employers have the burden of establishing that these protected status categories qualify as BFOQs, and cannot apply the BFOQ exception based on reasons such as: assumptions about the general employment characteristics of those protected classes (for example, higher turnover rates); stereotyped characteristics of those</p>	<p>State agencies shall not inquire about a job applicant’s current compensation or compensation history at any stage during the hiring process. Applicants are not prevented from volunteering information about their current compensation level or salary history in negotiating a salary; however, no agency can request that an applicant disclose current salary or salary history information. In addition, applicants can refuse to disclose current compensation level and/or history without negative repercussions by the agency in its employment decisions.</p> <p><a href="#">Executive Order 2018-18-03</a>.</p>	<p>See Fair employment practices law.</p>	<p>Employers that violate the Equal pay law, including the retaliation prohibition, can be fined \$50 to \$200 or imprisoned for 30 to 60 days. Each day of a continuing violation is a separate offense. Employers that are sued for knowingly violating the law also can be ordered to pay wages due to employees, an additional equal amount in liquidated damages, reasonable attorneys' fees and costs.</p> <p><a href="#">43 Pa. Stat. § 336.8</a></p>	<p>Coverage: Equal pay law: <a href="#">43 Pa. Stat. § 336.2</a>; Fair employment practices law: 43 Pa. Stat. §§ <a href="#">954</a> to <a href="#">955</a></p> <p>Pay Discrimination Prohibitions: Equal pay law: <a href="#">43 Pa. Stat. §§ 336.2 to 336.3</a> Fair employment practices law: 43 Pa. Stat. §§ <a href="#">954</a> to <a href="#">955</a>; <a href="#">16 Pa. Code §§ 41.71 to 41.73</a></p> <p>Salary History: <a href="#">Executive Order 2018-18-03</a></p> <p>Penalties/Remedies: Equal pay law: <a href="#">43 Pa. Stat. § 336.8</a></p> <p>Pennsylvania Laws (Consolidated Statutes): <a href="http://www.legis.state.pa.us/cfdocs/legis/LI/Public/cons_index.cfm">http://www.legis.state.pa.us/cfdocs/legis/LI/Public/cons_index.cfm</a></p> <p>Pennsylvania Department of Labor and Industry: <a href="https://www.dli.pa.gov/Pages/default.aspx">https://www.dli.pa.gov/Pages/default.aspx</a></p>

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Pennsylvania	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
			<p>employers can prove a factual basis for believing that all or substantially all members of a protected class would be unable to safely and efficiently perform the job duties; otherwise applicants only can be excluded upon showing that they are unable to perform the job. Race, color, religious creed, ancestry, age, sex and national origin are valid BFOQs only if they are reasonably necessary to essential, normal business operations. Employers have the burden of establishing that these protected status categories qualify as BFOQs, and cannot apply the BFOQ exception based on reasons such as: assumptions about the general employment characteristics of those protected classes (for example, higher turnover rates); stereotyped characteristics of those protected classes (for example, mechanical ability or aggressiveness); customer, client, co-worker or employer preferences and history, tradition or custom; and the need to provide separate facilities such as restrooms or locker rooms.</p> <p>Employers and their employees cannot aid, abet, incite, compel, coerce or directly or indirectly try to commit these discriminatory practices. They also cannot obstruct or prevent anyone from complying with the law or orders issued under the law.</p> <p><a href="#">43 Pa. Stat. §§ 954 to 955</a>; <a href="#">16 Pa. Code §§ 41.71 to 41.73</a></p>	<p>protected classes (for example, mechanical ability or aggressiveness); customer, client, co-worker or employer preferences and history, tradition or custom; and the need to provide separate facilities such as restrooms or locker rooms.</p>				

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Rhode Island	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
Rhode Island	Public and private employers are covered by Rhode Island Equal pay law.  <a href="#">R.I. Gen. Laws § 28-6-17</a>	Equal pay law: Sex (female) <a href="#">28 R.I. Gen. Laws Ann. § 28-6-18</a>  Fair employment practices law: race, color, religion, sex, sexual orientation, gender identity or expression, disability, age or ancestry. <a href="#">28 R.I. Gen. Laws Ann. § 28-5-7</a> .	Equal pay law: Employers cannot pay female employees at wage rates that are lower than the wage rates paid to male employees for equal work or for work on the same operations. <a href="#">28 R.I. Gen. Laws Ann. § 28-6-18</a>  Provisions in any contracts, agreements or understandings that establish wage rate variations in violation of the Equal pay law are null and void. <a href="#">R.I. Gen. Laws § 28-6-18</a>  Fair employment practices law: Employers cannot discriminate in compensation based on race, color, religion, sex, sexual orientation, gender identity or expression, disability, age or ancestry. <a href="#">R.I. Gen. Laws § 28-5-7</a>  Statutory Language: Wage differentials based on sex prohibited. <a href="#">28 R.I. Gen. Laws Ann. § 28-6-18</a> . (a) No employer shall discriminate in the payment of wages as between the sexes or shall pay any female in his or her employ salary or wage rates less than the rates paid to male employees for equal work or work on the same operations. (b) Nothing contained in this section shall prohibit a variation in rates of pay based upon either difference in: Seniority, experience, training, skill, or ability; Duties and services performed, either regularly or occasionally; The shift or time of day worked; or Availability for other operations or any other reasonable differentiation except difference in sex. (c) Except as provided in this section, any provision in any contract, agreement, or understanding entered into after passage of this act establishing a variation in rates of pay as between the sexes, shall be null and void.”	Employers can pay wage differentials based on: seniority, experience, training, skill or ability; duties and services that are performed regularly or occasionally; the shift or time of day worked; availability for other operations; or any other reasonable factor besides sex. <a href="#">28 R.I. Gen. Laws Ann. § 28-6-18</a>	N/A	Employers cannot discharge or discriminate against employees because they file complaints, initiate proceedings or testify in proceedings related to violations of the Equal pay law.  <a href="#">R.I. Gen. Laws § 28-6-21</a>	Employers that violate the Equal pay law can be fined up to \$200, imprisoned for up to six months or fined and imprisoned. Employers that are sued for such violations can be ordered to pay unpaid wages and liquidated damages.  <a href="#">R.I. Gen. Laws §§ 28-6-20 to 28-6-21</a>	Coverage: Equal pay law: <a href="#">R.I. Gen. Laws § 28-6-17</a> ; Fair employment practices law: <a href="#">R.I. Gen. Laws § 28-5-6</a>  Pay Discrimination Prohibitions: Equal pay law: <a href="#">R.I. Gen. Laws § 28-6-18</a> ; Fair employment practices law: <a href="#">R.I. Gen. Laws § 28-5-7</a>  Retaliation Prohibition: Equal pay law: <a href="#">R.I. Gen. Laws § 28-6-21</a>  Penalties/Remedies: Equal pay law: <a href="#">R.I. Gen. Laws §§ 28-6-20 to 28-6-21</a>  Rhode Island Laws: <a href="http://www.rilin.state.ri.us/Statutes/">http://www.rilin.state.ri.us/Statutes/</a>  Rhode Island Department of Labor and Training: <a href="http://www.dlt.state.ri.us/">http://www.dlt.state.ri.us/</a>

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South Carolina	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
South Carolina	<p>Public and private employers (and their agents) are covered by the pay discrimination prohibitions if they have a location or do business in South Carolina and have 15 or more employees for each workday in each of 20 or more calendar weeks in the current or preceding calendar year. The prohibitions also apply to employment agencies and labor organizations.</p> <p><a href="#">S.C. Code Ann. §§ 1-13-30, 1-13-80</a></p>	<p>Race, religion, color, sex, age, national origin or disability</p> <p><a href="#">S.C. Code Ann. § 1-13-30</a>;</p>	<p>Employers cannot discriminate against employees in compensation based on race, religion, color, sex, age, national origin or disability. Employers also cannot reduce employees' wage rates to comply with these prohibitions as they relate to age discrimination. <a href="#">S.C. Code Ann. § 1-13-80</a></p>	<p>Employers can apply different compensation standards pursuant to bona fide seniority or merit systems, pursuant to systems that measure earnings by production quantity or quality and to employees who work in different locations if such differences are not the result of intentional discrimination based on race, religion, color, sex, national origin or disability. Employers also can differentiate in wages or compensation based on sex if such differentiation is authorized by the federal Fair Labor Standards Act (<a href="#">29 U.S.C. 206 (d)</a>).</p> <p><a href="#">S.C. Code Ann. § 1-13-80</a></p>	N/A	See Fair employment practices law.	See Fair employment practices law.	<p><a href="#">S.C. Code Ann. §§ 1-13-30, 1-13-80</a></p> <p>South Carolina Laws: <a href="http://www.scstatehouse.gov/code/statmast.php">http://www.scstatehouse.gov/code/statmast.php</a></p>

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South Dakota	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
South Dakota	<p>Employers within South Dakota that hire or employ one or more employees are covered by the pay discrimination prohibitions. Employers outside South Dakota that hire or employ employees whose services are wholly or partially performed in South Dakota also are covered by the prohibitions. <a href="#">S.D. Codified Laws § 20-13-1</a></p> <p>No state statutory or regulatory provisions apply generally to private-sector employment.</p> <p>Prohibitions apply to employees, applicants, and, effective July 1, 2020, interns. Interns are students or trainees who work, sometimes without pay, at an organization, industry, trade, or occupation in order to gain work experience or earn academic credit. <a href="#">S.D. Codified Laws § 20-13-1 (2020 South Dakota H.B. 1216)</a>.</p>	Sex <a href="#">S.D. Codified Laws § 20-13-10</a>	<p>Employers cannot discriminate based on sex in the payment of wages and compensation. <a href="#">S.D. Codified Laws §§ 20-13-10, 20-13-16, 20-13-17</a>. They also cannot conceal unlawful discrimination or induce anyone to engage in such discrimination. <a href="#">S.D. Codified Laws § 20-13-26</a></p> <p>Statutory Language: <a href="#">S.D. Codified Laws § 20-13-16</a>. Seniority and merit preferences permitted-- Place of work differentials "Notwithstanding any provision of <a href="#">§§ 20-13-10 to 20-13-13</a>, inclusive, it is not an unfair or discriminatory practice for an employer to apply different standards of compensation, or different terms, conditions, or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production or to employees who work in different locations, if such differences are not the result of an intention to discriminate because of race, color, creed, religion, sex, ancestry, disability, or national origin."</p> <p>Statutory Language: <a href="#">S.D. Codified Laws § 20-13-17</a>. Sex differentiation permitted when based on seniority, job description, merit or executive training systems "Notwithstanding any provision of <a href="#">§§ 20-13-10 to 20-13-13</a>, inclusive, it shall not be an unfair or discriminatory practice for any employer to differentiate upon the basis of sex in determining the amount of the wages or compensation paid or to be paid to employees of such employer if such differentiation is authorized by the provisions of § 60-12-16."</p>	Employers can pay different wages or compensation based on bona fide seniority or merit systems, production quantity or quality or work location if these differences are not the result of an intention to discriminate based on sex. Compensation differences based on job descriptions and executive training programs also are lawful if they do not discriminate based on sex. <a href="#">S.D. Codified Laws §§ 20-13-10, 20-13-16, 20-13-17</a> .	N/A	See Fair employment practices law.	See Fair employment practices law.	<p>Coverage: <a href="#">S.D. Codified Laws § 20-13-1</a></p> <p>Pay Discrimination Prohibitions: <a href="#">S.D. Codified Laws §§ 20-13-10, 20-13-16, 20-13-17, 20-13-26</a></p> <p>South Dakota Laws: <a href="http://www.sdlegislature.gov/Statutes/Codified_Laws/">http://www.sdlegislature.gov/Statutes/Codified_Laws/</a></p>



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Tennessee	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
Tennessee	Public and private employers are covered by the Equal pay law. <a href="#">Tenn. Code Ann. § 50-2-201</a>	<p>Equal pay law: Sex Tenn. Code Ann. <a href="#">§ 50-2-202</a>.</p> <p>Fair employment practices law: Race, creed, color, religion, sex, age (40 and older) or national origin.  <a href="#">Tenn. Code Ann. § 4-21-401</a>.</p>	<p>Equal pay law: Employers cannot pay employees of one sex at wage rates or salaries that are lower than the wage rates or salaries paid to employees of the opposite sex for comparable work that requires comparable skill, effort and responsibility under similar working conditions. Wage rates are all compensation for employment, including employee benefits. <a href="#">Tenn. Code Ann. § 50-2-201</a>.</p> <p>Employers that pay different wage rates in violation of the Equal pay law cannot reduce employees' wage rates to comply with the law. <a href="#">Tenn. Code Ann. §§ 50-2-201, 50-2-202</a>.</p> <p>Statutory Language: <a href="#">Tenn. Code Ann. § 50-2-202</a>. Wage Differentials “(a) No employer shall discriminate between employees in the same establishment on the basis of sex by paying any employee salary or wage rates less than the rates the employer pays to any employee of the opposite sex for comparable work on jobs the performance of which require comparable skill, effort and responsibility, and that are performed under similar working conditions; however, nothing in this part shall prohibit wage differentials based on a seniority system, a merit system, a system that measures earnings by quality or quantity of production, or any other reasonable differential that is based on a factor other than sex. (b) An employer who is paying a wage differential in violation of this part shall not, in order to comply with this part, reduce the wage rate of any employee. (c) No employer may discharge or discriminate against any employee by reason of any action taken by the employee to invoke or assist in any manner the enforcement of this part.”</p> <p>Fair employment practices law: Employers cannot discriminate in compensation based on race, creed, color, religion, sex, age (40 and older) or national origin. <a href="#">Tenn. Code Ann. § 4-21-401</a></p>	Employers can pay different wages based on: seniority systems or merit systems; systems that measure earnings by quantity or quality of production; or any other reasonable differential based on a factor other than sex.  <a href="#">Tenn. Code Ann. § 50-2-202</a> .	N/A	Employers cannot discharge or discriminate against employees who take any action to invoke or enforce the Equal pay law.  <a href="#">Tenn. Code Ann. § 50-2-202</a>	Employers that are sued for violating the Equal pay law can be ordered to pay unpaid wages, reasonable attorneys' fees and costs. Employers that knowingly violate the law also can be ordered to pay liquidated damages in an amount equal to: unpaid wages for a first violation; unpaid wages plus two times that amount for a second violation; and unpaid wages plus three times that amount for each subsequent violation. Retaliation prohibition: Employers that violate the retaliation prohibition are guilty of a class A misdemeanor and can be fined up to \$2,500, imprisoned for up to 11 months and 29 days or fined and imprisoned.  Tenn. Code Ann. §§ <a href="#">40-35-111</a> , <a href="#">50-2-204</a> , <a href="#">50-2-206</a>	<p>Coverage: Equal pay law: <a href="#">Tenn. Code Ann. § 50-2-201</a></p> <p>Fair employment practices law: Tenn. Code Ann. §§ <a href="#">4-21-102</a>, <a href="#">4-21-401</a>, <a href="#">4-21-405</a></p> <p>Pay Discrimination Prohibitions: Equal pay law: Tenn. Code Ann. §§ <a href="#">50-2-201</a>, <a href="#">50-2-202</a></p> <p>Fair employment practices law: Tenn. Code Ann. <a href="#">§ 4-21-401</a></p> <p>Retaliation Prohibition: Equal pay law: Tenn. Code Ann. <a href="#">§ 50-2-202</a></p> <p>Penalties/Remedies: Equal pay law: Tenn. Code Ann. §§ <a href="#">40-35-111</a>, <a href="#">50-2-204</a>, <a href="#">50-2-206</a></p> <p>Tennessee Laws: <a href="http://tn.gov/">http://tn.gov/</a></p> <p>Tennessee Department of Labor and Workforce Development: <a href="http://www.tn.gov/labor-wfd">http://www.tn.gov/labor-wfd</a></p>

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Texas	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
Texas	<p>Private employers (and their agents) with 15 or more employees for each workday in each of 20 or more calendar weeks in the current or preceding calendar year, public employers, employment agencies and labor organizations are covered by the pay discrimination prohibitions. Employees do not include anyone who works outside of Texas or for a parent, spouse or child.</p> <p>[Note: A franchisor is not considered to be the employer of a franchisee or its employees (as defined in 16 C.F.R. § 436.1), unless a Texas court finds that the franchisor exercised an unusual type or degree of control over the franchisee or its employees for trademark and brand protection purposes (<a href="#">Tex. Lab. Code Ann. § 21.0022</a>).]</p> <p><a href="#">Tex. Lab. Code Ann. §§ 21.002, 21.051 to 21.053, 21.109, 21.111, 21.117</a></p>	<p>Race, color, disability, religion, sex, national origin, or age <a href="#">Tex. Lab. Code Ann. §§ 21.051</a></p>	<p>Employers can apply different compensation standards that are not discriminatory based on race, color, disability, religion, sex, national origin, or age: to employees who work in different locations; under bona fide seniority systems, merit systems, or employee benefit plans that are not intended to evade the discrimination prohibitions; and under systems that measure earnings by production quantity or quality. <a href="#">Tex. Lab. Code Ann. §§ 21.051, 21.102, 21.112</a></p> <p>Statutory Language: Tex. Labor Code Ann. § 21.102. Bona Fide Employee Benefit Plan; Production Measurement System “(a) Except as provided by Subsections (b) and (c), an employer does not commit an unlawful employment practice by applying different standards of compensation or different terms, conditions, or privileges of employment under: a bona fide seniority system, merit system, or an employee benefit plan, such as a retirement, pension, or insurance plan, that is not a subterfuge to evade this chapter; or a system that measures earnings by quantity or quality of production. (b) An employee benefit plan may not excuse a failure to hire on the basis of age. A seniority system or employee benefit plan may not require or permit involuntary retirement on the basis of age except as permitted by Section 21.103. (c) This section does not apply to standards of compensation or terms, conditions, or privileges of employment that are discriminatory on the basis of race, color, disability, religion, sex, national origin, or age.”</p> <p><a href="#">Statutory Language: § 21.112</a>. Employees at Different Locations “An employer does not commit an unlawful employment practice by applying to employees who work in different locations different standards of compensation or different terms, conditions, or privileges of employment that are not discriminatory on the basis of race, color, disability, religion, sex, national origin, or age.”</p>	<p>Employers can apply different compensation standards that are not discriminatory based on race, color, disability, religion, sex, national origin, or age: to employees who work in different locations; under bona fide seniority systems, merit systems, or employee benefit plans that are not intended to evade the discrimination prohibitions; and under systems that measure earnings by production quantity or quality. <a href="#">Tex. Lab Code Ann §§ 21.051, 21.102, 21.112</a></p>	N/A	See Fair employment practices law.	See Fair employment practices law.	<p>Coverage: <a href="#">Tex. Lab. Code Ann. §§ 21.002, 21.051 to 21.053, 21.109, 21.111, 21.117</a> <a href="#">40 Tex. Admin. Code § 819.11</a></p> <p>Pay Discrimination Prohibitions: <a href="#">Tex. Lab. Code Ann. §§ 21.051, 21.102, 21.112</a></p> <p>Texas Laws: <a href="http://www.statutes.legis.state.tx.us/">http://www.statutes.legis.state.tx.us/</a> Texas Regulations: <a href="http://www.sos.state.tx.us/tac/index.shtml">http://www.sos.state.tx.us/tac/index.shtml</a></p>

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Utah	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
Utah	<p>Private employers are covered by the pay discrimination prohibitions if they have 15 or more employees in Utah for each working day in each of 20 or more calendar weeks in the current or preceding calendar year. Public employers, employment agencies and labor organizations also are covered by the prohibitions.</p> <p>[Note: Franchisors are not considered to be employers of franchisees or their employees (as defined by 16 C.F.R. § 436.1), unless franchisors exercise an unusual type or degree of control over franchisees or their employees for trademark and brand protection purposes (Utah Code Ann. <a href="#">§ 34A-5-102</a>).]</p> <p>Utah Code Ann. <a href="#">§ 34A-5-102</a></p>	<p>Race, color, sex, pregnancy, childbirth, pregnancy-related conditions, age (40 and older), religion, national origin, disability, sexual orientation or gender identity. Utah Code Ann. <a href="#">§ 34A-5-102</a></p>	<p>Employers cannot discriminate against otherwise qualified employees in compensation based on race, color, sex, pregnancy, childbirth, pregnancy-related conditions, age (40 and older), religion, national origin, disability, sexual orientation or gender identity. Employers and their employees also cannot aid, incite, compel or coerce pay discrimination; obstruct or prevent anyone from complying with the discrimination prohibitions or related orders; or directly or indirectly try to commit pay discrimination. Discriminate in compensation means paying different wages or salaries to employees who have substantially equal experience, responsibilities and skills for a particular job. Otherwise qualified employees have job-related qualifications required by employers for a particular job, job classification or position; these qualifications can include education, training, ability (with or without reasonable accommodation), moral character, integrity, disposition to work and adherence to reasonable rules and regulations.</p> <p>Employers can increase employees' pay based on tenure if these increases are uniformly applied and available to all employees on a substantially proportional basis. Employers and employees can agree to pay rates or work schedules that are designed to protect employees from a loss of Social Security benefits if they are eligible for these benefits.</p> <p><a href="#">Utah Code Ann. § 34A-5-106</a></p> <p>Statutory Language: Utah Code Ann. § 34A-5-106. Discriminatory or prohibited employment practices-- Permitted practices "(1) It is a discriminatory or prohibited employment practice to take an action described in Subsections (1)(a) through (g). (A) As used in this chapter, "to discriminate in matters of compensation" means the payment of differing wages or salaries to employees having substantially equal experience, responsibilities, and skill for the particular job. (B) Notwithstanding Subsection (1)(a)(iii)(A): nothing in this chapter prevents an increase in pay as a result of longevity with the employer, if the salary increase is uniformly applied and available to all employees on a substantially proportional basis; and nothing in this section prohibits an employer and employee from agreeing to a rate of pay or work schedule designed to protect the employee from loss of Social Security payment or benefits if the employee is eligible for those payments."</p>	<p>Employers can increase employees' pay based on tenure if these increases are uniformly applied and available to all employees on a substantially proportional basis. Employers and employees can agree to pay rates or work schedules that are designed to protect employees from a loss of Social Security benefits if they are eligible for these benefits.</p> <p>Utah Code Ann. <a href="#">§ 34A-5-106</a></p>	N/A	See Fair employment practices law.	<p>See Fair employment practices law. Employers that violate the pay discrimination prohibitions also can be ordered to pay additional damages equal to back pay, unless they can show that they acted in good faith and reasonably believed they did not violate the prohibitions.</p> <p><a href="#">Utah Code Ann. § 34A-5-107</a></p>	<p><a href="#">Utah Code Ann. §§ 34A-5-102, 34A-5-106 to 34A-5-107</a></p> <p>Utah Laws: <a href="http://le.utah.gov/Documents/code_const.htm">http://le.utah.gov/Documents/code_const.htm</a></p> <p>Utah Regulations: <a href="https://rules.utah.gov/publications/utah-adm-code/">https://rules.utah.gov/publications/utah-adm-code/</a></p>

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Vermont	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
Vermont	<p>Public and private employers (and their agents) are covered by the pay discrimination provisions if they have one or more workers performing services in Vermont. The provisions also apply to employment agencies and labor organizations.</p> <p><a href="#">Vt. Stat. Ann. tit. 21 § 495d</a></p>	<p>Sex</p> <p><a href="#">Vt. Stat. Ann. tit. 21 § 495</a></p>	<p>Employers cannot discriminate based on sex by paying employees of one sex at wage rates that are less than the wage rates paid to employees of the opposite sex for equal work that requires equal skill, effort, and responsibility under similar work conditions. Employers that violate this prohibition cannot reduce any employee's wage rate to achieve compliance. <a href="#">Vt. Stat. Ann. tit. 21, § 495.</a></p> <p>Statutory Language: <a href="#">Vt. Stat. Ann. tit. 21, § 495</a>  “(7) For any employer, employment agency, labor organization, or person seeking employees to discriminate between employees on the basis of sex by paying wages to employees of one sex at a rate less than the rate paid to employees of the other sex for equal work that requires equal skill, effort, and responsibility and is performed under similar working conditions. An employer who is paying wages in violation of this section shall not reduce the wage rate of any other employee in order to comply with this subsection. (A) An employer may pay different wage rates under this subsection when the differential wages are made pursuant to: A seniority system; A merit system; A system in which earnings are based on quantity or quality of production; A bona fide factor other than sex. An employer asserting that differential wages are paid pursuant to this subdivision shall demonstrate that the factor does not perpetuate a sex-based differential in compensation, is job-related with respect to the position in question, and is based upon a legitimate business consideration.  (B)(i) No employer may do any of the following: Require, as a condition of employment, that an employee refrain from disclosing the amount of his or her wages or from inquiring about or discussing the wages of other employees; Require an employee to sign a waiver or other document that purports to deny the employee the right to disclose the amount of his or her wages or to inquire about or discuss the wages of other employees.  (ii) Unless otherwise required by law, an employer may prohibit a human resources manager from disclosing the wages of other employees.  (8) Retaliation prohibited. An employer, employment agency, or labor organization shall not discharge or in any other manner discriminate against any employee because the employee: has opposed any act or practice that is prohibited under this chapter; has lodged a complaint or has testified, assisted, or participated in any manner with the Attorney General, a State's Attorney, the Department of Labor, or the Human Rights Commission in an investigation of prohibited acts or practices; is known by the employer to be about to lodge a</p>	<p>Employers can pay different wage rates pursuant to seniority or merit systems, systems that base earnings on production quantity or quality, or other bona fide factors besides sex if they can show that these factors are job-related, are based on legitimate business considerations, and do not perpetuate sex-based compensation differentials. <a href="#">Vt. Stat. Ann. tit. 21 § 495</a></p>	<p>Employers cannot ask or seek information about applicants' current or past compensation from them or their current or former employers. If applicants voluntarily disclose this information, however, employers can try to confirm the information or ask applicants to confirm it after making them an offer of employment with compensation. Employers also cannot require that applicants' current or past compensation meet minimum or maximum criteria and cannot determine whether to interview applicants based on their current or past compensation. Compensation includes wages, salary, bonuses, benefits, fringe benefits, and equity-based compensation.</p> <p>Employers can ask about applicants' salary expectations or requirements and can provide information about the wages, benefits, compensation, or salary offered for a position. <a href="#">Vt. Stat. Ann. tit. 21 § 495m</a></p>	<p>See Fair employment practices law.</p>	<p>See Fair employment practices law. Employers that violate the pay discrimination prohibitions or the wage disclosure provisions also can be ordered to pay affected employees the amount of any wages owed plus an equal amount as liquidated damages.</p> <p><a href="#">Vt. Stat. Ann. tit. 21 § 495b</a></p>	<p>Vt. Stat. Ann. tit. 21, §§ 495, 495b, 495d, 495m Vermont</p> <p>Laws: <a href="http://vermont.gov/">http://vermont.gov/</a></p>

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Vermont	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
			complaint, testify, assist, or participate in any manner in an investigation of prohibited acts or practices; has disclosed his or her wages or has inquired about or discussed the wages of other employees; or is believed by the employer to have acted as described in subdivisions (A) through (D) of this subdivision."					

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Virginia	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
Virginia	<p>Public and private employers are covered by the Equal pay law. Employers subject to the federal Fair Labor Standards Act are exempt from the law.</p> <p><a href="#">Va. Code Ann. § 40.1-28.6</a></p>	<p>New Law: race, color, religion, national origin, or sex</p> <p>VA LEGIS 1138 (2020), 2020 Virginia Laws Ch. 1138 (<a href="#">H.B. 827</a>)</p>	<p>Fair employment practices law (Effective July 1, 2020) It is unlawful for an employer to discriminate in compensation based on race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions including lactation, age (40 and older), status as a veteran, or national origin.</p> <p>Employers can apply different compensation standards pursuant to a bona fide seniority or merit system that measures earnings by production quantity or quality of production, or to employees who work in different locations if these differences aren't the result of an intention to discriminate based on a protected class.</p> <p>Va. Code Ann. <a href="#">§§ 2.2-3904 to 2.2-3905</a> (2020 Va. Laws 1140 (S.B. 868))</p> <p>Pay Transparency Provision (new 2020):                      "A. No employer shall discharge from employment or take other retaliatory action against an employee because the employee (i) inquired about or discussed with, or disclosed to, another employee any information about either the employee's own wages or other compensation or about any other employee's wages or other compensation or (ii) filed a complaint with the Department alleging a violation of this section. However, the provisions of this section shall not apply to employees who have access to the compensation information of other employees or applicants for employment as part of their essential job functions who disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) in response to a formal complaint or charge, (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or (c) consistent with a legal duty to furnish information." Va. Code Ann. § 40.1-28.7:9.</p>	<p>Employers can apply different compensation standards pursuant to a bona fide seniority or merit system that measures earnings by production quantity or quality of production, or to employees who work in different locations if these differences aren't the result of an intention to discriminate based on a protected class.</p>	<p>Employees are protected when they inquire about, discuss or disclose information about their own or any other employee's wages, or when they file a complaint with the DOL alleging a violation of this law.</p> <p>The law does not apply to "employees who have access to the compensation information of other employees or applicants ... as part of their essential job functions who disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information," unless that disclosure is in response to a formal complaint or charge, made in connection with an investigation, proceeding, hearing or action, or is consistent with a legal duty to disclose the information.  <a href="#">Va. Code Ann. § 40.1-28.7:9.</a></p>	N/A	<p>Employers that violate the Equal pay law can be fined \$10 to \$200. Employers that are sued also can be ordered to pay the balance of unpaid wages plus 8 percent annual interest, damages of up to two times unpaid wages, and reasonable attorneys' fees.</p> <p><a href="#">Va. Code Ann. §§ 40.1-28.6, 40.1-28.11 to 40.1-28.12</a></p>	<p>Va. Code Ann. §§ 40.1-1, 40.1-6, 40.1-28.6, 40.1-28.11 to 40.1-28.12</p> <p>Virginia Laws:  <a href="https://law.lis.virginia.gov/vacode">https://law.lis.virginia.gov/vacode</a></p> <p>Virginia Department of Labor and Industries:  <a href="http://www.doli.virginia.gov/">http://www.doli.virginia.gov/</a></p>

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Washington	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
Washington	<p>Public and private employers in Washington are covered by the Equal pay law if they engage in any business, industry, profession, or activity in the state and have one or more employees. The law's provisions on salary expectations only apply to employers with fifteen or more employees.</p> <p><a href="#">Wash. Rev. Code §§ 49.58.010 to 49.58.020, 49.58.110</a></p>	<p>Equal pay law: Gender</p> <p>Fair employment practices law: Protected classes are actual or perceived age (40 to 70), sex, marital status, sexual orientation, race, creed, color, national origin, and, effective June 11, 2020, citizenship or immigration status; honorably discharged veteran or military status; the presence of sensory, mental, or physical disabilities; and the use of trained dog guides or service animals by people with disabilities. Sexual orientation includes gender expression or identity. National origin includes ancestry. Employers also cannot discriminate in compensation based on the results of an HIV or hepatitis C test, unless the absence of HIV or hepatitis C infection is a BFOQ.</p>	<p>Equal pay law: Employers cannot discriminate based on gender in providing compensation to employees who are similarly employed. <a href="#">Wash. Rev. Code § 49.58.010 (2018)</a> ("(1) Any employer in this state who discriminates in any way in providing compensation based on gender between similarly employed employees of the employer is guilty of a misdemeanor. If any employee receives less compensation because of discrimination on account of gender in violation of this section, that employee is entitled to the remedies in RCW <a href="#">49.58.060</a>, <a href="#">49.58.060</a>, and <a href="#">49.58.070</a>. In such action, however, the employer shall be credited with any compensation which has been paid to the employee upon account.").</p> <p>Employers also cannot discriminate based on gender by limiting employees' career advancement opportunities or depriving them of such opportunities that would otherwise be available. Wash. Rev. Code <a href="#">§ 49.58.030 (2018)</a> ("(2) An employer may not, on the basis of gender, limit or deprive an employee of career advancement opportunities that would otherwise be available. (3) A differential in career advancement based on a bona fide job-related factor or factors that meet the criteria in RCW <a href="#">49.58.020(3)(a)</a> (i) through (iii) does not constitute discrimination within the meaning of this section. Such bona fide factors include, but are not limited to, the factors specified in RCW <a href="#">49.58.020(3)(b)</a> (i) through (iv).").</p> <p>Compensation is discretionary and nondiscretionary wages and benefits provided by employers. Wash. <a href="#">Rev. Code § 49.58.010 (2018)</a>.</p> <p>Employees are similarly employed if they work for the same employer and their jobs require similar skill, effort, and responsibility under similar work conditions; job titles alone do not determine whether employees are similarly employed. Wash. Rev. Code <a href="#">§ 49.58.010 (2018)</a> ("(2) For purposes of this section, employees are similarly employed if the individuals work for the same employer, the performance of the job requires similar skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed.").</p> <p>Fair employment practices law: Employers cannot discriminate in compensation based on protected classes under the Fair employment practices law. Protected classes are actual or perceived age (40 to 70), sex, marital status, sexual orientation, race, creed, color, national origin, and, effective June 11, 2020, citizenship or immigration status; honorably discharged veteran or</p>	<p>Equal pay law: Employers can pay compensation differentials and permit career advancement differentials based in good faith on bona fide job-related factors that are consistent with business necessity, are not based on or derived from gender-based differentials, and together account for the entire differential. Bona fide job-related factors include: education, training, or experience; seniority or merit systems; systems that measure earnings by production quantity or quality; or bona fide regional differences in compensation levels. <a href="#">Wash. Rev. Code Ann. § 49.58.020 (West)</a></p> <p>Employers also can pay compensation differentials based in good faith on local ordinances that provide a different minimum wage than state law. Employers have the burden of proving those defenses. <a href="#">Wash. Rev. Code §§ 49.58.010 to 49.58.030</a></p>	<p>Equal pay law: Employers cannot seek the wage or salary history of any job applicant, from the applicant or his or her current or former employer, or require that an applicant's prior wage or salary history meet certain criteria. However, they can confirm an applicant's wage or salary history if: the applicant has voluntarily disclosed his or her wage or salary history; or the employer has already negotiated and made an employment offer with compensation to the applicant.</p> <p>Salary expectations: Employers with fifteen or more employees must provide an applicant the minimum wage or salary for the position sought, upon the applicant's request, after initially offering that position to him or her. Employers with fifteen or more employees also must provide an employee the wage scale or salary range for any internal transfer to a new position or promotion sought by the employee, upon the employee's request. If no wage scale or salary range exists, the employer must provide its minimum wage or salary expectation before posting the position, making the</p>	<p>Employers cannot discharge or retaliate or otherwise discriminate against employees because they: file complaints; initiate or trigger proceedings under the Equal pay law; testify or are about to testify in such proceedings; or exercise any rights under the law on behalf of themselves or other people.</p> <p><a href="#">Wash. Rev. Code § 49.58.050</a></p>	<p>The Washington State Department of Labor and Industries can order employers that violate the law to: pay actual damages; pay statutory damages equal to the amount of actual damages or \$5,000, whichever is greater; pay interest of 1 percent per month on all compensation owed; pay the department's investigation and enforcement costs; pay fines of up to \$500 for a first violation and up to \$1,000 or 10 percent of damages, whichever is greater, for each subsequent violation; and comply with other remedies.</p> <p>Wages and interest owed are calculated for the four years preceding the last violation before the related complaint was filed. Wages and interest owed for violations of the salary history provisions must be calculated from the first date that wages were owed to the employee. If wages are owed because of unlawful compensation discrimination based on gender, employers are credited for any compensation they paid to affected employees. For the purpose of determining fines for violations of the law's pay discrimination prohibitions and retaliation prohibition,</p>	<p>Coverage: Equal pay law: <a href="#">Wash. Rev. Code §§ 49.58.010 to 49.58.020, 49.58.110</a></p> <p>Fair employment practices law: Wash. Rev. Code §§ <a href="#">49.60.040</a>, <a href="#">49.60.180 to 49.60.200</a>; Wash. Admin. Code §§ <a href="#">162-16-200</a>, <a href="#">162-16-220</a></p> <p>Pay Discrimination Prohibitions: <a href="#">Equal pay law: Wash. Rev. Code §§ 49.58.010 to 49.58.030</a></p> <p>Fair employment practices law: <a href="#">Wash. Rev. Code §§ 49.60.040, 49.60.172 to 49.60.174, 49.60.180</a> (2020 Wash. Laws 52 (SB 5165)), <a href="#">49.60.220</a></p> <p>Wage Disclosure: Equal pay law: Wash. Rev. Code § <a href="#">49.58.040</a></p> <p>Salary History: Equal pay law: <a href="#">Wash. Rev. Code § 49.58.020</a>; <a href="#">49.58.100 to 49.58.110</a></p> <p>Retaliation Prohibition: Equal pay law: <a href="#">Wash. Rev. Code § 49.58.050</a></p> <p>Penalties/Remedies: Equal pay law: Wash. <a href="#">Rev. Code §§ 49.58.010 to 49.58.030, 49.58.060 to 49.58.070, 49.58.100 to 49.58.110</a></p> <p>Washington Laws: <a href="http://apps.leg.wa.gov/rw/">http://apps.leg.wa.gov/rw/</a></p>

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Washington	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
			<p>military status; the presence of sensory, mental, or physical disabilities; and the use of trained dog guides or service animals by people with disabilities. Sexual orientation includes gender expression or identity. National origin includes ancestry. Employers also cannot discriminate in compensation based on the results of an HIV or hepatitis C test, unless the absence of HIV or hepatitis C infection is a BFOQ. <a href="#">Wash. Rev. Code §§ 49.60.040, 49.60.180 to 49.60.200</a>; <a href="#">Wash. Admin. Code §§ 162-16-200, 162-16-220</a>.</p> <p>Employers and their managers, employees, or agents cannot aid, abet, encourage, or incite anyone to commit unlawful discriminatory practices. They also cannot try to obstruct or prevent anyone from complying with the law or orders issued under the law. <a href="#">Wash. Rev. Code §§ 49.60.040, 49.60.172 to 49.60.174, 49.60.180</a> (2020 Wash. Laws 52 (SB 5165)), <a href="#">49.60.220</a></p>		<p>transfer, or making the promotion.</p> <p>Employers cannot use employees' previous wage or salary history as a defense against alleged violations of the Equal pay law's pay discrimination prohibitions (excluding the provisions on career advancement opportunities).</p> <p><a href="#">Wash. Rev. Code §§ 49.58.020, 49.58.100 to 49.58.110</a></p>		<p>each violation affecting an employee is considered a separate violation. Employees alleging violations of the provisions on career advancement opportunities are entitled to these remedies only if the department finds that employers committed a pattern of violations against employees or committed violations through the application of formal or informal employer policies or practices. (Those provisions are part of the law's pay discrimination prohibitions.)</p> <p>Employee lawsuits: Employers that are sued by employees can be ordered to:</p> <ul style="list-style-type: none"> <li>stop violations;</li> <li>pay actual damages;</li> <li>pay statutory damages equal to the amount of actual damages or \$5,000, whichever is greater;</li> <li>pay interest of 1 percent per month on all compensation owed;</li> <li>reinstate employees;</li> <li>and</li> <li>pay reasonable attorneys' fees and costs.</li> </ul> <p>Wages and interest owed are calculated for the four years preceding the last violation before the related complaint was filed. Wages and interest owed for violations of the salary history provisions must be calculated from the</p>	<p>Washington Regulations: <a href="http://apps.leg.wa.gov/wac/">http://apps.leg.wa.gov/wac/</a></p> <p>Washington State Department of Labor and Industries: <a href="https://www.lni.wa.gov/">https://www.lni.wa.gov/</a></p>



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Washington	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
							<p>first date that wages were owed to the employee. If wages are owed because of unlawful compensation discrimination based on gender, employers are credited for any compensation they paid to affected employees. Employees alleging violations of the provisions on career advancement opportunities are entitled to these remedies only if courts find that employers committed a pattern of violations against employees or committed violations through the application of formal or informal employer policies or practices. (Those provisions are part of the law's pay discrimination prohibitions.) Employers that discriminate based on gender in providing compensation to employees who are similarly employed are guilty of a misdemeanor.</p> <p><a href="#">Wash. Rev. Code §§ 49.58.010 to 49.58.030, 49.58.060 to 49.58.070, 49.58.100 to 49.58.110</a></p>	

## The Pay Equity Project – Fifty-State Pay Equity Law Summary

West Virginia	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
West Virginia	Public and private employers with one or more employees are covered by West Virginia Equal pay law. Employees do not include independent contractors or workers whose employment contract is entered into out-of-state. The law does not apply to employers that are covered by any federal law requiring equal wages for equal work regardless of employees' sex.  <a href="#">W. Va. Code § 21-5B-1</a>	Sex <a href="#">W. Va. Code Ann. § 21-5B-3</a>	<p>Equal pay law: Employers cannot discriminate based on sex in the payment of wages for work of comparable character that requires comparable skills. They also cannot pay employees of one sex wage rates that are lower than the wage rates paid to employees of the opposite sex for work of comparable character that requires comparable skills. Wages are all compensation for employment, including compensation paid in cash or otherwise. Rates include compensation based on time spent in the performance of duties, the number of operations accomplished or the quantity of work produced or handled. <a href="#">W. Va. Code Ann. § 21-5B-3</a></p> <p>Employers violate the Equal pay law cannot reduce employees' wage rates to comply with the prohibitions. <a href="#">W. Va. Code §§ 21-5B-1, 21-5B-3</a></p> <p>Statutory Language: <a href="#">W. Va. Code Ann. § 21-5B-3</a>. Discrimination between sexes in payment of wages for work of comparable character prohibited "(1) No employer shall: (a) In any manner discriminate between the sexes in the payment of wages for work of comparable character, the performance of which requires comparable skills; (b) pay wages to any employee at a rate less than that at which he pays wages to his employees of the opposite sex for work of comparable character, the performance of which requires comparable skills. Subsection (1) of this section does not apply where: (a) Payment is made pursuant to a seniority or merit system which does not discriminate on the basis of sex, (b) a differential in wages between employees is based in good faith on factors other than sex. No employee shall be reduced in wages in order to eliminate an existing, past or future wage discrimination or to effectuate wage equalization. No employer shall in any manner discriminate in the payment of wages against any employee because the employee has filed a complaint in a proceeding under this article, or has testified, or is about to testify, or because the employer believes that the employee may testify, in any investigation or proceedings pursuant to this article or in a criminal action pursuant to this article."</p> <p>Fair employment practices law: Employers cannot discriminate against employees in compensation, privileges and other terms of employment if they are able and competent to perform required duties. Employers can comply</p>	<p>Equal pay law: Employers can pay different wages: based on seniority or merit increase systems that do not discriminate based on sex; or when such differences are based in good faith on factors other than sex. <a href="#">W. Va. Code Ann. § 21-5B-3</a></p> <p>Fair employment practices law: Employers can comply with the terms of bona fide pension, retirement, employee insurance or benefit plans that are not created to evade these pay discrimination prohibitions. <a href="#">W. Va. Code §§ 5-11-3, 5-11-9</a></p>	N/A	Employers cannot discriminate in the payment of wages against employees because they file complaints or testify, or because employers believe they will testify, in any proceedings related to violations of the Equal pay law. <a href="#">W. Va. Code § 21-5B-3</a>	Employers that violate the Equal pay law are guilty of a misdemeanor and can be fined \$25 to \$100. Employers that are sued also can be ordered to pay unpaid wages owed to employees for the one-year period preceding the filing of this lawsuit, an equal amount in liquidated damages and reasonable attorneys' fees.  <a href="#">W. Va. Code §§ 21-5B-4 to 21-5B-5</a>	<p>Coverage: Equal pay law: <a href="#">W. Va. Code § 21-5B-1</a></p> <p>Fair employment practices law: <a href="#">W. Va. Code § 5-11-3</a>; <a href="#">W. Va. Code St. R. §§ 77-7-1 to 77-7-2</a></p> <p>Pay Discrimination Prohibitions: Equal pay law: <a href="#">W. Va. Code §§ 21-5B-1, 21-5B-3</a></p> <p>Fair employment practices law: <a href="#">W. Va. Code §§ 5-11-3, 5-11-9</a></p> <p>Retaliation Prohibition: Equal pay law: <a href="#">W. Va. Code § 21-5B-3</a></p> <p>Penalties/Remedies: Equal pay law: <a href="#">W. Va. Code §§ 21-5B-4 to 21-5B-5</a></p> <p>West Virginia Laws: <a href="http://www.wvlegislature.gov/WVCODE/Code.cfm">http://www.wvlegislature.gov/WVCODE/Code.cfm</a></p> <p>West Virginia Department of Commerce, Division of Labor: <a href="http://www.wvlabor.com">http://www.wvlabor.com</a></p>

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West Virginia	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
			with the terms of bona fide pension, retirement, employee insurance or benefit plans that are not created to evade these pay discrimination prohibitions. <a href="#">W. Va. Code §§ 5-11-3, 5-11-9</a>					

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## The Pay Equity Project – Fifty-State Pay Equity Law Summary

Wisconsin	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
Wisconsin	<p>Public and private employers with one or more employees, employment agencies, labor organizations, and licensing agencies are covered by the pay discrimination prohibitions. Employees do not include certain real estate licensees (as provided in Wis. Stat. § 452.38) and anyone employed by a parent, spouse, or child.</p> <p>[Note: Franchisors are not considered to be employers of franchisees or their employees (as defined by 16 C.F.R. § 436.1), unless franchisors agreed to this arrangement in writing or exercised an unusual type or degree of control over franchisees or their employees for trademark and brand protection purposes (Wis. Stat. § 111.3205).]</p> <p><a href="#">Wis. Stat. §§ 111.32, 111.321</a></p>	<p>Age (40 and older), race, creed, color, disability, marital status, sex, national origin, ancestry, arrest or conviction records, military service, the use or nonuse of lawful products off employer premises during nonwork hours, or declining to attend meetings or participate in communications about religious or political matters. <a href="#">Wis. Stat. Ann. § 111.321</a></p>	<p>Employers cannot discriminate in compensation based on age (40 and older), race, creed, color, disability, marital status, sex, national origin, ancestry, arrest or conviction records, military service, the use or nonuse of lawful products off employer premises during nonwork hours, or declining to attend meetings or participate in communications about religious or political matters.</p> <p>Sex discrimination includes discriminating: based on sex in compensation for equal or substantially similar work, unless sex is a bona fide occupational qualification (BFOQ); against female employees in compensation based on pregnancy, childbirth, maternity leave or related medical conditions; and in compensation based on sexual orientation.</p> <p>Sex is a BFOQ if all members of one sex are physically incapable of performing a job's essential duties or if employers' essential business operations would be undermined by employing members of both sexes.</p> <p>Employers can discriminate in compensation based on disability if employees' disabilities are reasonably related to their ability to adequately perform their job-related responsibilities. In making this determination, employers can consider the safety of employees, their co-workers, and the public. The determination must be made on an individual case-by case basis, not by a general rule that prohibits the employment of all people or a particular class of people with disabilities.</p> <p>Employers can discriminate in compensation based on employees' use or nonuse of lawful products off employer premises during nonwork hours if such use or nonuse: impairs their ability to adequately perform their job-related responsibilities; creates a conflict of interest, or the appearance of a conflict of interest, with their job-related responsibilities; conflicts with a BFOQ that is reasonably related to their job-related responsibilities; constitutes a violation of <a href="#">Wis. Stat. § 254.92(2)</a>; conflicts with any federal or state law, regulation, or rule.</p> <p>Employers can discriminate against employees in compensation if:</p>	<p>Sex is a BFOQ if all members of one sex are physically incapable of performing a job's essential duties or if employers' essential business operations would be undermined by employing members of both sexes.</p> <p>Employers can discriminate in compensation based on disability if employees' disabilities are reasonably related to their ability to adequately perform their job-related responsibilities. In making this determination, employers can consider the safety of employees, their co-workers, and the public. The determination must be made on an individual case-by case basis, not by a general rule that prohibits the employment of all people or a particular class of people with disabilities.</p> <p>Employers can discriminate in compensation based on employees' use or nonuse of lawful products off employer premises during nonwork hours if such use or nonuse: impairs their ability to adequately perform their job-related responsibilities; creates a conflict of interest, or the appearance of a</p>	N/A	See Fair employment practices law.	See Fair employment practices law.	<p>Coverage: Fair employment practices law: <a href="#">Wis. Stat. §§ 111.32, 111.321</a></p> <p>Pay Discrimination Prohibitions: <a href="#">Wis. Stat. §§ 111.32, 111.321 to 111.322, 111.33, 111.34, 111.35 to 111.365</a></p> <p>Salary History: <a href="#">Wis. Stat. § 103.36</a></p> <p>Wisconsin Laws: <a href="https://docs.legis.wisconsin.gov/statutes/preface/s/toc">https://docs.legis.wisconsin.gov/statutes/preface/s/toc</a></p> <p>Wisconsin Regulations: <a href="http://legis.wisconsin.gov/rsb/code.htm">http://legis.wisconsin.gov/rsb/code.htm</a></p> <p>Wisconsin Department of Workforce Development: <a href="https://dwd.wisconsin.gov/">https://dwd.wisconsin.gov/</a></p>

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Wisconsin	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
			<p>they decline to attend meetings or participate in communications about religious or political matters;                      the primary purpose of these meetings or communications is to provide information about religious or political matters that employers are legally required to provide; and                      employers do not provide any information about religious or political matters beyond what is legally required.</p> <p><a href="#">Wis. Stat. §§ 111.32, 111.321 to 111.322, 111.33, 111.34, 111.35 to 111.365</a></p>	<p>conflict of interest, with their job-related responsibilities;                      conflicts with a BFOQ that is reasonably related to their job-related responsibilities;                      constitutes a violation of <a href="#">Wis. Stat. § 254.92(2)</a>;                      conflicts with any federal or state law, regulation, or rule.</p> <p>Employers can discriminate against employees in compensation if:                      they decline to attend meetings or participate in communications about religious or political matters;                      the primary purpose of these meetings or communications is to provide information about religious or political matters that employers are legally required to provide;                      and                      employers do not provide any information about religious or political matters beyond what is legally required.</p> <p><a href="#">Wis. Stat. §§ 111.32, 111.321 to 111.322, 111.33, 111.34, 111.35 to 111.365</a></p>				

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Wyoming	Coverage	Protected Classes	Key Provisions	Employer Defenses	Salary History	Retaliation	Remedies/Damages:	Citing References
Wyoming	Public and private employers and their agents are covered by the Equal pay law.  <a href="#">Wyo. Stat. §§ 27-4-301 to 27-4-302</a>	Equal pay law: sex <a href="#">Wyo. Stat. Ann. § 27-4-302</a>  Fair employment practices law: age (40 or over), sex, race, creed, color, national origin, ancestry, pregnancy, or disability. <a href="#">Wyo. Stat. § 27-9-105</a>	Equal pay law: Employers cannot pay employees of one sex at wage rates that are lower than the wage rates paid to employees of the opposite sex for equal work that requires equal skill, effort, and responsibility under similar working conditions in the same establishment. <a href="#">Wyo. Stat. Ann. § 27-4-302</a>  Statutory Language: <a href="#">Wyo. Stat. Ann. § 27-4-302</a> . Prohibition on paying employees less for same work “(a) No employer shall discriminate, within the same establishment in which the employees are employed, between employees on the basis of gender by paying wages to employees at a rate less than the rate at which the employer pays wages to employees of the opposite gender for equal work on jobs the performance of which requires equal skill, effort and responsibility and which are performed under similar working conditions, except where the payment is made pursuant to: A seniority system; A merit system; A system which measures earning by quantity or quality of production; or A differential based on any other factor other than gender.”  Fair employment practices law: Employers cannot discriminate in compensation based on age (40 and older), sex, race, creed, color, national origin, ancestry, pregnancy, or disability. Employers also cannot reduce the wages of any employees to comply with these prohibitions. <a href="#">Wyo. Stat. § 27-9-105</a>	Employers can pay wage differentials pursuant to seniority or merit systems, systems that measure earnings by production quantity or quality, or any factor other than sex. <a href="#">Wyo. Stat. § 27-4-302</a>	N/A	Employers cannot discharge or otherwise discriminate against employees because they make complaints to employers, the Wyoming Department of Workforce Services, or other persons concerning the Equal pay law; initiate or cause initiation of proceedings related to the law; or testify or will testify in proceedings related to the law.  <a href="#">Wyo. Stat. §§ 27-4-301, 27-4-304</a>	Employers that are convicted of willfully violating the Equal pay law, including the related retaliation prohibition, will be fined \$25 to \$200 (effective July 1, 2019, up to \$500), imprisoned for 10 to 180 days (effective July 1, 2019, up to six months), or both. Each day of a continuing violation is a separate offense. Employers that violate the law also can be ordered by the Wyoming Department of Workforce Services to pay the amount of wages due plus an equal amount in liquidated damages. Employers that are sued by employees can be ordered to pay the amount of unpaid wages plus an equal amount in liquidated damages.  <a href="#">Wyo. Stat. §§ 27-4-303 to 27-4-304</a> (2019 Wyo. Sess. Laws 20 (H.B. 71))	Coverage: Equal pay law: <a href="#">Wyo. Stat. §§ 27-4-301 to 27-4-302</a>  Fair employment practices law: <a href="#">Wyo. Stat. § 27-9-102; 053-0024 Wyo. Code R. § 3-2</a>  Pay Discrimination Prohibitions: Equal pay law: <a href="#">Wyo. Stat. § 27-4-302</a>  Fair employment practices law: <a href="#">Wyo. Stat. § 27-9-105</a>  Retaliation Prohibition: Equal pay law: <a href="#">Wyo. Stat. §§ 27-4-301, 27-4-304</a>  Penalties/Remedies: Equal pay law: <a href="#">Wyo. Stat. §§ 27-4-303 to 27-4-304</a> (2019 Wyo. Sess. Laws 20 (H.B. 71))  Wyoming Laws: <a href="http://legisweb.state.wy.us/LSOWeb/StatutesDownload.aspx">http://legisweb.state.wy.us/LSOWeb/StatutesDownload.aspx</a>  Wyoming Regulations: <a href="http://soswy.state.wy.us/AdminServices/RulesOverview.aspx">http://soswy.state.wy.us/AdminServices/RulesOverview.aspx</a>  Wyoming Department of Workforce Services: <a href="http://www.wyomingworkforce.org/">http://www.wyomingworkforce.org/</a>