

FEB 8 2001

LABOR & INDUSTRIAL RELATIONS

HOUSE FILE 226
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DOTZLER

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to wage discrimination in employment by providing
2 for the determination of wage discrimination, creating an
3 equal pay commission, and providing civil penalties and
4 appropriating the penalties for enforcement purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 226

1 Section 1. Section 729.4, Code 2001, is amended to read as
2 follows:

3 729.4 FAIR EMPLOYMENT PRACTICES.

4 1. Every person in this state is entitled to the
5 opportunity for employment on equal terms with every other
6 person. A person or employer shall not discriminate in the
7 employment of individuals because of race, religion, color,
8 sex, national origin, or ancestry, and shall not discriminate
9 in compensation for work of comparable worth between jobs held
10 predominately by women and men and by minorities and
11 nonminorities. "Comparable worth" means the value of work as
12 measured by the composite of the skill, effort,
13 responsibility, and working conditions normally required in
14 the performance of work. However, as to employment an
15 individual must be qualified to perform the services or work
16 required.

17 2. A labor union or organization or an officer thereof
18 shall not discriminate against any person as to membership
19 therein because of race, religion, color, sex, national origin
20 or ancestry.

21 3. Any person, employer, labor union or organization or
22 officer of a labor union or organization convicted of a
23 violation of subsection 1 or 2 shall be guilty of a simple
24 misdemeanor.

25 4. A person or employer who violates subsection 1 shall be
26 liable for such compensatory and punitive damages as may be
27 awarded in a court of law. Any person or employer who is
28 found liable by virtue of a final judgment for such monetary
29 damages shall, in addition, pay to the state a civil penalty
30 equal to ten percent of the amount of damages owed. Such
31 civil penalty is appropriated and shall be used by the state
32 solely for the purpose of carrying out its responsibilities
33 for the administration and enforcement of subsection 1,
34 including, but not limited to, carrying out research mandated
35 by section 729.4A and the administration and enforcement of

1 other state employment discrimination laws pursuant to chapter
2 216.

3 Sec. 2. NEW SECTION. 729.4A EQUAL PAY COMMISSION.

4 1. Within ninety days after the effective date of this
5 Act, the labor commissioner shall appoint a commission known
6 as the equal pay commission which shall consist of the
7 following nine members:

8 a. Two representatives of business in the state who are
9 appointed from among individuals nominated by state business
10 organizations and business trade associations.

11 b. Two representatives of labor organizations who have
12 been nominated by state labor federations. For purposes of
13 this paragraph, a state labor federation is an organization
14 that is chartered by a federation of national or international
15 unions, admits local unions to membership, and exists
16 primarily to carry on educational, legislative, and
17 coordinating activities.

18 c. Two representatives of organizations whose objectives
19 include the elimination of pay disparities between men and
20 women or minorities and nonminorities, and who have undertaken
21 advocacy, educational, or legislative initiatives in pursuit
22 of that objective.

23 d. Three individuals drawn from higher education or
24 research institutions who have experience and expertise in the
25 collection and analysis of data concerning such pay
26 disparities and whose research has already been used in
27 efforts to promote the elimination of those disparities.

28 2. The commission shall make a full and complete study of
29 the following:

30 a. The extent of wage disparities, both in the public and
31 private sector, between men and women and between minorities
32 and nonminorities.

33 b. Those factors which cause, or which tend to cause, such
34 disparities, including segregation between men and women and
35 between minorities and nonminorities across and within

1 occupations, payment of lower wages for work in female-
2 dominated occupations, child-rearing responsibilities, and
3 education.

4 c. The consequences of such disparities on the economy and
5 on families affected.

6 d. Actions, including proposed legislation, that are
7 likely to lead to the elimination and prevention of such
8 disparities.

9 3. The commission shall, no later than twelve months after
10 its members are appointed, make its report to the labor
11 commissioner, who shall, in turn, transmit the report to the
12 governor.

13 4. The commission's report shall include the results of
14 its study as well as its recommendations, legislative and
15 otherwise, for the elimination and prevention of disparities
16 in wages between men and women and between minorities and
17 nonminorities.

18 EXPLANATION

19 This bill provides that a person or employer shall not
20 discriminate in providing compensation for work of comparable
21 worth between jobs held predominately by women and men and by
22 minorities and nonminorities. The bill defines comparable
23 worth as being the value of work measured by the skill,
24 responsibility, and working conditions involved in performing
25 the work. A violation of this provision constitutes a simple
26 misdemeanor.

27 The bill also provides that a person or employer who
28 violates this section can be held liable for compensatory and
29 punitive damages. In addition, a person or employer who is
30 found liable for such damages shall also pay to the state a
31 civil penalty equal to 10 percent of the amount of such
32 damages. This civil penalty is appropriated to and shall be
33 used by the state for the purpose of carrying out the
34 administration and enforcement of this section and for the
35 administration and enforcement of the Iowa civil rights Act

1 contained in Code chapter 216.

2 The bill also creates an equal pay commission of nine
3 members to be appointed by the labor commissioner to study
4 wage disparity issues in the state and to make a report to the
5 labor commissioner within 12 months of its formation.

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