

MAR 5 2003

COMMERCE, REGULATION & LABOR

HOUSE FILE 451

BY PETERSEN

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.

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

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1 Section 1. NEW SECTION. 91F.1 DEFINITIONS.

2 As used in this chapter, unless the context otherwise
3 provides:

4 1. "Employ" means to engage or permit to work for wages.

5 2. "Employee" means a person employed by an employer and
6 includes all of an employer's year-round employees, whether
7 working full-time or part-time, and any temporary employee
8 employed by an employer for a period of at least three months.
9 "Employee" shall not include an individual employed by the
10 individual's parent, spouse, or child.

11 3. "Employer" means a person who employs three or more
12 persons and includes the state and all political subdivisions
13 of the state.

14 4. "Equivalent jobs" means jobs or occupations that are
15 equal within the meaning of the federal Equal Pay Act of 1963,
16 29 U.S.C. § 206(d), or jobs or occupations that are dissimilar
17 but whose requirements are equivalent, when viewed as a
18 composite of skills, effort, responsibility, and working
19 conditions.

20 5. "Labor organization" means an organization that exists
21 for the purpose, in whole or in part, of collective bargaining
22 or of dealing with employers concerning grievances, terms or
23 conditions of employment, or of other mutual aid or protection
24 in connection with employment.

25 6. "Market rates" means the rates that employers within a
26 prescribed geographic area actually pay, or are reported to
27 pay, for specific jobs, as determined by formal or informal
28 surveys, wage studies, or other means.

29 7. "Wages" and "wage rates" include all compensation in
30 any form that an employer provides to employees in payment for
31 work done or services rendered, including but not limited to
32 base pay, bonuses, commissions, awards, tips, or various forms
33 of nonmonetary compensation if provided in lieu of or in
34 addition to monetary compensation and that have economic value
35 to an employee.

1 **Sec. 2. NEW SECTION. 91F.2 WAGE DISCRIMINATION**
2 **PROHIBITION.**

3 1. An employer shall not discriminate between employees on
4 the basis of sex, race, or national origin by doing any of the
5 following:

6 a. Paying wages to employees of one sex, race, or national
7 origin at a rate less than the rate paid to employees of the
8 opposite sex or of a different race or national origin for
9 work in equivalent jobs.

10 b. Paying wages to employees in a job that is dominated by
11 employees of a particular sex, race, or national origin at a
12 rate less than the rate at which such employer pays to
13 employees in another job that is dominated by employees of the
14 opposite sex or of a different race or national origin, if the
15 work on the jobs is equivalent.

16 2. However, it shall not be an unlawful employment
17 practice under this section for an employer to pay different
18 wage rates to employees, if such payments are made pursuant to
19 any of the following:

20 a. A bona fide seniority or merit system.

21 b. A system that measures earnings by quantity or quality
22 of production.

23 c. A bona fide factor other than sex, race, or national
24 origin. However, wage differentials based on varying market
25 rates for equivalent jobs or based on the differing economic
26 benefits to the employer of equivalent jobs shall not be
27 considered to be based on a bona fide factor other than sex,
28 race, or national origin.

29 3. An employer who is paying wages in violation of this
30 section shall not, in order to comply with the provisions of
31 this section, reduce the wage of any employee.

32 4. A labor organization or its agents representing
33 employees of an employer having employees subject to any
34 provision of this chapter shall not cause or attempt to cause
35 such an employer to discriminate against an employee in

1 violation of subsection 1.

2 5. The labor commissioner shall adopt rules specifying the
3 criteria for determining whether a job is dominated by
4 employees of a particular sex, race, or national origin.
5 Criteria shall include, but not be limited to, factors such as
6 whether the job has ever been formally classified as or
7 traditionally considered to be a male or female or white or
8 minority job; whether a history of discrimination exists
9 against women or people of color with regard to wages,
10 assignment, or access to jobs, or other terms and conditions
11 of employment; and the demographic composition of the
12 workforce in equivalent jobs. The rules shall not include a
13 list of jobs.

14 EXPLANATION

15 This bill creates a new Code chapter governing wage
16 discrimination.

17 The bill provides that an employer shall not pay wages that
18 discriminate between employees based on sex, race, or national
19 origin unless the differences are due to a valid factor
20 unrelated to sex, race, or national origin.

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