

HOUSE BILL 1004

K3

6lr1960

By: **Delegates Davis, Atterbeary, Branch, Bromwell, Brooks, Busch, Clippinger, Cullison, Ebersole, Frush, Gilchrist, Gutierrez, Haynes, Healey, Hettleman, Hixson, Holmes, C. Howard, Jackson, Jalisi, Jones, Kaiser, Kelly, Korman, Krimm, Lafferty, Lam, Lierman, Luedtke, McIntosh, A. Miller, Moon, Morhaim, Platt, B. Robinson, Sample-Hughes, Smith, Stein, Tarlau, Vallario, M. Washington, ~~and P. Young~~ P. Young, Aumann, Jameson, Queen, Valderrama, Waldstreicher, C. Wilson, Barkley, Carey, Frick, Glenn, Kramer, Lisanti, Vaughn, and K. Young**

Introduced and read first time: February 10, 2016

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 14, 2016

CHAPTER _____

1 AN ACT concerning

2 **Equal Pay Commission – Establishment**

3 FOR the purpose of establishing the Equal Pay Commission in the Division of Labor and
4 Industry; providing for the composition, chair, and terms of certain members of the
5 Commission; prohibiting a member of the Commission from receiving certain
6 compensation, but authorizing the reimbursement of certain expenses; requiring the
7 Commission to take certain actions; requiring the Commission to submit a certain
8 report to the Governor and the Senate Finance Committee and the House Economic
9 Matters Committee on or before a certain date each year; and generally relating to
10 the Equal Pay Commission.

11 BY adding to
12 Article – Labor and Employment
13 Section 3–309
14 Annotated Code of Maryland
15 (2008 Replacement Volume and 2015 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
2 That the Laws of Maryland read as follows:

3 **Article – Labor and Employment**

4 **3–309.**

5 (A) IN THIS SECTION, “COMMISSION” MEANS THE EQUAL PAY
6 COMMISSION.

7 (B) THERE IS AN EQUAL PAY COMMISSION IN THE DIVISION OF LABOR AND
8 INDUSTRY.

9 (C) THE COMMISSION CONSISTS OF THE FOLLOWING MEMBERS:

10 (1) THE SECRETARY OF LABOR, LICENSING, AND REGULATION, OR
11 THE SECRETARY’S DESIGNEE;

12 (2) THE COMMISSIONER, OR THE COMMISSIONER’S DESIGNEE;

13 (3) THE EXECUTIVE DIRECTOR OF THE COMMISSION ON CIVIL
14 RIGHTS, OR THE EXECUTIVE DIRECTOR’S DESIGNEE; AND

15 (4) THE FOLLOWING MEMBERS, APPOINTED BY THE GOVERNOR:

16 (I) ~~TWO~~ THREE REPRESENTATIVES OF BUSINESS IN THE STATE
17 WHO HAVE BEEN NOMINATED BY STATE BUSINESS ORGANIZATIONS AND BUSINESS
18 TRADE ASSOCIATIONS;

19 (II) TWO REPRESENTATIVES OF LABOR ORGANIZATIONS WHO
20 HAVE BEEN NOMINATED BY LABOR FEDERATIONS;

21 (III) TWO REPRESENTATIVES OF ORGANIZATIONS:

22 1. WHOSE OBJECTIVES INCLUDE THE ELIMINATION OF
23 PAY DISPARITIES BETWEEN INDIVIDUALS OF ONE SEX OR GENDER IDENTITY AND
24 MINORITIES AND NONMINORITIES; AND

25 2. WHO HAVE UNDERTAKEN ADVOCACY, EDUCATIONAL,
26 OR LEGISLATIVE INITIATIVES IN PURSUIT OF THOSE OBJECTIVES; AND

27 (IV) THREE REPRESENTATIVES OF HIGHER EDUCATION OR
28 RESEARCH INSTITUTIONS:

1 1. WHO HAVE EXPERIENCE AND EXPERTISE IN THE
2 COLLECTION AND ANALYSIS OF DATA CONCERNING PAY DISPARITIES; AND

3 2. WHOSE RESEARCH HAS BEEN USED IN EFFORTS TO
4 PROMOTE THE ELIMINATION OF THOSE DISPARITIES.

5 (D) TO THE EXTENT PRACTICABLE, THE COMPOSITION OF THE COMMISSION
6 SHALL REFLECT THE RACE, GENDER, AND GEOGRAPHIC DIVERSITY OF THE
7 POPULATION OF THE STATE.

8 (E) (1) THE TERM OF A MEMBER APPOINTED BY THE GOVERNOR IS 4
9 YEARS.

10 (2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY
11 THE TERMS PROVIDED FOR THE MEMBERS OF THE COMMISSION ON JUNE 1, 2016.

12 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL
13 A SUCCESSOR IS APPOINTED AND QUALIFIES.

14 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
15 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
16 QUALIFIES.

17 ~~(E)~~ (F) THE GOVERNOR SHALL DESIGNATE THE CHAIR OF THE
18 COMMISSION.

19 ~~(F)~~ (G) A MEMBER OF THE COMMISSION:

20 (1) MAY NOT RECEIVE COMPENSATION; BUT

21 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
22 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

23 ~~(G)~~ (H) THE COMMISSION SHALL:

24 (1) CONTINUALLY EVALUATE THE EXTENT OF WAGE DISPARITIES IN
25 THE PUBLIC AND PRIVATE SECTORS IN THE STATE BETWEEN INDIVIDUALS OF ONE
26 RACE, SEX, OR GENDER IDENTITY AND INDIVIDUALS OF ANOTHER RACE, SEX, OR
27 GENDER IDENTITY, BASED ON ALL AVAILABLE DATA;

28 (2) ESTABLISH A MECHANISM FOR THE COMMISSIONER TO COLLECT
29 DATA FROM EMPLOYERS IN THE STATE TO ASSIST THE COMMISSION IN ITS EFFORTS
30 TO EVALUATE THE DISPARITIES LISTED IN ITEM (1) OF THIS SUBSECTION;

1 **(3) DEVELOP A COMPREHENSIVE STRATEGY TO DETERMINE AND**
 2 **RECOMMEND BEST PRACTICES REGARDING EQUAL PAY FOR EQUAL WORK TO**
 3 **INDIVIDUALS, EMPLOYERS, AND POLICYMAKERS;**

4 **(4) STUDY AND MAKE RECOMMENDATIONS REGARDING WHETHER**
 5 **AND TO WHAT EXTENT ADMINISTRATIVE AND LEGAL PROCESSES AND REMEDIES CAN**
 6 **BE STREAMLINED AND HARMONIZED ACROSS THIS SUBTITLE AND OTHER**
 7 **EMPLOYMENT ANTIDISCRIMINATION LAWS;**

8 **(5) DEVELOP PARTNERSHIPS WITH PRIVATE SECTOR ENTITIES AND**
 9 **OTHER PUBLIC SECTOR ENTITIES TO IDENTIFY:**

10 **(I) METHODS OF DEVELOPING A DATA COLLECTION**
 11 **MECHANISM;**

12 **(II) EFFECTIVE METHODS OF OUTREACH THROUGH WHICH THE**
 13 **COMMISSION MAY RAISE THE AWARENESS OF EMPLOYERS ABOUT THE PROVISIONS**
 14 **OF THIS SUBTITLE; AND**

15 **(III) POTENTIAL FUNDING SOURCES TO HELP THE DIVISION OF**
 16 **LABOR AND INDUSTRY ABSORB COSTS ASSOCIATED WITH STAFFING THE**
 17 **COMMISSION AND IMPLEMENTING THE COMMISSION'S CHARGE; AND**

18 ~~(5)~~ **(6) SHARE DATA AND FINDINGS WITH THE COMMISSIONER TO**
 19 **ASSIST IN ENFORCEMENT ACTIONS UNDER THIS SUBTITLE.**

20 ~~(H)~~ **(I) ON OR BEFORE DECEMBER 15 ~~EACH YEAR, 2017,~~ AND ON OR**
 21 **BEFORE DECEMBER 15 OF EACH YEAR THEREAFTER, THE COMMISSION SHALL**
 22 **SUBMIT A REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE**
 23 **STATE GOVERNMENT ARTICLE, THE SENATE FINANCE COMMITTEE AND THE**
 24 **HOUSE ECONOMIC MATTERS COMMITTEE REGARDING ANY FINDINGS AND**
 25 **RECOMMENDATIONS, INCLUDING ANY RECOMMENDED LEGISLATION.**

26 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial
 27 members of the Equal Pay Commission shall expire as follows:

28 (1) two members in 2017;

29 (2) two members in 2018;

30 (3) ~~two~~ three members in 2019; and

31 (4) three members in 2020.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June
2 1, 2016.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.