86R24009 CLE-D

By:  Reynolds H.C.R. No. 151

CONCURRENT RESOLUTION

WHEREAS, Congress first addressed the issue of unequal pay in 1963 by passing the Equal Pay Act as an amendment to the Fair Labor Standards Act of 1938; and

WHEREAS, Under the Fair Labor Standards Act, equal pay for equal work is a fair labor standard alongside minimum wages, overtime pay, and the protection of child laborers; and

WHEREAS, Unfortunately, weaknesses in the equal pay provisions of the Fair Labor Standards Act have made the act ineffective in preventing gender-based wage discrimination; and

WHEREAS, Notably, the act does not make an employer who violates the equal pay provisions of the act liable for compensatory or punitive damages; such limitations on civil penalties in the act deprive women subjected to wage discrimination of full relief and substantially limit the deterrent effect of the act; and

WHEREAS, Equally problematic is a loophole in the act that allows an employer to justify unequal pay if the pay disparity is based on "any factor other than sex"; courts have found that such a factor need not be related to the job position or even business-related; and

WHEREAS, Moreover, the act does not prevent an employer from using the wage or salary history of a prospective employee to make hiring and compensation decisions about the prospective employee and does not protect employees who talk about salary information in the workplace; and

WHEREAS, To address these and other barriers to achieving pay parity, the U.S. House of Representatives passed H.R. 7, the Paycheck Fairness Act, on March 27; the bill was read for the second time in the U.S. Senate on April 3; and

WHEREAS, H.R. 7 protects the rights of employees to discuss and disclose wage information in the workplace, prevents employers from relying on a prospective employee's wage or salary history in employment decisions, requires employers to provide job-related reasons for a difference in wages, and makes uncapped compensatory and punitive damages available in a civil suit brought by a victim of pay discrimination or by the secretary of labor; and

WHEREAS, In addition, H.R. 7 authorizes the secretary of labor to establish a grant program to provide training on negotiation skills and requires the secretary to conduct studies and provide information to employers, labor organizations, and the public on ways to eliminate pay disparities; and

WHEREAS, Testimony before the House Committee on Education and Labor showed that many women in the private and government sectors continue to earn significantly lower pay than men for equal work, and passing H.R. 7 would help to effectively eradicate such pay disparities; now, therefore, be it

RESOLVED, That the 86th Legislature of the State of Texas hereby respectfully urge the United States Congress to pass H.R. 7, the Paycheck Fairness Act; and, be it further

RESOLVED, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the president of the Senate and the speaker of the House of Representatives of the United States Congress, and to all the members of the Texas delegation to Congress with the request that this resolution be entered in the Congressional Record as a memorial to the Congress of the United States of America.