

By: Reynolds

H.C.R. No. 151

CONCURRENT RESOLUTION

1 WHEREAS, Congress first addressed the issue of unequal pay in
2 1963 by passing the Equal Pay Act as an amendment to the Fair Labor
3 Standards Act of 1938; and

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

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

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

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

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

1 the workplace; and

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

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

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

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

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

26 RESOLVED, That the Texas secretary of state forward official
27 copies of this resolution to the president of the United States, to

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1 the president of the Senate and the speaker of the House of
2 Representatives of the United States Congress, and to all the
3 members of the Texas delegation to Congress with the request that
4 this resolution be entered in the Congressional Record as a
5 memorial to the Congress of the United States of America.