

## S 862

Paycheck Fairness Act

**Congress:** 114 (2015–2017, Ended)

**Chamber:** Senate

**Policy Area:** Labor and Employment

**Introduced:** Mar 25, 2015

**Current Status:** Read twice and referred to the Committee on Health, Education, Labor, and Pensions.

**Latest Action:** Read twice and referred to the Committee on Health, Education, Labor, and Pensions. (Mar 25, 2015)

**Official Text:** <https://www.congress.gov/bill/114th-congress/senate-bill/862>

### Sponsor

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**Name:** Sen. Mikulski, Barbara A. [D-MD]

**Party:** Democratic • **State:** MD • **Chamber:** Senate

**Cosponsors** (44 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Baldwin, Tammy [D-WI]	D · WI		Mar 25, 2015
Sen. Blumenthal, Richard [D-CT]	D · CT		Mar 25, 2015
Sen. Brown, Sherrod [D-OH]	D · OH		Mar 25, 2015
Sen. Casey, Robert P., Jr. [D-PA]	D · PA		Mar 25, 2015
Sen. Gillibrand, Kirsten E. [D-NY]	D · NY		Mar 25, 2015
Sen. Hirono, Mazie K. [D-HI]	D · HI		Mar 25, 2015
Sen. Murray, Patty [D-WA]	D · WA		Mar 25, 2015
Sen. Nelson, Bill [D-FL]	D · FL		Mar 25, 2015
Sen. Reed, Jack [D-RI]	D · RI		Mar 25, 2015
Sen. Reid, Harry [D-NV]	D · NV		Mar 25, 2015
Sen. Shaheen, Jeanne [D-NH]	D · NH		Mar 25, 2015
Sen. Stabenow, Debbie [D-MI]	D · MI		Mar 25, 2015
Sen. Udall, Tom [D-NM]	D · NM		Mar 25, 2015
Sen. Warren, Elizabeth [D-MA]	D · MA		Mar 25, 2015
Sen. Bennet, Michael F. [D-CO]	D · CO		Apr 13, 2015
Sen. Booker, Cory A. [D-NJ]	D · NJ		Apr 13, 2015
Sen. Coons, Christopher A. [D-DE]	D · DE		Apr 13, 2015
Sen. Durbin, Richard J. [D-IL]	D · IL		Apr 13, 2015
Sen. Franken, Al [D-MN]	D · MN		Apr 13, 2015
Sen. Heinrich, Martin [D-NM]	D · NM		Apr 13, 2015
Sen. Kaine, Tim [D-VA]	D · VA		Apr 13, 2015
Sen. Klobuchar, Amy [D-MN]	D · MN		Apr 13, 2015
Sen. Murphy, Christopher [D-CT]	D · CT		Apr 13, 2015
Sen. Peters, Gary C. [D-MI]	D · MI		Apr 13, 2015
Sen. McCaskill, Claire [D-MO]	D · MO		Apr 14, 2015
Sen. Menendez, Robert [D-NJ]	D · NJ		Apr 14, 2015
Sen. Sanders, Bernard [I-VT]	I · VT		Apr 14, 2015
Sen. Tester, Jon [D-MT]	D · MT		Apr 14, 2015
Sen. Warner, Mark R. [D-VA]	D · VA		Apr 14, 2015
Sen. Boxer, Barbara [D-CA]	D · CA		Apr 16, 2015
Sen. Leahy, Patrick J. [D-VT]	D · VT		Apr 21, 2015
Sen. Merkley, Jeff [D-OR]	D · OR		Apr 23, 2015
Sen. Donnelly, Joe [D-IN]	D · IN		Apr 29, 2015
Sen. Manchin, Joe, III [D-WV]	D · WV		Apr 29, 2015
Sen. Whitehouse, Sheldon [D-RI]	D · RI		May 4, 2015
Sen. Schatz, Brian [D-HI]	D · HI		May 20, 2015
Sen. Wyden, Ron [D-OR]	D · OR		Jun 2, 2015
Sen. Feinstein, Dianne [D-CA]	D · CA		Jun 17, 2015
Sen. Heitkamp, Heidi [D-ND]	D · ND		Jul 7, 2015
Sen. Cantwell, Maria [D-WA]	D · WA		Jul 23, 2015
Sen. Schumer, Charles E. [D-NY]	D · NY		Jul 23, 2015

Cosponsor	Party / State	Role	Date Joined
Sen. Markey, Edward J. [D-MA]	D · MA		Jul 27, 2015
Sen. Cardin, Benjamin L. [D-MD]	D · MD		Jul 30, 2015
Sen. Carper, Thomas R. [D-DE]	D · DE		Nov 3, 2015

Committee Activity

Committee	Chamber	Activity	Date
Health, Education, Labor, and Pensions Committee	Senate	Referred To	Mar 25, 2015

Subjects & Policy Tags

Policy Area:

Labor and Employment

Related Bills

Bill	Relationship	Last Action
114 HR 5237	Related bill	<b>Sep 19, 2016:</b> Referred to the Subcommittee on Workforce Protections.
114 HR 1619	Related bill	<b>Nov 16, 2015:</b> Referred to the Subcommittee on Workforce Protections.
114 S 83	Related bill	<b>Jan 7, 2015:</b> Read twice and referred to the Committee on Health, Education, Labor, and Pensions.

## **Paycheck Fairness Act**

Amends the portion of the Fair Labor Standards Act of 1938 known as the Equal Pay Act to revise remedies for, enforcement of, and exceptions to prohibitions against sex discrimination in the payment of wages.

Revises the exception to the prohibition for a wage rate differential based on any other factor other than sex. Limits such factors to bona fide factors, such as education, training, or experience.

States that the bona fide factor defense shall apply only if the employer demonstrates that such factor: (1) is not based upon or derived from a sex-based differential in compensation, (2) is job-related with respect to the position in question, (3) is consistent with business necessity, and (4) accounts for the differential in compensation at issue. Makes such defense inapplicable where the employee demonstrates that: (1) an alternative employment practice exists that would serve the same business purpose without producing such differential, and (2) the employer has refused to adopt such alternative practice.

Revises the prohibition against employer retaliation for employee complaints. Prohibits retaliation for inquiring about, discussing, or disclosing the wages of the employee or another employee in response to a complaint or charge, or in furtherance of a sex discrimination investigation, proceeding, hearing, or action, or an investigation conducted by the employer.

Makes it unlawful to require an employee to sign a contract or waiver prohibiting the employee from disclosing information about the employee's wages.

Makes employers who violate sex discrimination prohibitions liable in a civil action for either compensatory or (except for the federal government) punitive damages.

States that any action brought to enforce the prohibition against sex discrimination may be maintained as a class action in which individuals may be joined as party plaintiffs without their written consent.

Authorizes the Secretary of Labor (Secretary) to seek additional compensatory or punitive damages in a sex discrimination action.

Requires the Equal Employment Opportunity Commission (EEOC) and the Office of Federal Contract Compliance Programs to train EEOC employees and affected individuals and entities on matters involving wage discrimination.

Authorizes the Secretary to make grants to eligible entities for negotiation skills training programs for girls and women. Directs the Secretary and the Secretary of Education to issue regulations or policy guidance to integrate such training into certain programs under their Departments.

Directs the Secretary to conduct studies and provide information to employers, labor organizations, and the general public regarding the means available to eliminate pay disparities between men and women.

Establishes the Secretary of Labor's National Award for Pay Equity in the Workplace for an employer who has made a substantial effort to eliminate pay disparities between men and women.

Amends the Civil Rights Act of 1964 to require the EEOC to issue regulations for collecting from employers compensation

data and other employment-related data as analyzed by the sex, race, and national origin of employees for use in the enforcement of federal laws prohibiting pay discrimination.

Directs: (1) the Commissioner of Labor Statistics to continue to collect data on woman workers in the Current Employment Statistics survey, (2) the Office of Federal Contract Compliance Programs to use specified types of methods in investigating compensation discrimination and in enforcing pay equity, and (3) the Secretary to make accurate information on compensation discrimination readily available to the public.

Directs the Secretary and the Commissioner [sic] of the EEOC jointly to develop technical assistance material to assist small businesses to comply with the requirements of this Act.

### **Actions Timeline**

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- **Mar 25, 2015:** Introduced in Senate
- **Mar 25, 2015:** Read twice and referred to the Committee on Health, Education, Labor, and Pensions.