

Regular Session, 2014

SENATE RESOLUTION NO. 161

BY SENATOR BROOME

PUBLIC CONTRACTS. Requests public entities to require private persons who contract with the public entity verify employment practices relative to equal pay.

1 A RESOLUTION

2 To urge and request public entities to have contractors in certain public contracts verify that
3 its pay practices conform with the Louisiana Equal Pay for Women Act.

4 WHEREAS, the Equal Pay Act of 1963, enacted by the 88th United States Congress,
5 amended the Fair Labor Standards Act to abolish wage disparities based on sex; and

6 WHEREAS, on June 10, 1963, President John F. Kennedy signed the Equal Pay Act,
7 which requires employers to give women and men equal pay for equal work; and

8 WHEREAS, in Act No. 374 of the 2013 Regular Session, the Louisiana Legislature
9 enacted the Louisiana Equal Pay for Women Act which declared it to be the public policy
10 of the state that a woman who performs public service for the state is entitled to be paid the
11 same compensation for her service as is paid to a man who performs the same kind, grade
12 and quality of service, and a distinction in compensation may not be made because of sex;
13 and

14 WHEREAS, 2014 marks the seventeenth anniversary of the 1997 passage of R.S.
15 23:332, which made it unlawful for an employer to:

16 (1) Intentionally fail or refuse to hire or to discharge any individual, or otherwise to
17 intentionally discriminate against any individual with respect to his compensation, or his
18 terms, conditions, or privileges of employment, because of the individual's race, color,

1 religion, sex, or national origin; and

2 (2) Intentionally limit, segregate, or classify his employees or applicants for
3 employment in any way which would deprive or tend to deprive any individual of
4 employment opportunities or otherwise adversely affect his status as an employee, because
5 of the individual's race, color, religion, sex, or national origin; and

6 WHEREAS, the wages paid to Louisiana women, on average, are significantly lower
7 than the wages paid to Louisiana men and the earnings gap between Louisiana women and
8 men has placed Louisiana among the states with the greatest disparity in wages; and

9 WHEREAS, it is incumbent upon the state of Louisiana and other public entities to
10 encourage the full equality in pay for women set forth in public policy in the Louisiana
11 Equal Pay for Women Act.

12 THEREFORE BE IT RESOLVED that the Senate of the Legislature of Louisiana
13 hereby urges and requests that public entities require any private employer who bids on or
14 contracts with the public entity for the performance of services, the purchase of materials
15 and supplies, or public works within Louisiana attest to all of the following in a sworn
16 affidavit:

17 (1) The private employer's pay practices conform with the pay practices provided in
18 R.S. 23:661 through 669 for state employees.

19 (2) The private employer shall continue, during the term of the contract, to comply
20 with such pay practices.

21 (3) The private employer shall require all subcontractors to submit to the employer
22 a sworn affidavit verifying that they are also in compliance with (1) and (2) above.

23 (4) The private employer shall maintain and make available to the public entity its
24 records reflecting the name, address, and position of each employee, and all wages paid to
25 each employee upon reasonable notice and during normal working hours and that these
26 records shall be preserved for not less than three years from the completion of the contract.

27 BE IT FURTHER RESOLVED that as used in this Resolution unless the context
28 clearly indicates otherwise:

29 (1) "Private employer" means a person, association, legal or commercial entity,
30 receiving services from an employee and in return, giving compensation of any kind to an

1 employee, who employs twenty or more employees within this state for each working day
2 in each of twenty or more calendar weeks in the current or preceding calendar year.

3 (2) "Public entity" means and includes the state of Louisiana, or any agency, board,
4 commission, department, or public corporation of the state, created by the constitution or
5 statute or pursuant thereto, or any political subdivision of the state, local governmental
6 subdivision, or municipality as defined in Article VI Section 44 of the Constitution of
7 Louisiana, any public housing authority, public school board, or any public officer whether
8 or not an officer of a public corporation or political subdivision, and any public body or
9 officer where the particular transaction of the public body or officer is governed by the
10 provisions of the model procurement code.

11 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
12 commissioner of administration, the chief justice of the Louisiana Supreme Court, the
13 Louisiana Municipal Association, the Police Jury Association of Louisiana, and the
14 Louisiana School Boards Association.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Jerry J. Guillot.

DIGEST

Broome

SR No. 161

Requests public entities to require a private employer who bids on or contracts with the public entity for the performance of services, the purchase of materials and supplies, or public works attest in a sworn affidavit that:

- (1) The private employer's pay practices conform with the pay practices in the Louisiana Equal Pay for Women Act for state employees.
- (2) The private employer shall continue, during the term of the contract, to comply with such pay practices.
- (3) The private employer have all subcontractors to submit to the employer a sworn affidavit verifying that they are also in compliance with (1) and (2) above.
- (4) The private employer will maintain and make available to the public entity its records reflecting the name, address, and position of each employee, and all wages paid to each employee upon reasonable notice and during normal working hours and that these records will be preserved for not less than three years from the completion of the contract.

Provides the following definitions:

- (1) "Private employer" means a person, association, legal or commercial entity, receiving services from an employee and in return, giving compensation of any kind

to an employee, who employs 20 or more employees within this state for each working day in each of twenty or more calendar weeks in the current or preceding calendar year.

- (2) "Public entity" means and includes the state, or any agency, board, commission, department, or public corporation of the state, created by the constitution or statute or pursuant thereto, or any political subdivision of the state, local governmental subdivision, or municipality as defined in Article VI Section 44 of the state constitution, any public housing authority, public school board, or any public officer whether or not an officer of a public corporation or political subdivision, and any public body or officer where the particular transaction of the public body or officer is governed by the provisions of the model procurement code.