

Regular Session, 2014

HOUSE RESOLUTION NO. 171

BY REPRESENTATIVE SMITH

PUBLIC CONTRACTS: Requests that all public entities verify the pay practices of any private entities with whom they contract to ensure compliance with the Louisiana Equal Pay for Women Act

1 A RESOLUTION

2 To urge and request all public entities to verify the pay practices of any private entity with
3 whom the public entity contracts to ensure compliance with the Louisiana Equal Pay
4 for Women Act.

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

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

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

15 WHEREAS, 2014 marks the seventeenth anniversary of the 1997 passage of R.S.
16 23:332, which prohibits intentional discrimination in employment on the basis of race, color,
17 religion, sex, or national origin; and

18 WHEREAS, the wages paid to Louisiana women, on average, are significantly lower
19 than the wages paid to Louisiana men, placing Louisiana among the states with the greatest
20 disparity in wages; and

1 WHEREAS, it is necessary and just that public entities within the state of Louisiana
2 encourage diversity and prohibit discrimination as required by the Equal Pay Act of 1963,
3 R.S. 23:332, and the Louisiana Equal Pay for Women Act.

4 THEREFORE, BE IT RESOLVED that the House of Representatives of the
5 Legislature of Louisiana does hereby urge and request that every public entity within the
6 state of Louisiana require private employers who bid on or contract with the public entity
7 for the performance of services or public works within Louisiana or participates in the
8 purchase of materials and supplies, attest to all of the following in a sworn affidavit:

9 (1) The private employer's pay practices conform with the pay practices provided in
10 R.S. 23:661 through 669, the Louisiana Equal Pay for Women Act, for state employees.

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

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

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

19 BE IT FURTHER RESOLVED that as used in this Resolution, unless the context
20 clearly indicates otherwise, the following terms shall have the following meanings:

21 (1) "Private employer" means a person, association, legal or commercial entity,
22 receiving services from an employee and in return, giving compensation of any kind to an
23 employee, who employs twenty or more employees within this state for each working day
24 in each of twenty or more calendar weeks in the current or preceding calendar year.

25 (2) "Public entity" means and includes the state of Louisiana, or any agency, board,
26 commission, department, or public corporation of the state, created by the constitution or
27 statute or pursuant thereto, or any political subdivision of the state, local governmental
28 subdivision, or municipality as defined in Article VI Section 44 of the Constitution of
29 Louisiana, any public housing authority, public school board, or any public officer whether
30 or not an officer of a public corporation or political subdivision, and any public body or

1 officer where the particular transaction of the public body or officer is governed by the
2 provisions of the model procurement code.

3 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
4 commissioner of administration, the chief justice of the Louisiana Supreme Court, the
5 Louisiana Municipal Association, the Police Jury Association of Louisiana, and the
6 Louisiana School Boards Association.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Smith

HR No. 171

Requests that entities who contract with the state of Louisiana or other public entities within the state comply with the requirements of the Louisiana Equal Pay for Women Act.