

Regular Session, 2014

HOUSE RESOLUTION NO. 171

BY REPRESENTATIVE SMITH

A RESOLUTION

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

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

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

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

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

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

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

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

(1) The private employer's pay practices conform with the pay practices provided in R.S. 23:661 through 669, 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 shall require 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 shall 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 shall be preserved for not less than three years from the completion of the contract.

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

(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 twenty 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 of Louisiana, 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 Constitution of Louisiana, 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.

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES