

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 603

Short Title: Equal Pay Act. (Public)

Sponsors: Representatives D. Ross, McManus, Foushee, and Tine (Primary Sponsors).
For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Rules, Calendar, and Operations of the House.

April 9, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO ENACT THE EQUAL PAY ACT TO ENSURE THAT EMPLOYEES IN THIS
3 STATE ARE PAID THE SAME WAGES IN THE SAME ESTABLISHMENT FOR THE
4 SAME QUALITY AND QUANTITY OF THE SAME CLASSIFICATION OF WORK.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Chapter 95 of the General Statutes is amended by adding a new
7 Article to read:

8 "Article 2B.

9 "Equal Pay Act.

10 "**§ 95-25.26. Definitions.**

11 The following definitions apply in this Article:

- 12 (1) Employee. – Every woman or man in receipt of or entitled to compensation
13 for labor performed for another.
14 (2) Employer. – Includes (i) this State and any local political subdivision of the
15 State and (ii) every person having control or direction of any woman or man
16 employed at any labor, or responsible directly or indirectly for the wages of
17 another, who employs more than five employees.
18 (3) Person. – As defined by G.S. 95-25.2(11).
19 (3) Wage or wages. – Any compensation for labor measured by time, piece, or
20 otherwise.

21 "**§ 95-25.27. Equal wage rates.**

22 (a) No employer shall pay any person in the employer's employ at wage rates less than
23 the rates paid to employees of the opposite sex in the same establishment for the same quantity
24 and quality of the same classification of work. Any employer who violates this section is liable
25 to the employee affected in the amount of the wages that the employee is deprived by reason of
26 the violation.

27 (b) Notwithstanding the provisions of subsection (a) of this section, nothing in this
28 section prohibits a variation of rates of pay for male and female employees engaged in the same
29 classification of work based upon seniority, a difference in length of service, ability, skill,
30 difference in duties or services performed, whether regularly or occasionally, difference in the
31 shift or time of day worked, hours of work, or restrictions or prohibitions on lifting or moving
32 objects in excess of specified weight, or other reasonable differentiation, factor or factors other
33 than sex, when exercised in good faith.

34 (c) An employer that is in violation of this section may not reduce the pay of any
35 employee in order to bring the employer into compliance with this Article.



1 (d) An employer shall not retaliate against any employee who seeks redress pursuant to
2 this Article or who participates in the investigation of a complaint under this Article.

3 **"§ 95-25.28. Complaints; enforcement; civil actions.**

4 (a) An affected employee may file with the Department of Labor a complaint that the
5 wages paid to the employee are less than the wages to which the employee is entitled under this
6 Article. The Department of Labor shall investigate the complaint and notify the employer and
7 employee of the results of the investigation.

8 (b) An employee receiving less than the wage to which the employee is entitled under
9 this section may recover in a civil action the balance of such wages, together with the costs and
10 attorneys' fees, notwithstanding any agreement to work for a lesser wage. The employee is not
11 required to exhaust administrative remedies before filing the civil action.

12 (c) A civil action pursuant to this section shall be instituted within two years after the
13 date that the alleged violation is discovered by the affected employee."

14 **SECTION 2.** This act is effective when it becomes law.