

# HOUSE BILL 1004

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By: Delegates Davis, Atterbeary, Branch, Bromwell, Brooks, Busch, Clippinger, Cullison, Ebersole, Frush, Gilchrist, Gutierrez, Haynes, Healey, Hettleman, Hixson, Holmes, C. Howard, Jackson, Jalisi, Jones, Kaiser, Kelly, Korman, Krimm, Lafferty, Lam, Lierman, Luedtke, McIntosh, A. Miller, Moon, Morhaim, Platt, B. Robinson, Sample-Hughes, Smith, Stein, Tarlau, Vallario, M. Washington, and P. Young

Introduced and read first time: February 10, 2016

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Equal Pay Commission – Establishment**

3 FOR the purpose of establishing the Equal Pay Commission in the Division of Labor and  
4 Industry; providing for the composition, chair, and terms of certain members of the  
5 Commission; prohibiting a member of the Commission from receiving certain  
6 compensation, but authorizing the reimbursement of certain expenses; requiring the  
7 Commission to take certain actions; requiring the Commission to submit a certain  
8 report to the Governor and the Senate Finance Committee and the House Economic  
9 Matters Committee on or before a certain date each year; and generally relating to  
10 the Equal Pay Commission.

11 BY adding to  
12 Article – Labor and Employment  
13 Section 3–309  
14 Annotated Code of Maryland  
15 (2008 Replacement Volume and 2015 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
17 That the Laws of Maryland read as follows:

18 **Article – Labor and Employment**

19 **3–309.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(A) IN THIS SECTION, "COMMISSION" MEANS THE EQUAL PAY**  
2 **COMMISSION.**

3           **(B) THERE IS AN EQUAL PAY COMMISSION IN THE DIVISION OF LABOR AND**  
4 **INDUSTRY.**

5           **(C) THE COMMISSION CONSISTS OF THE FOLLOWING MEMBERS:**

6                   **(1) THE SECRETARY OF LABOR, LICENSING, AND REGULATION, OR**  
7 **THE SECRETARY'S DESIGNEE;**

8                   **(2) THE COMMISSIONER, OR THE COMMISSIONER'S DESIGNEE;**

9                   **(3) THE EXECUTIVE DIRECTOR OF THE COMMISSION ON CIVIL**  
10 **RIGHTS, OR THE EXECUTIVE DIRECTOR'S DESIGNEE; AND**

11                   **(4) THE FOLLOWING MEMBERS, APPOINTED BY THE GOVERNOR:**

12                           **(I) TWO REPRESENTATIVES OF BUSINESS IN THE STATE WHO**  
13 **HAVE BEEN NOMINATED BY STATE BUSINESS ORGANIZATIONS AND BUSINESS TRADE**  
14 **ASSOCIATIONS;**

15                           **(II) TWO REPRESENTATIVES OF LABOR ORGANIZATIONS WHO**  
16 **HAVE BEEN NOMINATED BY LABOR FEDERATIONS;**

17                           **(III) TWO REPRESENTATIVES OF ORGANIZATIONS:**

18                                   **1. WHOSE OBJECTIVES INCLUDE THE ELIMINATION OF**  
19 **PAY DISPARITIES BETWEEN INDIVIDUALS OF ONE SEX OR GENDER IDENTITY AND**  
20 **MINORITIES AND NONMINORITIES; AND**

21                                   **2. WHO HAVE UNDERTAKEN ADVOCACY, EDUCATIONAL,**  
22 **OR LEGISLATIVE INITIATIVES IN PURSUIT OF THOSE OBJECTIVES; AND**

23                           **(IV) THREE REPRESENTATIVES OF HIGHER EDUCATION OR**  
24 **RESEARCH INSTITUTIONS:**

25                                   **1. WHO HAVE EXPERIENCE AND EXPERTISE IN THE**  
26 **COLLECTION AND ANALYSIS OF DATA CONCERNING PAY DISPARITIES; AND**

27                                   **2. WHOSE RESEARCH HAS BEEN USED IN EFFORTS TO**  
28 **PROMOTE THE ELIMINATION OF THOSE DISPARITIES.**

1           (D)   (1)   THE TERM OF A MEMBER APPOINTED BY THE GOVERNOR IS 4  
2 YEARS.

3           (2)   THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY  
4 THE TERMS PROVIDED FOR THE MEMBERS OF THE COMMISSION ON JUNE 1, 2016.

5           (3)   AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL  
6 A SUCCESSOR IS APPOINTED AND QUALIFIES.

7           (4)   A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES  
8 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND  
9 QUALIFIES.

10          (E)   THE GOVERNOR SHALL DESIGNATE THE CHAIR OF THE COMMISSION.

11          (F)   A MEMBER OF THE COMMISSION:

12               (1)   MAY NOT RECEIVE COMPENSATION; BUT

13               (2)   IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE  
14 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

15          (G)   THE COMMISSION SHALL:

16               (1)   CONTINUALLY EVALUATE THE EXTENT OF WAGE DISPARITIES IN  
17 THE PUBLIC AND PRIVATE SECTORS IN THE STATE BETWEEN INDIVIDUALS OF ONE  
18 RACE, SEX, OR GENDER IDENTITY AND INDIVIDUALS OF ANOTHER RACE, SEX, OR  
19 GENDER IDENTITY, BASED ON ALL AVAILABLE DATA;

20               (2)   ESTABLISH A MECHANISM FOR THE COMMISSIONER TO COLLECT  
21 DATA FROM EMPLOYERS IN THE STATE TO ASSIST THE COMMISSION IN ITS EFFORTS  
22 TO EVALUATE THE DISPARITIES LISTED IN ITEM (1) OF THIS SUBSECTION;

23               (3)   DEVELOP A COMPREHENSIVE STRATEGY TO DETERMINE AND  
24 RECOMMEND BEST PRACTICES REGARDING EQUAL PAY FOR EQUAL WORK TO  
25 INDIVIDUALS, EMPLOYERS, AND POLICYMAKERS;

26               (4)   DEVELOP PARTNERSHIPS WITH PRIVATE SECTOR ENTITIES AND  
27 OTHER PUBLIC SECTOR ENTITIES TO IDENTIFY:

28                       (I)   METHODS OF DEVELOPING A DATA COLLECTION  
29 MECHANISM;

1                   **(II) EFFECTIVE METHODS OF OUTREACH THROUGH WHICH THE**  
2 **COMMISSION MAY RAISE THE AWARENESS OF EMPLOYERS ABOUT THE PROVISIONS**  
3 **OF THIS SUBTITLE; AND**

4                   **(III) POTENTIAL FUNDING SOURCES TO HELP THE DIVISION OF**  
5 **LABOR AND INDUSTRY ABSORB COSTS ASSOCIATED WITH STAFFING THE**  
6 **COMMISSION AND IMPLEMENTING THE COMMISSION'S CHARGE; AND**

7                   **(5) SHARE DATA AND FINDINGS WITH THE COMMISSIONER TO ASSIST**  
8 **IN ENFORCEMENT ACTIONS UNDER THIS SUBTITLE.**

9                   **(H) ON OR BEFORE DECEMBER 15 EACH YEAR, THE COMMISSION SHALL**  
10 **SUBMIT A REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE**  
11 **STATE GOVERNMENT ARTICLE, THE SENATE FINANCE COMMITTEE AND THE**  
12 **HOUSE ECONOMIC MATTERS COMMITTEE REGARDING ANY FINDINGS AND**  
13 **RECOMMENDATIONS, INCLUDING ANY RECOMMENDED LEGISLATION.**

14                   SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial  
15 members of the Equal Pay Commission shall expire as follows:

- 16                   (1) two members in 2017;
- 17                   (2) two members in 2018;
- 18                   (3) two members in 2019; and
- 19                   (4) three members in 2020.

20                   SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
21 1, 2016.