

Chapter 639

(House Bill 1004)

AN ACT concerning

Equal Pay Commission – Establishment

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

BY adding to

Article – Labor and Employment

Section 3–309

Annotated Code of Maryland

(2008 Replacement Volume and 2015 Supplement)

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

Article – Labor and Employment

3–309.

(A) IN THIS SECTION, “COMMISSION” MEANS THE EQUAL PAY COMMISSION.

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

(C) THE COMMISSION CONSISTS OF THE FOLLOWING MEMBERS:

(1) THE SECRETARY OF LABOR, LICENSING, AND REGULATION, OR THE SECRETARY’S DESIGNEE;

(2) THE COMMISSIONER, OR THE COMMISSIONER’S DESIGNEE;

(3) THE EXECUTIVE DIRECTOR OF THE COMMISSION ON CIVIL RIGHTS, OR THE EXECUTIVE DIRECTOR’S DESIGNEE; AND

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

(I) ~~TWO~~ THREE REPRESENTATIVES OF BUSINESS IN THE STATE WHO HAVE BEEN NOMINATED BY STATE BUSINESS ORGANIZATIONS AND BUSINESS TRADE ASSOCIATIONS;

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

(III) TWO REPRESENTATIVES OF ORGANIZATIONS:

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

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

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

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

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

(D) TO THE EXTENT PRACTICABLE, THE COMPOSITION OF THE COMMISSION SHALL REFLECT THE RACE, GENDER, AND GEOGRAPHIC DIVERSITY OF THE POPULATION OF THE STATE.

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

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

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

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

~~(E)~~ **(F)** THE GOVERNOR SHALL DESIGNATE THE CHAIR OF THE COMMISSION.

~~(F)~~ **(G)** A MEMBER OF THE COMMISSION:

(1) MAY NOT RECEIVE COMPENSATION; BUT

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

~~(G)~~ **(H)** THE COMMISSION SHALL:

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

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

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

(4) STUDY AND MAKE RECOMMENDATIONS REGARDING WHETHER AND TO WHAT EXTENT ADMINISTRATIVE AND LEGAL PROCESSES AND REMEDIES CAN BE STREAMLINED AND HARMONIZED ACROSS THIS SUBTITLE AND OTHER EMPLOYMENT ANTIDISCRIMINATION LAWS;

(5) DEVELOP PARTNERSHIPS WITH PRIVATE SECTOR ENTITIES AND OTHER PUBLIC SECTOR ENTITIES TO IDENTIFY:

(I) METHODS OF DEVELOPING A DATA COLLECTION MECHANISM;

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

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

~~(5)~~ **(6)** SHARE DATA AND FINDINGS WITH THE COMMISSIONER TO ASSIST IN ENFORCEMENT ACTIONS UNDER THIS SUBTITLE.

~~(H)~~ **(I)** ON OR BEFORE DECEMBER 15 ~~EACH YEAR, 2017,~~ AND ON OR BEFORE DECEMBER 15 OF EACH YEAR THEREAFTER, THE COMMISSION SHALL SUBMIT A REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE SENATE FINANCE COMMITTEE AND THE HOUSE ECONOMIC MATTERS COMMITTEE REGARDING ANY FINDINGS AND RECOMMENDATIONS, INCLUDING ANY RECOMMENDED LEGISLATION.

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

- (1) two members in 2017;
- (2) two members in 2018;
- (3) ~~two~~ three members in 2019; and
- (4) three members in 2020.

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

Approved by the Governor, May 19, 2016.