

SENATE BILL NO. 85—SENATORS CARLTON, TITUS, WIENER AND AMODEI

FEBRUARY 7, 2001

Referred to Committee on Commerce and Labor

SUMMARY—Creates commission to study disparity in compensation based on differing genders, races or national origins of employees in public and private employment. (BDR S-452)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to employment; requiring the Governor to create a commission to study the disparity of compensation based on differing genders, races or national origins of employees in public and private employment; requiring the commission to report to the Legislature; and providing other matters properly relating thereto.

- 1 WHEREAS, Despite federal and state laws banning disparity in
2 compensation based on differing genders, races or national origins of
3 employees, in both the public and private sector, disparities exist between
4 compensation paid to women and compensation paid to men and
5 compensation paid to minorities and compensation paid to nonminorities in
6 cases where the persons hold the same job or hold jobs which are not
7 similar but which require equivalent composites of skill, effort,
8 responsibility and working conditions; and
9 WHEREAS, The existence of such disparity:
10 1. Depresses wages and living standards for employees who receive
11 disparately low compensation;
12 2. Reduces family incomes and contributes to the higher poverty rates
13 among households headed by a female or a minority;
14 3. Prevents the maximum use of labor resources available in this state;
15 4. Tends to cause labor disputes, thereby burdening, affecting and
16 obstructing commerce;
17 5. Constitutes an unfair method of competition; and
18 6. Violates the policy of this state against such disparity in
19 compensation; and
20 WHEREAS, Disparity in compensation based on differing genders, races
21 or national origins of employees has contributed to depressed wages for
22 women and minorities; and



1 WHEREAS, Eliminating disparity in compensation based on differing
2 genders, races or national origins of employees would have positive effects
3 on our society, including, without limitation:

4 1. Providing a solution to problems in the economy which are the
5 result of such disparity in compensation;

6 2. Reducing the number of women and minorities who earn disparately
7 low wages, thereby lowering their incidences of poverty during working
8 years and in retirement; and

9 3. Promoting stable families by increasing income for families; and

10 WHEREAS, Current methods of preventing employers from establishing
11 disparate compensation based on differing genders, races or national
12 origins of employees have proven to be only partially effective; and

13 WHEREAS, Understanding the full extent and the causes of disparities in
14 compensation in public and private employment, that exist between
15 compensation paid to men and compensation paid to women and between
16 compensation paid to minorities and compensation paid to nonminorities,
17 would enable the state to take more effective measures to reduce such
18 disparities and to eliminate the practice of establishing disparate
19 compensation based upon differing genders, races or national origins of
20 employees; now, therefore,

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22 THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
23 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:
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25 **Section 1.** The purposes of this Act and the Equal Pay Commission
26 are to:

27 1. Investigate the cause and extent of disparate compensation based on
28 differing genders, races or national origins of employees in both public and
29 private employment in this state;

30 2. Develop reliable data about the cause and extent of such disparate
31 compensation;

32 3. Educate the public about the cause and extent of disparate
33 compensation based on differing genders, races or national origins of
34 employees in this state; and

35 4. Make recommendations to the Legislature and to the Governor on
36 methods of eliminating and preventing the employment practice of
37 establishing disparate compensation based on differing genders, races or
38 national origins of employees in this state.

39 **Sec. 2.** 1. Not later than 90 days after July 1, 2001, the Governor
40 shall create an Equal Pay Commission, consisting of 13 members,
41 appointed as follows:

42 (a) Nine members appointed by the Governor as follows:

43 (1) Two members who represent business interests in this state and
44 who are appointed from a list of persons nominated to serve on the
45 Commission by business organizations and trade associations in this state;

46 (2) Two members who represent labor organizations who have been
47 nominated by state labor federations;

48 (3) Two members from institutions of higher learning or research
49 organizations who have experience and expertise in collecting and



1 analyzing data concerning disparities in compensation and whose research
2 has already been used in efforts to promote the elimination of those
3 disparities; and
4 (4) Three members who represent organizations which:
5 (I) Are dedicated to eliminating disparity in compensation based
6 on differing genders, races or national origins of employees; and
7 (II) Have undertaken advocacy, educational or legislative
8 initiatives in pursuit of that objective.
9 (b) One member appointed by the Speaker of the Assembly.
10 (c) One member appointed by the Minority Leader of the Assembly.
11 (d) One member appointed by the Majority Leader of the Senate.
12 (e) One member appointed by the Minority Leader of the Senate.
13 2. The members of the Commission:
14 (a) Serve without compensation; and
15 (b) Are entitled to the per diem allowance and travel expenses provided
16 for state officers and employees generally while engaged in the business of
17 the Commission.
18 3. The Commission shall:
19 (a) Appoint a chairman from among its members; and
20 (b) Meet at the times and places specified by the call of the chairman.
21 4. As used in this section, “state labor federation” means an
22 organization which:
23 (a) Is chartered by a federation of national or international employee
24 unions;
25 (b) Admits local employee unions to its membership; and
26 (c) Exists primarily to carry on educational, legislative and coordination
27 activities.
28 **Sec. 3.** 1. The Equal Pay Commission shall conduct a complete
29 study of:
30 (a) The extent of disparities in compensation between women and men
31 and between minorities and nonminorities who are employed in the same
32 position or similar positions in:
33 (1) Employment with the state;
34 (2) Employment with local governments; and
35 (3) Private employment;
36 (b) The factors that cause or tend to cause the disparities described in
37 subsection 1;
38 (c) The consequences of the disparities described in subsection 1,
39 including, without limitation, the effect of such disparities on the economy
40 and on the families of the persons who receive disparately low
41 compensation; and
42 (d) Actions, including, without limitation, proposed legislation, that are
43 likely to lead to elimination and prevention of such disparities.
44 2. The Commission shall, not later than 18 months after its members
45 are appointed, submit a report to the Legislature. The report must:
46 (a) Include the results of its study;
47 (b) Compare disparities found in state employment with disparities
48 found in private employment;



1 (c) Compare disparities found in state employment with disparities
2 found in employment with local governments; and

3 (d) Provide recommendations for actions that would promote the
4 elimination and prevention of disparate compensation based on differing
5 genders, races or national origins of employees in this state, including,
6 without limitation, recommendations for legislation.

7 3. After reviewing the report submitted pursuant to subsection 2, the
8 Legislature will transmit the report to the Governor.

9 **Sec. 4.** This Act becomes effective on July 1, 2001, and expires by
10 limitation on July 1, 2003.

