

Memo

To: Labor and Public Employees Committee
From: Robert J. Brothers, Jr., Acting Executive Director
Date: February 24, 2009
Re: SB 362, AN ACT CONCERNING EQUAL PAY FOR EQUAL WORK

The Commission on Human Rights and Opportunities has reviewed SB 362, AN ACT CONCERNING EQUAL PAY FOR EQUAL WORK. The Commission salutes the Labor and Public Employees Committee for its continuing efforts to eliminate disparity in pay between women and men, but suggest that there is a better approach than this bill as written.

The apparent goal of this bill is to include within Connecticut statute those provisions of the United State Equal Pay Act encompassed in Federal law 29 USC § 206.

The language proposed does vary in very significant ways from its federal counterpart. In particular the existing word "solely" in line 4 becomes problematic when the additional clauses of "for any job that requires equal skill, effort and responsibility, and is performed under similar working conditions, as any job performed by an employee of the opposite sex" in lines 4 through 8 are added since this makes "solely" a qualifier which would conflict with settled federal case law.

Also the committee bill uses different terms from the federal act such as using "length or service" rather than the federal "seniority system." The implications to unions in Connecticut could be catastrophic.

Finally, CHRO would suggest if this bill is to move forward that it use the exact language of 29 USC § 206 so that settled law need not be again litigated at the state level.