



General Assembly

Amendment

January Session, 2019

LCO No. 9507



Offered by:

SEN. LOONEY, 11th Dist.
SEN. DUFF, 25th Dist.
SEN. MCCRORY, 2nd Dist.

SEN. MOORE, 22nd Dist.
SEN. WINFIELD, 10th Dist.
SEN. KUSHNER, 24th Dist.

To: Senate Bill No. 765

File No. 519

Cal. No. 253

"AN ACT ENSURING FAIR AND EQUAL PAY FOR EQUAL WORK."

1 Strike lines 40 to 53, inclusive, in their entirety and substitute the
2 following in lieu thereof:

3 "(c) In any action maintained pursuant to subsection (b) of this
4 section, it shall be a defense if the employer demonstrates, by a
5 preponderance of the evidence, that the employer (1) completed,
6 within three years before the date that the employee filed such action,
7 an equal pay analysis of the employer's pay practices in good faith that
8 was reasonable in detail and scope in light of the size of the employer;
9 and (2) eliminated the wage differentials for the plaintiff. If the court
10 grants the defense, the court may award back pay only for the two-
11 year period immediately preceding the filing of the action and may
12 award attorney's fees and costs and such equitable relief as the court
13 deems just and proper, but may not award punitive damages.
14 Evidence of an equal pay analysis undertaken in accordance with this

15 subsection shall be inadmissible in any other proceeding."