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HOUSE BILL 379

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

Mimi Stewart

AN ACT

**RELATING TO PUBLIC EMPLOYMENT; PROHIBITING WAGE DIFFERENCES
BASED ON GENDER OR ETHNICITY FOR PUBLIC EMPLOYEES WHO PERFORM
THE SAME OR SIMILAR WORK.**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**Section 1. SHORT TITLE.--This act may be cited as the
"Public Employees Equal Pay Act".**

**Section 2. DEFINITIONS.--As used in the Public Employees
Equal Pay Act:**

**A. "public employee" means any person who is in
the employ of the state or a political subdivision of the
state and whose salary is paid either completely or in part
from public money, but does not include jurors or jury
commissioners; and**

B. "public employer" means the state or a

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1 political subdivision of the state.

2 Section 3. PROHIBITED ACTS. -- A public employer shall not
3 discriminate between public employees on the basis of gender
4 or ethnicity by paying wages to a public employee at a rate
5 less than the rate at which the public employer pays wages to
6 another public employee of the opposite gender or of a
7 different ethnicity for the same or substantially similar work
8 on jobs the performance of which requires equal skill, effort
9 and responsibility, and which are performed under similar
10 working conditions, except where the wages are pursuant to:

- 11 A. a seniority system;
- 12 B. a merit system;
- 13 C. a system that measures earnings by quantity or
14 quality of production; or
- 15 D. a differential based on any factor other than
16 gender or ethnicity.

17 Section 4. ENFORCEMENT. --

18 A. If a public employee believes his public
19 employer is in violation of Section 3 of the Public Employees
20 Equal Pay Act, he shall first present a written notification
21 to his public employer stating the reasons he believes the
22 employer is in violation of that section.

23 B. If the public employer does not remedy the
24 violation after the notification, the public employee may file
25 a complaint with the human rights commission and pursue a

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1 grievance procedure as provided in Sections 28-1-10 through
2 28-1-13 NMSA 1978.

3 Section 5. COMPLIANCE. --A public employer who is paying
4 wages not in compliance with the Public Employees Equal Pay
5 Act shall not reduce the wages of a public employee in order
6 to comply with this section.

7 Section 6. EFFECTIVE DATE. --The effective date of the
8 provisions of this act is July 1, 2002.

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