

U.S.

● EQUAL PAY ACT OF 1963

STATUTORY CITATION: 29 USC § 206(d)

RELATED REGULATIONS: 29 CFR Parts 1620 and 1621

GENERAL SUMMARY: The Equal Pay Act generally prohibits an employer subject to the federal minimum wage from discriminating between employees on the basis of sex by paying wages to employees at a rate less than that at which he or she pays employees of the opposite sex at the same establishment for substantially equal work, on jobs whose performance requires equal skill, effort and responsibility, and which are performed under similar working conditions. Different pay scales, however, may be utilized where payment is made pursuant to (1) a seniority system, (2) a merit system, (3) a system which measures earnings by quantity or quality of production, or (4) a differential based on any factor other than sex.

Wages withheld in violation of the Equal Pay Act have the status of unpaid minimum wages or unpaid overtime compensation under the Fair Labor Standards Act and may be recovered in the same manner.

PROVISIONS APPLICABLE TO AGRICULTURE: In accordance with the related minimum-wage coverage provisions (*see entry, U.S. — Wages & Hours — Minimum Wage*), only those agricultural workers who are employed by a farm operator or other agricultural establishment that used more than 500 worker-days of agricultural labor during any calendar quarter of the preceding calendar year (for example, 50 workers employed for 10 days, 20 workers employed for 25 days, or any other such combination) are covered by the Equal Pay Act.

SPECIAL NOTES OR ADVISORIES

CORRECTIVE ACTION — It is unlawful for an employer to reduce the wage rate of any employee as a means of eliminating illegal wage discrimination under these provisions.

RETALIATION — An employer may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint or participated in any investigation or proceeding under the Act.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Equal Employment Opportunity Commission, Washington, D.C. 20507 (202-663-4900; toll-free 800-669-4000)*. The Commission is authorized to investigate and gather data regarding wages, hours and other employment conditions and practices, to enter and inspect workplaces and records, to interview individuals, and to subpoena witnesses and order the production of documents. The Commission may file suit on behalf of any worker claiming to have been victimized by a violation of the Equal Pay Act, and may supervise payment of back wages and civil penalties. Certain violations may also lead to criminal prosecution.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

PRIVATE CIVIL ACTION — As an alternative to enforcement action by the Commission, a person who has been subjected to unlawful wage discrimination on the basis of sex may take civil action against the employer involved directly, using a private attorney or a public legal service provider. Any such action must be filed no later than 2 years after the discrimination occurred (within 3 years in the case of a willful violation).

Arizona

● ARIZONA EQUAL WAGE LAW

STATUTORY CITATION: Ariz. Rev. Stat. §§ 23-340 – 23-341

GENERAL SUMMARY: Chapter 2, Article 6.1 of Arizona's labor laws provides that no employer may pay any person a wage less than the rate paid to employees of the opposite sex at the same workplace, for the same quantity and quality of work in the same classification. Wage variations that result in different pay for male and female employees in the same classification are permitted, however, when the wage differential is based on seniority, ability, difference in duties, difference in the shift worked, or other reasonable factors other than gender.

PROVISIONS APPLICABLE TO AGRICULTURE: The equal wage law applies to all employers and employees in Arizona, including those involved in agriculture.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – State Labor Department, Industrial Commission of Arizona, Phoenix, Arizona 85007 (602-542-4515). Employees who believe they have been discriminated against in the payment of wages or salaries because of their sex may file a complaint with the Department, which is required to investigate claims and take necessary action to enforce payment of any sums determined due and unpaid in accordance with this law. An employee has 6 months after an alleged violation to file a complaint with the Department, but an employer cannot be held liable for any pay due for more than 30 days before the employee provides the employer with written notice of a claim to unpaid wages. Furthermore, the burden of proof is on the employee to establish that the differentiation in pay is based on sex and not on other differences or factors.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – None.

PRIVATE CIVIL ACTION — Recovery of unpaid wages resulting from unlawful sex discrimination may be pursued by the affected worker in civil court, using an outside attorney or public legal service provider.

Arkansas

● EQUAL PAY LAW

STATUTORY CITATION: Ark. Code § 11-4-601

GENERAL SUMMARY: Employers in Arkansas must pay their employees equal compensation for equal services. Employers are prohibited from discriminating against an employee in wages or compensation solely on the basis of the employee's sex.

PROVISIONS APPLICABLE TO AGRICULTURE: The equal pay law makes no distinction between agricultural and non-agricultural workers or employers.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – This provision is enforced by public prosecuting attorneys in criminal court. Violations are classed as a misdemeanor, and each day a violation continues constitutes a separate offense.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

○ WAGE DISCRIMINATION LAW

STATUTORY CITATION: Ark. Code §§ 11-4-607 – 11-4-612

GENERAL SUMMARY: Most employers in the state are prohibited from discriminating in the payment of wages solely because of a worker's sex. Covered employers are liable for any wages withheld in violation of this provision, plus liquidated damages, attorney's fees and court costs, if settlement through civil legal action is required.

PROVISIONS APPLICABLE TO AGRICULTURE: The wage discrimination law **does not apply** to persons engaged in agricultural service, or in temporary or seasonal employment.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Labor Standards Division, Arkansas Department of Labor, Little Rock, Arkansas 72205.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

California

● WAGE AND HOUR LAWS (*EQUAL PAY PROVISION*)

STATUTORY CITATION: Cal. Lab. Code § 1197.5

GENERAL SUMMARY: It is unlawful for any employer in California to pay any individual at a wage rate less than the rate paid to employees of the opposite sex for substantially similar work, when viewed as a composite of skill, effort and responsibility, and which are performed under similar working conditions. This does not, however, preclude the payment of wage differentials based on seniority, merit, quantity or quality of production, or any other bona fide factor other than gender.

Employers are required to maintain records of wages, wage rates, job classifications and other terms and conditions of employment. Any employer who violates the equal pay provision is liable to the affected worker in the amount of the wages (plus interest) of which the worker was deprived by reason of the violation, and an additional, equal amount as liquidated damages.

PROVISIONS APPLICABLE TO AGRICULTURE: This provision applies to agricultural labor to the same extent as to non-agricultural labor.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge an employee, or discriminate or retaliate in any manner against an employee, because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Division of Labor Standards Enforcement, California Department of Industrial Relations, Oakland, California 94612 (510-285-2118)*. The Division may investigate any complaint filed by an employee under this provision and is empowered to prosecute civil suits against violating employers. Violation of the equal pay provision by an employer is a misdemeanor, punishable by a fine, jail term or both. Workers who require information concerning these provisions, or who wish to file a claim or complaint, should contact the nearest district office of the Division, or email DLSE2@dir.ca.gov.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

PRIVATE CIVIL ACTION — To enforce the rights described above, an employee may also bring civil action against the employer directly, using a private attorney or a public legal service provider. Such action must commence within 2 years after the alleged violation occurred (within 3 years if the violation is found to be willful).

Colorado

○ STATE LABOR LAWS (*WAGE EQUALITY*)

STATUTORY CITATION: Colo. Rev. Stat. §§ 8-5-101 – 8-5-106

GENERAL SUMMARY: The state labor laws contain a provision prohibiting wage and salary discrimination solely on the basis of the employee's sex, and exposing employers who commit violations to civil penalties.

PROVISIONS APPLICABLE TO AGRICULTURE: The wage equality provisions **do not apply** to farm and ranch laborers.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – Division of Labor Standards and Statistics, Colorado Department of Labor and Employment, Denver, Colorado 80202.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – None.

Connecticut

● WAGE AND HOUR LAWS (*WAGE DISCRIMINATION*)

STATUTORY CITATION: Conn. Gen. Stat. §§ 31-75 – 31-76

GENERAL SUMMARY: The state wage and hour laws provide that no employer may discriminate in the amount of compensation paid to any employee solely on the basis of sex. Except to the extent that employment practices may recognize length of service or merit rating as a factor in determining wage or salary rates, any difference in pay based on sex is deemed to be discrimination. Workers who believe they have been subjected to sex discrimination in compensation may file a complaint with the enforcement agency, provided the complaint is filed within one year after the alleged violation occurred.

PROVISIONS APPLICABLE TO AGRICULTURE: These provisions apply equally to agricultural and non-agricultural employment.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Division of Wage and Workplace Standards, Connecticut Department of Labor, Wethersfield, Connecticut 06109 (860-263-6791).* The Department is authorized to enter places of employment, inspect payrolls, investigate work and operations on which employees are engaged, question employees and take such action as is reasonably necessary to determine compliance with these provisions. On behalf of a worker who has not received full pay due to an apparent act of wage discrimination may file a complaint with the Department, which may take legal action against the employer involved to enforce the claim. Such action generally must commence no later than 2 years after the alleged violation occurred.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — As an alternative to filing a complaint with the state labor department, a worker who has been paid less than the pay to which he or she is entitled because of unlawful wage discrimination may recover the unpaid amount in a civil suit against the employer involved, using a private attorney or a public legal service provider. Under ordinary circumstances, civil action must be filed within 2 years after the alleged violation occurred.

Delaware

● **WAGE PAYMENT AND COLLECTION ACT OF THE STATE (*EQUAL PAY PROVISION*)**

STATUTORY CITATION: Del. Code Title 19, §§ 1101–1115

GENERAL SUMMARY: Among related worker protections, the Wage Payment and Collection Act forbids any employer from paying an employee wages at a rate less than the rate paid to an employee of the opposite sex in the same establishment for equal work, on a job whose performance requires equal skill, effort and responsibility, and which is performed under similar working conditions. Generally the only exception is where payment is made pursuant to a differential based on a seniority system, a merit system, a system which measures earnings by quantity or quality of production, or any other factor other than gender.

PROVISIONS APPLICABLE TO AGRICULTURE: This law applies to agricultural employers to the same extent as their non-agricultural counterparts.

SPECIAL NOTES OR ADVISORIES

CORRECTIVE ACTION — It is unlawful for an employer to reduce the wage rate of any employee as a means of eliminating illegal wage discrimination under these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Office of Labor Law Enforcement, Division of Industrial Affairs, Delaware Department of Labor, Wilmington, Delaware 19802 (302-761-8200)*. On application to superior court, the Department is authorized to enter and inspect any workplace where a violation of this law has occurred or is occurring, to examine and copy books and records, to question the employer and any employee, to hold hearings, and to take other steps to enforce compliance. Pay which is withheld from an employee in violation of the prohibition against wage differentials based on sex is treated as unpaid wages, and whenever the Department determines that wages have not been duly paid, the Department may bring legal action against the employer to collect the claim. Civil and criminal penalties may be levied against employers convicted of a violation.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

PRIVATE CIVIL ACTION — As an alternative to enforcement by the Department of Labor, a worker may recover unpaid wages under the equal pay provision by filing suit against the employer in civil court, using a private attorney or a public legal service provider.

Florida

● GENERAL LABOR REGULATIONS (*WAGE DISCRIMINATION*)

STATUTORY CITATION: Fla. Stat. § 448.07

GENERAL SUMMARY: No one who employs 2 or more workers in the state may discriminate between employees on the basis of sex by paying wages to any worker at a rate less than the rate the same employer pays employees of the opposite sex for equal work, on jobs whose performance requires equal skill, effort and responsibility and which are performed under similar working conditions. When exercised in good faith, a seniority system, a merit system, a pay scale which measures earnings by quantity or quality of production, or a wage differential based on any reasonable factor other than gender, is not considered unlawfully discriminatory.

PROVISIONS APPLICABLE TO AGRICULTURE: The wage discrimination provision applies to agricultural employers, and protects agricultural workers, to the same extent as their non-agricultural counterparts.

SPECIAL NOTES OR ADVISORIES

COVERAGE EXCEPTION — This provision does not apply to employers, or to employees of employers, who are subject to the Fair Labor Standards Act of 1938 (*see entry, U.S.—Wages & Hours—Minimum Wage*).

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *None.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — Using a private attorney or public legal service provider, a worker who believes he or she has been paid less than lawful compensation in violation of this law may file a civil action to recover the unpaid wages, provided the action is commenced within 6 months after termination of employment. Any employer or other person who violates the wage discrimination provision is liable to the employee for the difference between the amount the employee was paid and the amount the employee should have been paid under the statute. The court may also award court costs and reasonable attorney's fees.

Georgia

○ SEX DISCRIMINATION IN EMPLOYMENT LAW

STATUTORY CITATION: Ga. Code §§ 34-5-1 – 34-5-7

GENERAL SUMMARY: Chapter 5 of the state labor statutes prohibits discrimination on the basis of sex in hiring, promotion, compensation, and other terms and conditions of employment by most employers in Georgia who employ 10 or more workers.

PROVISIONS APPLICABLE TO AGRICULTURE: The sex discrimination in employment law **does not apply** to agricultural employees.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Georgia Department of Labor, Atlanta, Georgia 30303.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Hawaii

● WAGE AND HOUR LAW (*WAGE DISCRIMINATION*)

STATUTORY CITATION: Haw. Rev. Stat. § 387-4

GENERAL SUMMARY: Among its other purposes, the state wage and hour law prohibits certain employers in Hawaii from discriminating in the payment of wages on the basis of race, religion or sex. A wage variation among employees engaged in the same classification of work is not unlawful if it is based on a difference in seniority, length of service, substantial difference in duties or services performed, difference in the shift or time of day worked, or hours of work.

PROVISIONS APPLICABLE TO AGRICULTURE

AGRICULTURE GENERALLY — Except in the harvesting of coffee, workers employed in agriculture for any workweek in which the employer has 20 or more employees are protected by the wage discrimination provision, and employers of such workers are required to abide by its terms.

COFFEE HARVESTING — The wage discrimination in employment provision **does not apply** to agricultural workers engaged in the harvesting of coffee.

SPECIAL NOTES OR ADVISORIES

CORRECTIVE ACTION — It is unlawful for an employer to reduce the wage rate of any employee as a means of eliminating illegal wage discrimination under these provisions.

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Wage Standards Division, Department of Labor and Industrial Relations, Honolulu, Hawaii 96813 (808-586-8777)*. Complaints of wage discrimination under the wage and hour law may be filed with the nearest district office of the Department, which is responsible for investigating all such claims. The agency may seek injunctive action against any subject employer in state court to enforce compliance with the anti-discrimination provision. Likewise, at the request of any person paid less than the amount to which he or she is entitled under this provision, the Department may bring legal action against the employer on the worker's behalf to collect the claim.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

PRIVATE CIVIL ACTION — A claim for unpaid wages resulting from an act of unlawful wage discrimination may be pursued against the employer directly, in a civil suit filed by the worker through a private attorney or public legal service provider.

Idaho

● STATE LABOR LAWS (*WAGE DISCRIMINATION*)

STATUTORY CITATION: Idaho Code §§ 44-1701 – 44-1704

RELATED REGULATIONS: Idaho Admin. Code R. 45.01.01

GENERAL SUMMARY: Chapter 17 of the state labor laws bans wage discrimination on the basis of sex and establishes procedures for the collection of unpaid wages by employees affected by such discrimination.

PROVISIONS APPLICABLE TO AGRICULTURE

UNLAWFUL ACTS — In agriculture as in all other industrial sectors in the state, no employer may discriminate between or among employees in the same establishment on the basis of sex, by paying wages to any employee at a rate less than the rate at which employees of the opposite sex are paid for comparable work on jobs which have comparable requirements relating to skill, effort and responsibility. However, differentials that are paid pursuant to established seniority systems or merit increase systems which do not discriminate on the basis of sex are not prohibited.

COLLECTION OF UNPAID WAGES — At the written request of an employee claiming to have been paid less than the wage to which the worker is entitled under the anti-discrimination provision, the state enforcement agency may bring legal action on the worker's behalf to collect the claim and obtain other suitable relief.

SPECIAL NOTES OR ADVISORIES

RETALIATION — No employer may discharge or discriminate against any employee because the employee filed a claim or took any other action to exercise rights under these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Idaho Commission on Human Rights, Boise, Idaho 83735 (208-334-2664).*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — Employees have a right to take private legal action against any employer believed to have paid unequal wages on the basis of gender. In a private suit for a willful violation, the employer is liable to the employee or employees affected in the amount of their unpaid wages, plus an equal amount as liquidated damages. The court may also order appropriate affirmative action, including reinstatement of any employee illegally discharged.

Illinois

● EQUAL PAY ACT OF 2003

STATUTORY CITATION: 820 Ill. Comp. Stat. §§ 112/1 – 112/90

GENERAL SUMMARY: The Equal Pay Act prohibits wage discrimination on the basis of sex and applies to virtually all employers and employees in Illinois.

SPECIFIC TERMS AND CONDITIONS

PROHIBITED ACTS — It is illegal for an employer to discriminate between employees on the basis of sex, by paying wages to an employee at a rate less than the rate the employer pays to another employee of the opposite sex for the same or substantially similar work, on jobs whose performance requires equal skill, effort and responsibility and which are performed under similar working conditions.

Exceptions — Different wage rates are allowable when payment is made under a seniority system, a merit system, a system that measures earnings by quantity or quality of production, or a differential based on any other factor other than sex.

RECORDKEEPING — Employers subject to the Act are required to keep records for at least 5 years documenting the names, addresses, and occupations of their employees, and the wages paid to each one.

SPECIAL NOTES OR ADVISORIES

RETALIATION — It is unlawful for an employer to interfere with, fire, or in any other way discriminate against an employee for having filed a complaint, given information, testified or exercised any other right granted by this law.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Fair Labor Standards Division, Illinois Department of Labor, Chicago, Illinois 60601 (312-793-2808)*. The Department has authority to conduct investigations to enforce the Equal Pay Act and is empowered to visit and inspect any workplace covered by the law at any reasonable time. On behalf of workers who have filed complaints under this law, the Department may take legal action against employers found to have violated any of these provisions and may assess civil money penalties of up to \$5,000 per violation.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *Illinois Department of Human Rights, Chicago, Illinois 60601 (312-814-6200)*. The Department of Labor may refer a complaint alleging wage discrimination under the Equal Pay Act to the Department of Human Rights if the subject matter of the complaint also alleges a violation of the Illinois Human Rights Act.

PRIVATE CIVIL ACTION — As an alternative to administrative enforcement, an employee who has suffered wage discrimination under the Equal Pay Act may take civil action against the employer directly, using a private attorney or public legal service provider. Court action to recover under-paid wages or salaries under the Act must be brought within 5 years from the date of the under-payment.

Indiana

○ MINIMUM WAGE LAW OF 1965 (*WAGE DISCRIMINATION*)

STATUTORY CITATION: Ind. Code § 22-2-2-4(d)

GENERAL SUMMARY: Among its other protections, the Minimum Wage Law generally prohibits Indiana employers (a) who have 2 or more employees, and (b) who are not subject to the federal minimum wage, from discriminating on the basis of sex, by paying workers of one sex wages that are lower than those paid to workers of the opposite sex at the same workplace for equal work, on jobs whose performance requires equal skills, effort and responsibility and which are performed under similar working conditions.

PROVISIONS APPLICABLE TO AGRICULTURE: The Minimum Wage Law, and hence the wage discrimination provision, **does not apply** to workers engaged in agricultural labor.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Wage and Hour Division, Indiana Department of Labor, Indianapolis, Indiana 46204.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Iowa

● IOWA CIVIL RIGHTS ACT OF 1965 (*WAGE DISCRIMINATION*)

STATUTORY CITATION: Iowa Code § 216.6A

RELATED REGULATIONS: Iowa Admin. Code 161.1.1 – 161.15.3

GENERAL SUMMARY: The Iowa Civil Rights Act includes a provision explicitly prohibiting wage discrimination. The Act applies to all employers who regularly employ 4 or more individuals, without regard to industry or occupation.

SPECIFIC TERMS AND CONDITIONS: It is illegal for an employer who regularly employs 4 or more workers to discriminate against an employee — because of the employee's age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion or disability — by paying wages to the employee at a rate less than the rate paid to other employees in the same establishment for equal work on jobs that require equal skill, effort and responsibility and that are performed under similar working conditions.

Wage differentials are not regarded as discriminatory if they are based on a seniority system, a merit system, a system that measures earnings by quantity or quality of production, or some other factor other than the age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion or disability of the employee.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – Iowa Civil Rights Commission, Des Moines, Iowa 50319 (515-281-4121; toll-free 800-457-4416). The Commission is charged with receiving, investigating and determining the merits of complaints alleging unfair or discriminatory practices.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – None.

PRIVATE CIVIL ACTION — After 60 days following the timely filing of a complaint, the complainant may request a right-to-sue letter from the Commission and file a private civil suit for relief in state district court, using a private attorney or a public legal service provider. However, the Commission is barred from issuing a right-to-sue letter if, on the date of the request, (1) the Commission has issued a finding of "no probable cause," (2) a conciliation agreement has been entered into, (3) the Commission has served a notice of hearing on the respondent, or (4) the complaint has been administratively closed and 2 years have elapsed since the date of closure. In all cases, private civil action must commence within 90 days after the right-to-sue letter is mailed, and once a letter is issued, the Commission is barred from further action on the complaint.

Kansas

○ MINIMUM WAGE AND MAXIMUM HOURS LAW (*WAGE DISCRIMINATION*)

STATUTORY CITATION: Kan. Stat. § 44-1205

GENERAL SUMMARY: The Minimum Wage and Maximum Hours Law, aside from establishing minimum wage and overtime pay requirements, provides that no employer subject to the Act may discriminate against employees on the basis of sex, by paying them wages at a rate less than the wage rate paid to employees of the opposite sex in the same establishment for equal work, on jobs whose performance requires equal skill, effort and responsibility, and which are performed under similar working conditions. The Act does not, however, bar unequal compensation paid pursuant to a seniority or merit system, a system that measures earnings by quantity or quality of production, or any other arrangement in which a wage differential is based on a factor other than sex.

PROVISIONS APPLICABLE TO AGRICULTURE: The Minimum Wage and Maximum Hours Law, and hence the sex discrimination provision, **does not apply** to individuals employed in agriculture.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Employment Standards Division, Kansas Department of Labor, Topeka, Kansas 66603.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Kentucky

● WAGE DISCRIMINATION LAW

STATUTORY CITATION: Ky. Rev. Stat. §§ 337.420 – 337.433

GENERAL SUMMARY: Every employer who has 2 or more employees in Kentucky in each of 20 or more calendar weeks in the current or preceding calendar year is forbidden from discriminating between employees in the same establishment on the basis of sex, by paying wages to an employee in any occupation at a rate less than the rate paid to an employee of the opposite sex for comparable work, on jobs which have comparable requirements relating to skill, effort and responsibility. Wage differentials paid pursuant to an established seniority system or merit increase system which does not discriminate on the basis of sex are generally not within this prohibition.

PROVISIONS APPLICABLE TO AGRICULTURE: As in most other industries, agricultural establishments which employ 2 or more workers in 20 or more different calendar weeks in the current or preceding calendar year are subject to the wage discrimination provisions.

SPECIAL NOTES OR ADVISORIES

CORRECTIVE ACTION — It is unlawful for an employer to reduce the wage rate of any employee as a means of eliminating illegal wage discrimination under these provisions.

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions. Any such act of retaliation is regarded as a criminal offense.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Division of Employment Standards, Apprenticeship, and Mediation, Department of Workplace Standards, Frankfort, Kentucky 40601 (502-564-1524).* The Department has authority to investigate reported or suspected violations of the wage discrimination provisions at any place of employment in the state, to inspect records, to interview employers and workers, to hold hearings, and to subpoena witnesses. The Department must try to eliminate discriminatory wage practices by informal means, but if necessary may bring legal action against any employer on behalf of any employee claiming to have been paid less than equal wages required under the law.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Maine

● WAGE PAYMENT LAWS (*EQUAL PAY*)

STATUTORY CITATION: Me. Rev. Stat. Title 26, § 628

GENERAL SUMMARY: Employers in Maine may not discriminate between employees in the same establishment on the basis of sex, by paying wages to any employee in any occupation at a rate less than the rate at which employees of the opposite sex are paid for comparable work, on jobs which have comparable requirements relating to skill, effort and responsibility. Differentials paid pursuant to established seniority systems or merit increase systems, or differences in shift or time of day worked, which do not discriminate on the basis of sex are not within this prohibition.

PROVISIONS APPLICABLE TO AGRICULTURE: The equal pay provision applies implicitly to agricultural employers, and protects agricultural workers, to the same extent as their counterparts outside agriculture.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Bureau of Labor Standards, Maine Department of Labor, Augusta, Maine 04333 (207-623-7900)*. When a worker reports an incident involving unequal pay based on sex, the law requires the Department to investigate the allegations and, if the charges are confirmed, to bring suit against the employer on the worker's behalf to collect or supervise the payment of the judgment. Violators of the equal pay provision are also subject to a forfeiture of up to \$500 for each violation, payment of which the Department may enforce through the same litigation.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

PRIVATE CIVIL ACTION — A worker who is affected by wage-related sex discrimination may elect to take civil action on his or her own, through private legal counsel or a public legal service provider. A judgment in favor of the worker may include, in addition to the unpaid wages due, a reasonable rate of interest, twice the amount of unpaid wages as liquidated damages, court costs, and attorney's fees.

Maryland

● EQUAL PAY FOR EQUAL WORK LAW

STATUTORY CITATION: Md. Code, Lab. & Empl. §§ 3-301 – 3-309

GENERAL SUMMARY: Title 3, Subtitle 3 of the state labor statutes prohibits wage and salary discrimination on the basis of sex in all workplaces in Maryland.

SPECIFIC TERMS AND CONDITIONS

PROHIBITED ACTS — No employer may discriminate in any way by paying wages or salaries in any occupation to employees of one sex at a rate less than that paid employees of the opposite sex for work of comparable character or work in the same operation or business in the same establishment. This does not, however, preclude pay differentials based on (1) seniority or merit, provided such systems do not discriminate on the basis of sex, (2) jobs requiring different skill or ability, or (3) work on different shifts.

RECORDKEEPING — Every employer must keep records of the wages, job classifications, and other terms and conditions of employment for each employee.

SPECIAL NOTES OR ADVISORIES

CORRECTIVE ACTION — It is unlawful for an employer to reduce the wage rate of any employee as a means of eliminating illegal wage discrimination under these provisions.

RETALIATION — It is illegal for an employer subject to the Act, or for an employment agency or labor organization, to discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Employment Standards Service Unit, Division of Labor and Industry, Maryland Department of Labor, Licensing and Regulation, Baltimore, Maryland 21201 (410-767-2357)*. This agency must generally attempt to eliminate discriminatory pay practices informally whenever an investigation of a reported or suspected violation confirms such practices. At any time within 3 years after the violation occurs, the Division is authorized to take legal action on behalf of and at the written request of any worker to collect a valid claim for unpaid wages resulting from illegal wage discrimination under these provisions. An employer who violates the equal pay law is liable to the worker in the amount of the unpaid wages, plus an equal amount as liquidated damages.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

PRIVATE CIVIL ACTION — A worker may elect to recover amounts unpaid due to illegal wage discrimination by filing suit against the offending employer directly, using legal counsel of the worker's own choice. However, no action to recover unpaid wages and damages may be brought unless commenced within 3 years after occurrence of the discriminatory act which is the basis of the complaint.

Massachusetts

○ EQUAL PAY LAW

STATUTORY CITATION: Mass. Gen. Laws Ch. 149, § 1 and §§ 105A – 105C

GENERAL SUMMARY: No employer may discriminate in the payment of wages on the basis of sex, or pay any person at a salary level or wage rate less than the rate paid to employees of the opposite sex for work of like or comparable character, or work on like or comparable operations. This prohibition does not preclude wage variations based on differences in seniority.

PROVISIONS APPLICABLE TO AGRICULTURE: The equal pay provision **does not apply** to employees engaged in agricultural service.

SPECIAL NOTES OR ADVISORIES

RECENT AMENDMENTS — On August 1, 2016, the Governor of Massachusetts signed into law a bill amending these provisions by (1) explicitly defining the terms "comparable work," "working conditions," and "wages," (2) substantially rewording the equal-pay requirement, and (3) extending the time for lodging an equal-pay claim from 1 to 3 years. The amendments, which take effect on January 1, 2018, **do not alter the exclusion of agricultural employees** from coverage.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Office of the Massachusetts Attorney General, Boston, Massachusetts 02108.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Michigan

● WORKFORCE OPPORTUNITY WAGE ACT (*EQUAL PAY*)

STATUTORY CITATION: Mich. Comp. Laws § 408.423

GENERAL SUMMARY: In general, any Michigan employer who (1) has 2 or more employees, and (2) is not subject to the minimum wage provisions of the federal Fair Labor Standards Act, may not discriminate on the basis of sex by paying wages to workers at a rate less than the rate at which workers of the opposite sex are paid in the same establishment for equal work, on jobs whose performance requires equal skill, effort and responsibility, and which are performed under similar working conditions. This does not preclude use of wage differentials tied to factors other than sex, including seniority, merit, and quantity or quality of production.

PROVISIONS APPLICABLE TO AGRICULTURE: Because this law *does not apply* to employees who are not covered by the FLSA minimum wage provisions, farmworkers are protected by the equal pay protection in the Workforce Opportunity Wage Act only if they are employed by an agricultural establishment that used more than 500 worker-days of agricultural labor during any calendar quarter of the preceding calendar year (for example, 50 workers employed for 10 days, 20 workers employed for 25 days, or any other such combination).

SPECIAL NOTES OR ADVISORIES

CORRECTIVE ACTION — It is unlawful for an employer to reduce the wage rate of any employee as a means of eliminating illegal wage discrimination under these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Wage and Hour Division, Michigan Department of Licensing and Regulatory Affairs, Lansing, Michigan 48909 (517-284-7800; toll-free 855-464-9243).* For enforcement purposes, any amount to which a worker is entitled because of sex-related discrimination is treated as unpaid minimum wages. At any time within 3 years after a minimum wage violation, the worker may file a claim with the Department. If the Department's investigation finds reasonable cause to believe the employer has violated the law and the Department is unable to obtain voluntary compliance within a reasonable time, the agency must take action in court to collect the claim.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — Subject to the same 3-year time limitation applicable to administrative claims, a worker may file suit directly against an employer to recover unpaid wages, utilizing a private attorney or public legal service provider. A judgment in the worker's favor may include court costs, attorney's fees and liquidated damages, in addition to the unpaid wages.

Minnesota

● EQUAL PAY FOR EQUAL WORK LAW

STATUTORY CITATION: Minn. Stat. §§ 181.66 – 181.71

GENERAL SUMMARY: The Equal Pay for Equal Work Law makes it illegal for an employer to discriminate between employees on the basis of sex, by paying wages to workers at a rate less than the rate at which the employer pays workers of the opposite sex for equal work, on jobs whose performance requires equal skill, effort and responsibility, and which are performed under similar working conditions. Pay differentials are not regarded as discriminatory, however, where payment is made in accordance with a system based on seniority, merit, quantity or quality of production, or any other factor other than gender.

PROVISIONS APPLICABLE TO AGRICULTURE: To the same extent as non-agricultural coverage, the Equal Pay for Equal Work Law applies to every agricultural establishment employing one or more employees.

SPECIAL NOTES OR ADVISORIES

CORRECTIVE ACTION — It is unlawful for an employer to reduce the wage rate of any employee as a means of eliminating illegal wage discrimination under these provisions.

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – Violations of these provisions are regarded as misdemeanor offenses and are enforced by public prosecuting attorneys in criminal court.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — Any worker who has been paid discriminatory wages based on sex in violation of the equal pay law has a right of action against the employer involved, for recovery of the unpaid wages to which the worker is entitled for the one-year period preceding the filing of the suit, plus exemplary damages in an amount up to the amount of unpaid wages, at the court's discretion. To file suit, the worker should consult a private attorney or public legal service provider.

Missouri

● EQUAL PAY LAW

STATUTORY CITATION: Mo. Rev. Stat. §§ 290.400 – 290.460

GENERAL SUMMARY: No employer in Missouri may pay any female employee at a wage rate less than the rate paid to male employees in the same establishment for the same quantity and quality of work in the same classification. This does not prohibit pay variations between males and females on the basis of seniority, ability, skill, difference in duties, difference in shift, hours of work, or other reasonable differentiation or factors other than sex, when exercised in good faith.

PROVISIONS APPLICABLE TO AGRICULTURE: The equal pay provisions apply to agricultural employers, and protect agricultural workers, to the same extent as in non-agricultural sectors.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – Labor and Industrial Relations Commission, Missouri Department of Labor and Industrial Relations, Jefferson City, Missouri 65102 (573-751-2461). Any female who believes the wages paid to her are less than the wages to which she is entitled under the equal pay law may file a complaint with the Commission, which is obligated to mediate the dispute.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – None.

PRIVATE CIVIL ACTION — Any female employee with a wage claim based on unlawful sex discrimination may institute civil action against the employer to recover the unpaid wages, together with the costs of the suit, using a private lawyer or public legal service provider. Court action may not be commenced more than 6 months after the date of the alleged violation.

Montana

● EQUAL PAY LAW

STATUTORY CITATION: Mont. Code § 39-3-104

GENERAL SUMMARY: It is unlawful for anyone in Montana to employ women in any occupation for compensation less than that paid to men for equivalent service, or for the same amount or class of work, at the same place of employment.

PROVISIONS APPLICABLE TO AGRICULTURE: The equal pay provision applies to agricultural and non-agricultural employment without distinction.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – Human Rights Bureau, Montana Department of Labor and Industry, Helena, Montana 59624 (406-444-2884; toll-free 800-542-0807). A woman who has not received full wages as a result of sex discrimination on the job may file a claim with the Bureau. An employer who violates the equal pay law is subject to a criminal fine, as well as liability for unpaid wages.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – None.

Nebraska

● EQUAL PAY LAW

STATUTORY CITATION: Neb. Rev. Stat. §§ 48-1219 – 48-1227.01

GENERAL SUMMARY: With respect to employers who have 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, the practice of paying wages to employees of one sex at a lesser rate than the rate paid to employees of the opposite sex for comparable work on jobs with comparable requirements constitutes unlawful sex discrimination.

The prohibition against unequal pay does not, however, preclude wage differentials based on seniority, merit, quantity or quality of production, or any other factor other than gender.

PROVISIONS APPLICABLE TO AGRICULTURE: This law applies to agricultural employers — and protects agricultural employees — on the same terms as their non-agricultural counterparts.

SPECIAL NOTES OR ADVISORIES

CORRECTIVE ACTION — It is unlawful for an employer to reduce the wage rate of any employee as a means of eliminating illegal wage discrimination under these provisions.

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Nebraska Equal Opportunity Commission, Lincoln, Nebraska 68509 (402-471-2024; toll-free 800-642-6112).* Representatives of the Commission may enter any place of employment to inspect and copy payroll and related records, observe employment operations and duties, question workers, and obtain other information necessary to the proper enforcement of the equal pay law. At the written request of a worker claiming to have been paid less than the wage to which he or she is entitled under the equal pay provision, the Commission may bring legal action on the worker's behalf to collect the unpaid wages, but generally only after making an effort to resolve the claim informally. Violators are also subject to criminal prosecution.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — A worker aggrieved by a violation of the equal pay law has the option of filing a civil suit to recover unpaid wages directly, using a private attorney or public legal service provider. In a suit brought by the worker, if the court rules in the worker's favor and the violation is deemed to have been willful, the employer is liable not only for the unpaid wages, but an additional equal amount as liquidated damages.

Nevada

● WAGE, HOUR, AND WAGE PAYMENT LAWS (*EQUAL PAY*)

STATUTORY CITATION: Nev. Rev. Stat. § 608.017

GENERAL SUMMARY: Chapter 608 of the Nevada statutes regulates wages, hours and wage payments in the state, and includes a provision outlawing wage discrimination on the basis of sex. The equal pay provision applies to all private employment in Nevada, without exception.

SPECIFIC TERMS AND CONDITIONS: It is unlawful for any employer to pay lower wages to one employee than the wages paid to an employee of the opposite sex in the same establishment who performs equal work which requires equal skill, effort and responsibility and which is performed under similar working conditions. The payment of unequal wages is not deemed discriminatory where such wages are paid pursuant to a seniority system, a merit system, a compensation system under which wages are determined by the quality or quantity of production, or a wage differential based on factors other than gender.

SPECIAL NOTES OR ADVISORIES

CORRECTIVE ACTION — It is unlawful for an employer to reduce the wage rate of any employee as a means of eliminating illegal wage discrimination under these provisions.

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Office of the Labor Commissioner, Nevada Department of Business and Industry, Carson City, Nevada 89706 (775-684-1890).* The Commissioner is empowered to investigate claims of discriminatory wages and to take legal action to enforce compliance. Employers who violate the equal pay provision are liable for the unpaid wages and are also subject to criminal penalties.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

New Hampshire

○ EQUAL PAY LAW

STATUTORY CITATION: N.H. Rev. Stat. §§ 275:36 – 275:41-d

GENERAL SUMMARY: It is unlawful for most New Hampshire employers to discriminate between employees on the basis of sex, by paying employees of one sex at a rate less than the rate paid to employees of the other sex for equal work that requires equal skill, effort and responsibility and is performed under similar working conditions. Wage variations are permitted, however, when based on a seniority system, a merit or performance-based system, a system that measures earnings by quantity or quality of production, expertise, shift differentials, or a demonstrable factor other than sex.

PROVISIONS APPLICABLE TO AGRICULTURE: The equal pay law **does not apply** to persons engaged in agricultural service.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Inspection Division, New Hampshire Department of Labor, Concord, New Hampshire 03301.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

New Jersey

○ WAGE DISCRIMINATION LAW

STATUTORY CITATION: N.J. Rev. Stat. §§ 34:11-56.1 – 34:11-56.11

GENERAL SUMMARY: With certain exceptions, employers in New Jersey may not discriminate in any way in the rate or method of payment of wages to any employee because of the employee's sex. Pay differentials based on reasonable factors other than sex are not deemed discriminatory for these purposes.

PROVISIONS APPLICABLE TO AGRICULTURE: The wage discrimination law **does not apply** to persons employed on a farm.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Division of Wage and Hour Compliance, New Jersey Department of Labor and Workforce Development, Trenton, New Jersey 08625.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

New Mexico

● FAIR PAY FOR WOMEN ACT

STATUTORY CITATION: N.M. Stat. §§ 28-23-1 – 28-23-6

GENERAL SUMMARY: Virtually all New Mexico employers who have 4 or more employees are prohibited from discriminating between employees on the basis of sex, by paying wages to employees at a rate less than the rate the employer pays to employees of the opposite sex in the same establishment for equal work, on jobs requiring equal skill, effort and responsibility and that are performed under similar working conditions. The only exceptions are where payment is made pursuant to a seniority system, a merit system, or a system that measures earnings by quantity or quality of production.

PROVISIONS APPLICABLE TO AGRICULTURE: The Fair Pay for Women Act applies to agricultural employers, and protects agricultural workers, to the same extent as their non-agricultural counterparts.

SPECIAL NOTES OR ADVISORIES

CORRECTIVE ACTION — It is unlawful for an employer to reduce the wage rate of any employee as a means of eliminating illegal wage discrimination under these provisions.

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – A worker aggrieved by an alleged violation of this law may take action against the employer involved in civil court, using a private attorney or public legal service provider. A complaint in civil court must be brought no later than 2 years from the last date of the worker's employment. An employer found to have violated the Act is liable for actual and punitive damages up to *three times* the amount of unpaid wages involved, plus court costs and attorney's fees; recovery of unpaid wages is limited to 6 years prior to the date of the last violation of the Act. In addition, the court may also order that the complainant be hired, reinstated or promoted, depending on the circumstances of the case.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – In lieu of filing suit in court, an aggrieved employee may file a discrimination claim with the state agency responsible for enforcing the Human Rights Act (*see previous entry*).

PRIVATE CIVIL ACTION — As noted above, the Fair Pay for Women Act may be enforced through the state court system.

New York

● WAGE PAYMENT LAWS (*EQUAL PAY*)

STATUTORY CITATION: N.Y. Labor Law § 194

GENERAL SUMMARY: No employee in the private sector may be paid a wage at a rate less than that at which an employee of the opposite sex in the same establishment is paid for equal work on a job whose performance requires equal skill, effort and responsibility, and which is performed under similar working conditions. Employers are not, however, prohibited from using pay differentials based on a seniority system, a merit system, a system which measures earnings by quantity or quality of production, or any other factor other than sex.

PROVISIONS APPLICABLE TO AGRICULTURE: The equal pay provision applies to agricultural employment the same as employment in any other industry or trade.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by this provision. A worker subjected to any such reprisal may file a complaint with the Department, which is authorized to assess a fine against the violator, or may seek appropriate relief in a private civil suit, provided the action is filed no later than 2 years after the alleged retaliatory act.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Division of Labor Standards, New York State Department of Labor, Albany, New York 12240 (518-457-4256; toll-free 888-469-7365).* Through its district offices, this agency is authorized to investigate complaints under the wage payment laws, including charges of unlawful sex discrimination in the payment of compensation. At its discretion, the Department may attempt to resolve disputes over equal pay, may take assignment of related wage claims, and may institute criminal prosecution for any violation. Failure to pay wages in conformity with the equal pay provision is also a criminal offense.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — A worker who has been paid less than full wages as a result of illegal sex discrimination has a right to sue the employer in a private civil action, for recovery of the unpaid wages, damages and attorney's fees. Any such action must be commenced within 6 years from the date the wages were due.

North Dakota

● EQUAL PAY LAW

STATUTORY CITATION: N.D. Cent. Code §§ 34-06.1-01 – 34-06.1-09

GENERAL SUMMARY: It is illegal for an employer to discriminate in the payment of wages in any occupation, by compensating an employee at a rate less than the rate paid to an employee of the opposite sex in the same establishment, for comparable work on jobs which have comparable requirements relating to skill, effort and responsibility. Wage differentials, however, that are paid pursuant to an established seniority system, merit increase system or similar program that does not discriminate on the basis of sex generally are not regarded as unlawful.

PROVISIONS APPLICABLE TO AGRICULTURE: The equal pay law implicitly applies to agricultural employers and protects agricultural workers to the same extent as employers and workers in other industrial sectors.

SPECIAL NOTES OR ADVISORIES

CORRECTIVE ACTION — It is unlawful for an employer to reduce the wage rate of any employee as a means of eliminating illegal wage discrimination under these provisions.

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Human Rights Division, North Dakota Department of Labor and Human Rights, Bismarck, North Dakota 58505 (701-328-2660; toll-free 800-582-8032).* With the consent of the employer or with a valid court order, representatives of the Department may enter any place of employment to inspect and copy payroll records, observe employment activities, question employees, and take other steps to determine compliance with the equal pay law. At the request of a worker paid less than the wage to which he or she is entitled under the law, the Department may bring legal action against the employer on the worker's behalf to collect the unpaid wages.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — Instead of submitting an equal pay complaint to the Department, a worker may elect to file suit against the offending employer directly, using an outside attorney. Court action must be undertaken no later than 2 years after the claim arises. In a suit brought by the worker for a willful violation, the employer is liable in the amount of the worker's unpaid wages, plus an additional equal amount as liquidated damages.

Ohio

● MINIMUM FAIR WAGE STANDARDS LAW (*WAGE DISCRIMINATION*)

STATUTORY CITATION: Ohio Rev. Code § 4111.17

GENERAL SUMMARY: No employer in Ohio may discriminate in the payment of wages on the basis of race, color, religion, sex, age, national origin, or ancestry, by paying wages to any employee at a rate less than the rate paid another employee at the same establishment for equal work, on jobs whose performance requires equal skill, effort and responsibility, and which are performed under similar conditions. This provision does not, however, preclude wage differentials paid pursuant to a seniority system, a merit system, a system which measures earnings by the quantity or quality of production, or any similar pay arrangement in which wage levels are determined by factors other than race, color, religion, sex, age, national origin, or ancestry.

PROVISIONS APPLICABLE TO AGRICULTURE: The wage discrimination provision generally applies to all Ohio employers, agricultural and non-agricultural alike.

SPECIAL NOTES OR ADVISORIES

CORRECTIVE ACTION — It is unlawful for an employer to reduce the wage rate of any employee as a means of eliminating illegal wage discrimination under these provisions.

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Bureau of Labor and Worker Safety, Division of Industrial Compliance and Labor, Ohio Department of Commerce, Reynoldsburg, Ohio 43068 (614-644-2223)*. Any worker who has received less than equal wages as a result of an apparent violation of the wage discrimination provision may file a claim with the Department, which is authorized to accept assignment of the claim and sue on the worker's behalf to collect it.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

PRIVATE CIVIL ACTION — As an alternative to administrative enforcement, an employee discriminated against in violation of this provision may sue in civil court to recover *two times* the amount of the difference between the wages actually received by the claimant and the wages received by a person performing equal work for the employer, from the date of commencement of the violation. A judgment in the worker's favor may also include court costs and attorney's fees. Whether filed by the worker or by the Department of Commerce, civil action must be initiated within one year after the date of violation.

Oklahoma

● EQUAL PAY LAW

STATUTORY CITATION: Okla. Stat. Title 40, §§ 198.1 - 198.2

GENERAL SUMMARY: It is unlawful for any employer in Oklahoma to willfully pay wages to a female employee at a rate less than the rate paid to a male employee for comparable work for the same employer, on jobs which have comparable requirements relating to skill, effort and responsibility. This prohibition does not, however, preclude wage distinctions under a compensation system based on seniority, merit, quantity or quality of production, or any other factor other than gender.

PROVISIONS APPLICABLE TO AGRICULTURE: The equal pay law applies to agricultural and non-agricultural employment alike.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Wage and Hour Unit, Oklahoma Department of Labor, Oklahoma City, Oklahoma 73105 (405-521-6598).* The Department is obligated to investigate reported or suspected violations of the equal pay provision, and is authorized to take legal action against any employer found to have paid discriminatory wages because of an employee's sex. Violators are subject to a fine of from \$25 to \$100 for each offense.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Oregon

● EQUAL PAY LAW

STATUTORY CITATION: Or. Rev. Stat. §§ 652.210 – 652.230

GENERAL SUMMARY: No private employer in Oregon (among others) may pay wages to any employee at a rate less than that at which the employer pays wages to employees of the opposite sex for work of comparable character, the performance of which requires comparable skills. This prohibition does not apply where payment is made pursuant to a seniority or merit system which does not discriminate on the basis of sex, or where a wage differential is based in good faith on factors other than sex.

PROVISIONS APPLICABLE TO AGRICULTURE: The equal pay law applies to agricultural employment to the same extent as in any other industry.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discriminate in the payment of wages against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Wage and Hour Division, Oregon Bureau of Labor and Industries, Portland, Oregon 97232 (971-673-0844)*. The Bureau has statutory authority to investigate and attempt to resolve any complaint filed by a worker seeking unpaid wages. At the worker's request, the Bureau may take assignment of a wage claim and initiate an administrative proceeding to collect it; unless the amount of the wage claim and penalty specified in a final order by the Bureau is paid, the order constitutes a judgment against the employer, enforceable as if issued by a court of law. In lieu of an administrative action, the Bureau also has authority to file suit in civil court to collect a claim whenever circumstances warrant.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *Civil Rights Division, Oregon Bureau of Labor and Industries, Portland, Oregon 97232 (971-673-0764)*. The Wage and Hour Division may refer cases under this law to the Bureau's Civil Rights Division, because the provisions in the civil rights laws forbidding sex discrimination in the payment of wages are broader and afford more ample rights.

PRIVATE CIVIL ACTION — As an alternative to a complaint to the Bureau, any worker who has not received full compensation as a result of discriminatory wage rates based on sex has a right to civil action against the employer, for the amount of the unpaid wages to which the worker is entitled for the one-year period preceding the suit and an additional equal amount as liquidated damages, together with court costs and attorney's fees.

Pennsylvania

● EQUAL PAY LAW

STATUTORY CITATION: 43 Pa. Stat. §§ 336.1 – 336.10

GENERAL SUMMARY: In general, the Equal Pay Law forbids employers in Pennsylvania from paying wages to any worker at a rate less than the rate paid to employees of the opposite sex in the same establishment, for work under comparable conditions and on jobs whose performance requires comparable skills. Seniority or merit pay systems, however, which do not discriminate on the basis of sex are generally not regarded as unlawful.

The law applies only to employees who are not already protected by the wage discrimination provision in the federal Equal Pay Act (*see entry, U.S. — Civil Rights — Wage Discrimination*).

PROVISIONS APPLICABLE TO AGRICULTURE: A farm operator or other agricultural establishment in Pennsylvania that did not employ more than 500 worker-days of agricultural labor in any calendar quarter of the preceding calendar year (for example, 50 workers employed for 10 days, 20 workers employed for 25 days, or any other such combination) is subject to the prohibition against gender-related wage discrimination under the state Equal Pay Law.

SPECIAL NOTES OR ADVISORIES

CORRECTIVE ACTION — It is unlawful for an employer to reduce the wage rate of any employee as a means of eliminating illegal wage discrimination under these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Bureau of Labor Law Compliance, Pennsylvania Department of Labor and Industry, Harrisburg, Pennsylvania 17120 (717-787-4763; toll-free 800-932-0665)*. Representatives of the Department have authority to enter any employer's place of business to inspect and copy payroll and other employment records, to observe work operations, to question employees, and to obtain other information necessary to the enforcement of the Equal Pay Law. At the request of a worker paid less than full wages as a result of unlawful sex discrimination, the Department may bring required legal action on the worker's behalf to collect the claim. In addition to civil liability, violators are also subject to a criminal fine of from \$50 to \$200 or imprisonment for from 30 to 60 days.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

PRIVATE CIVIL ACTION — Using a private attorney or public legal service provider, a worker or group of workers with a claim for unpaid wages under the Equal Pay Law may bring suit in civil court in lieu of filing an administrative claim with the Department. An employer who willfully and knowingly violates these provisions is liable to the worker or workers affected in the amount of their unpaid wages and, in addition, an equal amount as liquidated damages, plus attorney's fees and court costs. Civil action must be commenced within 2 years from the date of the alleged violation.

● SEASONAL FARM LABOR ACT (EQUAL PAY)

STATUTORY CITATION: 43 Pa. Stat. § 1301.204

GENERAL SUMMARY: The Seasonal Farm Labor Act includes a provision outlawing wage discrimination on account of sex.

SPECIFIC TERMS AND CONDITIONS: No employer of seasonal farm labor may pay wages to such workers at a rate less than the rate the employer pays to workers of the opposite sex for equal work, on jobs whose performance requires equal skill, effort and responsibility, and which are performed under similar working conditions. This does not preclude payment of unequal wages pursuant to an established system which measures earnings by quantity or quality of production.

As used here, the term "seasonal farm labor" refers, in large part, to any individual employed on a seasonal or temporary basis in the planting, cultivation, harvest, sorting or packing of agricultural commodities in their unmanufactured state, as well as any person who resides in living quarters owned, leased or operated by an employer or farm labor contractor and occupied by 4 or more unrelated persons. Workers who commute daily from their permanent residence to the worksite are not regarded as seasonal farmworkers, unless transportation is furnished to such individuals by a farm labor contractor.

SPECIAL NOTES OR ADVISORIES

RETALIATION — Interference with, harassment of, eviction of, or termination of the employment of any seasonal farmworker for having filed a civil or criminal complaint under the Seasonal Farm Labor Act is deemed a separate violation of the Act, punishable as a criminal offense.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Bureau of Labor Law Compliance, Pennsylvania Department of Labor and Industry, Harrisburg, Pennsylvania 17120 (717-787-4763; toll-free 800-932-0665)*. Representatives of the Department have authority to enter an employer's place of business to inspect payroll and other employment records, to observe work operations, to question employees, and to obtain other information necessary for the enforcement of the equal pay provision in the Seasonal Farm Labor Act. At the request of a worker paid less than full wages as a result of unlawful sex discrimination, the Department may bring required legal action on the worker's behalf to collect the claim.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

Puerto Rico

● SEX DISCRIMINATION IN EMPLOYMENT LAW

STATUTORY CITATION: 29 Laws P.R. Ann. §§ 1321 - 1341

GENERAL SUMMARY: Chapter 75 of the labor statutes guarantees the equal right of men and women to employment, and prohibits certain unfair employment practices which infringe on that right. These provisions apply to agricultural and non-agricultural employment without distinction.

SPECIFIC TERMS AND CONDITIONS: In general, it is unlawful for an employer:

- (1) To suspend, dismiss or refuse to hire a person, or to discriminate against a person with respect to wages, employment terms or working conditions, on account of the person's sex.
- (2) To limit, segregate or classify employees or job applicants in any way that could deprive anyone of a job opportunity, or adversely affect employment status, on account of the individual's sex.
- (3) To include in a notice or advertisement of a job opening any preference, limitation or specification with respect to sex, unless sex is a bona fide occupational requirement.
- (4) To offer or provide fringe benefits to employees of one sex (or to their spouses and dependents) under conditions different from those applicable to fringe benefits offered or provided to employees of the opposite sex (or to their spouses and dependents).

Comparable acts by employment agencies and labor unions are also illegal.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Antidiscrimination Unit, Puerto Rico Department of Labor and Human Resources, Hato Rey, Puerto Rico 00918 (787-754-2100)*. Any person who has been subjected to prohibited employment discrimination based on sex may file a complaint with the Department. Acting on such a complaint, or on its own initiative, the Department may inspect personnel records, interview employees, and take other investigatory action at any place of employment, and may hold related hearings. An order against an employer found to have committed sex discrimination in employment may be enforced by the Department through petition to superior court. Violation of these provisions is also deemed a criminal misdemeanor.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

PRIVATE CIVIL ACTION — A worker aggrieved by unlawful sex discrimination related to employment may bring suit against the offending party in court, for recovery of damages and other appropriate relief. Anyone found in violation is generally liable to the worker in an amount equal to twice the dollar-value of damages actually suffered, plus court costs and attorney's fees.

Rhode Island

● EQUAL PAY LAW

STATUTORY CITATION: 28 R.I. Gen. Laws §§ 28-6-17 – 28-6-21

GENERAL SUMMARY: In most trades and industries in Rhode Island, it is illegal for an employer to discriminate between the sexes in the payment of wages, or to pay a female at a wage rate less than the rate received by males in the same establishment for equal work or work on the same operations. Variation in pay rates is not prohibited, however, when the differential is based on seniority, experience, training, skill, ability, difference in duties, difference in shift, or any other reasonable distinction other than gender.

PROVISIONS APPLICABLE TO AGRICULTURE: Rhode Island's equal pay law applies implicitly to agricultural employers, and protects agricultural workers, to the same extent as their counterparts in other employing sectors.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions. Retaliation is punishable by a criminal fine, imprisonment, or both such penalties and should be reported to the Department.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Labor Standards Program, Workforce Regulation and Safety Division, Rhode Island Department of Labor and Training, Cranston, Rhode Island 02920 (401-462-8550)*. At the request of any worker who receives less than full wages as a result of unlawful sex discrimination, the Department may take assignment of the claim in trust and bring necessary legal action against the employer to collect it. In addition to the unpaid wages involved, the employer is liable to the claimant for liquidated damages in an equal amount. Violation of these provisions is also a criminal offense.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

PRIVATE CIVIL ACTION — As an alternative to filing an administrative claim with the Department of Labor, a worker aggrieved by an act of wage discrimination based on sex may recover unpaid wages and damages in a direct civil action against the employer, using a private attorney or public legal service provider.

South Dakota

● EQUAL PAY LAW

STATUTORY CITATION: S.D. Codified Laws §§ 60-12-15 – 60-12-21

GENERAL SUMMARY: No employer may pay wages to any employee in any occupation in South Dakota at a rate less than the employer pays an employee of the opposite sex for comparable work on jobs which have comparable requirements relating to skill, effort and responsibility, but not to physical strength. This does not preclude use of wage differentials paid under established seniority systems, job descriptive systems, or merit increase systems which do not discriminate on the basis of sex. Employers of more than 25 workers are required to maintain a record of the earnings, wage rates, job classifications, and other employment data on each employee.

PROVISIONS APPLICABLE TO AGRICULTURE: The equal pay law applies to farm operators and other agricultural establishments, and protects agricultural workers, to the same extent as their counterparts in non-agricultural sectors.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Division of Labor and Management, South Dakota Department of Labor and Regulation, Pierre, South Dakota 57501 (605-773-3681).* This agency has authority to investigate and prosecute all violations of the state labor laws, including the equal pay provisions.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — Any worker who is paid less than full wages in violation of the equal pay law has a right to recover the unpaid amount, plus court costs and attorney's fees, in a civil suit against the offending employer. Any such action must be filed no later than 2 years after the violation occurs.

Tennessee

● WAGE REGULATIONS (*SEX DISCRIMINATION*)

STATUTORY CITATION: Tenn. Code §§ 50-2-201 – 50-2-207

GENERAL SUMMARY: No employer may discriminate between employees in the same establishment on the basis of sex, by paying an employee a salary or wage rate less than the rate paid to an employee of the opposite sex for comparable work on jobs requiring comparable skill, effort and responsibility and performed under similar working conditions. Employers are not, however, barred from using wage differentials based on a seniority or merit system, a system which measures earnings by quality or quantity of production, or any other reasonable compensation plan tied to factors other than gender.

PROVISIONS APPLICABLE TO AGRICULTURE: On the same terms as coverage in non-agricultural sectors, Tennessee's sex discrimination provisions apply to all agricultural employers and covers all agricultural workers who are not already protected by the federal Equal Pay Act (*see entry, U.S. — Civil Rights — Wage Discrimination*).

SPECIAL NOTES OR ADVISORIES

CORRECTIVE ACTION — It is unlawful for an employer to reduce the wage rate of any employee as a means of eliminating illegal wage discrimination under these provisions.

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Labor Standards Unit, Regulations and Compliance Division, Tennessee Department of Labor and Workforce Development, Nashville, Tennessee 37243 (615-781-5343; toll-free 844-224-5818)*. At the request of a worker claiming to have been paid less than the wage to which the worker is entitled due to an act of sex discrimination, the Department may investigate the claim and take action on the worker's behalf to collect it. In addition to civil liability, the employer involved in any such violation is also subject to criminal charges.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

PRIVATE CIVIL ACTION — Any worker aggrieved by a violation of these provisions may bring suit against the offending employer directly, using a private attorney or public legal service provider. Court action may be commenced no later than 2 years after the claim arises. An employer who violates the sex discrimination law is liable to the worker affected in the amount of the unpaid wages and, in a case of willful violation, an additional equal amount as liquidated damages. An award to the worker may also include reasonable attorney's fees and court costs.

Virginia

● EQUAL PAY LAW

STATUTORY CITATION: Va. Code § 40.1-28.6

GENERAL SUMMARY: No employer in Virginia may discriminate between employees on the basis of sex, by paying wages to any worker at a rate less than the rate the employer pays workers of the opposite sex in the same establishment for equal work, on jobs which require equal skill, effort and responsibility and are performed under similar working conditions. This does not preclude an employer's use of a seniority system, merit increase program, a system which measures earnings by quantity or quality of production, or any other wage differential based on any factor other than sex.

PROVISIONS APPLICABLE TO AGRICULTURE: The equal pay law applies to all agricultural and non-agricultural employers not subject to the federal Equal Pay Act (*see entry, U.S.—Civil Rights—Wage Discrimination*).

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Labor and Employment Law Division, Virginia Department of Labor and Industry, Richmond, Virginia 23219 (804-371-3104)*. The Division is authorized to conduct investigations to determine if complaints charging unequal pay for equal work because of sex are valid. Whenever such a violation is confirmed, the Division will advise the employer to correct the condition, but the agency does not have the statutory right to take legal action against a violator to eliminate the discrimination or to recover wages owing to a worker as a result.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

PRIVATE CIVIL ACTION — A worker who has not received full wages because of unlawful sex discrimination may bring suit against the employer, using private legal counsel. Any such action may be commenced within 2 years after the claim arises, and a worker whose wages are found to have been wrongfully withheld in violation of the equal pay law has a right to recover damages equal to twice the amount of the unpaid wages.

Washington

● INDUSTRIAL WELFARE LAWS (*EQUAL PAY*)

STATUTORY CITATION: Wash. Rev. Code § 49.12.175

GENERAL SUMMARY: It is a misdemeanor for an employer in the state of Washington to discriminate between the sexes in the payment of wages, by paying females a lower wage or salary than that paid to males similarly employed. However, the use of pay differentials based in good faith on factors other than gender does not constitute discrimination.

PROVISIONS APPLICABLE TO AGRICULTURE: The equal pay provision applies in agriculture to the same extent as in any other employing sector.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – This provision is enforced by public prosecuting attorneys in criminal court.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — A worker who has received less than full compensation on account of sex discrimination prohibited by this provision is entitled to recover the unpaid wages in a civil suit, using a private attorney or public legal service provider.

Wyoming

● EQUAL PAY LAW

STATUTORY CITATION: Wyo. Stat. §§ 27-4-301 – 27-4-304

GENERAL SUMMARY: Chapter 4, Article 3 of the state labor laws forbids an employer to discriminate between employees within the same establishment on the basis of gender, by paying wages to workers at a rate less than the rate the employer pays to workers of the opposite gender for equal work, on jobs whose performance requires equal skill, effort and responsibility and which are performed under similar working conditions. Wage differences are not regarded as discriminatory when made pursuant to a seniority system, a merit system, a system that measures earnings by quantity or quality of production, or some other differential based on a factor other than gender.

PROVISIONS APPLICABLE TO AGRICULTURE: The equal pay law applies to agricultural employers, and protects agricultural workers, to the same extent as their counterparts in other industries.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions. Retaliation is regarded as a misdemeanor and exposes the violator to the same criminal penalties noted below.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Labor Standards Office, Wyoming Department of Workforce Services, Cheyenne, Wyoming 82002 (307-777-7261)*. Upon submission of a claim by a worker alleging payment of less than the wage to which he or she is entitled under these provisions, the Department must investigate and determine the validity of the charges. If the claim is substantiated, the Department may bring legal action on the worker's behalf to collect the unpaid earnings, plus an additional equal amount as liquidated damages. Willful violation of the equal pay law is also a criminal offense, carrying a possible fine of up to \$200, a prison term of up to 180 days, or both fine and imprisonment.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

PRIVATE CIVIL ACTION — In lieu of enforcement by the Department, a worker may recover unpaid wages and damages and seek other relief from a violation of the equal pay provisions, by filing a civil suit against the employer directly, utilizing legal counsel of the worker's own choosing.