

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 480

S.P. 145

In Senate, January 31, 2019

An Act To Ensure Pay Transparency and To Reduce Gender and Racial Wage Inequities

Reference to the Committee on Labor and Housing suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator MIRAMANT of Knox.
Cosponsored by Representative EVANGELOS of Friendship and
Senators: CARPENTER of Aroostook, DILL of Penobscot, GRATWICK of Penobscot,
LIBBY of Androscoggin, Representatives: BEEBE-CENTER of Rockland, MATLACK of St.
George, RISEMAN of Harrison, RYKERSON of Kittery.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 5 MRSA §4577** is enacted to read:

3 **§4577. Annual report of wage disparities**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "EEO-1 report" means the federal Equal Employment Opportunity Commission's
7 Employer Information Report or a successor report.

8 B. "EEO-3 report" means the federal Equal Employment Opportunity Commission's
9 Local Union Report or a successor report.

10 C. "EEO-4 report" means the federal Equal Employment Opportunity Commission's
11 State and Local Government Report or a successor report.

12 D. "EEO-5 report" means the federal Equal Employment Opportunity Commission's
13 Elementary-Secondary Staff Information Report or a successor report.

14 E. "EEO reports" means the EEO-1 report, EEO-3 report, EEO-4 report and EEO-5
15 report.

16 F. "Employees" means all employees for whom information is required to be
17 reported in EEO reports.

18 G. "Gender, race and ethnicity" means gender, race and ethnicity identifications
19 required to be reported in EEO reports.

20 H. "Job category" means the job categories required to be reported in EEO reports.

21 **2. Wage data report.** By March 31, 2020 and by March 31st each year thereafter,
22 an entity required to file an EEO-1 report, EEO-3 report, EEO-4 report or EEO-5 report
23 with the federal Equal Employment Opportunity Commission shall submit a wage data
24 report to the Maine Human Rights Commission, which must include for the entity:

25 A. The number of employees in each job category by gender, race and ethnicity;

26 B. The aggregate number of male employees and the aggregate number of female
27 employees;

28 C. The aggregate number of white, non-Hispanic employees and the aggregate
29 number of all other employees;

30 D. The median wage of employees in each job category by gender, race and
31 ethnicity;

32 E. The median wage of employees in the groups described in paragraphs B and C;

33 F. The percentage difference between the median wage of employees in each job
34 category between white male employees and employees in other gender, racial and
35 ethnic groups; and

36 G. The percentage difference between the median wage of employees in the groups
37 described in paragraphs B and C.

1 Wage data included in the report must be based on a single pay period from October,
2 November or December immediately preceding the reporting deadline. Wage data must
3 be reported on an hourly basis. For salaried employees, hourly wages may be calculated
4 by dividing annual wages by 2,080. For all other employees, hourly wages must be
5 calculated based on actual hours worked and wages received during the pay period. For
6 the purposes of this subsection, wages include base pay, tips and incentive-based pay
7 such as commissions. Wages do not include overtime pay.

8 **3. Availability of reports; redaction of certain data.** By June 30th of each year,
9 the commission shall post wage data reports filed that year pursuant to this section on the
10 commission's publicly accessible website, except that when the number of employees
11 within a gender, ethnic or racial group is less than 5, data in the wage data report for that
12 group must be redacted.

13 **4. Retention of reports.** The commission shall retain the original, or exact copies
14 of, wage data reports filed under this section for at least 10 years.

15 **5. Use of reports in employment discrimination claims.** The commission may use
16 wage data reports filed under this section in the commission's adjudication of
17 employment discrimination claims.

18 SUMMARY

19 This bill requires certain employers, including, but not limited to, state agencies, to
20 annually submit wage data reports regarding employee gender, race and ethnicity to the
21 Maine Human Rights Commission.