

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL DRH10388-LR-69A

Short Title: NC Fair Wage Act.

(Public)

Sponsors: Representative Cunningham.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ENACT THE NORTH CAROLINA FAIR WAGE ACT TO ENSURE THAT
3 EMPLOYEES IN THIS STATE ARE PAID THE SAME WAGES IN THE SAME
4 ESTABLISHMENT FOR THE SAME QUALITY AND QUANTITY OF THE SAME
5 CLASSIFICATION OF WORK.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Chapter 95 of the General Statutes is amended by adding a new Article
8 to read:

9 "Article 2B.

10 "Fair Wage Act.

11 "**§ 95-25.26. Title; definitions.**

12 (a) This Article shall be known and may be cited as the "North Carolina Fair Wage Act."

13 (b) The following definitions apply in this Article:

14 (1) Employee. – Every person in receipt of or entitled to compensation for labor
15 performed for another.

16 (2) Employer. – Includes (i) this State and any local political subdivision of the
17 State and (ii) every person having control or direction of any employee
18 employed at any labor, or responsible directly or indirectly for the wages of
19 another, who employs more than five employees.

20 (3) Person. – As defined by G.S. 95-25.2(11).

21 (4) Wage or wages. – Any compensation for labor measured by time, piece, or
22 otherwise.

23 "**§ 95-25.27. Equal wage rates.**

24 (a) No employer shall pay any person in the employer's employ at wage rates less than
25 the rates paid to employees of another gender in the same establishment for the same quantity
26 and quality of the same classification of work.

27 (b) Any employer who violates subsection (a) of this section is liable to the employee
28 affected in the amount of the wages that the employee is deprived by reason of the violation.

29 (c) Notwithstanding the provisions of subsection (a) of this section, nothing in this
30 section prohibits a variation of rates of pay for employees engaged in the same classification of
31 work based upon seniority, a difference in length of service, ability, skill, difference in duties or
32 services performed, whether regularly or occasionally, difference in the shift or time of day
33 worked, hours of work, or restrictions or prohibitions on lifting or moving objects in excess of
34 specified weight, or other reasonable differentiation, factor or factors other than gender when
35 exercised in good faith.



1 (d) An employer that is in violation of this section may not reduce the pay of any
2 employee in order to bring the employer into compliance with this Article.

3 (e) An employer shall not retaliate against any employee who seeks redress pursuant to
4 this Article or who participates in the investigation of a complaint under this Article.

5 **"§ 95-25.28. Complaints; enforcement; civil actions.**

6 (a) An affected employee may file with the Department of Labor a complaint that the
7 wages paid to the employee are less than the wages to which the employee is entitled under this
8 Article. The Department of Labor shall investigate the complaint and notify the employer and
9 employee of the results of the investigation.

10 (b) An employee receiving less than the wage to which the employee is entitled under
11 this section may recover in a civil action the balance of such wages, together with the costs and
12 attorneys' fees, notwithstanding any agreement to work for a lesser wage. The employee is not
13 required to exhaust administrative remedies before filing the civil action.

14 (c) A civil action pursuant to this section shall be instituted within two years after the
15 date that the alleged violation is discovered by the affected employee."

16 **SECTION 2.** This act is effective when it becomes law.