

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 334

Short Title: Families' Stabilization Act. (Public)

Sponsors: Representatives Cunningham, Fisher, Black, and Butler (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: State Personnel, if favorable, Judiciary I

March 14, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO ENACT THE FAMILIES' STABILIZATION 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 "Families' Stabilization Act.

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

12 (a) This Article shall be known and may be cited as the "Families' Stabilization Act of
13 North Carolina."

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

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

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

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

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

24 **"§ 95-25.27. Equal wage rates.**

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

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

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



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1 or other reasonable differentiation, factor or factors other than gender when exercised in good
2 faith.

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

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

7 **"§ 95-25.28. Complaints; enforcement; civil actions.**

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

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

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

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