

Senator Luz Escamilla proposes the following substitute bill:

EQUAL COMPENSATION STUDY

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Luz Escamilla

House Sponsor: _____

LONG TITLE

General Description:

This bill requires the Legislative Management Committee to procure the creation of a study to analyze gender-based wage disparity.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the Legislative Management Committee to procure the creation of an equal compensation study to analyze gender-based wage disparity in executive branch agencies;
- ▶ establishes the content of the study; and
- ▶ requires state departments and agencies to provide relevant information and data to support the creation of the study.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2019:

- ▶ to Legislature - Office of Legislative Research and General Counsel - Administration as a one-time appropriation:
 - from the General Fund, One-time, \$125,000.

Other Special Clauses:



26 None

27 **Utah Code Sections Affected:**

28 ENACTS:

29 **67-19-45**, Utah Code Annotated 1953

31 *Be it enacted by the Legislature of the state of Utah:*

32 Section 1. Section **67-19-45** is enacted to read:

33 **67-19-45. Equal compensation study to analyze gender-based wage disparity.**

34 (1) As used in this section:

35 (a) "Gap analysis" means an evaluation of jobs and wages of men and women using
36 available data and other relevant information for the purpose of identifying any gender-based
37 wage disparity.

38 (b) "Gender-based wage disparity" means wage disparity between men and women
39 who perform jobs that require substantially equal education, training, skill, effort, and
40 responsibility under similar working conditions.

41 (c) "Study" means the equal compensation study described in Subsection (2).

42 (2) No later than December 31, 2019, the Legislative Management Committee shall, in
43 accordance with Title 63G, Chapter 6a, Utah Procurement Code, procure the services of an
44 institution of higher education described in Section **53B-2-101** or a private entity to:

45 (a) in accordance with Subsection (3):

46 (i) perform an equal compensation study to analyze any gender-based wage disparity
47 within executive branch agencies; and

48 (ii) recommend options for resolving gender-based wage disparity by policy, practice,
49 or funding; and

50 (b) present the study, including a summary of the data and analyses used to formulate
51 the study, to the Legislative Management Committee.

52 (3) (a) To prepare the study, the entity described in Subsection (2) shall:

53 (i) determine the proper formulas necessary to assess whether gender is a causal
54 variable for disparity in wages for men and women by including other relevant variables,
55 including experience, employment history, education, previous compensation levels, job
56 performance, and time in the workforce;

57 (ii) evaluate current state policies and practices that are intended to prevent
58 gender-based wage disparity, including agency policies and practices and the department
59 classification system; and

60 (iii) take necessary steps to:

61 (A) validate data;

62 (B) determine any additional data the entity determines would significantly improve
63 the study; and

64 (C) ensure that the study effectively analyzes whether gender is a causal variable of
65 disparity in wages for men and women.

66 (b) The entity described in Subsection (2) shall ensure that the study includes:

67 (i) a gap analysis for each agency;

68 (ii) a review of similar efforts by other governmental entities in this and other states to
69 study or eliminate gender-based wage disparity;

70 (iii) recommendations for agencies and the Legislature regarding how to implement the
71 recommendations in the study, including:

72 (A) necessary administrative and legislative actions; and

73 (B) funding requirements; and

74 (iv) other relevant information that the entity finds necessary.

75 (c) (i) Departments and agencies shall make existing information and data available as
76 requested by the entity described in Subsection (2) for the purpose of performing the study,
77 including:

78 (A) demographic and labor market information;

79 (B) information on employee turnover;

80 (C) salary information;

81 (D) information on recruitment;

82 (E) geographic data;

83 (F) information on years of service; and

84 (G) any other relevant information or data the entity requires.

85 (ii) This Subsection (3)(c) does not require a department or agency to create or prepare
86 any data that the department or agency does not ordinarily maintain.

87 **Section 2. Appropriation.**

88 The following sums of money are appropriated for the fiscal year beginning July 1,
89 2018, and ending June 30, 2019. These are additions to amounts previously appropriated for
90 fiscal year 2019. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
91 Act, the Legislature appropriates the following sums of money from the funds or accounts
92 indicated for the use and support of the government of the state of Utah.

93 ITEM 1

94 To Legislature - Office of Legislative Research and General Counsel

95 From General Fund, One-Time \$125,000

96 Schedule of Programs:

97 Administration \$125,000

98 The Legislature intends that appropriations provided under this section be used for the
99 procurement of the equal compensation study described in Section [67-19-45](#).