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AB-1209 Employers: gender pay differentials. (2017-2018)

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ENROLLED SEPTEMBER 13, 2017
PASSED IN SENATE SEPTEMBER 07, 2017
PASSED IN ASSEMBLY SEPTEMBER 11, 2017
AMENDED IN SENATE SEPTEMBER 01, 2017
AMENDED IN SENATE JULY 13, 2017
AMENDED IN SENATE JULY 05, 2017
AMENDED IN ASSEMBLY MAY 30, 2017
AMENDED IN ASSEMBLY MARCH 28, 2017

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

ASSEMBLY BILL

NO. 1209

Introduced by Assembly Member Gonzalez Fletcher
(Coauthors: Assembly Members Bonta, Eggman, Cristina Garcia, Gomez, Jones-Sawyer, Kalra, McCarty, Santiago, Mark Stone, Thurmond, and Weber)
(Coauthors: Senators Leyva and Skinner)

February 17, 2017

An act to add Section 2810.6 to the Labor Code, relating to wages.

LEGISLATIVE COUNSEL'S DIGEST

AB 1209, Gonzalez Fletcher. Employers: gender pay differentials.

Existing law requires a corporation, limited liability company, or common interest development, among others, to file a statement of information with the Secretary of State, providing specified information about the entity. Existing law regulates the terms and conditions of employment, including the payment of wages. Existing law generally prohibits an employer from paying any of its employees at rates less than the rates paid to employees of the opposite sex for substantially similar work, as specified.

This bill would require, on and after July 1, 2019, and biennially thereafter, that an employer that is required to file a statement of information with the Secretary of State and that has 500 or more employees in California to collect specified information on gender wage differentials. The bill would require the employer to submit the information to the Secretary of State as specified, by

July 1, 2020, and biennially thereafter. The bill would require the Secretary of State to publish the information described above on an Internet Web site available to the public upon receiving necessary funding and establishing adequate mechanisms and procedures.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 2810.6 is added to the Labor Code, to read:

2810.6. (a) An employer that is required to file a statement of information with the Secretary of State and that has 500 or more employees in California shall do the following:

(1) Beginning on July 1, 2019, and biennially thereafter, collect the following information on gender wage differentials. For purposes of this paragraph, "exempt" means not subject to overtime requirements as an administrative, executive, or professional employee.

(A) The difference between the mean wages of male exempt employees and female exempt employees located in California, by each job classification or title.

(B) The difference between the median wages of male exempt employees and female exempt employees located in California, by each job classification or title.

(C) The difference between the mean wages of male board members and female board members located in California.

(D) The difference between the median wages of male board members and female board members located in California.

(E) The number of employees used for the determination of subparagraphs (A) and (B).

(2) (A) In a manner and form provided by the Secretary of State, submit the information collected and updated pursuant to paragraph (1) to the Secretary of State, beginning July 1, 2020, and biennially thereafter.

(B) (i) The employer shall categorize the information submitted consistently with Section 1197.5.

(ii) A gender wage differential in the information provided under this section is not, in itself, a violation of Section 1197.5. This section does not limit, in any way, the ability to demonstrate the basis of a wage differential for purposes of Section 1197.5.

(b) The Secretary of State, upon receiving the necessary funding appropriation from the Legislature and upon establishing adequate mechanisms and procedures, shall publish the information collected in paragraph (1) of subdivision (a) on an Internet Web site available to the public.