



May 7, 2014

Dear Members of the Women's Economic Security Act Conference Committee,

It has come to my attention that there remain concerns that House File 2536, the Women's Economic Security Act, if enacted, would require state contractors to adopt comparable worth pay policies. **The Administration**, as I have previously testified in both the House and Senate, **interprets the proposed language in the bill only to ensure contractors comply with equal pay laws.**

Subdivision 2 of the report lays out the application requirements for a business to obtain an equal pay certificate. Attached is a sample application for a certificate of compliance a business would submit to the Department. It is a one-page, affirmative statement that the business is following equal pay laws (Title VII of the Civil Rights Act of 1964, Equal Pay Act of 1963, Minnesota Human Rights Act, and the Minnesota Equal Pay for Equal Work Law) and is taking steps to remedy disparities when they are found.

**Any concerns about the EEO-1 provision in the application requiring the adoption of comparable worth policies misinterprets the bill.** The contractor, if required under federal law to provide an EEO-1 report, would attest that they are in compliance with their obligations under federal law.

Subdivision 4 (Lines 10.16-10.20) lays out the commissioner's authority to revoke certificates:

***Revocation of certificate.*** *An equal pay certificate for a business may be suspended or revoked by the commissioner when the business fails to make a good-faith effort to comply with the laws identified in subdivision 2, paragraph (a), clause (1), fails to make a good-faith effort to comply with this section, or has multiple violations of this section or the laws identified in subdivision 2, paragraph (a), clause (1).*

Nowhere in subdivision 4 or elsewhere in the proposal is the commissioner granted authority to suspend or revoke a certificate of compliance for failure to meet Minnesota's comparable worth laws for government entities. **This legislation would not create the authority to compel contractors to adopt comparable worth.**

AN EQUAL OPPORTUNITY EMPLOYER

Members of the Women's Economic Security Act Conference Committee

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**In the Administration's interpretation, we interpret this bill as ensuring compliance with equal pay laws. We do not interpret this bill as requiring state contractors to adopt comparable worth policies for their business.**

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin M. Lindsey". The signature is fluid and cursive, with a large initial "K" and "L".

Kevin M. Lindsey  
Commissioner

*Enclosures:*

- 1) Sample Equal Pay Certificate Contractor Statement

*Copies:*

Matt Massman, Governor's Office

Allison Jones, Governor's Office

Abou Amara, Committee Administrator, Jobs & Economic Development Policy and Finance Committee

Kara Josephson, Committee Administrator, State and Local Government Committee

Kate Perushek, Legislative Director to the Speaker