

From: Eleanor Dearman
To: Hector Nieto
Thu May 19 12:53 PM

Thank you for your reply! I do want to point out that your note doesn't really address Ch. 21 of the labor code, the more general non-discrimination provision, under which private employees could file claims. Does that offer private employees equal pay protections?

From: Hector Nieto
To: Eleanor Dearman
Thu May 19 10:55 AM

Sorry for the delay. As I noted before, the current laws in place will only cover public employees and not private sector employees. Additionally, the issue at hand with equal pay is when the clock runs on a plaintiff's ability to sue. The Lily Ledbetter bill and the TX equal pay bill would have provided the ability to bring suit within 2 years of DISCOVERING the pay inequity. As the law stands today, the 2 year clock begins to run from the first day the pay inequity occurs, so if you don't realize it until 2 years plus one day, you have no recourse.

Lily Ledbetter didn't discover her pay inequity until she was close to retirement. What the equal pay law did was allow someone else in her shoes to sue even if they discovered the inequity years later.

Equal pay laws are not just about whether the law prohibits discriminatory pay, but just as importantly about the right to sue when the discriminatory pay is discovered. Without a change in the statute of limitations, equal pay laws are meaningless. That's why the federal government and 42 states changed their laws. What good is a protection if you can't bring a claim to enforce it? That's the crux of the matter.

Thu 9:51 AM
From: Eleanor Dearman
To: Hector Nieto

Hi,

I just wanted to follow up on this. Thanks!

-Eleanor

Sent from [Outlook Mobile](#)

From: Eleanor Dearman
To: Hector Nieto
May 13, 2015

Hi Hector,

Here are my questions, circling back. Let me know if you have any questions for me.

Thanks!
Eleanor

In a March Texas Monthly Article Sen. Wendy Davis claimed Texas is one of only a handful of states that does not have an equal pay law.”

Based on my research and conversations with lawyers, Texas has two equal pay laws, under which people could file equal pay claims. One is the [Equal Work, Equal Pay](#) law, which is limited to public employees. The other is a more general anti-discrimination provision titled “[Employment Discrimination](#)” under Ch. 21 of the labor code.

My question is, this said, to what degree does Texas have an equal pay law and if passed what would HB 950 have offered to employees filing equal pay claims that they’re not already granted under the laws above?

From: Hector Nieto
To: Eleanor Dearman

4/26/2016
Eleanor -

Below is a link from the National Conference of State Legislatures regarding equal pay laws on the books. As you can see from the chart, Texas has an extremely narrow equal pay law that only applies to women performing a public service (source - [Government Code 659.001](#)). The large number of the states have laws that protect all employees. Please let me know if you need any further information from me.

<http://www.ncsl.org/research/labor-and-employment/equal-pay-laws.aspx>

Hector Nieto