

Alabama Workforce and Wage Gap Task Force Takes Aim at State's Pay Disparities

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Alabama became the [forty-ninth state to adopt equal pay legislation](#) on June 11, 2019, with the enactment of the [Clarke-Figures Equal Pay Act](#) (CFEPA). The CFEPA, effective September 1, 2019, [substantially tracks existing federal laws](#) like the Equal Pay Act (EPA) of 1963 and Title VII of the Civil Rights Act of 1964, prohibiting employers from paying an employee a lower wage rate than an employee of a different race or sex for equal work in the same establishment, where job performance requires “equal skill, effort, education, experience, and responsibility” and occurs “under similar working conditions.”

The enactment of the CFEPA raised a question: Would Alabama state court employment claims increase? We [predicted](#) that the majority of attorneys would not want to test an uncharted statute with an existing federal path for pay discrimination claims. Indeed, only a handful of complaints have been filed since the CFEPA's enactment, and they are still pending.

Given the dearth of CFEPA claims and evidence of continued race and gender-based pay disparities in Alabama, Representative Adline Clarke (D-Mobile), cosponsor of the CFEPA, introduced House Joint Resolution 115, enacted on April 13, 2022, as [Act No. 2022-359](#), establishing the Alabama Workforce and Wage Gap Task Force. The task force will “identify evidence-based policies to assist lawmakers in implementing laws to close the wage gap” in Alabama by investigating the root causes of pay disparities.

The resolution requires the task force to “report any findings or recommendations to the Legislature” and to dissolve no later than December 31, 2022. It is unclear what the group will recommend, but Governor Kay Ivey reportedly appointed Melanie Bridgeforth, chief executive officer of the [Women's Foundation of Alabama](#), as the group's chair. The foundation recently released a report titled “Clearing the Path: Galvanizing the Economic Impact of Women,” which advocates strengthening equal pay protections, enacting additional pay protections, and increasing the minimum wage. The report also encourages employers to strengthen paid family and sick leave policies and implement recruitment strategies to attract diverse talent.

The Alabama Workforce and Wage Gap Task Force's recommendations will not have the force and

effect of law. Alabama employers may want to consider evaluating pay practices for equity purposes, including conducting proactive, privileged, and voluntary analyses of pay structures as a first step toward limiting legal risk.

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