

California Pay Equity Task Force

Subcommittee: Definitions

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Overview: Definitions can be legal but also need to be aimed at being given operational definitions for measuring each concept. More terms can be identified and defined. There is a preliminary list below. Also, defining what the concepts are *not* might be useful.

Retaining records is a related legal issue as defined by The California Fair Pay Act (SB 358).

Employers must keep records. The records kept could reflect the legal and operational definitions.

Audiences: Employees, employers, human resources, legal, researchers, unions. Additional?

Broad questions: Which words need to be defined? What are the definitions? What could be indicators for each concept? How might they be measured? Which records should be tracked and maintained?

Additional information:

- a. *Words/concepts* that need to be defined: *bonafide* factor, company, earnings, effort, employees, employer, equal pay audit, gender pay gap, other forms of compensation and benefits, pay, pay gap, responsibility, retaliation, similarly situated, skill, substantially similar work, and working conditions.
- b. *Retain* records. Under the amended Equal Pay Act, an employer must keep records of wages, wage rates, job classifications, and other terms and conditions of employment for a period of three years. Under the Equal Pay Act, an employee must file a claim within two years from the date of the violation. If the violation is willful, then an employee must file within three years. Each paycheck that reflects unequal pay is considered a violation for the purpose of calculating the deadline for filing. For example, if an employer decides in January 2016 to pay a female worker less than a male worker for substantially similar work, and the employer cannot justify the unequal pay with any available defenses, for a non-willful violation, the female worker has until January 2018 to file a claim to seek recovery going back to January 2016. If she waits until January 2019 to file a claim, she can seek recovery going back only two years, or January 2017. (see Department of Industrial Relations
FAQs http://www.dir.ca.gov/dlse/California_Equal_Pay_Act.htm)

Resources: See literature reviews and documents available on CCSWG website. <http://www.women.ca.gov/CaliforniaPayEquityTaskForce/Resources.aspx>. Tell staff if you know of additional resources you would like to share.

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