



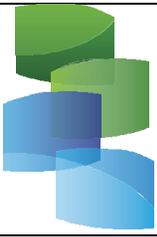
## Legislating Pay Equity New State Statutes and Federal Laws

| Jurisdiction         | Name/Effective Date   | Targeted Group(s)           | No Pay Differentials and Other Protections   | Permitted Justifications  | Relief under the Act   |
|----------------------|---|-----------------------------|--|---|--|
| <b>California</b>    | California Fair Pay Act (January 1, 2016)<br>Extended to race and ethnicity as of 1/1/17. | Gender, race and ethnicity. | <ul style="list-style-type: none"> <li>For “substantially similar work” as a “composite of skill, effort and responsibility and performed under similar working conditions”</li> <li>Across facilities</li> <li>Protects pay disclosures</li> <li>Must maintain records for three years</li> </ul> | <ul style="list-style-type: none"> <li>Seniority system</li> <li>Merit system</li> <li>Earnings by quantity of quality</li> <li>Bona fide factors (skills, education, training, experience, shift, geography)</li> <li>Must justify entire amount of pay differential under certain factors</li> <li>Cannot use salary as sole jurisdiction for pay disparity.</li> </ul>   | <ul style="list-style-type: none"> <li>Private action reinstatement, reimbursement, “appropriate equitable relief”</li> <li>Complaint to California Division of Labor Standards Enforcement</li> </ul>   |
| <b>Maryland</b>      | Maryland Equal Pay for Equal Work Act (October 1, 2016)                                   | Sex or gender identity      | <ul style="list-style-type: none"> <li>In same county</li> <li>For “work of comparable character” or “in the same operation, in the same business, or of the same type”</li> <li>Protects pay disclosures</li> </ul>   | <ul style="list-style-type: none"> <li>Seniority system,</li> <li>Merit increase system,</li> <li>Different shifts</li> <li>Quality or quantity/production</li> <li>Bona fide job-related factor accounting for entire differentials</li> <li>Different abilities, skills, duties, or services</li> </ul>   | <ul style="list-style-type: none"> <li>If employer knew/should have known, wages, interest, liquidated damages, reasonable attorneys’ fees.</li> <li>More for violating wage disclosure provision</li> <li>Three year limitations period/final pay date</li> </ul> |
| <b>Massachusetts</b> | Massachusetts Equal Pay Act (January 1, 2018)   | Gender                      | <ul style="list-style-type: none"> <li>For “comparable work” or “substantially similar skill, effort and responsibility performed under similar working conditions”</li> <li>No compensation history before an offer is made (unless voluntary)</li> <li>Protects pay disclosures</li> </ul>       | <ul style="list-style-type: none"> <li>Seniority system (but not counting protected leaves)</li> <li>Quantity or quality/production, sales, revenue</li> <li>Geographic location</li> <li>Education, training or experience if related</li> <li>Travel is regular and necessary</li> <li>Merit system</li> <li>Employer completed a self-evaluation within 3 years and made “reasonable progress” to eliminate pay differentials</li> </ul> | <ul style="list-style-type: none"> <li>Wages, interest, liquidated damages, reasonable attorneys’ fees</li> <li>Must file within three years after alleged violation</li> <li>A violation each time an employee is paid</li> </ul>                                 |



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|------------------|--|--|---|---|---|
| <b>Minnesota</b> | Women's Economic Security Act (August 1, 2014)<br>Applies variously to employers | Gender, family status  | <ul style="list-style-type: none"> <li>• Equal pay certification for state contractors</li> <li>• Identify disparities in wages or benefits and approach to corrections</li> <li>• Protects pay disclosures</li> <li>• Various rules and benefits based on familial status</li> </ul> | <ul style="list-style-type: none"> <li>• Factor other than sex</li> </ul>   | <ul style="list-style-type: none"> <li>• Damages</li> <li>• Attorneys' fees</li> </ul>  |
| <b>Nebraska</b>  | Equal Pay Act of Nebraska (July 19, 2016)<br>Applies to employers 2+ employees   | Sex  | <ul style="list-style-type: none"> <li>• For comparable work on jobs</li> <li>• 4 year limitations period</li> </ul>  | <ul style="list-style-type: none"> <li>• Seniority system</li> <li>• Merit system</li> <li>• Quantity or quality of production, or other factor (not sex)</li> </ul>  | <ul style="list-style-type: none"> <li>• Unpaid wages</li> <li>• Attorneys' fees</li> <li>• Other affirmative relief</li> </ul>                                       |
| <b>New York</b>  | New York Achieve Pay Equality Act (January 19, 2016)<br>All employers            | Sex  | <ul style="list-style-type: none"> <li>• Facilities within the same county and subject to economic activity, population distribution, municipalities</li> <li>• Protects pay discussions, with reasonable limits on time, place, manner</li> </ul>                                    | <ul style="list-style-type: none"> <li>• Seniority system</li> <li>• Merit system</li> <li>• Quantity or quality of production</li> <li>• Bona fide job-related factor (education, training, experience, other) consistent with business necessity</li> </ul> | <ul style="list-style-type: none"> <li>• Wages, interest, liquidated damages, reasonable attorneys' fees.</li> <li>• Willful violation, up to triple wages</li> </ul> |
| <b>U.S.</b>      | Title VII, ADA, ADEA   | Race, color, religion, sex, national origin, age, disability | <ul style="list-style-type: none"> <li>• Covers all terms and conditions of employment</li> </ul>   | <ul style="list-style-type: none"> <li>• Legitimate, non-discriminatory, non-retaliatory reasons</li> </ul>   | <ul style="list-style-type: none"> <li>• Various types of damages</li> <li>• Attorneys' fees</li> <li>• Equitable remedies</li> </ul>                                 |
| <b>U.S.</b>      | Equal Pay Act of 1963, under the Fair Labor Standards Act, §6(b)                 | Sex  | <ul style="list-style-type: none"> <li>• Different wages to employees "within the same establishment" who "perform substantially equal work on jobs requiring equal skill, effort and responsibility;" and "under similar working condition"</li> </ul>                               | <ul style="list-style-type: none"> <li>• Seniority system</li> <li>• Merit system</li> <li>• Earnings by quantity or quality of production</li> <li>• "any other factor other than sex"</li> </ul>  | <ul style="list-style-type: none"> <li>• Pay differential treated as unpaid minimum wages or overtime compensation</li> </ul>   |
| <b>U.S.</b>      | Lilly Ledbetter Fair Pay Act of 2009, amends Title VII, ADEA, ADA, RA            | Actionable violation each time paid                          | As per related statutes   | As per related statutes   | As per related statutes   |



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| <b>U.S.</b> | Collect pay data through EEO-1 report (March 31, 2018), applies to all employers with 100+ employees | Sex, ethnicity, race | <ul style="list-style-type: none"><li>• Relies on W-2 reporting (wages, salaries, commissions, tips, bonuses, overtime, other supplemental pay)</li><li>• Report in Bureau of Labor Statistics "pay bands"</li></ul> | NA | NA |
|-------------|--|----------------------|--|----|----|