

California Pay Equity Task Force

Subcommittee: Definitions

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Terms/Definitions

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- (1) “substantially similar work,” “composite of skill, effort, and responsibility,” “similar working conditions,” “entire wage differential,” “discussing the wages of others . . . or aiding or encouraging any other employee to exercise his or her rights under this section.”
- (2) “Substantially similar work” – A job that requires the employee to perform almost all of the same tasks and requires almost all of the same skill, effort, and responsibility. It requires the two employees to perform more than just a majority of the same tasks. The actual content of the jobs must be similar enough so that the jobs performed appear the same. Insignificant differences in tasks do not render the work as dissimilar. Job title, job description, division, and department are all relevant factors, but not controlling. (EEOC Guidance on Compensation Discrimination – states different departments and organizational units are relevant, but not controlling); *Good Rich v. International Brotherhood of Electrical Workers*, 815 F.2d 1519 (11th Cir. 1987); *Puchakjian v. Township of Winslow*, 804 F.Supp.2d 288 (N.J. Dist. Ct. 2011); *Wildi v. Alle-Kiski Medical Center*, 659 F. Supp.2d 640 (W.D.Penn. 2009)
- (3) “Composite of skill, effort, and responsibility” –
 1. Composite = a combination of the three factors to determine if the job is substantially similar
 2. Skill = the experience, ability, education, certification, licensure, and training required to perform the job. This is not evaluated based upon the skill the individual has, but rather what skill is required to perform the job and the performance, utilization, or application of the skills by the employee.
 3. Effort = The amount of physical or mental exertion needed to perform the job
 4. Responsibility = the degree of accountability required in performing the job and the workload or number of assignments and tasks performed by the employee.
- (4) “Similar working conditions” – the time commitment required to perform the job within a similar physical setting that has similar resources available.

- (5) “Entire Wage Differential” – there is a statistical significant difference in the wages provided or more than a *de minimis* amount in the wage differential.
- (6) “Discussing the wages of others” - an employer can preclude an employee who because of his or her job duties, has access to information regarding other employees’ wages, from disclosing or discussing other employees’ wages, unless specifically authorized to do so by the individual employee(s).

Records:

Job descriptions, job postings, payroll records, job performance reviews