

Definitions Subcommittee

Bullet Points re: Definitions

1. Substantially similar work when viewed as a composite of skill, effort, responsibility and under similar working conditions
 - Look at overall job content/Consider the totality of the circumstances
 - One for one match between skills, effort, and responsibility not required/if one factor is not substantially similar, that will not necessarily mean the jobs are not substantially similar; must consider other factors
 - Jobs do not have to be identical/while job titles and job descriptions are relevant, they do not have to be the same/jobs do not have to be in the same department
 - Minor differences in the jobs do not mean jobs are not substantially similar/occasional performance of certain tasks does not necessarily render the jobs sufficiently dissimilar/incidental tasks or tasks that consume only a small amount of time will not render jobs sufficiently dissimilar
 - Jobs that share a common core of tasks are substantially similar/where majority of the skills, effort and responsibility are substantially similar, so are the jobs
 - Look at the day-to-day content of the jobs
 - This element looks at the jobs themselves, not the people who have those jobs
 - Effort may be exerted in different way, but may still be substantially similar
 - Similar working conditions means the physical surroundings and hazards/does not include job shifts
 - CA Equal Pay Act, as amended, was intended to be and is broader than Title VII

2. Wage rates; compensation; wages
 - EPA applies to compensation in all its forms, including but not limited to wages and salaries, bonuses, commissions, and benefits, such as vacation and pension.
 - EPA typically would not cover other terms and conditions of work, such as promotions, assignment, work hours, overtime worked, harassment, training, lay off, termination, suspension or other employment actions that may be challenged under the Fair Employment and Housing Act.

3. Discussing wages—when can employee whose job includes responsibility connected to compensation discuss wages?

- HR employees or other employees with confidential access to such information may not disclose wages of others, except if done for the purposes of reporting/complaining about a violation, done in response to formal complaint or charge, in furtherance of an investigation, proceeding, or consistent with a legal duty to disclose such information, or done based on receipt of the information through other means

4. Application to public employers

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