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To: Commissioners, California Commission on the Status of Women and Girls

From: Bethany A. Renfree, Policy Director

Date: August 31, 2016

Re: **Staff Report to the Commission on the California Pay Equity Task Force**

On July 22, 2016 the Commission convened the first meeting of the California Pay Equity Task Force. The [mission of the Task Force](#) is to ensure effective implementation of the strongest equal pay law in the nation, Senator Jackson's SB 358, by supporting meaningful compliance and active awareness through the facilitation of ongoing dialogue among diverse parties and interests. The following report provides an informative update on the work done thus far to achieve this goal.

It is an honor for me to serve as the lead Commission Staff member for this historic Commission undertaking. Since I joined the Commission in January I have been working closely with Commissioners Julie Su and Lauri Damrell, co-chairs of the Task Force and the Commission's Gender Equity in the Workplace and Employment subcommittee, to conceptualize, plan and implement the taskforce along with ongoing input and recommendations from Commission Staff Attorney Marian Johnston and Commission ED Nancy Kirshner Rodriguez.

The day to day staff team from CCSWG includes:

Dr. Tonya D. Lindsey, Senior Research Consultant, CA State Library CRB  
Stephanie Flores, CCSWG Communications and Outreach Adviser  
Emily Van Atta, CCSWG Fiscal and Operations Director

Their primary roles are laid out in more detail in this document.

In addition, Doris Ng and Tamara McDonald, staff members from Commissioner Su's office at the Division of Labor Standards Enforcement, are very involved with Task Force planning and the substantive work of the Task Force subcommittees. Doris Ng, DLSE staff counsel and head of the retaliation unit, serves as a Legal Enforcement Liaison to the Task Force. Tamara McDonald, Leadership Specialist for the Labor Commissioner's Office, serves as the [Task Force Diversity Officer](#).



## Members and Liaisons

The CA Pay Equity Task Force comprises the following members and liaisons:

Commissioner Julie A. Su, Co-chair  
**California Labor Commissioner**

Senator Hannah-Beth Jackson  
**California State Legislator**

Commissioner Lauri Damrell, Co-chair  
**Partner, Orrick, Herrington & Sutcliffe LLP**

Assemblymember Cristina Garcia  
**California State Legislator**

Assemblymember Marie Waldron  
**California State Legislator**

Kevin Kish, DFEH Director  
**Director, CA Dept. of Fair Employment & Housing**

Jennifer Barrera  
**Policy Advocate**  
California Chamber of Commerce

Kimberlee Shauman, Ph.D.  
**Professor of Sociology**  
University of California Davis

Daniel C.Y. Kuang, Ph.D.  
**Vice President** – Legal and Audit Support Services  
Biddle Consulting Group, Inc.

Leslie Simon  
**Business Representative**  
Int'l Alliance of Theatrical Stage Employees Local 871

Peter Pawlick  
**Senior Director**  
Global Compensation at Gap Inc.

Jeanna Steele  
**Head of Litigation & Assistant General**  
Sunrun, Inc.

Victoria Pynchon  
**Co-Founder**  
She Negotiates

Bryn Sullivan  
**Senate Consultant**  
California Legislative Women's Caucus

Jennifer Reisch  
**Legal Director**  
Equal Rights Advocates

Tamekia N. Robinson  
**Vice President for Organizing/Representation**  
SEIU Local 1000, California State Employees

Rhoma Young  
**Human Resources Consultant**  
Rhoma Young & Associates

Kelly Jenkins-Pultz  
Non-voting liaison to the Task Force  
Regional Administrator  
US Department of Labor Women's Bureau, Region 9

Doris Ng  
Legal Enforcement Liaison  
Staff Counsel, DLSE

Phoebe P. Liu  
Legal Enforcement Liaison  
Senior Staff Counsel IV, DFEH

Tamara McDonald  
Task Force Diversity Officer  
Staff Services Manager, DLSE



Each Task Force member and liaison brings a unique perspective, background, and set of expertise to guide and inform the work of the Task Force. The dynamic level of engagement and exchange of ideas at each of the Task Force meetings has reinforced the importance of this effort, and the valuable role the Commission is playing in convening this group and facilitating dialogue on the issue of pay equity for California's women.

The members have been working closely with their subcommittees both during and in-between meetings. Additionally, several of the members have given presentations to the Task Force. The presentations included background and perspectives on the California Fair Pay Act, including an [advocates perspective](#) and an [employer's perspective](#), [Understanding the Pay Gap—A Practitioner's Perspective](#), and [information about the state job classification system](#).

### **Staff Work Priorities and Timeline**

Commission staff each contributes to the Task Force effort in several areas, including administration, planning and coordination, research, communications and outreach, and subcommittee work. The staff work priorities also align with the [work plan](#) considered by the Commission on June 13, 2016.

The Task Force has convened two meetings. The first meeting was on [July 22, 2016](#) and the second on [August 19, 2016](#). The final convening of this year will be held in the State Capitol Room 125 on Monday, October 24, 2016 commencing at 10 a.m. and concluding at 4 p.m. Staff is working with members and liaisons to identify 2017 meeting dates.

### **Administration, Planning and Coordination**

The Task Force is a major policy initiative of the Commission. As the Staff Lead I manage and coordinate the work of Commission staff including preparation and content of each Task Force meeting. In preparation for each meeting, Commission staff gathers, creates, and organizes binder material to be handed out to Task Force members and posted on the Commission website.

I coordinate and participate in all regular planning sessions with the Task Force planning committee, consisting of co-chairs Commissioner Su and Damrell, Doris Ng and Tamara McDonald. The planning committee conceptualizes, reviews, and approves all documents associated with the composition of the Task Force, including the design of each Task Force seat, the application for membership, and the subject matter and/or criteria for subcommittees, liaisons and the diversity officer. The planning committee conceptualizes, reviews, and approves documents associated with the mission and goals of the Task Force, including the proposal for creating the Task Force, the work plan and timeline, and the framework for deliverables. Additionally, the planning committee discusses and drafts processes for the Task Force, including a process for responding to requests and collecting and sharing information. The processes are presented to the Task Force for consideration and approval.

Most Task Force documents, including proposals, policies and reports are developed under my direction. Dr. Lindsey has primary responsibility for the drafting the Interim Report and is currently in the preliminary stages of planning the report's content. We will work closely together with the planning committee on the Task Force Interim Report to be released in April 2017.



## **Communications and Outreach**

As the Communication and Outreach Adviser for the Commission, Stephanie is focused on the presentation of the Task Force to the public.

As the Outreach Adviser, she is responsible for ensuring public copies of all materials are available to the public attending Task Force meetings. As the Communications Adviser, Stephanie develops all press material to be distributed before Task Force meetings, including a media advisory and press release. She circulates these materials to the press. The Sacramento Bee and—Capitol AM Alerts as well as the Capitol Morning Report news outlets have covered both the July and August Task Force meetings. Social media promotion coincides with the press strategy Stephanie has designed, which includes content for posts she has designed to place on the Commission Twitter and Facebook accounts.

After each Task Force meeting, Stephanie collects all the photographs taken at the meeting and uploads them to the Commission social media accounts. These photos are also used in the Commission's newsletter [\*Issues & Impact\*](#). The newsletter has an entire page devoted to the progress of the Task Force, which includes a summary of the meetings, events and future meeting dates.

## **Website**

I have also developed a California Pay Equity Task Force page on the Commission's website. The page is a work in progress and will host Task Force reports as well as informational materials and resources on pay equity, in addition to the content currently on the page pertaining to members, liaisons and staff, meeting times and locations, meeting materials, subcommittees, guiding documents and Task Force policy.

## **Subcommittees**

[\*Enforcement and Process Subcommittee\*](#): Commissioner Julie Su and Director Kevin Kish comprise this subcommittee. Doris Ng and Phoebe Liu provide expertise as Legal Enforcement Liaisons. This subcommittee has discussed strategic enforcement and the potential need to focus Task Force resources on certain industries where the wage gap may have the greatest impact.

[\*Definitions Subcommittee\*](#): Doris Ng and I staff the Definitions subcommittee. Jennifer Barrera and Jennifer Reisch, members of the committee, led a discussion at the August 19<sup>th</sup> Task Force meeting in regards to defining key concepts in the California Fair Pay Act. Some of the concepts discussed include substantially similar work; composite of skill, effort, and responsibility; similar working conditions; entire wage differential; discussing the wages of others; and rate versus wage. Task force members discussed goals for defining concepts. Generally, the goal will be to provide guidance on what to consider regarding each concept rather than offering word for word definitions of key concepts. This guidance could include providing employees and employers the right questions to ask, for example, asking what the physical demands of the job entail in order to evaluate whether job descriptions match actual tasks expected to be performed.

[\*Measuring the Pay Gap Subcommittee\*](#): Dr. Kimberlee Shauman and Dr. Daniel Kuang serve on this subcommittee, staffed by Dr. Tonya Lindsey. At the August 19<sup>th</sup> meeting of the Task Force Dr. Kuang presented information from his experience in the private sector about how to measure the pay gap. This



subcommittee continues to discuss types of compensation data, how to identify and compare substantially similar groups, and the factors and methods that help to statistically explain gender wage gaps.

*Job Classifications Subcommittee:* Tamekia Robinson and Dr. Shauman comprise this subcommittee staffed by Dr. Lindsey. Ms. Robinson presented information at the August meeting about how SEIU works with CalHR and the State Personnel Board to create and maintain job classifications and compensation levels. She also discussed common problems found in the job class structure such as blocked upward mobility, misallocation, and salary disparities. Dr. Shauman wrote a [memorandum presenting a rationale for analyzing job data](#). The rationale was submitted to the Task Force and explains why an analysis of job characteristics and job classification schemes is important to implementing SB 358. She also identifies the data that should be collected, maintained, and analyzed.

*Evaluating Systems and Functional Infrastructure Subcommittee:* Peter Pawlick and Dr. Kuang serve on this subcommittee. Dr. Kuang presented information about the reliability of company data during his presentation at the August 19, 2016 Task Force meeting. Peter and Dr. Kuang have engaged in conversations regarding compensation analysis.

*Evaluating Policy and Practice Subcommittee:* Leslie Simon and Jennifer Reisch serve on this subcommittee. In the initial stages of subcommittee work, Leslie and Jennifer are focused on landscaping current policies across industries, assessing what exists in terms of tips for workers and worker organizations, and understanding what different industries and employers are doing in the private sector, such as what information they keep on employees and how they define jobs.

*Challenges and Barriers Subcommittee:* Emily Van Atta and Tamara McDonald staff the Challenges and Barriers Subcommittee, comprising Jennifer Barrera and Jeanna Steele. The subcommittee has discussed ways to make useful data on standard wages by occupation more accessible to the public. This includes data regarding labor market information, and employment and wage information categorized by occupation and by county which is currently stored on the Employment Development Department website. This subcommittee will examine existing barriers to achieving pay equity. One of the key roles of this subcommittee is to understand employers' perceived barriers to compliance and to identify what can be done to remove those barriers.

*Deliverables:* As staff contact for the Deliverables subcommittee, Stephanie is working with Victoria Pynchon and Kelly Jenkins-Pultz to identify key audiences to receive information on pay equity, including employers and employees. At the previous meetings, the subcommittee has discussed creating and circulating guidelines for young professionals entering the workforce to empower them to feel comfortable asking questions regarding pay. This audience has been identified due to the significant impact starting pay has on future earnings potential. Stephanie will continue working with the Deliverables subcommittee to produce materials that are accessible to the public for the purpose of educating them on the California Fair Pay Act and their rights as workers, as well as general guidelines for employers.

## **Research**

Dr. Lindsey's role has been to use research as an organizing mechanism for subcommittee areas and meeting preparation. She has also been in regular contact with her assigned subcommittees to collect information and data, writing code to analyze quantitative industry and occupation data, performing





editorial duties, and assisting with administrative tasks as needed. A nine month interagency agreement has enabled us to expand our partnership with Dr. Lindsey and the CA State Library. We are all extremely pleased with this partnership between Commission staff and Commissioners as well as the Pay Equity Task Force staff and members and Dr. Lindsey.

*Subcommittee Structure:* To help identify major themes, Dr. Lindsey analyzed a sample of 19 best practice documents produced by law firms, governments, human resource associations, unions, etc. Major themes were used to organize initial subcommittees around relevant topics such as measuring the pay gap, job classifications, and evaluating systems and infrastructure.

*Collecting Qualitative Information and Data:* Dr. Lindsey and subcommittee members have been creating notes from meetings as well identifying helpful published documents, such as O\*Net's content model,<sup>1</sup> that Dr. Lindsey considers textual data. She has been collecting these resources (i.e., data) during subcommittee meetings, from subcommittee members, from staff, and during Task Force meetings. The purpose of such data collection is to perform another thematic analysis that will help outline and structure the Task Force's Interim Report.

*Industry and Occupational Quantitative Analyses:* Similar to a published analysis, *Californians in Media Occupations: Representation and Income Parity*,<sup>2</sup> Dr. Lindsey has been analyzing industry and occupation data found in the American Community Survey 2014 five-year and one-year Public Use Microdata Sample Files. This is an ongoing analysis and is not yet ready for release.

*Editorial Duties and Administrative Tasks:* As needed and asked, Dr. Lindsey has been editing documents, participating in staff and Task Force planning committee meetings, preparing binders, writing and editing meeting minutes, and doing miscellaneous administrative tasks.

*Research Looking Ahead:* In the weeks before the October 24, 2016 meeting, Dr. Lindsey will continue to meet and communicate with her assigned subcommittees to gather more information, work with other staff to collect information from their subcommittees, analyze subcommittee and Task Force information for themes, work on industry and occupational statistical analyses, attend Task Force planning committee meetings, assist with identifying presenters for the next Task Force meeting, and manage research plans with external organizations and staff.

## **Conclusion**

The California Pay Equity Task Force has already achieved great success in facilitating high-level engagement and dialogue among leaders in advocacy, industry, policy, and enforcement. The next two months are focused on identifying and designing the deliverables the Task Force will produce and bringing together the expertise of each of our members and subcommittees to contribute to the development of these Task Force deliverables.

cc: Nancy Kirshner-Rodriguez, Executive Director, CCSWG; Marian M. Johnston, Staff Counsel

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<sup>1</sup> See <http://www.onetcenter.org/content.html>. Retrieved on August 24, 2016.

<sup>2</sup> Lindsey, Tonya D. (2013). *Californians in Media Occupations: Representation and Income Parity*. S-013-021. Retrieved on August 24, 2016. <http://www.library.ca.gov/crb/13/S-13-021.pdf>