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May 26, 2015

The Honorable Kevin de León
President pro Tempore

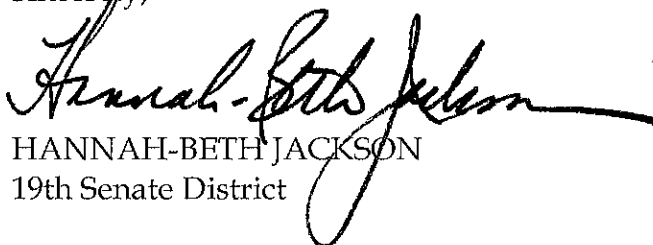
Re: Letter to the Journal, Senate Bill 358 (Jackson)

Dear Senator de León:

SB 358 is a measure intended to narrow the gender wage gap by modifying California's equal pay law. I write this letter to clarify my intent of striking "work is performed at different geographic locations" and "work is performed on different shifts or at different times of day" from the bill. I would like to request that this letter be printed in the Senate Daily Journal regarding Senate Bill 358.

Although the introduced version of the bill listed "work is performed at different geographic locations" and "work is performed on different shifts or at different times of day" as statutory exceptions to the equal pay law that could be claimed by an employer in response to a complaint alleging a gender-based wage differential, the current version does not specifically list those factors because each of those factors may be a "bona fide factor," as that factor is defined in this bill. Accordingly, the amendments to this bill that strike "work is performed at different geographic locations" and "work is performed on different shifts or at different times of day" should not be construed as the Legislature's intent to make those factors unavailable to an employer responding to an equal pay complaint. Rather, the employer may claim a "bona fide factor," that may be specifically described by the employer as work that is performed at different geographic locations or work that is performed on different shifts or at different times of day, so long as the employer can prove that the factor is consistent with business necessity, as specified in the bill.

Sincerely,


HANNAH-BETH JACKSON
19th Senate District

