



## Equal Pay Act – Elements

- SexBased
- Wage
- Substantiallyequalskill, effort, andresponsibilities



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## Equal Pay Act – Elements

- In the sameestablishment
- Undersimilarworkingconditions

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## Equal Pay Act – Exceptions

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Employer must demonstrate that a

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## Equal Pay Act – Litigation

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- Statute of Limitations

2 Years from Date of Unlawful Compensation Practice

3 Years if Willful

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## Equal Pay Act – Litigation

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- Damages

Amount of wages employee was underpaid

Additional liquidated damages equal to unpaid wages

Reasonable attorneys' fees and costs

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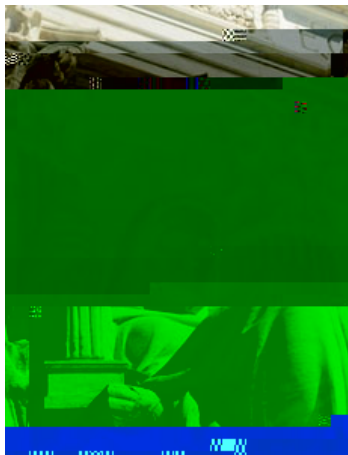
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## Updates and Trends – Litigation Developments, Generally

*Rizo v. Yovino* (9th Cir.2020)

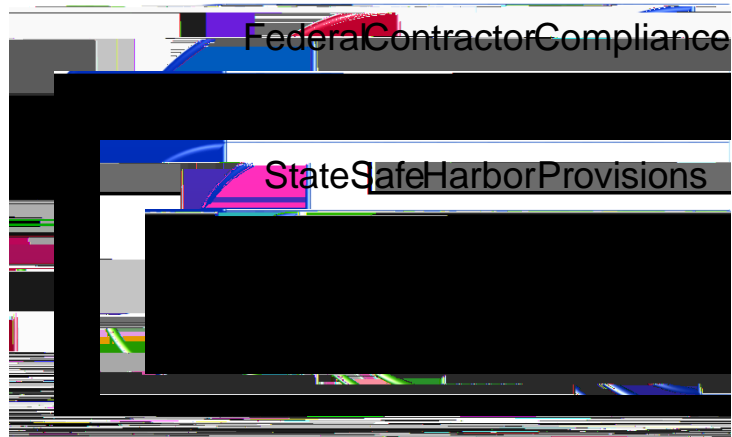


- *Freyd v. University of Oregon* (9th Cir.2021)
- *Miller v. Sam Houston State Univ* /TT9 1 Tf 2.229743 TD 0 Tc <0003





## Managing Risk – Reasons for Proactive Assessments



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## Managing Risk – Considerations for Proactive Assessments



Selfaudit considerations:

1. Should we?
2. Protect with attorney client privilege.
3. Regression analysis isn't necessary.
4. Act on the results.
5. Document reasons for legitimated differences.

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## Managing Risk – Proactive Assessments

- Plan ahead for:

Next steps following findings

Communication with stakeholders and community  
regarding next steps



## Managing Risk – Best Practice Considerations



- Policies and Practices
- Data Development and Maintenance



## Frequently Asked Questions

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- Costs. Benefit of Proactive Pay Equity Studies
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## Further Reading

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- Brittney L. Denley, Rache Pereira, Ryan P. Poscablo, Erin Gasparak and Fatima Stone,

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