Pay Equity

Employers face a growing threat from pay equity claims, both internal and external, pressure from activist investors and increased government-mandated reporting of sensitive pay data.

Overview

With a team of experienced attorneys and Master's and Ph.D. statisticians and economists, we provide support and defense in the broad range of pay equity issues employers face.

Our “one-stop shop” approach allows clients to address all aspects of pay equity with just one firm. We provide employers with a variety of services, including:

- Counsel on the design, implementation and administration of pay systems to ensure compliance with federal and state fair pay laws, regulations and pay data reporting requirements;
- Privileged statistical analyses — by our in-house statisticians and economists — to proactively identify areas of risk and in response to internal complaints, agency enforcement actions and litigation;
- Defense against systemic pay discrimination claims in EEOC investigations, OFCCP audits, and litigation in federal and state courts; and
- For publicly traded companies, counsel in the challenging area of activist shareholders demanding “pay equality” and announcements to the public.

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The Team
Webinars

Pros and Cons of Publishing Pay Information: To Say or Not to Say
When: April 2, 2019 - 2:00 PM to 3:00 PM EST
Credits: Continuing education credit was offered for the live broadcast of this seminar.
You cannot earn credit for watching the archived webinar.

Spring Ahead: Staying in Front of New Jersey’s Pay Equity and Paid Sick Leave Laws
When: May 23, 2018 - 1:00 PM to 2:00 PM EST
Credits: Continuing education credit was offered for the live broadcast of this seminar.
You cannot earn credit for watching the archived webinar.

How to Set Competitive Starting Salaries While Navigating the Minefield of Pay Equity Laws
When: March 29, 2018 - 2:00 PM to 3:15 PM EST
Credits: Continuing education credit was offered for the live broadcast of this seminar.
You cannot earn credit for watching the archived webinar.

Publications
June 24, 2019

New York Adopts Laws Aimed at Combating Salary Inequality and Race Discrimination

In the final days of its 2019 Session, the New York State Legislature passed three bills that, respectively, will bar employers from inquiring about applicants' past salary history, prohibit wage differentials based on protected class status, and ban race discrimination based on an employee's hair or hairstyle. Governor Andrew M. Cuomo...

May 28, 2019

Colorado Enacts Comprehensive Equal Pay Law

Enacting one of the toughest enhanced state pay equity laws to date, Colorado has become the tenth state in the country to pass an equal pay law that is more demanding than federal law. The new law, signed by Governor Jared Polis on May 22, 2019, goes into effect on January 1, 2021. The “Equal Pay for Equal Work Act” (SB 19-085),...

May 17, 2019

The EPL Insurance Advisor – May 2019

To assist underwriters and claims professionals in assessing emerging employment risks, we are pleased to provide the first issue of our newsletter. The EPL Insurance Advisor highlights topical issues in claims, defenses, and liability risk management developments. 2019 EPLI Trends Report – What Analysts and Underwriters Should...

In the News

March 6, 2019

Matthew Camardella Discusses Implications of the EEO-1 Pay Data Collection Requirement Reinstatement

Matthew Camardella discusses implications of a federal judge reinstating the revised EEO-1 form’s pay-data reporting provisions, which were suspended in 2017 by the Trump Administration in “Judge Revives EEO-1 Pay-Data Reporting Requirement,” published by SHRM. Subscription may be required to view article

March 5, 2019

Stephanie Lewis Comments on Implications of U.S. Supreme Court Vacating and Remanding Ninth Circuit’s Decision in Equal Pay Case

Stephanie Lewis comments on the implications of the Supreme Court’s decision to remand the Ninth Circuit’s pay bias decision in “Federal courts still split on employers asking salary history questions,” published by Business Insurance. Subscription may be required to view article

October 31, 2016

Jackson Lewis’ Compensation Structure Noted in Gender Wage Gap Feature

Jackson Lewis’ salary structure regarding the use of origination credit is featured in “Women Fight Back Against the Lawyer Pay Divide,” published by Law 360. Subscription may be required to view article.

Blogs

Pay Equity Advisor Blog

Additional Insights on the New Updated EEO-1

Pay Equity Advisor Blog

EEO-1 Pay Data Alert: EEOC Adds Materials and FAQ

Pay Equity Advisor Blog

California Pay Data Reporting Advances: EEOC May Not Be
Component 2 Pay Data Materials  
July 3, 2019

As we previously reported, on July 2, EEOC updated the its newly created website with long-awaited materials regarding the obligation of employers with 100 or more employees (or contractors with 50 or more employees) to submit pay data and hours worked data as part of the annual EEO-1 reporting obligations.

By Laura A. Mitchell and F. Christopher Chrisbens

Answers to Website  
July 3, 2019

As we approach the July 15 date on which EEOC expects to open the portal to file EEO-1 Component 2 pay data reports, EEOC has at long last provided us with guidance materials: https://eeoccomp2.norc.org/faq.html.

By Laura A. Mitchell and F. Christopher Chrisbens

Alone for Long  
July 2, 2019

The recent focus on the EEOC’s new Component 2 to its EEO-1 Report has been undeniable. It requires employers report on the race, ethnicity, sex, job type, pay, and hours worked data of its employees. OMB approved this data collection during the Obama Administration.

By Christopher T. Patrick and Susan E. Groff

Related Practices

Wage and Hour

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*The National Operations Center serves as the firm’s central administration hub and houses the firm’s Facilities, Finance, Human Resources and Technology departments.