

## OPM and EEOC Join Forces in Effort to Close Gender Pay Gap

By Corinna A. Ferrini

Nearly a half-century after the Equal Pay Act of 1963 was enacted, the federal government is still scratching its head over how to close the gender pay gap in the federal civil service. Two federal agencies, however, are standing together in emphasizing the need to uncover any discriminatory factors underlying the perplexing pay divide.

On Aug. 6, the Office of Personnel Management (OPM) and Equal Employment Opportunity Commission (EEOC)

issued a joint memorandum

reaffirming their intent to close the pay gap, which has diminished from females earning 28 cents to every male-earned dollar in 1988 to 11 cents in 2008. The memo assured the two agencies are “working to ensure that all federal employees have the opportunity to realize the promise of equal pay for equal work.” It came on the heels of recommendations from the National Equal Pay Enforcement Task Force, established by President Barack Obama in 2010.

Over a year ago, the task force mandated that OPM and EEOC

work together in helping the U.S. Government Accountability Office (GAO) determine the causes for male and female employee pay differences that are not linked to measurable factors. Although position-based factors (i.e. skill requirements and grade level) and individual factors (i.e. experience and education) may account for some of the pay disparities between men and women, the government has not ruled out discrimination as a reason for the still-existing gap.

What federal employees need to know:

The Equal Pay Act

requires equal pay for equal work, regardless of gender.

The EPA

covers various types of pay, including, but not limited to, salary, bonuses and overtime pay.

Federal employees are not required to file a complaint with the EEOC

alleging an Equal Pay Act violation before filing a civil suit.

In cases involving unlawful compensation claims, there is a two-year deadline for filing an EPA

charge with the EEOC

or a lawsuit in court. The filing deadline is extended to three years for willful violation cases.

Unlike Title VII, the Equal Pay Act

does not require the employee to prove that the employer intentionally discriminated against him or her. This can make a case for discrimination easier to prove in court.

While OPM and EEOC

's joint efforts to resolve this pay disparity are commendable, federal employees should not wait for the government to solve this pay puzzle. Federal employees who believe they have been subjected to unlawful pay discrimination should contact a federal sector employment law attorney, who will protect their rights by filing an EEO complaint or a civil suit on their behalf.

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