



# Guide to California's Equal Pay Act

## What You Need to Know



California  
Employers  
Association™



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# The Basics

## IT IS UNLAWFUL FOR EMPLOYERS IN CALIFORNIA TO:

- » Discriminate between employees on the basis of sex, race, or ethnicity in the payment of wages or other compensation for substantially similar work.
- » Pay wages or other compensation to any employee at a rate greater than the rate at which the employer pays employees of the opposite sex, or of another race, or of another ethnicity for substantially similar work, when viewed as a composite of skill, effort, and responsibility, and performed under similar working conditions.
- » Screen job applicants or determine compensation for a position based on current or past compensation of a prospective employee.
- » Withhold pay scale information when requested by an applicant.
- » Retaliate against an employee who brings a complaint or files a claim under the Equal Pay Act.



The law generally applies to all employers doing business in California and covers public and private sector employees.

## DEFINING SUBSTANTIALLY SIMILAR WORK

“Substantially similar work” refers to work that is mostly similar in skill, effort, and responsibility, and is performed under similar working conditions. Skill refers to the experience, ability, education, and training required to perform the job. Effort refers to the amount of physical or mental exertion needed to perform the job. Responsibility refers to the degree of accountability or duties required in performing the job.

A process should be in place to define the substantially similar characteristics of your jobs. It should include:

- » Detailed job descriptions, including a thorough list of essential duties and functions with a percentage of time spent in the primary functional areas.
- » Clearly defined knowledge. This should include any certifications, licenses and certifications, as well as the education, experience and/or training required to do the job.
- » Clearly defined skill. This should include the ability, agility, coordination, creativity, efficiency, experience, education, training or precision required to perform the job.
- » Clearly defined effort. This should include the amount of physical or mental exertion, amount of sustained activity and complexity of job tasks required to perform the job.
- » Clearly defined responsibility. This should include the accountability, decision making discretion; amount, level or degree of significance of tasks; autonomy or extent employee works without supervision, extent employee exercises supervisory functions; extent actions expose employer to risk or liability, required to perform the job.
- » Clearly defined working conditions. This should include the work environment, hours (alternative



# The Basics (cont.)

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scheduling, level of activity, limited duration assignments, number of hours, overtime hours, PT/FT) time of day, shift differentials, physical surroundings (air quality, distractions, dust, exposure to weather, isolation, lighting, noise, temperature, physical design or layout of workspace, ventilation or wetness) potential hazards (degree or severity of potential injury, frequency of exposure, intensity, physical hazards, risk of injury or toxicity), when performing the job.

It is important to note that evaluations of substantially similar work need only consider comparisons of California employees. However, keep in mind that work does not need to be performed at the same establishment (work location). Jobs could be performed in different functional areas, but still be substantially similar.

For example, a Receptionist and a Customer Service Representative could be performing substantially similar work if defined as such based on the measurements above.

A worksheet for determining substantially similar work is included on page 16 of this guide as a way to track the comparable nature of your jobs. It is highly recommended that you include this information in all job descriptions.

## **EQUAL PAY ANALYSIS**

For positions that are determined to perform substantially similar work, you may ensure equitable pay by conducting an equal pay analysis. This analysis will identify disparities in pay for work that is substantially similar. If differences are identified, then further analysis must be done to justify the differentials or determine appropriate pay adjustments.

The steps in an equal pay analysis:

- » Determine comparator job groups comprised of positions that perform substantially similar work.
- » For each comparator group, conduct an adverse impact analysis to determine if wage disparities exist between employees of the opposite sex, or of another race, or of another ethnicity.
  - ❑ Look not only at the point in time pay but also at compensation relative to tenure to understand if there is a disparity in the rate at which pay increases.
  - ❑ This typically requires a regression analysis for impact on protected classes based on a combination of all the factors included in making wage and compensation decisions.
- » Review discrepancies at an aggregate level, adding factors to explain wage disparities for reasons other than a protected class.
- » If disparities continue to exist, or if you have outliers, review discrepancies at an individual level. This may require a more complex statistical analysis taking into consideration additional variables, if applicable, that can justify inequities.
- » Determine appropriate pay adjustments to bring any adversely impacted employees to the appropriate wage rate to resolve any unjustified disparities.

## **JUSTIFYING DIFFERENTIALS**

If differences are identified for positions performing substantially similar work, then employers must justify the differentials based on factors specifically set forth in the Equal Pay Act.

Employers may justify differences in compensation for employees performing substantially similar



# The Basics (cont.)

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work if the difference is entirely due to one or a combination of the following factors and the employer is acting reasonably and consistently in applying the justification:

- » Seniority – Employees may be paid differently based on length of service.
- » Merit – Employees may be paid differently based on job-related criteria. This may be measured by written performance evaluations or policies using an established rating scale.
- » A system that measures production – Piece rates may result in differences in earnings based on employees' actual production.
- » A “bona fide factor other than sex, race, or ethnicity” – Education, training, and/or experience are identified as bona fide factors, among others, provided they are not based on or derived from a sex, race, or ethnicity-based factor; are job related; and are consistent with a business necessity.



Under the Equal Pay Act, an employer may not justify any pay difference between employees of the opposite sex, or employees of different race or ethnicity based on an employee's prior salary.

An employer may make a compensation decision based on a current employee's existing salary; however, any wage differential resulting from that compensation decision must be justified by one or more of the factors listed above.



# Dates, Timelines, Damages and Penalties

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## **DATES AND TIMELINES**

For decades now, the California Equal Pay Act has prohibited an employer from paying its employees less than employees of the opposite sex for equal work. However, in 2015, the California Fair Pay Act was enacted, adding to and strengthening the Equal Pay Act.

- » Effective January 1, 2016:
  - ❑ The concept of “equal work” was replaced with the current provision of “substantially similar work when viewed as a composite of skill, effort, and responsibility.”
  - ❑ The requirement that employees being compared must work at the “same establishment” was eliminated, meaning that for companies with multiple locations in California, employees may be considered to be performing substantially similar work even if they work at different locations.
  - ❑ It is illegal for employers to prohibit employees from discussing or inquiring about their co-workers’ wages.
  - ❑ Employers are required to maintain wage and other employment-related records for three years (previously the law required records retention for two years).
- » Effective January 1, 2017:
  - ❑ Race and ethnicity were added as protected categories under the Equal Pay Act. California law now prohibits an employer from paying its employees less than employees of the opposite sex, or of another race, or of another ethnicity for substantially similar work.
- » Effective January 1, 2018:
  - ❑ The Equal Pay Act was expanded to cover public employers.
  - ❑ Labor Code section 432.3 was enacted, generally prohibiting employers from seeking applicants’ salary history information and requiring employers to supply pay scales upon the request of an applicant.

## **STATUTE OF LIMITATIONS**

Equal Pay Act claims must be filed within two years of the date of the violation (or three years in the event of a willful violation).

An employee claiming retaliation for filing an Equal Pay Act claim has six months from the date the retaliation occurred to file a retaliation claim with the Labor Commissioner. Alternatively, an employee may file a civil action for retaliation in court within one year of the retaliation. An employee does not have to file a retaliation claim with the Labor Commissioner before filing an action in court.

## **DAMAGES AND PENALTIES**

Equal Pay Act Claims:

- » If an employer is found to be in violation of the Equal Pay Act, an employee can recover the difference in wages, interest, and an equal amount as liquidated damages. If an employee files a case in court, he or she can also recover attorney’s fees and costs.
- » Note that under the current provisions of the Equal Pay Act, the burden of proof falls on the employer to justify any differences in pay based on the allowable factors under the law.

Civil Penalties:

- » In addition to the damages that may be recovered under the Equal Pay Act, the civil penalty provisions of the California Private Attorneys General Act of 2004 (“PAGA”) also apply. Under PAGA, “aggrieved” employees may file an additional lawsuit to recover civil penalties on their behalf and on the behalf of other similarly affected employees.

Willful Violations:

- » In the event that a violation is determined to be willful, additional penalties may apply including the possibility of criminal charges.



# How Best to Prepare ✓

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1. Update and/or develop job descriptions for all jobs
  - » Ensure descriptions are detailed and have met all of the definitions necessary to clearly define comparable characteristics needed to perform the job, including all essential functions of the position. This is critical for maintaining compliance with state and federal laws protecting against discrimination in employment practices. It will also help you to group jobs that perform substantially similar work when conducting an Equal Pay Analysis.
  
2. Develop formal compensation programs that are fair and equitable
  - » Implement and consistently apply formal pay structures:
    - ❑ Group jobs performing “substantially similar work” together
    - ❑ Recognize internal job relationships
    - ❑ Utilize reliable external data sources
    - ❑ Align to market compensation to ensure competitive pay
  
  - » Document processes and decisions:
    - ❑ How pay determinations are made
    - ❑ How and when pay increases are awarded
    - ❑ Process for ensuring competitive salaries
    - ❑ Process for ensuring equitable salaries
  
  - » Evaluate performance if pay is based on merit:
    - ❑ Identify how different performance indicators influence pay levels
    - ❑ Document formal practices and ensure they are consistently followed
    - ❑ Maintain a consistent performance rating scale used by all who make pay decisions
    - ❑ Ensure your evaluation process is consistent with measurable metrics
  
  - » Maintain Transparency
    - ❑ Be open about pay to a point that makes sense for your organization
    - ❑ Recognize fairness and equity
    - ❑ Consistently share processes and regularly educate employees
    - ❑ Recognize fairness and equity
    - ❑ Consistently share processes and regularly educate employees
  
  - » Communicate consistently
    - ❑ Train supervisors and managers on how to use and communicate pay programs
    - ❑ Regularly share compensation processes and practices
    - ❑ Formalize a compensation philosophy and strategy that is regularly communicated



# How Best to Prepare (cont.) ✓

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## 3. Conduct an Equal Pay Analysis

- » Ensure the analysis is performed in good faith and is reasonable in detail and scope relative to the size of the employer.
- » If compensation differences are identified for positions performing substantially similar work, review the findings in detail at the individual level. Document justification for the differentials based on factors specifically set forth in the Equal Pay Act and/or adjust pay accordingly.
- » Remember, with the current annual increases to California's minimum wage, starting salaries are rising each year which can create internal pay equity issues. Proactively monitoring compensation through equal pay analysis will help you to address potential inequities before they become problematic. Communicate consistently
  - ❏ Train supervisors and managers on how to use and communicate pay programs
  - ❏ Regularly share compensation processes and practices
  - ❏ Formalize a compensation philosophy and strategy that is regularly communicated





# Frequently Asked Questions

## Q: WHAT IS AN EQUAL PAY ANALYSIS?

A: Evaluation process to assess and correct wage disparities among employees who perform substantially similar work. This generally requires a regression analysis for impact on protected classes based on all of the factors included in making wage and compensation decisions. Starts with an adverse impact analysis to determine if wage disparities exist and is followed by adding factors to explain away all differentials.

## Q: WHAT IS THE BEST WAY TO BEGIN A PAY EQUITY ANALYSIS?

A: This is a multi-part answer!

Current, up-to-date job descriptions	✓ CHECK
Formal compensation structure in place	✓ CHECK
Evaluation of internal processes and pay practices	✓ CHECK
Documented processes and practices	✓ CHECK

Having up-to-date job descriptions helps on so many fronts. Ensure that your job descriptions clearly reflect what the employee is doing and include a section in the description which clearly defines the knowledge, skills, effort, responsibility and working conditions required to perform the job. If you don't have a formal compensation structure in place, there is no time like the present.

Establish a structure that is based on the factors mentioned above that includes ranges and pay grades. Evaluate how internal processes are currently being performed regarding pay - including at hire, promotions, annual adjustments, etc. - to ensure pay decisions are fair and equitable. Document your pay practices, especially if pay is based on performance. Having good systems, policies and practices in place will help explain legitimate reasons for pay differences between employees in the same job, or jobs in which substantially similar work is performed. Consider having a formal pay equity analysis conducted.

## Q: HOW DO I DO AN ANALYSIS?

A: The first thing to decide is whether the organization wants its equal pay analysis covered under attorney-client privilege. If your intent is to hold this information strictly confidential, then you should consult with an attorney and perform the analysis under the attorney's direction.

Next, look at the different jobs in your organization and group them based on the type of work that is performed when viewed in terms of skill, effort, responsibility, and working conditions. Remember that jobs with different titles and even jobs in different functional areas may perform substantially similar work.

Once you have all of the information compiled, you will need to devise a systematic way of evaluating the data. Analyze salaries of all employees within each job group and note any pay disparities that may exist. Review this information in detail to determine if differences can be justified within the parameters of the law or if wage adjustments are necessary to resolve any disparity related to sex, race, and/or ethnicity.



# Frequently Asked Questions (cont.)

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## Q: WHAT CAN I DO TO MAKE SURE I AM COMPLIANT?

A: One of the key components of the law is evaluating jobs that perform substantially similar work. Historically we have seen this in the form of “equal pay for equal work” but the Equal Pay Act as amended takes it a step further. The law’s intended purpose is to ensure employees who are performing jobs of a similar nature - including knowledge, skill, effort, working conditions - are paid “equitably.” One of the most important steps you can take is to evaluate that the employees who are performing substantially similar work are paid equitably.

Another key component of the law explains that employers are allowed to compensate employees performing substantially similar work if the difference is entirely due to one or a combination of the following factors and the employer is acting reasonably and consistently in applying the justification: (1) a seniority system; (2) a merit system; (3) a system that measures earnings by quality or quantity of production, including piece-rate work; (4) a bona fide job-related factor such as education, training, and/or experience provided it is not based on or derived from a sex, race, or ethnicity-based factor; or (5) any combination of these factors, if the combination of factors accounts for the entire compensation differential. For pay differences between jobs in which substantially similar work is performed, assess if the differences can be entirely explained by these factors.

## Q: THE ANALYSIS IS COMPLETE. NOW WHAT?

A: Now comes the tough part . . . deciding what to do with the results. For jobs determined to perform substantially similar work, you will need to identify if any pay disparities exist based on a protected class, and if they do, either make wage adjustments or justify the difference based on the factors mentioned. Consider doing a cost analysis to see how necessary adjustments will impact the organization.

Reconciling wages is the hard part, but now you presumably have up-to- date job descriptions, jobs grouped based on comparable nature, a formal pay structure in place, documented policies and equitable pay practices.

Ongoing maintenance and monitoring are critical to continued compliance. Consider conducting a pay equity analysis annually. In addition to ensuring due diligence under the Equal Pay Act, this analysis will help you to proactively address potential inequities that may result from the current annual increases to California’s minimum wage.

Organizations have a responsibility to reduce or eliminate pay inequities through effective workplace programs and policies. Also keep in mind that you cannot reduce an employee’s compensation to comply with the law. You can, however, red circle, freeze or otherwise hold an employee’s compensation constant as other employees come into alignment.





# Pay Equity Scenarios: Company A

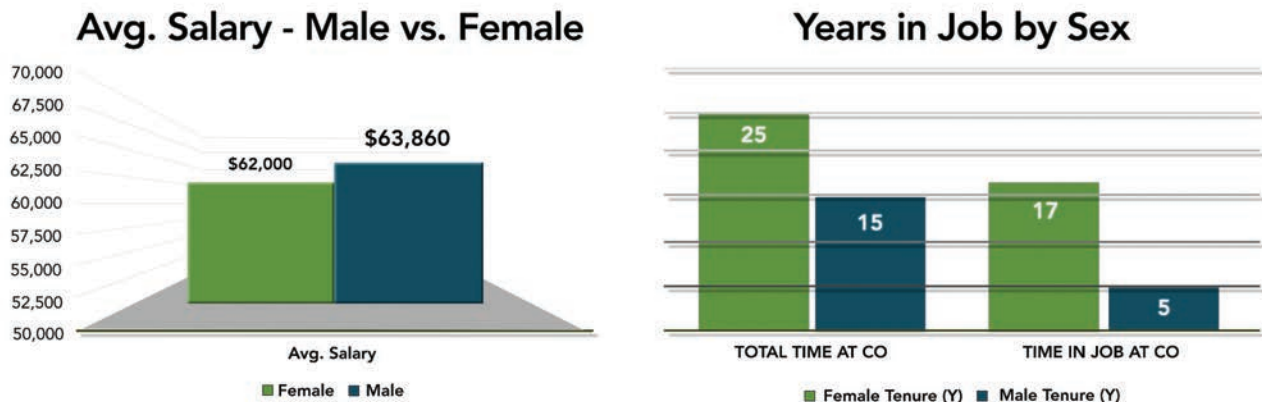
A construction company conducted an equal pay analysis. The preliminary analysis included:

- » Examining date of hire, time in job, sex and race to evaluate if there were any immediate pay disparities.
- » Evaluating current wage/salary based on tenure and time in job and comparing against other positions performing substantially similar work to ensure equitable pay practices.
- » Evaluating pay levels for all employees in each job group.
- » Evaluating how tenure impacts earnings by sex and race.

Statistics relative to one of the job groups performing substantially similar work was summarized into the following table (for illustration purposes, only data on sex is provided):

Gender	Percent of Job Group	Tenure at Company (Years)	Time in Job (Years)	Avg. Salary
Female	20%	25	15	\$62,000
Male	80%	17	5	\$63,860

Based on these statistics, there appears to be a concern with pay relative to sex:



Preliminary Findings:

- » Males are earning approximately 3% more than females in this employee group, and females have significantly more tenure.

Based on these preliminary findings, the organization will need to take the next steps:

- » Review job groupings to ensure that all jobs in this job group perform substantially similar work, OR
- » Reconcile pay differences by adjusting the pay for adversely impacted female employees, OR
- » Determine justifiable differentials as to why the disparity exists.



# Pay Equity Scenarios: Company B

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A manufacturing organization collected the following information for their assembler positions. Several red flags exist in this example:

1. A high performing female, who has been with the organization longer than other male counterparts and is paid lower.
2. A lower performing white male is paid higher than a better performing Hispanic male, yet seniority could be the justifiable difference.
3. A male and female who appear to have been hired close to the same time are paid differently, with the male earning \$ .50 less per hour.
4. The newest male Assembler is paid higher than an equally performing female who has more seniority.

It is important to run an analysis like the one below for your jobs of comparable nature (at a minimum) to see if inequities exist.

Position	Wage	Age	Race	Gender	Date of Hire	Performance
Assembler	\$19.50	45	B	M	1/21/2012	4
Assembler	\$19.50	41	W	M	2/12/2012	4
Assembler	\$18.50	35	W	F	4/15/2013	4
Assembler	\$19.00	30	W	M	11/7/2013	3.5
Assembler	\$18.75	29	H	M	3/30/2014	3.8
Assembler	\$18.00	57	W	M	6/15/2014	3
Assembler	\$18.50	27	W	F	8/5/2014	3
Assembler	\$17.50	42	W	F	3/21/2015	4
Assembler	\$17.00	36	W	M	5/17/2015	3
Assembler	\$18.00	43	A	M	9/5/2015	4



# Pay Equity Scenarios: Company C

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**Organization Inquiry:** We've looked at our pay overall based on our jobs, but we haven't done a formal analysis to group jobs in which substantially similar work is performed. Some factors seem so subjective. Our hourly jobs follow a set wage schedule. If one gender or race holds more of the lower paying jobs, then could that be an issue? Should we be concerned?

Could we be picked for a random audit under the Equal Pay Act? Someone would have to complain, right?

**Response:** Consistently applying your compensation structure within established job groups is a good starting point. If you identify disparities within those groups, then you should look at all of the finer detail to further refine jobs into comparable groups based on substantially similar work based on skill, effort, and responsibility, and working conditions. Consider the following:

- » Knowledge: Certifications, licenses and certificates, education, experience, training.
- » Skill: Ability, agility, coordination, creativity, efficiency, experience or precision.
- » Effort: Amount of physical or mental exertion, amount of sustained activity, complexity of job tasks.
- » Responsibility: Accountability, decision making discretion; amount, level or degree of significance of tasks; autonomy or extent employee works without supervision, extent employee exercises supervisory functions; extent actions expose employer to risk or liability.
- » Working Conditions: Work environment, hours (alternative scheduling, level of busyness, limited duration assignments, number of hours, overtime hours, PT/FT) time of day, shift differentials, physical surroundings (air quality, distractions, dust, exposure to weather, isolation, lighting, noise, temperature, physical design or layout of workspace, ventilation or wetness) potential hazards (degree or severity of potential injury, frequency of exposure, intensity, physical hazards, risk of injury, or toxicity).

Once you have grouped jobs according to substantially similar work - and if you identify disparities - then you need to run a regression analysis based on the factors that the law recognizes as justifications.

Employers may justify differences in compensation for employees performing substantially similar work if the difference is entirely due to one or a combination of the following factors and the employer is acting reasonably and consistently in applying the justification.

- » Seniority
- » Merit
- » A system that measures production
- » A bona fide job-related factor that is not based on or derived from a sex, race, or ethnicity-based factor

Hopefully that process would be able to account for all differences. If not, you will need to determine the appropriate pay adjustments to eliminate disparities.

In regard to groups of women or minorities only holding certain positions, that is more likely to be a potential discrimination issue versus a pay equity problem unless there are also pay disparities among those performing substantially similar work. Either way, this may be concerning and should be evaluated further.

Finally, you are correct that the state does not randomly select companies for audit under the Equal Pay Act. Investigations are only initiated if a complaint is received. The best way to protect against this is to proactively ensure that your pay practices are equitable.



# Important Definitions

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## PROTECTED CLASSES

Protected classes under the Equal Pay Act are sex, race, and ethnicity. Keep in mind that in California, discrimination is illegal on the basis of any protected class status, not just those specified under the Equal Pay Act.

## COMPENSATION

Wages, salary, bonuses, benefits, fringe benefits, equity based compensation.

## REGRESSION ANALYSIS

A powerful statistical method that allows you to examine the relationship between two or more variables. The process of performing a regression analysis allows you to isolate variables and to confidently determine which factors are of greater significance, which factors can be adjusted, and how these factors influence each other.

## SUBSTANTIALLY SIMILAR WORK

“Substantially similar work” refers to work that is mostly similar in skill, effort, and responsibility, and is performed under similar working conditions.

- Skill refers to the experience, ability, education, and training required to perform the job.
- Effort refers to the amount of physical or mental exertion needed to perform the job.
- Responsibility refers to the degree of accountability or duties required in performing the job.
- Working Conditions include factors such as work environment, hours (alternative scheduling, level of activity, limited duration assignments, number of hours, overtime hours, PT/FT), time of day, shift differentials, physical surroundings (air quality, distractions, dust, exposure to weather, isolation, lighting, noise, temperature, physical design or layout of workspace, ventilation or wetness) potential hazards (degree or severity of potential injury, frequency of exposure, intensity, physical hazards risk of injury or toxicity).
- Minor differences in knowledge, skill, effort, responsibility and working conditions will not prevent jobs from being comparable.



# Pay Equity Checklist



√	Recommended
	<p>Detailed job descriptions in place:</p> <ul style="list-style-type: none"> <li>• Formal job descriptions help you avoid wage and hour claims</li> <li>• Formal job descriptions provide employees an understanding of what is expected of them</li> </ul>
	<p>Job descriptions updated annually or as needed:</p> <ul style="list-style-type: none"> <li>• As jobs change, so should descriptions to ensure they remain accurate and compliant</li> </ul>
	<p>Formal compensation plan in place:</p> <ul style="list-style-type: none"> <li>• It is important to maintain your structure and make adjustments as you see your organization shifting or if certain jobs are in high demand, etc.</li> </ul>
	<p>Update your compensation plan annually (or as often as needed):</p> <ul style="list-style-type: none"> <li>• The market is always moving and the search for quality talent gets more and more challenging</li> </ul>
	<p>Evaluate pay for each employee annually to ensure internal equity:</p> <ul style="list-style-type: none"> <li>• Don't let the need to be externally competitive in your hiring and pay practices create internal equity issues</li> <li>• Employees want to know they are paid fairly compared to other employees in similar roles</li> <li>• Account and justify for ALL differences in pay such as:               <ul style="list-style-type: none"> <li>» A seniority system</li> <li>» A merit system</li> <li>» A system that measures earnings by quantity/quality of production</li> <li>» Education</li> <li>» Training</li> <li>» Experience</li> <li>» Combination of the above factors</li> </ul> </li> </ul>
	<p>Evaluate pay for employees annually to ensure external competitiveness:</p> <ul style="list-style-type: none"> <li>• The demand for certain jobs is always shifting and keeping a pulse on how the jobs in your organization are paid compared to similar organizations is critical</li> <li>• If you adjust pay due to changes in market compensation, be sure to evaluate other jobs performing substantially similar work to ensure pay equity</li> </ul>
	<p>Formal compensation philosophy and/or policy in place:</p> <ul style="list-style-type: none"> <li>• Review your philosophy and policy just like anything else . . . as often as needed. It should be structured as flexible so that changes in the economy and the resulting impact to your organization are built into the language</li> </ul>
	<p>Documented pay practices:</p> <ul style="list-style-type: none"> <li>• Review regularly</li> <li>• Ensure they are flexible</li> </ul>
	<p>Pay equity analysis:</p> <ul style="list-style-type: none"> <li>• Consider having a formal pay equity analysis conducted</li> <li>• Continue to maintain and monitor equitable pay practices</li> </ul>



# Criteria for Determining Substantially Similar Work

Suggested level for determining appropriate score	Entry	Int.	Sr.	Spec.	Supv. 1	Supv. 2	Mgr.	Dir.	Exec.
	1	2	3	4	5	6	7	8	9
<p><b>Knowledge</b> Know and understand data, facts, and processes and apply information and methodology. Familiarity, awareness, understanding or learning gained through experience, study, advanced learning. May include certifications, licenses, certificates, education, experience, or training.</p>									
<p><b>Skills</b> Proficiency or dexterity that is required or developed through training or experience; a developed talent or ability. An art, trade or technique; particularly one requiring use of hands or body. Includes proficiency and speed with which a task can be performed. Includes interpersonal, creativity and dexterity. May include ability, agility, coordination, efficiency or experience.</p>									
<p><b>Effort</b> Describes the amount of exertion, strength, and physical force needed to perform the assigned work. It also considers the requirement to consider alternate points of view, make decisions without sufficient information, determining course of action to achieve desired results, develop conceptual explanations and remain rational during times of significant urgency. Includes physical requirements and mental demands. May include amount of physical or mental exertion needed, amount of sustained activity, or complexity of job tasks performed.</p>									
<p><b>Responsibility</b> The state, quality or fact of being responsible; something for which the job is responsible; a duty, task, obligation or burden. Includes impact and influence, work independence, planning, supervision, authority. May include accountability, decision-making discretion, impact of an employee's exercise of job functions on the employer's business, amount/level/degree of significance of job tasks, autonomy or extent to which the employee works without supervision, extent to which the employee exercises supervisory functions, extent to which an employee's work or actions expose an employer to risk or liability.</p>									
<p><b>Working Condition</b> Something the job does, makes, performs, especially as an occupation or undertaking; a duty or task. Conditions; existing circumstances, accommodation needed to surroundings; adapt to something perhaps disagreeable; risk of injury, need for caution and requirement to endure unpleasant situations. Includes, work environment and work pressure. May include work environment, split shifts, busyness during hours of work, duration of assignments, number of hours worked, overtime hours worked, part-time/full-time work, the time of day/week of work (i.e. shift differentials are allowed), physical surroundings, air quality, distractions, dust, exposure to weather, isolation, lighting, noise, physical design or layout of workspace, temperature, ventilation, wetness, degree or severity of potential injury, frequency of exposure to hazards, intensity of hazards, physical hazards, risk of injury, toxicity.</p>									
Total									





# Criteria for Determining Substantially Similar Work: Definitions

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Please use the following definitions to identify the appropriate level for your job based on the identified factors for knowledge, skill, effort, responsibility, and working conditions.

- 1. Entry level:** Entry level business support. Acquires new skills and learns policies and procedures to complete routine tasks. Receives close supervision on assignments and interactions with customers and callers. Entry level production. Acquires new skills and knowledge to complete routine tasks using clearly defined policies and procedures. Receives close detailed instructions and supervision. Typically requires High School education and 0-2 years of experience. Entry level professional. Learns to apply knowledge and skills acquired through a formal degree or certification program. Work is routine requiring close supervision. Typically requires a bachelor degree and 0-2 years of experience.
- 2. Intermediate level:** Intermediate level business support. Applies learned skills and procedures to complete semi-routine tasks. Receives general guidance on assignments and interactions with customers and callers. Typically requires High School education and 2-4 years of experience. Intermediate level production. Applies learned skills to complete a wide range of production tasks. General guidance on routine tasks. Independent interaction with outsiders and team members. Vocational or apprenticeship training and 2-4 years' experience. Intermediate level professional. Applies developing knowledge and skills to a range of semi-complex tasks. Receives minimal direct supervision. Actively contributes to team and handles escalation calls. Typically requires a bachelor degree and 2-4 years of experience.
- 3. Senior level:** Senior level business support. Applies expertise to perform a broad range of tasks. Senior member of a team. Mature knowledge source for customers, clients and co-workers. Typically requires High School education with some vocational training and 4-6 years of experience. Senior level production. Working on complex problems. Applies expertise to perform a range of challenging tasks. Receives minimal guidance and determines daily activities. May be a team lead. Vocational or apprenticeship training and 4-6 years' experience. Senior level professional. Applies mature technical and organizational knowledge to a range of challenging tasks. Receives consultative supervision. Provides technical and team leadership. Handles escalated interaction with customers and callers. Typically requires a bachelor degree and 4-6 years of experience.
- 4. Specialist level:** Specialist level business support. Applies specialized expertise to perform a broad range of tasks. Handles highly sensitive interactions with customers, executives and senior level co-workers. Typically requires High School education and vocational training and over 6 years of experience. Specialist level production. Applies specialized expertise to perform a broad range of tasks and contributes to defining new processes and procedure. Subject matter expert for internal and external contact. May be a team lead. Vocational or apprenticeship training and over 6 years' experience. Specialist level professional. Applies expert technical and organizational knowledge to highly complex projects. Provides senior technical and team leadership. May be highest escalation for customers and callers. Typically requires a bachelor degree and over 6 years of experience.
- 5. First Level Supervisor (Supervisor 1):** Responsible for daily operations of a unit or sub-unit. Assigns tasks, checks work, and establishes work schedules. May perform the work of the unit on a limited basis. Reports to second level supervisor.
- 6. Supervisor (Supervisor 2):** Supervise operations of a department or unit. Schedules work and monitors quality and productivity. Assists with staffing and performance management. Decisions impact schedules and unit productivity. Reports to Manager or Director level.
- 7. Manager:** Manage a department with reporting supervisors. May manage a function with no or few direct reports. Makes final decision on administrative, project management and operational matters. Actions directly impact department performance. Reports to director or executive level in smaller organizations.
- 8. Director:** Direct a broad department or more than one group with reporting managers and senior staff. Establish financial and operational goals. Decisions have serious and long-term impact on division and corporate earnings. Reports to VP or CEO.
- 9. Executive:** Typically part of the Executive Team, making strategic decisions, reporting directly to the President or CEO.



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