

# Oregon Equal Pay Act Overview

Governor Kate Brown signed the Oregon Equal Pay Act into law on June 1, 2017. The law extends pay equity protections to a variety of protected classes, prohibits employers from seeking and asking an applicants' salary history, and expands employee recourse options against employers for discriminatory pay disparities. The university has embraced the law as an opportunity to further advance the equity, competitiveness, and compliance of its pay practices. The following information highlights key elements of the law:

## **As of October 6, 2017**

### Salary History Inquiry Prohibited

- The law prohibits employers from screening job applicants based on current or past compensation, and from determining compensation for a position based on a prospective employee's current or past compensation.
  - Exception: The employer may ask an applicant for permission to confirm prior compensation AFTER the employer extends an offer of employment outlining proposed compensation.
- The law prohibits employers from inquiring about a candidates past or current salary information BEFORE an offer, including a compensation amount, has been made.
  - Exception: Employers may consider compensation during an internal transfer, move, or hire into a new position.

## **As of January 1, 2019**

### Wage Disparities for Work of Comparable Character are Unlawful

- Discrimination between employees on the basis of a protected class in the payment of wages or other compensation for work of comparable character is unlawful and will be considered 'unpaid wages'.
- All differences in compensation levels for work of comparable character must be attributable to one or more "bona fide" factors related to the position and is based on:
  - A seniority system
  - A merit system
  - A system measuring earning by quantity or quality of production (i.e.: piece-rate work)
  - Workplace location
  - Travel, if necessary and regular for the employee
  - Education
  - Training
  - Experience
  - Any combination of these factors, if the combination of factors accounts for the entire compensation differential

### **Next Steps:**

The university changing and implementing compensation practices in accordance with the law. The following guidelines are in place:

- Departments cannot screen applicants based on their current or past compensation, or obtain employee salary history information.
- Departments cannot seek or obtain the pay history of an applicant or employee including their current or former employer before making an offer of employment (which must include a compensation amount).
- Departments need to remove and stop using any interview questions or screening questions regarding past or current compensation.
- Job postings and departments can inform applicants of the hiring pay range.
- If a candidate voluntarily provides past or current salary information without being prompted, contact HR for guidance on next steps.

## Definitions:

- **Protected class** includes race, sex, veteran status, disability, age, color, religion, national origin, marital status, and sexual orientation.
  - The University of Oregon does not collect data on the last five categories.
- **Compensation** including wages, salary, bonuses, benefits, fringe benefits and equity-based compensation.
- **Work of comparable character** is “work that requires substantially similar knowledge, skill, effort, responsibility and working conditions in the performance of work, regardless of job description or job title.”
- **Work conditions** includes “work environment, hours, time of day, physical surroundings and potential hazards encountered by an employee.”

## BOLI Guidance

The State of Oregon, Bureau of Labor and Industries, which is responsible for the enforcement of the law beginning January 1, 2019, has put together technical assistance for employers that outlines factors contained in this law. The following resources provide information about the Oregon Equal Pay Act:

[Oregon Equal Pay Law](#)

[BOLI Permanent Rules](#)

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