



# Equal Pay and Compensation Discrimination

Both state and federal law prohibit discrimination in wages, salaries or other compensation on the basis of race, color, religion, sex, national origin, age, or disability. State law also prohibits discrimination on the basis of sexual orientation and gender identity or expression.

Compensation discrimination under these laws can occur in a variety of forms. For example:

- An employer pays an employee with a disability less than similarly situated employees without disabilities and the employer's explanation (if any) does not satisfactorily account for the difference.

- A discriminatory compensation system has been discontinued but still has lingering discriminatory effects on present salaries. For example, if an employer has a compensation policy or practice that pays Hispanics lower salaries than other employees, the employer must not only adopt a new non-discriminatory compensation policy, it also must affirmatively eradicate salary disparities that began prior to the adoption of the new policy and make the victims whole.

- An employer sets the compensation for jobs predominately held by, for example, Asians or African-Americans below that suggested by the employer's job evaluation study, while the pay for jobs predominately held by Whites is consistent with the level suggested by the job evaluation study.

- An employer maintains a neutral compensation policy or practice that has an adverse impact on employees in a protected class and cannot be justified as job-related and consistent with business necessity. For example, if an employer provides extra compensation to employees who are the "head of household," i.e., married with dependents and the primary financial contributor to the household, the practice may have an unlawful disparate impact on women.

Pay differentials are permitted when they are based on seniority, merit, quantity or quality of production, or any other legitimate and non-discriminatory factor.

The federal Equal Pay Act (EPA) requires that men and women be given equal pay for equal work in the same establishment. The jobs need not be identical, but they must be substantially equal. It is job content, not job titles, that determines whether jobs are substantially equal. Only the federal Equal Employment Opportunity Commission (EEOC) has authority to enforce the EPA.

In correcting a pay differential, no employee's pay may be reduced. Instead, the pay of the lower paid employee(s) must be increased.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on compensation or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation involving state or federal discrimination laws.

## If You Think You Have Been Discriminated Against, Regarding Equal Pay or Compensation, Contact The Nevada Equal Rights Commission

Nevada Equal Rights Commission  
1820 East Sahara Avenue, Suite 314  
Las Vegas, NV 89104

PH: 702 486-7161  
Fax: 702-486-7054

Nevada Equal Rights Commission  
1675 E. Prater Way, Suite 103  
Sparks, NV 89434

PH: 775-823-6690  
Fax: 775-688-1292

Or visit us on the Internet

[www.detr.state.nv.us](http://www.detr.state.nv.us)

A complaint must be filed within 300 days of the date of the alleged discriminatory conduct.

You may also contact the federal Equal Employment Opportunity Commission (EEOC)  
at 1-800-669-4000 or on the Internet at <http://www.eeoc.gov/>

For wage and hour questions, you may also contact the  
Nevada Labor Commissioner at 702-486-2650 or 775-687-4850  
or on the Internet at [www.laborcommissioner.com/](http://www.laborcommissioner.com/)

or

the US Department of Labor at [www.dol.gov](http://www.dol.gov)