

Affirmative Defense Audit & Report Service

Our **Pay Equity Audit Service** helps our clients achieve compliance with federal and corresponding state pay equity laws and establish all possible affirmative defenses to a gender-based pay equity claim. For decades, it has been illegal in the United States for an employer to discriminate against women, including discrimination in terms of compensation. We established this service to ensure that our clients are not unknowingly violating laws with outdated pay practices.

This Audit Service provides an analysis and recommendation report based on your self-audit assessment of wage differentials in order to create any available affirmative defense under state-specific law, if any.

The flow chart for this service can be found on page 2.

The fixed fee for the Affirmative Defense Audit & Report Service is based on the number of jobs evaluated. Please contact Mike Foley at mike@foleylawpractice.com should you be interested in purchasing this service.

**Amended Massachusetts Equal Pay Act (MEPA) Compliance
2024 Affirmative Defense Diagnostic Audit Service Process Flowchart**

Step 1: F&F kick-off telephone conference.

F&F will review each step of this Diagnostic Audit Service, including all action items.

Step 2: Client will conduct a self-audit of all existing jobs.

Complete the F&F Employer Self Audit Assessment Checklist. Client follows the Attorney General Pay Calculations Tool instructions gathering the employee data, completing the calculation tool and worksheet from the Attorney General.

Client will create job groups consisting of one or more jobs that have been determined to perform "comparable work" as defined by the new MEPA.

Step 3: Client will assess any pay/wage differentials between genders.

Client will identify any pay/wage differentials between employees of opposite genders performing "comparable work."

Client will determine whether any gender-based pay differential is permissible under MEPA. Client will prepare a plan that demonstrates reasonable progress toward eliminating any impermissible gender-based wage differentials.

Step 4: We will have a privileged and confidential conversation.

Client will forward to F&F the results of your self-evaluation and assessment, including all documents referenced in Steps 1, 2 and 3, above.

We ask questions intended to ensure that your self-evaluation was conducted in accordance with the key terms and provision under MEPA.

We ask questions intended to determine whether your plan, if any, demonstrates reasonable progress toward eliminating any impermissible gender-based wage differentials under MEPA.

Step 5: Adopt our recommendations and follow our report.

F&F will provide a report providing its opinion on whether your evaluation was reasonable in detail and scope and your plan shows reasonable progress toward eliminating any impermissible gender-based wage differentials. If so, an affirmative defense will be established under MEPA.

Client will take our recommendations, finalize your evaluation and plan and change any recruitment or employment practices to achieve compliance.

Relax knowing that you have conducted a thorough evaluation and have created an affirmative defense to a MEPA claim.