

## Equal Pay Act

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Dear Reader:

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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## Equal Pay Act

Reference Number:  
MTAS-1516

The Equal Pay Act (EPA), 29 U.S.C. § 206(d), enacted in 1963 as an amendment to the Fair Labor Standards Act, prohibits compensation discrimination against employees on the basis of sex when the work is performed under similar working conditions and requires equal skill, effort and responsibility. The provisions of the EPA apply not only to employees covered by the minimum wage and overtime requirements, but to all employees of a covered enterprise. Men are protected under the EPA equally with women. 29 C.F.R. § 1620.1(c).

Under the EPA, a wage differential is permitted between men and women if one of four justifications is shown:

1. A bona fide seniority system
2. A merit system
3. A system that measures earnings in terms of quantity or quality of production
4. Any other factor other than sex

The EPA also prohibits employers from complying with the provisions by reducing the wage rate of any employee. 29 U.S.C. § 206(d)(1) For example, if a woman was being paid \$600 for a job found to be equal in skill, effort and responsibility to that of a male being paid \$700, the employer would not be permitted to reduce the male employee's compensation to \$600 to comply with the EPA. Administrative enforcement of the EPA was originally delegated to the Secretary of Labor, but in 1979 this responsibility was transferred to the Equal Employment Opportunity Commission. Violators are subject to fines and imprisonment.

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**Source URL (retrieved on 01/25/2021 - 5:53am):** <https://www.mtas.tennessee.edu/reference/equal-pay-act>

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