

MEMO: OFCCP's New Equal Pay Report

As you know by now, the OFCCP has issued a Notice of Proposed Rulemaking (NPRM) for the new Equal Pay Report.¹ We expect that there will be no shortage of blogs, webinars, and informational advice coming from every corner of the consulting and legal space.

Before the alarmists flood the internet and your spam folder with their concerns, we would like to reach out to you, our valued client, and reassure you that we are well ahead of this new Equal Pay Report requirement. As a Biddle Consulting Group (BCG) client, it will have little, if any, noticeable impact to you, for the following two reasons:

First, as the industry leader in Equal Employment Opportunity and Affirmative Action, we have the technology and expertise in place to generate these new reports and get you 100% compliant with the new Equal Pay Report. This is one of the many benefits of having the industry's leading experts on your side.

Second, our compensation methodology is "OFCCP version-proof." What does this mean? The OFCCP has been busy reinventing its compensation practice through the years. In less than 10 years the OFCCP has:

- introduced the 2006 Compensation Standards and Guidelines
- introduced the 2/30/30/3-trigger
- scrapped prior triggers and replaced with the 5/10/30/3-trigger
- scrapped prior triggers and replaced with a generic 30/30/3-trigger
- scrapped prior triggers and replaced with the \$2K/2%-trigger
- rescinded the 2006 Compensation Standards and Guidelines
- introduced Directive 307 Compensation Guidelines

This is only a partial list, but the point is clear: The OFCCP has been very dynamic in their compensation enforcement.

Through it all, our compensation methodology has remained 100% compliant while remaining 100% the same. Our compensation methods are based on the Civil Rights Act of 1964, Title VII framework. Needless to say, the OFCCP (and the EEOC) must always answer to this framework. As such, our compensation methods can withstand any other methodologies that the OFCCP can come up with. This is what we mean when we say that our compensation methodology is "OFCCP version-proof."

While our competitors have been struggling to keep their clients in compliance with every stroke of change coming from the OFCCP, we have easily weathered those changes. As our client, it is a promise we make and a promise we have delivered. In reading this, our hope is that you walk away knowing that, as a BCG client, we have you covered. Should you have any questions or concerns, please feel free to reach out to any of our consultants or Dan Kuang, Ph.D., V.P. of Litigation and Audit Support Services (dkuang@biddle.com). We are here to help.

¹ <http://www.dol.gov/ofccp/epr.html>,
http://www.dol.gov/ofccp/EqualPay/EqualPayReport_NPRM_FactSheet_JRF_QA_508c.pdf
[http://www.ofr.gov/\(S\(tys2wfjptjgww4ugwkn2in12\)\)/OFRUupload/OFRData/2014-18557_PI.pdf](http://www.ofr.gov/(S(tys2wfjptjgww4ugwkn2in12))/OFRUupload/OFRData/2014-18557_PI.pdf)