

Meeting Minutes [DRAFT]

August 2, 2019 1:00 to 2:00 PM

Maryland Equal Pay Commission

1100 North Eutaw Street, Suite 600, Baltimore, MD 21201

MEMBERS PRESENT

Matt Helminiak

Glendora Hughes

Robin Walker

Wendy Kahn

GUESTS

STAFF

Sarah Harlan

Ken Lemberg

Kaitlin Marsden

Stacey Harvey Reid

Introductions and Opening Remarks

Matt Helminiak, Maryland Commissioner of Labor and Industry, welcomed the members of the Commission, and all members, guests, and staff introduced themselves. He passed out a copy of the bill (HB 1004) creating the Maryland Equal Pay Commission.

Commissioner Helminiak indicated that he is trying to find college professors and/or data people to replace the Equal Pay Commission vacancies left upon the resignations of Mileah Kromer and Erin George. He apparently has three slots open on the Commission and could ideally use folks with a pay equity and statistician background.

Discussion

Wendy Kahn suggested acquiring pay data from government contractors and posed the question of whether that could be required. Procurement legislation, though, might be required for this.

Matt suggested a policy focus going forward for the Commission. He disseminated articles about other states' efforts, particularly legislatively. Glendora wanted to know if there was anyone in the legislature to focus efforts on, and did not want to see another report "sit on the shelf" only. Wendy referenced past efforts by the American Bar Association Labor and Employment Law Section, and Glendora articulated that big business had often led the way in equity type best practices.

Matt indicated that a ban on employers requesting salary history for job hires might be worth pursuing for the Equal Pay Commission. This did not legislatively pass in the recent Maryland state session. There was some discussion of proposed and existing legislation. There is an existing Maryland Equal Pay law on the books, but many plaintiffs would rather file with the Federal Equal Pay law. Although a salary history ban did not pass in the recent Maryland legislative session, House bill 790 apparently did pass: Civil Penalties for Maryland – Equal Pay for Equal Work, to be effective October 1, 2019. Glendora indicated that current legislation does not give relief to the complainant, but rather penalties go to the state. Sarah expressed that there is the opportunity for class action at the federal level.

Matt asked what states have already passed a salary history ban. The issue of enforcement came up; a policy or law can be passed, but is there requisite attention also to its enforcement? The Commission could consider total wages (including benefits compensation) versus salary exclusively. The subject of negotiation capacity for salary came up as a potential gender gap issue. This was apparently pointed out in last year's Commission report.

Besides the benefit of negotiating a realistic salary, it was discussed that women often return to the workforce after starting to raise a family. Although they may have been out of the "official" workforce, there are "business accomplishments" women undertake during that family raising time that can be documented on resumes, etc. The "motherhood penalty" or "gaps in employment" could thus be further minimized in this documented acknowledgment and "selling" of what one has accomplished in recent years. Glendora suggested that ideally one can volunteer where one wants to work and show them "what you can do." There could be "credit" for volunteer experience.

The group could continue to assess "best practices," such as resume writing coaching for documenting time off from official paid work, to help further pay equity (or minimize pay inequity). Prescribed policy should be such that it doesn't unintentionally increase pay inequity. Pay equity audits for employers could be helpful, if feasible. Best practices might be identified through associations such as Society for Human Resource Management (SHRM) in the private sector and International Public Management Association for Human Resources (IPMA-HR) in the public sector.

Matt suggested for purposes of this group that new legislative policy effort might not be feasible, but perhaps best practices could get picked up in training, such as in a webinar. The State Wage and Hour division does outreach, in conjunction with compliance, that could be applicable.

The next Commission meeting could be conducted by conference call, which would hopefully help enhance participation. This is anticipated for September 24, 2019 at 1:00.

Submitted by:

Ken Lemberg, Deputy Director, Governor's Workforce Development Board