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U.S. DEPARTMENT OF LABOR  
EMPLOYMENT STANDARDS ADMINISTRATION  
WASHINGTON, D.C. 20210



April 30, 1973

This is in further reply to your letter of February 22, 1973, addressed to [redacted] requesting an opinion on the application of the Equal Pay Act to wage differentials based on educational status. We regret the delay in responding to your inquiry.

The application of the equal pay standard has to be determined in each case by applying the terms and provisions of the Act to the full factual situation. The information provided in your letter is not sufficient to make such a determination but we hope you will find the following discussion helpful.

Interpretative Bulletin, Part 800, is being revised and updated to reflect recent court rulings and legislative changes extending the coverage of the Equal Pay Act. However, in the meantime, you may find the discussion in section 800.125 of interest. With respect to the question of education, you will note from this section that, in situations where possession of a college degree is not necessary to meet the requirements of a particular job, it may not be used to support a wage differential under the Equal Pay Act. In addition, for purpose of comparison under the Act, the educational attainment of one employee, even where directly related to the job in question, may be counter-balanced by the experience of another employee, particularly where it appears that an employee of one sex with a college education is hired at a higher wage rate than an existing long-service employee of the opposite sex to perform work requiring substantially equal skill, effort, and responsibility.

With regard to your second question concerning the application of the Equal Pay Act where wage guidelines are in effect, an employer who has violated the Act can be required to adjust his wage payments to meet the statutory standards and such adjustments will not constitute a violation of the wage guidelines under the President's economic stabilization program.

We hope that the above information has been helpful. In order to be of all possible assistance to you we are referring your letter to the Regional Office of the Employment Standards Administration in Atlanta, Georgia. A representative of that office will get in touch with you shortly concerning this matter. We can assure you that any information you provide will be held in strict confidence.

Sincerely,

/s/ Ben P. Robertson

Ben P. Robertson