

MEPA for FAS Hiring Managers

What is MEPA?

MEPA is short for the Massachusetts Equal Pay Act. On July 1, 2018, an updated equal pay law went into effect in Massachusetts, stating that employers cannot pay workers a salary or wage less than what they pay employees of a different gender for comparable work. MEPA defines “comparable work” as work that requires substantially similar skill, effort, and responsibility, and is performed under similar working conditions.

To prevent wage and salary discrimination during the hiring process, MEPA makes certain practices unlawful.

As a hiring manager who is recruiting and hiring new employees, what do I need to know?

- MEPA explicitly states that **an employer cannot ask a job candidate (both internal and external) how much she/he is now being paid in her/his current job at any point in the hiring process**. While a job candidate can decide to *voluntarily* disclose that information in the hiring process, a recruiter or hiring manager cannot *ask* for that information.
- Even if a candidate voluntarily discloses their current salary, **employers can't refuse to consider job applications based on how much the candidate earned in her or his last position**. Nor should hiring managers use this information as they consider the candidate for the position.
- Finally, **employers cannot prohibit employees from discussing their own or their coworkers' compensation**. (Please note that there is a limited exception for those staff members who have access to compensation information as part of their job.)

Q&As

- **Q:** *Do these new rules apply to internal as well as external job candidates?* **A:** Yes, these rules apply to all candidates for a posted position, both internal and external.
- **Q:** *Can hiring managers or recruiters obtain current salary information for internal candidates?* **A:** Our recommended practice would be NOT to inquire about the current salary of an internal candidate as this information cannot be used to set the salary in the new role.
- **Q:** *Is it okay to decline a candidate because of their stated salary expectations, if their expectations are well above what the hiring department can afford and what would be equitable for comparable jobs?* **A:** Yes. Although we cannot screen candidates based on their salary **history alone**, we *can* screen based on **expectations** that are not feasible for the hiring department – **cautiously**.

What else do I need to know about MEPA?

- MEPA is a comprehensive wage discrimination law and has other components that will affect you as a manager. To read about the other aspects of MEPA, please see our other FAS MEPA guides on our FAS HR web site:
 - [MEPA for FAS Managers](#)
 - [Talking Points for FAS Managers on MEPA as it relates to FY19 Performance Management](#)