

# MEPA for FAS 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.

## Does that mean all employees need to be paid the same?

No, MEPA allows employees to be paid differently for comparable work based on one or more of the following six factors:

1. a system that rewards seniority with the employer;
2. a merit system;
3. a system which measures earnings by quantity or quality of production, sales, or revenue;
4. the geographic location of the jobs;
5. education, training, or experience that are reasonably related to the job;
6. travel, if the travel is a regular and necessary condition of the job.

## What does this mean for FAS staff?

FAS staff are generally well situated regarding MEPA, since for the past eight years FAS HR has conducted equity reviews for new hires, reclassification requests, and for existing employees (based on a manager’s request). In addition, HHR compensation has conducted regular audits to ensure that Harvard is in compliance with all relevant compensation laws, and the FAS has fared well in those audits.

## How will this affect performance management for FY19?

Because MEPA explicitly allows for pay differences based on a merit system, the University has decided to return to University-wide performance ratings so that we have a system in place that allows for different annual salary merit increases based on strength of performance. Therefore, starting in FY19, you will be asked to assign an end-of-year performance rating for your direct reports.

## What else do I need to know?

- You should know that under MEPA, an employer can’t ask a job candidate how much she/he is now being paid in her/his current job.
- Employers can’t refuse to consider job applications based on how much the candidate earned in her or his last position.
- Employers cannot prohibit employees from discussing their own or their coworkers’ compensation. In other words, employees are free to discuss wage. (Please note that this does not apply to employees whose positions give them access to confidential information.)