

Melissa Goodman on NPR on 9th Circuit Equal Pay Ruling

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NPR quoted Haynes Boone Partner Melissa Goodman in a National Equal Pay Day report about a 9th U.S. Circuit Court of Appeals ruling that said employers can't pay women less than men in similar jobs just because a woman made a lower salary at a previous workplace.

On April 9, an en banc panel of the court ruled in the case of *Aileen Rizo v. Jim Yovino* that the Equal Pay Act precludes salary history from being used to justify a wage differential between male and female employees. The decision overturned an earlier ruling by a three-judge panel of the court.

NPR [reported](#) that the April 9 decision was one of the last written by Judge Stephen Reinhardt, who died in March of a heart attack, and that Rizo, a math teaching consultant who initiated the lawsuit, now is running for the California State Assembly.

Here's an excerpt from the transcript of the report:

YUKI NOGUCHI (*NPR*): Rizo's case does not, however, settle the legal issues for the rest of the country. Other circuit courts have upheld an employer's right to use prior salary as a factor in setting pay. Further complicating matters, four states and several cities bar employers from asking about pay history. Dallas attorney Melissa Goodman represents employers in employment cases.

MELISSA GOODMAN: I think it has the potential to create a lot of confusion in that.

NOGUCHI: Nevertheless, Goodman says this case means employers will need to take another look at their pay practices.

GOODMAN: I do think the impact will be that employers need to think about, going forward, how they're going to consider setting salaries when they're hiring employees and also looking at their current employees. And are those salaries defensible right now? ...

Excerpted from *NPR*. To listen to the full report or read the transcript, click [here](#).