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Meet Nancy Gray

In a diverse legal career that has spanned over three decades, attorney Nancy Gray has represented hundreds of clients in a variety of civil matters, including labor and employment (management/employee); sexual harassment, discrimination, wrongful termination; commercial, contract and business issues.



Among other highlights, Ms. Gray served as Assistant District Attorney in New York, spent seven years with a national law firm working on complex

Chen-Oster v. Goldman Sachs & Co. - Gender Discrimination Class Action



Back in 2010, female Goldman Sachs employees filed a class action complaint in U.S. District Court for the Southern District of New York against the venerable investment bank. The complaint alleged that women in the firm were paid about 20% less than their male counterparts, that women were passed over for promotions, and that women represented a tiny percentage of the firm's leadership.

The plaintiffs alleged that the

pharmaceutical and medical device cases, and successfully litigated and coordinated cases around the country. She has a unique expertise in matters pertaining to the adulteration of extra virgin olive oil.

Ms. Gray has also lectured and written on a variety of topics, including expert testimony, drug and medical device regulation, sexual harassment, employment practices and child performer issues.

In 1997, she started her own firm, based in Los Angeles.

Having been raised in New York City, Nancy enjoys dramatic, musical and comedy theater as well as pro sports. She is a PADI-certified scuba diver. Among her favorite reading material is Bon Appetit and anything pertaining to criminal behavior and behavioral profiling.

notoriously closed-off firm deliberately clung to an "outdated corporate culture" and "intentionally implemented these company-wide policies and practices in order to pay their male employees more money than their female counterparts, and to promote them more frequently."

The women are asking the court to certify their class. Should the court grant their request, it would allow the former bankers the right to bring a discrimination case on behalf of more than 2,300 women employed at the firm since 2002. [*Bloomberg Businessweek*](#) notes that the plaintiffs spent more than four years building their case against the firm, collecting evidence of specific incidents of gender discrimination, including detailed files of sexual harassment that the plaintiffs say they were discouraged from reporting to human resources, male colleagues taking clients to strip clubs, and women having their work assignments taken away after having children.

Goldman Sachs has objected to the certification by raising all of the traditional defenses, most notably that the 2,300 women that could be included in the presumptive class were not "similarly situated" because they all had different positions within the firm.

In recent months, Goldman has not done itself many favors in the court of public opinion. It was blasted in the [*legal press*](#) after one of its experts, Dr. Michael A. Campion, provided the court with an expert report that claimed that male Goldman Sachs workers got paid more than female workers because the men were more willing to take on higher pressure work and "extreme jobs" required to

succeed in the upper levels of the investment banking hierarchy.

The plaintiffs in the case rejected Campion's methodology, calling the main theory that men were willing to take on harder work, "nonsensical on its face." They are [asking the court](#) to exclude Campion's testimony and strike the report, calling it "speculative and troubling."

Expect Goldman Sachs to keep fighting this case, all the way to the bank.

Equal Pay for Equal Work-What Every Business Needs to Know Now

If you own a business, you are probably familiar with the long list of federal and state laws that relate to discrimination in the workplace. However, perhaps the least familiar, and often one of the most challenging areas for employers to understand, is the [Equal Pay Act of 1963](#) (EPA), and the California Equal Pay Act



([California Labor Code 1197.5](#)) which both prohibit discrimination in wages based on gender. In other words, employees who perform substantially the same work, regardless of gender, must be paid the same.

By law, businesses can still pay different wages for the same work based upon (a) a seniority system; (b) a merit system; (c) a system which measures earnings by quantity of production; or (d) a differential based on factors other than gender.

Here are a few things for businesses and employees to keep in mind when it comes to equal pay:

1. Proving discrimination requires several elements.

When it comes to EPA claims, an employee must demonstrate (a) that he or she is an employee of the company; (b) that another employee is working in the same place and doing equal work; and c) that another employee is being paid more.

2. Job titles are irrelevant.

When it comes to figuring out if work is equal, look to the job duties employees are actually doing, including the level of skill the tasks require, the responsibility level, the effort, the conditions, and the training required to do the job-not employee job titles or job descriptions. Keep in mind that minor differences in job or skill level are not necessarily grounds for paying one employee more than another.

3. Look at the gender composition of your workforce in certain job categories.

If your business only hires a certain gender for a certain type of job, pay close attention to potential hiring and compensation biases. While some jobs require a certain level of strength or willingness to work in uncomfortable or more dangerous workplace conditions, the vast majority of jobs do not. If you're only hiring or retaining men for certain higher paying positions, pay close attention to why.

4. Rewarding productivity is fine.

All the EPA requires is that employees are compensated the same for equal work; the EPA doesn't prevent employers from rewarding productivity. For example, if two sales people of opposite genders are paid the same base compensation rate, that would meet the EPA requirements, even if the male salesperson sells more, and is awarded higher sales bonuses accordingly-so long as the company is not contributing to the bias by deliberately giving the male salesperson better leads or a better client territory.

About Gray & Associates P.C.

Attorney Nancy Gray of Gray & Associates, P.C. has more than 30 years of experience providing personalized attention and creative solutions to her clients' legal issues. Whether you need a strong litigator, a labor and employment advocate, or a savvy business law attorney, you can rely on Gray & Associates to provide you with excellent legal representation. Click [here](#) to read more.

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