



EMPLOYMENT

FACT SHEET

Long Overdue: Equal Pay for Maryland's Women & Families

April 2015

Pay discrimination remains a persistent problem in the workforce. In Maryland, on average, women working full-time, year-round typically earn about 85.5 cents for every dollar earned by men.¹ Asian American women in Maryland earn only 84.2 cents for every dollar earned by white, non-Hispanic men, and the situation is even worse for African American women (69.7 cents) and Latinas (46.6 cents).² SB 424 and HB 1051, the Equal Pay for Equal Work Act, along with SB 425, the Wage Disclosure and Discussion Protection Act, would strengthen Maryland's equal pay law and provide workers with the tools they need to combat pay discrimination and close the wage gap.

The Wage Gap Continues to Plague Working Families in Maryland and Across the Country

Although Congress passed the Equal Pay Act more than 50 years ago and Maryland passed its Equal Pay Act nearly 25 years ago, women workers continue to face significant pay disparities.³

- In the United States overall, women typically earn only 78 cents for every dollar earned by men—and some women of color fare worse.⁴ African American women earn just 64 cents, and Latinas earn only 56 cents to every dollar earned by a white, non-Hispanic man.⁵
- Nationally, the wage gap for a woman translates into \$10,876 less in median annual earnings, leaving women and their families shortchanged.⁶ For African American women, the gap translates to an annual loss of \$19,399, and \$23,279 per year for Latinas.⁷
- Over the course of a woman's career who works full time, year round, she typically loses \$435,049 in a 40-year period due to the wage gap.⁸ A woman would

have to work more than eleven years longer to make up this gap.⁹

- The 14.5 cent wage gap that Maryland women face, while smaller than the national wage gap, still significantly diminishes their earning power. Maryland women's median earnings are only \$50,211, in comparison to median earnings for men of \$58,746.¹⁰ That is a difference of a whopping \$8,535. Put another way, that is equal to ten months of rent and utilities or nearly two years of health care contributions.¹¹ Whereas the median earnings for white, non-Hispanic men in Maryland is \$67,581, Asian American women in Maryland have median earnings of \$56,913, African American women in Maryland have median earnings of \$47,081, and Latinas in Maryland have median earnings of just \$31,466.¹²
- Ten percent of women in Maryland live in poverty, with higher rates for women of color, including a 14 percent rate for African American women and a 15 percent rate for Latinas.¹³



In virtually every county across the state of Maryland, women are facing a wage gap—from a 10.3 cent gap in Charles County to a 32.4 cent wage gap in St. Mary's County. With Prince George's County as the lone exception, the wage gap continues to hold Maryland's women and families back.

County	Women's Median Earnings	Men's Median Earnings	What Women Typically Make for Every Dollar Men Make	Wage Gap
Allegany County	\$31,805	\$44,486	71.5¢	28.5¢
Anne Arundel County	\$52,092	\$62,681	83.1¢	16.9¢
Baltimore County	\$46,803	\$55,712	84.0¢	16.0¢
Calvert County	\$51,924	\$71,730	72.4¢	27.6¢
Caroline County	\$31,570	\$45,896	68.8¢	31.2¢
Carroll County	\$46,995	\$62,490	75.2¢	24.8¢
Cecil County	\$41,762	\$55,221	75.6¢	24.4¢
Charles County	\$56,675	\$63,207	89.7¢	10.3¢
Dorchester County	\$36,606	\$44,046	83.1¢	16.9¢
Frederick County	\$51,358	\$65,929	77.9¢	22.1¢
Garrett County	\$32,383	\$37,324	86.8¢	13.2¢
Harford County	\$50,637	\$62,987	80.4¢	19.6¢
Howard County	\$64,284	\$83,418	77.1¢	22.9¢
Kent County	\$38,039	\$48,958	77.7¢	22.3¢
Montgomery County	\$60,857	\$73,709	82.6¢	17.4¢
Prince George's County	\$51,187	\$49,901	102.6¢	-02.6¢
Queen Anne's County	\$50,498	\$60,295	83.8¢	16.2¢
St. Mary's County	\$45,110	\$66,751	67.6¢	32.4¢
Somerset County	\$30,449	\$39,957	76.2¢	23.8¢
Talbot County	\$42,214	\$50,476	83.6¢	16.4¢
Washington County	\$36,994	\$47,330	78.2¢	21.8¢
Wicomico County	\$37,858	\$46,362	81.7¢	18.3¢
Worcester County	\$40,112	\$46,902	85.5¢	14.5¢
Baltimore City	\$40,818	\$45,575	89.6¢	10.4¢

"What a woman makes for every dollar a man makes" is the ratio of female and male median earnings for full-time, year-round workers. Earnings are in 2013 dollars. The "wage gap" is the additional money a woman would have to make for every dollar made by a man in order to have equal annual earnings. County wage gaps calculated by National Women's Law Center (NWLC) are based on 2011-2013 American Community Survey Three-Year Estimates (<http://www.census.gov/acs/www/>).



With More Families Relying on Women's Income than Ever Before, Women Cannot Afford Unequal Pay

Women's income is critical to families' economic security, but unequal pay means that women are taking home less than their fair share:

- Nearly 65 percent of Maryland women over the age of 16 are in the labor force, and 60 percent are employed.¹⁴
- Nationally, working mothers are primary breadwinners in 41 percent of families with children, and they are co-breadwinners—bringing in between 25 percent and 50 percent of family earnings—in another 22 percent of these families.¹⁵
- For families in the bottom 20 percent of the income distribution, nearly 70 percent of working women are either the primary breadwinner or share that responsibility equally with their partners.¹⁶

Women Continue to Face Barriers to Entering Higher-Paying, Nontraditional Jobs

Isolation, active discouragement, harassment, outright exclusion, and lack of information about alternative job options are all barriers to women's entry into higher-wage jobs that are nontraditional for their gender:¹⁷

Maryland Employer Recently Settled Hiring and Pay Discrimination Case in Nontraditional Employment

In a recent case in Maryland, ACM Services paid \$415,000 to settle a lawsuit brought by the EEOC for refusing to hire women applicants and black applicants as field laborers. Two women who, despite ACM's allegedly discriminatory hiring practices, managed to get jobs with the company were allegedly subjected to harassment on the job and terminated when they complained about the harassment.¹⁸

- Of the 25 detailed occupations with the highest median weekly earnings for full-time workers, only two are majority female.¹⁹
- In contrast, five of the highest-wage occupations are over 90 percent male.²⁰ These occupations all have median weekly earnings for full-time workers above \$1,350—or typical annual salaries over \$70,000 for someone who works year-round.²¹

Pay Discrimination Claims Are All Too Common in Maryland

- *In January of 2015 the Applied Physics Laboratory at Johns Hopkins University settled a complaint brought by two women workers which included allegations of pay discrimination based on sex. Investigators from the Office of Federal Contract Compliance Programs, which handled the case concluded that both women workers were paid less than their male counterparts. The two employees will receive \$359,253 in back pay and damages.*²²
- *In September of 2013, Worcester County, Maryland resolved a lawsuit with the Equal Employment Opportunity Commission for multiple counts of pay discrimination against female retail clerks in county-run liquor stores. The EEOC found that the County was paying the women less wages than the male clerks, even though they were doing substantially equal work under similar conditions. Pursuant to the settlement, the County paid \$60,000 to three women and entered into a three-year consent decree.*²³
- *In 2000, Baltimore Cable Access Corporation paid \$45,000 to settle a lawsuit with the Equal Employment Opportunity Commission for pay discrimination. The EEOC found that the company fired its first executive director after she complained that she was receiving far less pay than her male counterparts, and subsequently compensated her male successor at a far higher salary for performing the same job.*²⁴

Women Continue to be Overrepresented in Low-Wage Jobs

Not only do women face significant barriers to entering higher-wage, nontraditional jobs, they continue to be concentrated in low-paying jobs:

- In Maryland, women make up nearly 70 percent of the low-wage workforce, as compared to nearly 50 percent of the workforce overall.²⁵ And more than six in ten of the lowest paid workers—those earning the minimum wage or less—are women.²⁶
- Nationally, women make up two-thirds of the low-wage workforce, and nearly half of women in low-wage jobs are women of color.²⁷
- Women make up nearly two-thirds of those paid the minimum wage or less.²⁸
- Women of color are also disproportionately represented among minimum wage workers: 22 percent of minimum wage workers are women of color, compared to less than 16 percent of workers overall.²⁹

LGBT Workers Face Significant Pay Discrimination

Members of the LGBT community experience a significant wage gap and discrimination:

- A recent meta-analysis of twelve studies found that gay and bisexual men earn 10 percent to 32 percent less than heterosexual men with similar qualifications, even controlling for education, race, occupation, and years of work experience.³⁰
- Lesbian women still earn less than men, regardless of their sexual orientation.³¹ Women in same-sex relationships have a median personal income of \$38,000 compared to \$47,000 for men in same-sex relationships, and \$48,000 for heterosexual men.³²
- One study shows the earnings of transgender women workers fall by nearly a third following transition.³³
- Nearly half of all transgender workers say they have been fired, denied a promotion, or not given a job because of their gender identity.³⁴
- Transgender Americans are four times more likely to have a household income under \$10,000 per year than the population as a whole (15 percent vs. 4 percent). This is true despite the finding that 87 percent of transgender people have completed at least some college and 47 percent have obtained a college or graduate degree—rates that are much higher than those for the general population.³⁵

The Maryland Equal Pay for Equal Work Act Would Strengthen Maryland's Current Equal Pay Law and Give Women the Tools They Need to Hold Employers Accountable

i. SB 424, HB 1051, and SB 425 Provide Crucial Protections for Women to Discuss their Wages without Fear of Retaliation

One of the reasons that pay discrimination is so difficult to root out is that the majority of employers have policies and practices that prohibit or discourage workers from discussing or inquiring about pay. According to the Institute for Women's Policy Research, about half of all workers, including about 61 percent of private-sector employees, report that discussing or inquiring about their wages is either directly prohibited or discouraged by their employer.³⁶ In contrast, when workers are able to discover pay disparities, they can take steps to address them, and employers are more likely to proactively identify and remedy discrimination, reducing the need for costly litigation.

In the public sector, where pay secrecy rules are uncommon, only 11 percent of male employees and 18 percent of female employees report that discussing their wages is either prohibited or discouraged.³⁷ The wage gap for all full-time, year-round workers, based on median earnings, is 22 percent,³⁸ but in the federal government, where pay rates are publically available,³⁹ the wage gap in 2009 was 11 percent.⁴⁰

SB 424, HB 1051, and HB 425 provide important protections for workers to inquire about, discuss, and disclose their wages—including asking the employer to provide a reason for the employee's wages—without fear of retaliation. By enacting this protection, Maryland would join both the federal government⁴¹ and the growing ranks of states—including California, Colorado, Illinois, Louisiana, Maine, Michigan, Minnesota, New Hampshire, New Jersey, and Vermont—that have enacted protections for workers to discuss their wages without fear of retaliation.

ii. SB 424 and HB 1051 Remove Barriers for Women to Entry into Higher Paying Jobs

Addressing occupational segregation is crucial to closing the wage gap. Importantly, because SB 424 and HB 1051 prohibit employers from discriminating between employees in any occupation by providing

less favorable employment opportunities based on sex or gender identity, the act ensures that all workers will have equal access to opportunities that advance their career and their paychecks, and will help bring an end to occupational segregation.

iii. SB 424 and HB 1051 Include an Important Update to Maryland's Equal Pay Law by Including "Gender Identity" as a Protected Category

Like discrimination on the basis of sex, discrimination on the basis of gender identity and sexual orientation often rests on gender stereotypes about supposedly "normal" or appropriate behavior for women and men. Sexual orientation discrimination and gender identity discrimination often take the form of punishing or burdening individuals who fail to conform to gender stereotypes.

Fewer than half of the states have prohibited gender identity discrimination in employment.⁴² Maryland is one of those states, after passing the Fairness for All Marylanders Act in 2014⁴³ to codify protections for employees against discrimination based gender identity.⁴⁴ SB 424 and HB 1051 align with recent Maryland law by amending its pay discrimination law to include protections for workers who are discriminated against in pay based on gender identity. The Act could be further strengthened by including protections against pay discrimination for workers based on sexual orientation, race, color, religion, ancestry, national origin, age, disability, marital status and genetic information.

iv. SB 424 and HB 1051 Close an Important Loophole in Employer Defenses for Pay Discrimination

As has been the case under the federal Equal Pay Act, some courts have interpreted the defenses to equal pay claims brought under state laws—including the Maryland Equal Pay for Equal Work law—so broadly that they have allowed employers to flout these laws and continue paying women less.

How One Maryland Court Widened the Judicially Created Loophole in the BFOQ Defense

In *Glunt v. GES Exposition Services, Inc.*, a Maryland woman sued her former employer for pay discrimination in violation of the Maryland Equal Pay Act, the federal Equal Pay Act, and Title VII. Glunt alleged that she was paid less than three of her male coworkers for substantially equal work and sued the company. The district court held that it was likely that Glunt was indeed being paid less for substantially equal work. But the court ruled against her, accepting the employer's "factor other than sex" defense which relied in part on evidence that the company offered one of her male coworkers a higher starting salary "in order to induce" him "to accept the employer's offer over competing offers."

SB 424 and HB 1051 amend Maryland law to close that "factor other than sex" loophole by spelling out that the factor cannot be based on or derived from a gender-based differential in compensation, and that the factor

must be job-related with respect to the position and consistent with a business necessity. By closing this judicially created loophole in our equal pay laws, SB 424 and HB 1051 ensure that employers can no longer rely on compensation differentials, which are merely a pretext for discrimination.

Conclusion

Maryland has a proud history of taking steps to make the promise of equal pay for equal work a reality for Maryland's workforce. From enactment of the Equal Pay for Equal Work law in 1991, to the Labor and Employment—Equal Pay Commission law establishing a commission on equal pay in Maryland in 2005, to the Lilly Ledbetter Fair Pay Act in 2009, Maryland has recognized the importance of strong legal protections from pay discrimination. SB 424 and HB 1051, the Equal Pay for Equal Work Act, along with SB 425, the Wage Disclosure and Discussion Protection Act, are the next important steps to strengthen Maryland's Equal Pay Act and give women the tools they need to fight back against pay discrimination.

¹ Nat'l Women's Law Ctr. calculations based on U.S. CENSUS BUREAU, AMERICAN COMMUNITY SURVEY (ACS) 2013 for women overall and ACS 2011-2013 for women of color available at http://www.census.gov/acs/www/data_documentation/2013_release/ (last visited Apr. 10, 2015). Median earnings are for women and men who worked full time, year round [hereinafter ACS 2013].

² *Id.*

³ 29 U.S.C. § 206(d)(1); MD. CODE ANN., LAB. & EMPL. § 3-304 (WEST).

⁴ NAT'L WOMEN'S LAW CTR., THE WAGE GAP IS STAGNANT FOR NEARLY A DECADE (2014), available at http://www.nwlc.org/sites/default/files/pdfs/fact_sheet_wage_gap_is_stagnant_2013.pdf.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.* Career wage gap assumes a constant gap and is not adjusted for inflation.

⁸ *Id.*

⁹ *Id.*

¹⁰ NWLC calculations based ACS 2013 *supra* note 1.

¹¹ The median housing costs for renters were \$850 per month in 2013. See RENT AND UTILITIES—U.S. CENSUS BUREAU, AMERICAN HOUSING SURVEY: 2013, Table C-10-AO. Housing Costs—All Occupied Units, <http://www.census.gov/programs-surveys/ahs/data/2013/national-summary-report-and-tables---ahs-2013.html> (last visited Mar. 3, 2015). The average employee contribution for employer-based family coverage is \$4,421 annually or \$368 per month. See HEALTH INSURANCE PREMIUMS—U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, AGENCY FOR HEALTHCARE RESEARCH AND QUALITY, MEDICAL EXPENDITURE PANEL SURVEY: 2013, Table I.D.2 (2013), http://meps.ahrq.gov/mepsweb/data_stats/summ_tables/insr/state/series_2/2013/tiid2.htm (last visited Apr. 10, 2015).

¹² *The Wage Gap, State by State*, NAT'L WOMEN'S LAW CTR. (2013) <http://www.nwlc.org/wage-gap-state-state>.

¹³ *Women and Poverty, State by State*, NAT'L WOMEN'S LAW CTR. (Sept. 25, 2013), <http://www.nwlc.org/resource/women-and-poverty-state-state>.

¹⁴ OFCCP JOHNS HOPKINS UNIVERSITY'S APPLIED PHYSICS LABORATORY SETTLES RACE AND SEX DISCRIMINATION CASE WITH US LABOR DEPARTMENT, USDL 14-2299, 2015 WL 270272.

¹⁵ WORCESTER COUNTY WILL PAY \$60,000 TO RESOLVE EEOC PAY DISCRIMINATION LAWSUIT, 2013 WL 4714245.

¹⁶ EEOC SETTLES SUIT AGAINST PUBLIC ACCESS TV CORP. FOR PAY DISCRIMINATION AND RETALIATION, 2000 WL 33729122.

¹⁷ ADVISORY COMM. ON OCCUPATIONAL SAFETY & HEALTH, U.S. DEP'T OF LABOR, WOMEN IN THE CONSTRUCTION WORKPLACE: PROVIDING EQUITABLE SAFETY AND HEALTH PROTECTION (1999), available at <http://www.osha.gov/doc/acsh/haswicformal.html> (explaining that continued isolation, sexual discrimination, and harassment created a hostile environment and affected the safety of construction worksites); see also Phyllis Kernoff Mansfield et al., *The Job Climate for Women in Traditionally Male Blue-Collar Occupations*, 25 SEX ROLES: J. RES. 63, 76 (1991) (explaining that women in nontraditional occupations face high levels of sexual harassment and sex discrimination, which is particularly problematic because skills in these occupations "usually are acquired during apprenticeships or on the job, and are dependent on help and support from coworkers").

¹⁸ *Maryland Firm to Pay \$415K to Settle EEOC Discrimination Suit*, Insurance Journal (Nov. 18, 2014), available at <http://www.insurancejournal.com/news/east/2014/11/18/347364.htm>.

¹⁹ NAT'L WOMEN'S LAW CTR., 50 YEARS AND COUNTING: THE UNFINISHED BUSINESS OF ACHIEVING FAIR PAY 5 (2014), available at http://www.nwlc.org/sites/default/files/pdfs/final_nwlc_equal_pay_report.pdf. The figures cited are from 2012.

²⁰ *Id.*

²¹ *Id.*

²² U.S. CENSUS BUREAU, 2013 AMERICAN COMMUNITY SURVEY 1-YEAR ESTIMATES, Selected Economic Characteristics, http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_13_1YR_DP03&prodType=table (last visited Apr. 10, 2015).

²³ The share of mothers who are breadwinners or co-breadwinners has increased from 27.5 percent in 1967 to 63.3 percent in 2012. SARAH JANE GLYNN, CTR. FOR AM. PROGRESS, BREADWINNING MOTHERS, THEN AND NOW 6 (June 2014), available at <http://cdn.americanprogress.org/wp-content/uploads/2014/06/Glynn-Breadwinners-report-FINAL.pdf>.

²⁴ SARAH JANE GLYNN, CTR. FOR AM. PROGRESS, THE NEW BREADWINNERS: 2010 UPDATE 3 (2010), available at <https://cdn.americanprogress.org/wp-content/uploads/issues/2012/04/pdf/breadwinners.pdf>.

²⁵ NAT'L WOMEN'S LAW CTR., WOMEN IN THE LOW-WAGE WORKFORCE BY STATE (2014), available at http://www.nwlc.org/sites/default/files/pdfs/pv_fs_low_wage_state_tables.pdf.

²⁶ Women and the Minimum Wage, State by State, NAT'L WOMEN'S LAW CTR. (Jan. 5, 2015), <http://www.nwlc.org/resource/women-and-minimum-wage-state-state>.

²⁷ NAT'L WOMEN'S LAW CTR., UNDERPAID & OVERLOADED: WOMEN IN LOW WAGE JOBS 1-2 (2014), available at http://www.nwlc.org/sites/default/files/pdfs/final_nwlc_lowwagereport2014.pdf.

²⁸ NAT'L WOMEN'S LAW CTR., FAIR PAY FOR WOMEN REQUIRES INCREASING THE MINIMUM WAGE AND TIPPED MINIMUM WAGE (2014), available at http://www.nwlc.org/sites/default/files/pdfs/fair_pay_for_women_requires_increasing_the_minimum_wage_and_tipped_minimum_wage_october_2014.pdf.

²⁹ *Id.*

³⁰ M.V. LEE BADGETT, HOLNING LAU, BRAD SEARS, DEBORAH HO, THE WILLIAMS INSTITUTE, BIAS IN THE WORKPLACE: CONSISTENT EVIDENCE OF SEXUAL ORIENTATION AND GENDER AND IDENTITY DISCRIMINATION 3 (2007) <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Badgett-Sears-Lau-Ho-Bias-in-the-Workplace-Jun-2007.pdf>.

³¹ *Id.* at 14.

³² GARY J. GATES, THE WILLIAMS INSTITUTE, SAME-SEX AND DIFFERENT-SEX COUPLES IN THE AMERICAN COMMUNITY SURVEY 2005-2011 (2013), available at <http://williamsinstitute.law.ucla.edu/wp-content/uploads/ACS-2013.pdf>. Figures only include people in labor force. Due to data limitations, they do not include lesbian or gay individuals who are not part of a couple. These figures are median annual personal income for all workers in the labor force—these figures differ from the median annual earnings for full-time, year-round workers reported for the wage gap and are not directly comparable.

³³ Kristen Schilt & Matthew Wiswall, *Before and After: Gender Transitions, Human Capital, and Workplace Experiences*, 8 B.E. J. OF ECON. ANALYSIS & POLICY 1 (Sept. 2008).

³⁴ CROSBY BURNS & JEFF KREHELY, CTR. FOR AM. PROGRESS, GAY AND TRANSGENDER PEOPLE FACE HIGH RATES OF WORKPLACE DISCRIMINATION AND HARASSMENT (2011), available at https://cdn.americanprogress.org/wp-content/uploads/issues/2011/06/pdf/workplace_discrimination.pdf.

³⁵ CTR. FOR AM. PROGRESS & MOVEMENT ADVANCEMENT PROJECT, PAYING AN UNFAIR PRICE: THE FINANCIAL PENALTY OF BEING LGBT IN AMERICA 4 (2014), available at <http://www.lgbtmap.org/file/paying-an-unfair-price-full-report.pdf>.

³⁶ INST. FOR WOMEN'S POLICY RESEARCH, PAY SECRECY AND WAGE DISCRIMINATION (2014), available at http://www.iwpr.org/publications/pubs/pay-secrecy-and-wage-discrimination-1/at_download/file (revealing that overall, 51 percent of female employees and 47 percent of male employees report that their employers either prohibit or discourage the discussion of wages, and that in the private sector those numbers increase to 60 percent of male employees and 62 percent of female employees).

³⁷ *Id.*

³⁸ NAT'L WOMEN'S LAW CTR., THE WAGE GAP IS STAGNANT FOR NEARLY A DECADE, *supra* note 4.

³⁹ *See Pay & Leave, Salaries & Wages*, OFFICE OF PERSONNEL MGMT. (2015), <http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/>; *Search Federal Pay, FEDS DATA CTR.*, <http://www.fedsdatacenter.com/federal-pay-rates/> (last visited Apr. 10, 2015).

⁴⁰ U.S. Gov't Accountability Office, GAO-09-279, Women's Pay: Gender Pay Gap in the Federal Workforce Narrows as Differences in Occupation, Education, and Experience Diminish 3 (2009), available at <http://www.gao.gov/assets/290/287375.pdf>.

⁴¹ On September 17, 2014, in implementing President Obama's Executive Order to eliminate pay secrecy policies in federal contracts, the Office of Federal Contract Compliance Programs in the Department of Labor issued a Notice of Proposed Rulemaking affecting about 28 million employees of federal contractors. See Government Contractors, Prohibitions Against Pay Secrecy Policies and Actions, 79 Fed. Reg. 55712 (proposed Sept. 17, 2014) (to be codified at 41 C.F.R. pt. 60-1).

⁴² *See Non-Discrimination Laws*, MOVEMENT ADVANCEMENT PROJECT, http://www.lgbtmap.org/equality-maps/non_discrimination_laws (last visited Feb. 26, 2015).

⁴³ Fairness For All Marylanders Act of 2014, 2014 Maryland Laws Ch. 474 (S.B. 212).

⁴⁴ MD. CODE ANN., STATE GOV'T § 20-606 (West).

⁴⁵ For example, some courts have abandoned any effort to determine whether the employer's purported "factor other than sex" is in any way related to the qualifications, skills, or experience needed to perform the job, while other courts have read the defense so literally as to not even question whether the factor is legitimate so long as it is explicitly based on sex. See, e.g., *Glunt v. GES Exposition Servs., Inc.*, 123 F. Supp. 2d 847 (D. Md. 2000) (in which the district court found that a woman was likely being paid less for substantially equal work compared to male colleagues, but that hiring a male employee at a higher starting salary in order to lure him from a competitor constituted a gender-neutral "factor other than sex" that explained the pay differential); *Drury v. Waterfront Media, Inc.*, No. 05 Civ. 10646, 2007 U.S. Dist. LEXIS 18435, at *13 (S.D.N.Y. Mar. 8, 2007) (in which a federal district court accepted the argument that higher pay for the male comparator was necessary to "lure him away from his prior employer," and emphasized that "[s]alary matching and experience-based compensation are reasonable, gender-neutral business tactics, and therefore qualify as a 'factor other than sex.'").

⁴⁶ *Glunt v. GES Exposition Servs., Inc.*, 123 F. Supp. 2d 847 (D. Md. 2000).

⁴⁷ *Id.* at 858-59.

⁴⁸ MD. CODE ANN., LAB. & EMPL. § 3-304 (West).

⁴⁹ MD. CODE ANN., STATE GOV'T § 20-607 (West).