

# Case 11: Why are Jordy and Gia paid different rates?

Jordy and Gia worked the same Saturday event, but Gia's pay rate is \$1.50 an hour higher, and Jordy wants to know why.

**On your own** Read What happened. Underline the two pay rates and the job title on the schedule. About 5 minutes.



Mateo attaches an arrival notice at the Common Room entrance. Gia points to the doorway, and Jordy checks what a visitor will see.

**Your role:** You're the one who lines up both shifts side by side before Jordy writes to Dana. **New skill:** Compare two cases on the same terms.

## What happened

Jordy and Gia work event shifts for the same company. They both worked a Saturday event from 3 to 11 p.m. Both helped with setup and closing, and Jordy also ran the caption and audio check.

They were paid the following Friday. On Sunday afternoon, Jordy and Gia compare pay statements. Jordy's lists eight hours at \$16.50 an hour. Gia's lists \$18.00 an hour for the same event.

The crew schedule lists Gia as "shift lead," but it does not say what that job includes. That day, Gia opened up and handled one guest issue. She does not know if that explains the \$1.50 difference. Gia is fine with Jordy knowing her rate. But she does not want her statement posted.

Jordy wants to ask Dana, the supervisor, how rates are set. Jordy will not post anything before Dana answers.

**Your question:** Why is Gia paid more than Jordy for the same event, and how should Jordy ask about it?

## Key terms

**On your own** Read each key term and its example. Then write your first guess about the pay difference. About 5 minutes.

**Compensation** Compensation is all the pay and benefits a worker receives, including hourly rates, bonuses and overtime.

En español: compensación

**In this case:** Jordy's statement shows eight hours at \$16.50 an hour, and Gia's shows \$18.00. The statements show the rates but not how they were set.

**Equal Pay Act** The Equal Pay Act is a federal law from 1963 that requires equal pay for men and women who do equal work.

En español: Ley de Igualdad Salarial

**In this case:** The Equal Pay Act covers pay differences based on sex, not every difference. Different job duties, such as a real shift-lead role, can be a lawful reason.

**Title VII** Title VII is part of the Civil Rights Act of 1964. It bans job discrimination based on race, color, religion, sex or national origin.

En español: Título VII

**In this case:** Title VII covers pay decisions based on race, color, religion, sex or national origin. No document shows how Jordy's rate was set.

## Who is involved



**Jordy**

Worked setup through close

"Three to eleven, setup to close, and I ran the caption and audio check. \$16.50 an hour. Gia's says \$18.00."



**Gia**

Listed as shift lead

"I only found out I make more because Jordy showed me theirs. The schedule calls me shift lead. Nobody told me what that pays for."

Before you look at the evidence, why do you think Gia is paid more than Jordy?

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## Reading passage

### A pay gap is a question, not a finding

**On your own** Read the passage. At each Stop and think box, pause and answer the question in your head or with a partner. About 5 minutes.

#### Words to know

- **Compensation:** Compensation is all the pay and benefits a worker receives, including hourly rates, bonuses and overtime.
- **Equal Pay Act:** The Equal Pay Act is a federal law from 1963 that requires equal pay for men and women who do equal work.
- **Title VII:** Title VII is part of the Civil Rights Act of 1964. It bans job discrimination based on race, color, religion, sex or national origin.
- **Gross pay:** Gross pay is the money you earn before any taxes or other deductions are taken out.

### The story: Two statements on a Sunday

Jordy is Black, nonbinary and hard of hearing, studies part time and works event shifts. Gia studies communication and works café shifts, and she also picks up event work for the same company as Jordy. On Saturday, they both worked a 3 to 11 p.m. event. The crew schedule shows the division of labor. Everyone did setup from 3 to 5 and closing from 10 to 11. Jordy ran the caption and audio check. Gia is listed as “shift lead,” with no description of what that means.

On Sunday, Jordy shares a pay statement with Gia: eight hours at \$16.50. Gia’s says \$18.00. Her first reaction is a guess, that the difference must be the shift lead title. Her second is honesty. She opened up and handled one guest issue, and she does not know whether that is why she is paid \$1.50 more. Gia only found out because Jordy showed her.

The friends agree on the facts and on a boundary. Gia is fine with Jordy knowing her rate but does not want her statement posted. Jordy will not post anything before asking Dana, the supervisor, how rates are set. Asked whether this is discrimination, Gia says she does not know yet. Maybe shift lead pays more. Ask Dana what it covers first.

Your role is to line up both shifts side by side before Jordy writes to Dana.

- ❓ **Stop and think.** Gia’s first guess and her honest answer differ. Why is the honest answer more useful to Jordy?

## Comparing on the same terms

The skill in this case is comparing two situations on the same terms before calling a difference unfair. It builds on Case 5, where you read a pay statement line by line. Jordy's statement shows 8.0 hours at \$16.50 and **gross pay** of \$132.00, the money earned before any taxes or other deductions are taken out.

A fair comparison lists every dimension the evidence covers. Hours, setup and closing are identical. Jordy had a technical duty, the caption and audio check. Gia had a title and two tasks attached to it. The documents leave three things unknown: what "shift lead" formally includes, whether it carries a set rate and how rates are set in general. **Compensation** is all the pay and benefits a worker receives, including hourly rates, bonuses and overtime. A job title, extra duties or more experience can lawfully explain a difference. So can a mistake. The comparison does not reveal which.

That is why the case turns on a question rather than a verdict. Case 10's skill, reporting to the office responsible, points to Dana, who sets rates. Jordy's message can state the observation, list what Jordy knows for sure and ask what shift lead includes and how rates are set. It does not need to name Gia's rate. Jordy keeps the next decision too. If the answer does not make sense, Jordy decides what to do.

 **Stop and think.** The judge and the players disagreed about what to compare. How would each approach apply to Jordy and Gia?

## The legal frame and the soccer comparison

Two federal laws limit the reasons employers can use to set pay. The **Equal Pay Act** is a federal law from 1963 that requires equal pay for men and women who do equal work. **Title VII** is part of the Civil Rights Act of 1964. It bans job discrimination based on race, color, religion, sex or national origin. The EEOC enforces both. Its youth pages list the kinds of compensation the laws cover and the ban on retaliation (EEOC, no date listed). The NLRB adds that most private-sector workers may discuss pay with coworkers, with or without a union (NLRB, no date listed). That right does not make Gia's statement Jordy's to share.

The U.S. women's national soccer team's case shows how much depends on the comparison. In 2020, a federal judge dismissed their equal pay claim, pointing to differences in contract structure (NPR, May 2, 2020). The players appealed, arguing that he had not compared rates of pay. In February 2022, they settled for \$24 million with a promise of equal pay rates (NPR, February 22, 2022), and the new terms were later written into signed contracts (PBS NewsHour, September 6, 2022). The settlement was an agreement between the parties, not a court finding.

Policy is moving toward more visible pay. New salary transparency laws put pay ranges in job ads, which makes differences easier to notice and ask about (NPR, January 3, 2023). HR professionals have their own standard.

The legal frame and the soccer comparison, continued

The SHRM code asks members to “foster fair, consistent and equitable treatment for all” (SHRM Code of Ethics, April 24, 2023).

 **Stop and think.** Why does the case treat Jordy’s choice to wait for Dana as belonging to Jordy alone?

Sources

**Real source** | U.S. Equal Employment Opportunity Commission (EEOC) | No date listed  
Pay Discrimination

**Real source** | National Labor Relations Board (NLRB) | No date listed  
Your Right to Discuss Wages

**Real source** | NPR | May 2, 2020  
Federal Judge Dismisses U.S. Women’s Soccer Team’s Equal Pay Claim

**Real source** | NPR | February 22, 2022  
The U.S. national women’s soccer team wins \$24 million in equal pay settlement

**Real source** | PBS NewsHour (Associated Press) | September 6, 2022  
U.S. men's and women's soccer teams formally sign equal pay agreements

**Real source** | NPR | January 3, 2023  
The impact that new salary transparency laws could have

**Real source** | Society for Human Resource Management (SHRM) | 2023  
SHRM Code of Ethics

Notes

Look at the evidence

On your own Read each document. For each one, fill in both boxes. About 8 minutes.

Evidence A | Pay statement

Jordy’s pay statement

Event crew, Saturday. Hours: 8.0 at \$16.50. Gross pay for the event: \$132.00.

Look closely: Multiply the hours by the rate. Does it match the gross pay?

What it shows

What it leaves out

Evidence B | Work schedule

The crew schedule

Saturday event, 3:00–11:00 p.m. Crew: Gia (shift lead), Jordy and two other crew members. Setup, 3:00–5:00: all crew. Caption and audio check: Jordy. Closing, 10:00–11:00: all crew.

Look closely: Circle “shift lead.” Does the schedule say what that job includes?

What it shows

What it leaves out

# Look at the evidence, continued

Evidence C | Text messages

Jordy and Gia compare notes

- Sunday, 1:15 p.m.
- Gia: I'm fine with you knowing my rate. I just don't want my statement posted anywhere.
- Jordy: Got it. Did you do anything different as shift lead?
- Gia: I opened up and handled one guest issue. Honestly, I don't know if that's why. Let's ask Dana.

Look closely: What does Gia agree to share, and what does she ask Jordy not to do?

What it shows

What it leaves out

What is still missing from the evidence?



## Key idea: equal pay

**On your own** Read the key idea and the code of ethics. Then answer the question in the box. About 10 minutes.

Before you can say why Jordy is paid less, you need to know what each job included. **Compensation** is all the pay and benefits a worker receives, including hourly rates, bonuses and overtime. A job title, extra duties or more experience can explain a pay difference. So can a mistake. The pay statements show the rates, but they do not show how the rates were set.

Federal laws limit the reasons an employer can use to set pay. The **Equal Pay Act** is a federal law from 1963 that requires equal pay for men and women who do equal work. **Title VII** is part of the Civil Rights Act of 1964. It bans job discrimination based on race, color, religion, sex or national origin. Both laws apply to covered employers, and the Equal Employment Opportunity Commission (EEOC) enforces them. A legitimate reason, such as different job duties, can lawfully explain a pay difference.

Talking about pay is protected too. The National Labor Relations Board (NLRB) says most private-sector workers have a right to discuss pay with coworkers. That right holds with or without a union. It does not make Gia's pay statement Jordy's to share. Jordy can ask Dana how rates are set without naming Gia's rate.

### Professional standards

**Real source** | Society for Human Resource Management (SHRM)

#### **SHRM Code of Ethics: Fairness and Justice**

“Develop, administer, and advocate policies and procedures that foster fair, consistent and equitable treatment for all.”

**In plain words:** HR professionals who belong to SHRM agree to use workplace policies that treat workers fairly and consistently.

**Question:** The schedule lists Gia as shift lead. What written policy would show whether that title explains the higher rate?

### Your answer

The policy would need to state \_\_\_\_, so that \_\_\_\_.

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A real 'same work, different pay' dispute that ended in a settlement and a promise of equal rates.



Why the claim was first dismissed: the judge compared how the contracts were structured. What you compare shapes the answer.

## This image shows a full page of blank, lined paper. It features approximately 20 horizontal blue lines spaced evenly across the page, typical of notebook or legal stationery. The lines are thin and light blue, set against a plain white background. There are no margins, text, or other markings present.

# Sort the evidence

**On your own** Line up the accounts in the diagram. Then name one view that is missing. About 6 minutes.

Line up the accounts. Where do they agree, where do they differ, and which difference could be a legitimate factor? What would you need to find out before calling it unfair?

**Account 1**  
Jordy’s record: 8 hours, setup, caption and audio check, closing, \$16.50

**Account 2**  
Gia’s account: same hours, setup and closing, opened up and handled one guest issue, \$18.00

**Account 3**  
The schedule: Gia listed as shift lead, with no description of the role

**Where they agree**

**Where they differ**

**Check:** Ask the supervisor how rates are set and what the shift-lead role requires

# Whose perspective is missing?

Whose view is missing from these documents? What would you ask them?

The view that is missing is \_\_\_\_\_. I would ask \_\_\_\_\_.

## Practice: choose a response

**On your own** Choose what Jordy should do first and explain why. Then fix the two marked lines.  
About 5 minutes.

Jordy’s statement shows \$16.50 an hour. Gia’s shows \$18.00 for the same Saturday event, and the schedule lists her as “shift lead.” What should Jordy do first?

- ☐ **A** Tell the rest of the crew that Gia is paid more for the same work.
- ☐ **B** Compare what each of them did, find out what “shift lead” means and ask Dana how rates are set.
- ☐ **C** Let it go, because an employer can set any pay rate it chooses.

Why I chose it

## Improve a draft

### A student’s first draft

Hi, I found out Gia makes more than me and we did the exact same work so **1** this is discrimination. I know it’s because of who I am. I want the same rate as her starting now or I’m going to post about it everywhere so people know how this company treats workers. **2** I have her pay stub as proof. I’ve worked here longer than some people and I always show up on time. Let me know by tomorrow. Jordy

Rewrite each marked phrase so it says only what the evidence supports.

Rewrite phrase 1

Rewrite phrase 2

Grades 11—12

Your task

**On your own** Read the steps. Fill in the planner boxes before you start your draft. About 10 minutes.

Write a policy memo for the event company recommending pay-transparency practices.

**Use:** Case materials, EEOC page and a teacher-selected article on pay-range posting laws.

**You'll make:** Memo, 400—500 words

**Time:** 60 minutes

- 1

Reread the key idea. List what the Equal Pay Act and Title VII each cover.
- 2

Read your teacher’s article on pay-range posting laws. Note one requirement and where it applies.
- 3

Fill in the options matrix: two practices, with a benefit and a cost for each.
- 4

Write the recommendation and cost paragraphs on the Your draft page, about 180 words.
- 5

Write the rest of your 400- to 500-word memo on lined paper or in the online workspace.
- 6

Check your memo with the questions on the Check your work page.



Prefer typing? Scan to open the online workspace.

What federal law protects



**On your own** Write your draft in the boxes. Use your planner from the page before. About 25 minutes.

We recommend \_\_\_\_.

This image shows a single sheet of white paper with horizontal blue ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

These practices have costs. \_\_\_

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Check your work

**On your own** Answer the Check your work questions and mark your level in each rubric row. Then write one change you made. About 6 minutes.

|                                                                     |                              |                             |
|---------------------------------------------------------------------|------------------------------|-----------------------------|
| Does your memo describe the Equal Pay Act and Title VII accurately? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Does it note that pay-range rules vary by state and city?           | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Does it weigh at least one concern a small employer would have?     | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Are your recommendations specific enough for the company to act on? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

How your work is scored

Mark one box in each row.

| Skill              | Beginning                                                | Developing                                      | Proficient                                                      | Advanced                                                                       |
|--------------------|----------------------------------------------------------|-------------------------------------------------|-----------------------------------------------------------------|--------------------------------------------------------------------------------|
| Evidence           | <input type="checkbox"/> Relies on assumption.           | <input type="checkbox"/> Mentions the gap only. | <input type="checkbox"/> Cites duties, hours and rate.          | <input type="checkbox"/> Cites records and acknowledges what isn't known.      |
| Reasoning          | <input type="checkbox"/> Declares discrimination.        | <input type="checkbox"/> Assumes the reason.    | <input type="checkbox"/> Asks for criteria before concluding.   | <input type="checkbox"/> Identifies possible legitimate factors to test.       |
| Audience & purpose | <input type="checkbox"/> Threatens or exposes coworkers. | <input type="checkbox"/> Polite but vague.      | <input type="checkbox"/> Specific question to the right person. | <input type="checkbox"/> Specific question that protects coworkers' privacy.   |
| Revision           | <input type="checkbox"/> No change.                      | <input type="checkbox"/> Tone only.             | <input type="checkbox"/> Replaces conclusion with a question.   | <input type="checkbox"/> Explains how changes protect Jordy and get an answer. |



## One change I made after feedback

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## This image shows a single page of white paper with horizontal blue lines, resembling notebook paper. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

## Questions to discuss

**On your own** Write a short answer to each question. Then complete each sentence frame below the questions. About 10 minutes.

- 1** What information could explain the \$1.50 difference, and what might challenge that explanation?

- 2** Whose choice is it to make Jordy's pay public, and why?

- 3** What answer from Dana would satisfy Jordy, and what answer would not?

- 4** In the soccer case, the judge looked at contract structures, and the players wanted him to compare rates of pay. Why does that choice matter?

## My take

My claim: \_\_\_\_.

The best evidence is \_\_\_\_, because \_\_\_\_.

Someone who disagrees might say \_\_\_\_.

The limit of the evidence is \_\_\_\_.

I would change my mind if \_\_\_\_.

## Notes

# Talk about this case at home

## Case 11: Why are Jordy and Gia paid different rates?

In this case, two friends who worked the same event find out one is paid \$1.50 more an hour. Your student compared their records and wrote a respectful message asking a supervisor how pay rates are set.

### Questions to talk about

- 1 What questions could someone ask about pay when starting a new job?
- 2 Why might a person want to keep their pay private?
- 3 What makes a question to a boss sound respectful?

Nobody needs to share personal stories or private information to talk about this case.



See the case online.