

U.S. Dept. of Justice: Files pay equity lawsuit challenging compensation discrimination by Wisconsin Dept. of Military Affairs

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WASHINGTON – The Justice Department filed a [complaint](#) today against the Wisconsin Department of Military Affairs (WDMA) alleging that the WDMA discriminated on the basis of sex in violation of Title VII of the Civil Rights Act of 1964, when it offered a woman a lower salary than similarly or less qualified men for the same job. Title VII is a federal statute that prohibits compensation discrimination and other forms of employment discrimination on the basis of sex, race, color, national origin and religion.

“It is a violation of federal law for employers to offer a qualified woman less pay simply because of her sex,” said Assistant Attorney General Kristen Clarke of the Justice Department’s Civil Rights Division. “The Civil Rights Division is committed to confronting the gender pay gap and holding state and local government employers accountable when they discriminate on the basis of sex in setting compensation. Title VII is a critical tool in bringing an end to unlawful actions that perpetuate gender pay disparities in the workplace.”

The lawsuit, filed by the United States in the Western District of Wisconsin, alleges that the WDMA engaged in compensation discrimination based on sex by offering Michelle Hartness a lower salary than it offered or paid similarly or less qualified men for a director position in the WDMA. According to the complaint, Ms. Hartness was selected for a director position, but the WDMA offered her a salary below the salary range stated in the job announcement. When Ms. Hartness pointed this out and asked for a salary commensurate with the range from the posting and her skills

and experience, the WDMA offered her the lowest salary in the range. Ms. Hartness asked for a salary consistent with her qualifications and on par with the man holding the other director position in the division. The WDMA rejected her request. Instead, the WDMA conducted another selection process and offered the Director position to only men, at salaries significantly higher than the salary it offered Ms. Hartness, even though she was as or more qualified than these men. The WDMA ultimately hired a less qualified man at a higher salary than it offered Ms. Hartness.

Ms. Hartness filed a charge of discrimination with the Equal Employment Opportunity Commission (EEOC). The EEOC's Milwaukee Area Office investigated the charge and found reasonable cause to believe that Ms. Hartness was discriminated against because of her sex. After unsuccessful conciliation efforts, the EEOC referred the charge to the Justice Department.

Senior Trial Attorneys Patricia Stasco and Hector Ruiz of the Civil Rights Division's Employment Litigation Section are prosecuting the case.

Ensuring that local, county and state governments comply with Title VII is a top priority of the Justice Department's Civil Rights Division. Additional information about the Civil Rights Division and the jurisdiction of the Employment Litigation Section is available on its websites at www.justice.gov/crt/ and <https://www.justice.gov/crt/employment-litigation-section>.