PART 1621—PROCEDURES—THE
EQUAL PAY ACT

§ 1621.1 Purpose.
The regulations set forth in this part contain the procedures established by
the Equal Employment Opportunity Commission for issuing opinion letters
under the Equal Pay Act.

§ 1621.2 Definitions.
For purposes of this part, the term the Act shall mean the Equal Pay Act
the Commission shall mean the Equal Employment Opportunity Commission
or any of its designated representa-
tives.

§ 1621.3 Procedure for requesting an opinion letter.
(a) A request for an opinion letter should be submitted in writing to the
Chairman, Equal Employment Opportu-

nity Commission, 131 M Street, NE., Washington, DC 20507, and shall con-
tain:
(1) A concise statement of the issues
for which an opinion is requested;
(2) A full statement of the relevant
facts and law; and
(3) The names and addresses of the
person(s) making the request and other
interested persons.
(b) Issuance of an opinion letter by
the Commission is discretionary.
(c) Informal advice: When the Com-
mis
ion, at its discretion, determines that it will not issue an opinion letter
as defined in §1621.4, the Commission
may provide informal advice or guid-
ance to the requestor. An informallet-
ter of advice does not represent the for-
mal position of the Commission and
does not commit the Commission to
the views expressed therein. Any letter other than those defined in §1621.4 will
be considered a letter of advice and
may not be relied upon by any em-
ployee within the meaning of section 10
of the Portal to Portal Act of 1947, 29

§ 1621.4 Effect of opinions and interpre-
tations of the Commission.
(a) Section 10 of the Portal to Portal
Act of 1947, 29 U.S.C. 255, which applies
206(d), provides that:

In any action or proceeding based on any
act or omission on or after the date of the
enactment of this Act, no employer shall be
subject to any liability or punishment * * * if he pleads and proves that the act or omis-
sion complained of was in good faith in con-
formity with and in reliance on any written
administrative regulation, order, ruling, ap-
proval or interpretation * * * or any admin-
istrative practice or enforcement policy of
the Commission.

The Commission has determined that
only the following documents may be
relied upon by any employer as a “rul-
ing, approval or interpretation” or as
evidence of any administrative prac-
tice or enforcement policy of (the Com-
mission).

(1) A written document, entitled
“opinion letter,” signed by the Legal
Counsel on behalf of and as approved
by the Commission;

(2) A written document issued in the
conduct of litigation, entitled “opinion
letter,” signed by the General Counsel
on behalf of and as approved by the
Commission;

(3) A matter published and specifi-
cally designated as such in the Fed-
eral Register.

(b) An opinion letter issued pursuant
to paragraph (a)(1) or (a)(2) of this sec-
tion, when issued to a specific addres-
ssee, has no effect upon cir-
cumstances beyond the situation of the
specific addressee.