COMPARABLE WORTH

ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

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June 22, 1984

MEMORANDUM

TO: Representative Joe Flood

FROM: Gretchen Keiser, Legislative Analyst

RE: Comparable Worth in Alaska and Other States
Research Request 84-108

Michael Plunkett of your staff requested that we provide information about the current efforts occurring in Alaska with respect to comparable worth. We were asked to consider current Alaska statutes as well as summarize activities in the courts and by the State administration. In addition, information about activities occurring in other states was requested.

The issue of comparable worth has recently been a subject of considerable attention and controversy nationwide. In the introduction to this memorandum we first attempt to define "comparable worth". The introduction also provides a brief historical and legal background to the issue of comparable worth. In the following section, current activities relating to comparable worth in Alaska are discussed. The State of Alaska's job classification and pay study and some ongoing cases in Alaska's courts are summarized. The final section of the memorandum generally examines comparable worth activities occurring in other states.

INTRODUCTION

Strictly defined, comparable worth means that men, women, minorities, and whites should receive equal pay for jobs of equal "value" or "worth" to the employer. The value is commonly determined through an evaluation of several factors relating to the level of skill, responsibility, and effort as well as the working conditions of the job. Typically, each job is rated on a number of factors and the total score determines that particular job's value relative to other, often quite dissimilar, jobs performed for the same employer. The relative values then form the basis for wage adjustments which commonly upgrade previously underpaid job classes.

Much of the controversy surrounding comparable worth stems from the degree of subjectivity involved in the assignment of value to jobs. Furthermore, critics of comparable worth argue against public intervention

in wage setting which they believe should be determined by supply and demand in the competitive labor marketplace. However, others point out that supply and demand are strongly influenced by institutional features such as union agreements, labor markets internal to a specific firm, and segmentation of labor into noncompeting groups based largely on sex or race. The concept of comparable worth grew out of a belief that social and historical factors acting in the marketplace tend to depress wages of those segments of the labor market traditionally dominated by women and minorities.

Nationwide, a number of avenues have been employed in pursuing the goal of comparable worth, including legislation, litigation and collective bargaining. Comparable worth as an employment issue, however, was preceded by the "equal pay for equal work" concept. Claims of sex-based wage discrimination began in earnest before the National War Labor Board in the 1940s when women filled factory positions formerly held by men and demanded the same pay as men. This concept was ultimately guaranteed under the Equal Pay Act of 1963. The Equal Pay Act, however, has primarily addressed discrimination in situations where men and women perform the same job and has not rectified the general wage disparity between the sexes because men and women typically do not perform the same work. For example, roughly 80 percent of employed women work in jobs which are predominately female. Comparable worth is advocated as a means of overcoming this sex segregation influence on wage setting by comparing the value of dissimilar jobs on the basis of overall skill, responsibility, effort and working conditions.

Additional federal legislation, the Civil Rights Act of 1964 (Title VII) prohibits employment discrimination (in hiring, promotion, discharge, compensation, terms and conditions) on the basis of race, color, religion sex or national origin. Since 1964, suits charging sex discrimination in hiring and promotion practices have been successfully brought under Title VII.

It was 1981, however, before the U.S. Supreme Court ruled in Gunther v. County of Washington that sex-based wage discrimination suits were permissible under Title VII in cases where the women's work was not identical to that of men. Prior to that time, most courts had interpreted Title VII suits as requiring the equal work for equal pay standard of the Equal Pay Act. The decision, nevertheless, cautioned courts against undertaking their own subjective assessments of the value of jobs and went to great length to avoid an endorsement of comparable worth. In effect, the 1981 decision held that evidence of unequal but comparable work may support a claim of intentional wage discrimination but alone was not sufficient to warrant recovering damages under Title VII.

Courts since Gunther continue to be reluctant to evaluate the worth of male and female jobs in deciding wage discrimination cases. A number

of courts, however, have made detailed comparisons of the content of jobs held by men and women over the past 20 years. The emerging legal theory of comparable work or content is based on a traditional comparison of the skill, effort, responsibility and working conditions of jobs. Two jobs of comparable content are those which, although dissimilar in detail, are similar in their level of responsibility, skill, effort and working conditions.[1] Once the court determines that two jobs are sufficiently similar to eliminate content as an explanation for wage discrimination and that other factors such as seniority, merit or production are not relevant to the case, the way is often opened for the finding that an employer has based the wage scale on illegal factors such as sex.

The September 1983 decision in the widely publicized case of AFSCME v. State of Washington was not an acknowledgement of comparable worth by the court.[2] Instead, District Court Judge Tanner addressed sex discrimination when he ruled that Washington had violated Title VII of the Civil Rights Act by paying workers in female-dominated job categories less than those in predominately male categories. To date, the courts have not ruled on the comparable worth of male and female jobs in determining wage discrimination cases.

In the late 1970s, the National Academy of Science conducted studies on job evaluation and job worth assessments under contract to the federal Equal Employment Opportunity Commission.[3] The EEOC subsequently concluded that "the strategy of comparable worth...merits consideration as an alternative policy of intervention in the pay-setting process where women are systematically underpaid".[4] No further action was taken by

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[1]In contrast, two jobs of comparable worth may individually have quite dissimilar levels of responsibility, effort, etc. but the total value assigned to each job is similar.

[2]AFSCME is the American Federation of State, County and Municipal Employees, a public employees union.

[3]Women, Work and Wages: Equal Pay for Jobs of Equal Value, 1981, National Research Council of the National Academy of Sciences, National Academic Press, Washington, D.C.

[4]"Comparable Worth: Closing a Wage Gap", Marion Reber, State Legislatures, published by the National Council of State Legislatures, April 1984.

the EEOC at that time. Congressional hearings on the issues of wage discrimination and job segregation were held in 1981. In general, the current view among many in Congress is that existing civil rights legislation is adequate for implementation of comparable worth.

Many unions have been active in the area of sex-based wage discrimination and comparable worth. The International Union of Electrical Workers sued Westinghouse and General Electric on behalf of female union members seeking equal pay for equal work in the late 1940s and early 1950s. The United Auto Workers union was part of a broad coalition which pushed for the passage of the 1963 Equal Pay Act over a period of 17 years.

More recently, the AFL-CIO adopted a comparable worth resolution in 1981 urging its affiliated unions to: 1) initiate joint labor-management studies to identify sex-based wage disparity; and 2) negotiate wage increases in undervalued job classes. As an example, the Communication Workers of America negotiated a job evaluation study with American Telephone and Telegraph to be conducted under the direction of a joint labor-management committee.

According to a recent issue of Public Personnel Management Journal devoted entirely to comparable worth, collective bargaining has produced more wage equity increases than any other approach. In 1981, the State of Connecticut and the New England Health Care Employees Union signed a contract in which the state established a pay equity fund equal to one percent of the health care workers' payroll to be used to correct wage disparities. Failing successful negotiations, unions have sought legal relief. Certainly one of the most active unions has been A.F.S.C.M.E. which currently has cases pending in three large cities (Los Angelos, Chicago and Philadelphia) and three other states (Hawaii, Wisconsin and Connecticut) in addition to the publicized case in Washington.

Legislation and administrative actions at the state and local levels have been varied. As of 1983, fifteen states had enacted equal pay laws which included a comparable worth standard. In all, 41 states have fair employment practices laws which provide general prohibitions of sex-based wage discrimination. Job evaluation studies, hearings, administrative policy changes, and wage upgrades through legislative appropriations or administrative actions have occurred throughout the country. In a 1983 survey, 85 state and local governments had initiated comparable worth activities within the past few years--not including union-negotiated studies or wage increases.[5] Recent activities in

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[5]"Pay Equity: An Innovative Public Policy Approach to Eliminating Sex-Based Wage Discrimination". J. Grune and N. Reder. Public Personnel Management Journal. Vol 12 (4). Winter 1983.

other states are considered in greater depth in the final section of this memorandum.

COMPARABLE WORTH IN ALASKA

A number of efforts relating to the issue of sex-based wage discrimination have been undertaken in recent years in Alaska. In this section, we examine Alaska employment/labor statutes as they apply to comparable worth, administrative actions by the State of Alaska, and some of the current cases before Alaska courts and Alaska Human Rights Commission.

Alaska's employment practices statute [AS 18.80.220(a)(5)] states that it is unlawful for an employer:

> "to discriminate in the payment of wages...between the sexes or to employ a female in an occupation in this state at a salary or wage rate less than that paid to a male employee for work of comparable character..." [emphasis added]

In addition, Alaska statute requires that the Division of Personnel conduct an annual salary survey which compares State salary levels with those of comparable classes in private industry and other public agencies in the state [AS 39.27.030(a)(2)]. Both statutes are included in Attachment A.

Administrative Action in Alaska

The Division of Personnel within the Department of Administration is responsible for the job classification and pay schedules of the State's roughly 15,000 classified and partially exempt public employees. The State of Alaska's current job classification and pay plan has not been thoroughly reviewed since 1961.[6] Class specifications and pay schedules for specific positions have been revised on an individual basis over the years. The classification of new positions have been determined using non-quantitative evaluations without standards for consistency among reviews.

In 1983, the Legislature provided funding for a study to review and update the State's job classification and pay plan. A new Chief of Pay and Recruitment within the Division of Personnel, Ms. Janet Jaron, was hired last summer. Following a fairly rigorous selection process, the

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[6]The description of the State's current classification and pay plan is derived from the "Request for Proposals for the Classification Project" Division of Personnel, Department of Adminstration. January 1984.

firm of Booz, Allen & Hamilton of Washington, D.C. was recently awarded a contract to perform the classification study over the next year. The consultant's final report is due in July 1985, and the Division of Personnel anticipates that it will submit a summary and recommendations to the governor in August 1985.

The project includes several phases and requires extensive interaction between the consultant and the State's personnel officers. Briefly, the project consists of the following tasks to be performed by the consultant:

1) develop a quantitative "factor point" job evaluation plan for the State and train State personnel officers to use the methodology;
2) recommend appropriate stages for public notification/input into the classification project in a communication plan;
3) oversee data collection by personnel officers, provide a position description questionnaire to be mailed to each public employee, and develop standardized data forms;
4) review a sampling of job evaluations performed by State staff for consistency and provide retraining, if necessary;
5) recommend appropriate automated data collection and storage systems to the State;
6) evaluate and recommend pay for the medical care, law enforcement, corrections, partially exempt, and personnel occupational classes; and
7) recommend pay grades within occupational groups and present options for implementing anticipated costs after conducting an internal comparison across occupational lines.

Attachment B provides the anticipated timetable for these tasks.

The factor point method systematically evaluates jobs or groupings of jobs using a predetermined number of factors which have been divided into several levels or degrees, each of which is assigned a value expressed in points. The total of points given to a job determines its relative value among all jobs being evaluated. According to Ms. Jaron, Booz, Allen & Hamilton has had prior experience with this type of methodology and will tentatively be considering the following common job evaluation factors: <u>knowledge</u>, <u>mental demand</u>, <u>effective actions</u>, <u>discretion</u>, <u>policies/procedures</u>, <u>personal contact</u>, <u>physical effort</u>, <u>work environment</u> <u>and</u> <u>stress/hazards</u>.

Quantitative job evaluations are not new; 25 out of 43 states responding to a 1981 survey used quantitative methods to some extent in their public

personnel systems.[7] In this survey of factor point evaluation users, 50 percent considered the method easy to use, 80 percent considered the technical adequacy good, and 100 percent considered the method to be generally well accepted by employees. The major purpose of job evaluation systems is to make the content of different kinds of jobs commensurable for the purpose of determining pay rates.

Critical elements in any quantitative job evaluation method, with respect to potential social or sexual biases, include: 1) the weighting established for the factors; 2) the degree of reliance on a market survey of wages; 3) the written descriptions developed for each job class; and 4) the actual evaluation process and assignment of points to a particular job. In the first case, for example, the factor "mental demand" with a larger point scale from 1 to 20 could be weighted more heavily than the factor "physical effort" with a point scale of 1 to 10. Some argue that the weighting established in the job evaluation process is arbitrary and subjective and that the marketplace has already weighed these factors in its competitive wage setting.

However, others maintain that the weighting of factors in job evaluations can be done properly and that the use of market surveys of wages merely perpetuates low wages in traditionally under-valued job classes. In fact, job evaluation systems typically rely on both an internal analysis and a market survey, to varying degrees. According to Ms. Jaron, Alaska's study will depend primarily on an internal analysis. An external market survey will be primarily used to identify potential recruitment problems rather than as a basis for comparison of all State job wages with other employers. For example, a market survey may indicate that the salary warranted for a particular State job (e.g. advanced computer programmer) on the basis of the point total received in the evaluation process may be too low relative to market rates to attract qualified applicants.

The writing of job descriptions and the job evaluations themselves are considered to be particularly susceptible to sex bias. Indeed, studies in experimental social psychology indicate the presence of sex stereotyping in the evaluation of people in job-related contexts where, for example, a performance by a woman receives a lower evaluation and lower likelihood of reward (hiring, promotion, etc) than the identical performance by a man.[8]

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[7]"Trends in Job Evaluation Practices of State Personnel Systems: 1981 Survey Findings", S. McConomy and B. Ganschinietz, Public Personnel Management Journal, Vol 12(4), Winter 1983.

[8]Women, Work and Wages: Equal Pay for Jobs of Equal Value, National Academic Press, Washington, D.C. 1981. Page 78.

To minimize the effect of subtle biases, the State's project will include: 1) one set of factors used for evaluating all job classes; 2) a job classification system built primarily upon internal, rather than market, values; 3) standardized forms and data collection methods; 4) questionnaires to all employees; 5) considerable interviewing prior to writing composite job descriptions; 6) thorough consultant training of State personnel officers prior to evaluating jobs; and 7) reliability audits by the consultant for consistency in evaluations and for retraining, if appropriate.

A steering committee which includes State personnel officials and representatives of the Governor's Office and the Legislature has been established to address policy issues. Ad hoc working committees which include personnel managers and union representatives are being established to provide day-to-day guidance and recommendations to the consultant and project managers. For example, an ad hoc committee will be meeting within three weeks to consider the factors and weighting to be incorporated in the factor evaluation method.

Ms. Jaron emphasized the importance of establishing a State classification system based on a quantitative job evaluation method to replace the qualitative and somewhat inconsistent system the State currently uses. Once the factor point classification system is in place and an internal analysis is completed, the consultant will recommend pay rates for job classes within occupational groups, and present options for implementing the costs of adjusting to the new system. The project does not specifically call for an analysis of wage disparity between dissimilar jobs which have been determined to be of comparable value under the factor point method. In fact, if the State follows through with the implementation of the recommended pay adjustments, a comparable worth study of this sort would be unnecessary.

The report to the Governor will highlight the methodology as well as include cost recommendations for adjusting wages. The Division of Personnel anticipates that the updated job classification system, by itself, would improve State personnel actions, regardless of the pace or extent of pay adjustments implemented by the Governor and Legislature.

<u>Legal Action in Alaska</u>

There are a number of cases before the Alaska courts which have been broadly labeled as "comparable worth" cases. In fact, the parties base the allegations upon various legal theories which fall under the more general category of sex-based employment discrimination. These cases include:

- A class action suit of 150 female employees against the municipally owned Anchorage Telephone Utility which claims discriminatory hiring and promotion practices by ATU in violation of Title VII of the Civil Rights Act of 1964. The International Brotherhood of Electrical Workers was named as a third party defendant for alleged inequities between men's and women's wage raises, terms and conditions in the 1975 contract negotiated by IBEW;

- The Alaska Human Rights Commission's class action suit against the State on behalf of the Public Health Nurses claiming sex-based wage discrimination;

- TOTEM Eduational Support [clerical] Personnel's suit against the Anchorage School District claiming sex-based wage discrimination; and

- a number of other unpublicized cases in which individual women have sued primarily public entities and, to a lesser extent, large private firms claiming sex discrimination in hiring, promotion or discharge practices.

The hiring and promotion aspects of the Anchorage Telephone Utility case, originally filed in 1976, were settled out of court in November 1982. ATU agreed to emphasize in-house promotion, career counseling and training for female employees. IBEW agreed to handle women's grievances fairly and provide equitable rehire and training provisions for female union members. The plaintiffs have used the affirmative action plan outlined in the consent decree to negotiate in-house promotions for women into positions formerly held by men at the Utility.[9] The consent decree which required court monitoring of ATU and IBEW efforts has been extended once and the plaintiffs will likely seek a further extension because of delays in compliance by ATU.[10]

In the remaining portions of the case, Superior Court Judge Douglas Serdahely ruled in early 1983 that the plaintiffs failed to: 1) prove that the contract negotiations were based on sex; or 2) establish that IBEW acted in bad faith in negotiating the 1975 contract. The case has been appealed to the Alaska Supreme Court on the following issues: 1) the inequitable wage raises negotiated by IBEW for sex-segregated

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[9]Alaska Commission on the Status of Women, Status Report. April-May 1983. Page 3.

[10]Ms. Elizabeth Johnson, attorney for the plaintiffs. Personal communication, June 4, 1984.

job classes should be examined under Title VII and State discrimination statutes; and 2) the lower court applied inappropriate burdens of proof on the defendants and plaintiffs. The plaintiffs maintain that this is not a case of comparable worth, rather that it is a case of disparate wage raises negotiated for male and female-dominated job classes which exacerbates existing wage disparities. They are urging the Alaska Supreme Court to establish a precedence nationwide by reviewing the pay disparities and discrimination between sex-segregated job groups in the ATU case under Title VII in the same manner as the courts have reviewed hire and promotion claims. A decision may be forthcoming in late 1984 or early 1985.

The State's Public Health Nurses originally filed a wage discrimination complaint with the Alaska Human Rights Commission (HRC) in November 1978 alleging that their work was comparable to that of State-employed Physician's Assistants and that paying them less violated Alaska's equal pay law [AS 18.80.020(a)(5)]. After a two-year investigation, the HRC concluded that there was probable cause to believe that sex discrimination was occurring and filed a class action suit against the State. The nurses have been seeking a reclassification of the PHN I-III categories to establish equitable pay with the Physician's Assistant job class.

A public hearing of the nurses' case was held during a six-week period in the fall of 1983. Both the nurses and the State-hired "experts" who presented factor point evaluations which supported their client's belief that the job classes were or were not comparable in the level of skill, effort, responsibility and working conditions. Both parties have subsequently filed briefs with the hearing officer, Ms. Joan Katz. In its brief, the State interprets "work of comparable character" in Alaska's equal pay statute as meaning work which is "substantially equal". The State argues that the public health nurses and physician's assistants are different professions and that the nurses are not entitled to equal pay.[11]

In contrast, attorneys for the nurses exphasize that this is a sex discrimination case which interprets "work of comparable character" on the basis of a comparison of job content.[12] This legal argument may

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[11]Under the State's current classification project, the consultant will provide an evaluation, rating and pay recommendations for the medical care job classes which includes both public health nurses and physician's assistants.

[12]Ms. Alison Mendel, attorney for the plaintiffs, personal communication, June 5, 1984.

become clearer if one recollects the success of "comparable job content" court cases in contrast to the courts' failure to recognize "comparable job worth" in most sex-based wage discrimination cases to date, as previously mentioned in the introductory section of this memorandum.

It is anticipated that the hearing officer will present a recommended decision to the parties this fall. They have an opportunity to comment on the hearing officer's recommendations at that time, and the decision and commments are then submitted to a committee of three Human Rights Commissioners for their review and recommendation. It is anticipated that the full HRC may make a decision by late 1984 or early 1985, but many predict that the case will be appealed whatever the decision.

The TOTEM Educational Support Personnel union originally filed a suit against the Anchorage School District in early 1983, but attempted to resolve differences through union negotiations during the year without success. The union filed suit once again this spring in Superior Court and the case will be heard by Judge Mark Rowland. The TOTEM members (the union is about 97 percent female) allege sex discrimination when their pay is compared with comparable jobs in the other four non-certified bargaining units in the Anchorage School District. The suit also alleges failure on the school district's part to act on the results of a job classification study completed in the past year.

The suit is fairly new and the parties must first complete pre-trial investigations. TOTEM's attorney, Ms. Alison Mendel, recently filed an amicus curiae (friend of the court) brief on behalf of TOTEM in support of the plaintiffs in the ATU case before the Alaska Supreme Court. She believes that the decision in the ATU sex discrimination case will have considerable bearing on her clients' suit.

Finally, there are a number of unpublicized law suits pending in which individual women allege sex discrimination in hiring, promotion, and discharge. Many of the cases involve public entities, such as the Municipality of Anchorage, as the defendant. In addition, there are cases involving large private firms such as Alyeska Pipeline Service Company. According to Ms. Elizabeth Johnson, attorney for the plaintiffs in the ATU case, there are no other cases involving unions pending in Alaska to her knowledge.

ACTIONS IN OTHER STATES

According to two recently conducted surveys, about 30 states are involved in activities in the general area of comparable worth. Actions fall into one of several categories: legislation which establishes a comparable worth principle in wage setting, job evaluation studies,

and implementation of wage adjustments. In this section, we present a brief overview of the various activities underway nationwide.

As of 1983, fifteen states including Alaska had enacted equal pay laws which included a "comparable worth" standard. To our knowledge, Alaska's law is the only one which is currently under formal legal debate (i.e., the Public Health Nurses suit before the Alaska Human Rights Commission). Attempts to incorporate the comparable worth principle in state laws failed to be enacted in Illinois and Nebraska during 1984 legislative sessions. Most state legislatures, however, have passed laws prohibiting sex discrimination in employment practices which may or may not be interpreted as comparable worth language. Nevertheless, some individuals familiar with the issue, including Cathy Collette, AFSCME assistant director for women's activities, and Alice Cook, Professor Emerita of Cornell University, maintain that initiatives focusing on job evaluation studies and subsequent pay adjustments are more important than comparable worth legislation at this time. They believe that activities specifically geared toward identifying and eliminating wage inequities are doing more to rectify the sex discrimination than laws would do.

A number of states have completed or are currently conducting job evaluation studies to determine the relative worth of dissimilar jobs within their public personnel system and to recommend wage increases appropriate for undervalued job classes. Other states have conducted comparable worth studies specifically investigating the extent of wage disparity among jobs of comparable worth in their public workforce. These studies vary from small pilot projects to full reviews of a state's job classification system and they commonly include an identification of costs to implement pay adjustments.

The first comparable worth study was undertaken by the State of Washington in 1974 during which about 120 job classes were examined for the extent of sex-segregation and wage disparity. As of 1983, Idaho, Connecticut, Minnesota, Michigan, Illinois, Iowa, and New Jersey had also conducted job evaluation studies of varying complexity. In addition to Alaska, studies are underway in the following states: New York, Oregon, Florida, Kentucky, Maine, Montana, New Mexico, Ohio, and Wisconsin.

Most states conducting studies are utilizing their existing job classification systems which are more recent in origin than Alaska's. The job evaluation study underway in Alaska appears to be somewhat unusual in that it entails a relatively extensive review of all job classes under a quantitative methodology designed to replace an outdated classification system. However, we are aware of at least one state (Maine) that is reviewing its quantitative system put in place in 1976 to determine whether it incorporates sex biases which have been minimized in more recent systems.

As you are probably aware, the wage inequities uncovered in Washington's 1974 comparable worth study of about 120 job classes formed the basis of a successful class action suit in late 1983. However, Washington has not conducted a review of its entire job classification system since that pilot study. The state faces a potentially confusing situation applying the court's decision to a somewhat outdated system if their appeal to the U.S. Supreme Court is unsuccessful. Ms. Jaron of the Division of Personnel suggests that the thorough review and updating of Alaska's job classification system currently underway is the appropriate first step towards rectifying wage inequities. Once a quantitative job evaluation process which compares all State job classes is in place, appropriate pay adjustments can be identified and implemented.

Studies have most commonly been initiated by legislative action, although executive orders (e.g. Wisconsin) and union negotiations (e.g. New York, Connecticut and Maine) have also prompted action. Furthermore, formal task forces on comparable worth, composed of union, management, legislative and advocacy group members, have been formed to oversee the studies in a number of states. You may recall that Alaska's study is guided by a steering committee and several informal ad hoc committees.

Implementation of pay adjustments in undervalued job classes identified as a result of studies is now occurring in Minnesota and Connecticut. Minnesota is frequently offered as a model of comparable worth adjustment because of the cooperative and nonlitigious nature of its implementation. Following the establishment of a factor point evaluation system for 762 state job classes in 1979, a broadly based Task Force on Pay Equity studied wage disparities and identified implementation costs.

Legislation in 1982 established a process for pay adjustments whereby the Minnesota Commissioner of Employee Relations submits a list of underpaid job classes to a Legislative Commission on Employee Relations. The Commission reviews the list and recommends the appropriations necessary to the full Legislature. Appropriated funds go to the bargaining units and wage increases are negotiated through the collective bargaining process. In 1983, the Minnesota Legislature appropriated $21.8 million to adjust underpaid classes over a two-year period. It is estimated that a similar amount will be needed in 1985 to bring the state's system into full pay equity. These implementation costs will represent about four percent of the state payroll, or one percent per year over four years.[13]

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[13] If we assume that Alaska's classification project estimates similar costs to those in Minnesota, one percent of Alaska's payroll (i.e., wages and all employer expenses for benefits in calendar year 1983) would equal roughly $6 million.

A few states have adjusted the wages of underpaid job classes without performing extensive studies. Pennsylvannia instituted a system of internal equity many years ago, while Idaho revised its classification system in 1975 and female state employees' salaries were increased an average of 16 percent. In 1983, the New Mexico Legislature appropriated $3.3 million to provide immediate wage increases for the 3,000 lowest paid state employees (80 percent were women) at the same time it mandated a job evaluation study currently underway.

Negotiations between public employee unions and the states which address comparable worth and wage disparities have occurred nationwide. In Connecticut and Maine, unions were instrumental in getting the states to conduct job evaluation studies. In California where a comparable worth policy was enacted in 1981, it is anticipated that comparable worth will be a negotiable salary issue this year for the 20 bargaining units which represent the State's public employees.[14] Similarly, unions such as AFSCME and Service Employees International, have been successful in negotiating wage increases for underpaid job classes in local governments and school districts. In fact, as mentioned previously in the introduction to this memorandum, collective bargaining has produced more wage equity increases than any other approach. Alaska Public Employees Association, the largest bargaining unit representing state employees, is involved in the ad hoc committees guiding the State's classification project but has not been particularly vocal on the comparable worth issue to our knowledge.

In summary, more than half of the states are currently involved in comparable worth activities ranging from job evaluation studies to implementation of wage increases. Alaska appears to be at about the same stage as a number of states which are now conducting studies of their public personnel systems. While a few states, such as Minnesota and Connecticut have implemented wage increases in underpaid public jobs, legislatures in several more will likely be considering implementation costs within the next two years once studies similar to the one underway in Alaska are completed.

We hope this information is useful to you. We have requested a copy of a nationwide survey conducted in 1983 by the National Committee on Pay Equity in Washington DC. Once it is received, we will forward any pertinent material to you.

GK

Attachments

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[14]Ms. Nancy McCarthy, Department of Personnel Administration, State of California. Personal communication. June 7, 1984.

ATTACHMENT A

Alaska Statutes Regarding Unlawful Employment
Practices and Annual Market Survey

Quoted in Hotel & Restaurant Union Local 878 v. Alaska State Comm'n for Human Rights, Sup. Ct. Op. No. 1853 (File No. 4248), 595 P.2d 653 (1979).

Sec. 18.80.210. Civil rights. The opportunity to obtain employment, credit and financing, public accommodations, housing accommodations and other property without discrimination because of sex, marital status, changes in marital status, pregnancy, parenthood, race, religion, color or national origin is a civil right. (§ 6 ch 117 SLA 1965; am § 4 ch 42 SLA 1972; am § 8 ch 104 SLA 1975)

NOTES TO DECISIONS

Cited in Loomis Electronic Protection, Inc. v. Schaefer, Sup. Ct. Op. No. 1262 (File No. 2684), 549 P.2d 1341 (1976).

Collateral references. — Actionability under state statutes of discrimination because of complaining party's association with persons of different race, color, or the like. 35 ALR3d 859.

Recovery of damages for emotional distress resulting from racial, ethnic, or religious abuse or discrimination. 40 ALR3d 1290.

Racial or religious discrimination in furnishing of public utilities, services, or facilities. 53 ALR3d 1027.

Recovery of damages for emotional distress resulting from discrimination because of sex or marital status. 61 ALR3d 944.

Trailer park as place of public accommodation within meaning of state civil rights statutes. 70 ALR3d 1142.

Recovery of damages as remedy for wrongful discrimination under state or local civil rights provisions. 85 ALR3d 351.

Identification of job seeker by race, religion, national origin, sex, or age, in "situation wanted" employment advertising as violation of state civil rights laws. 99 ALR3d 154.

Sec. 18.80.215. Activities in aid of housing for minority groups. The activities of a nonprofit and noncommercial organization on a nonremunerative basis in aiding minority group members to obtain housing opportunities so as to further the purpose of this chapter are not considered a violation of AS 08.88.161. (§ 3 ch 119 SLA 1969)

Sec. 18.80.220. Unlawful employment practices. (a) It is unlawful for

(1) an employer to refuse employment to a person, or to bar him from employment, or to discriminate against him in compensation or in a term, condition, or privilege of employment because of his race, religion, color or national origin, or because of his age, physical handicap, sex, marital status, changes in marital status, pregnancy or parenthood when the reasonable demands of the position do not require distinction on the basis of age, physical handicap, sex, marital status, changes in marital status, pregnancy or parenthood;

(2) a labor organization, because of a person's sex, marital status, changes in marital status, pregnancy, parenthood, age, race, religion, color or national origin, to exclude or to expel him from its membership, or to discriminate in any way against one of its members or an employer or an employee;

(3) an employer or employment agency to print or circulate or cause to be printed or circulated a statement, advertisement, or publication, or to use a form of application for employment or to make an inquiry in connection with prospective employment, which expresses, directly or indirectly, a limitation, specification or discrimination as to sex, marital status, changes in marital status, pregnancy, parenthood, age, race, creed, color or national origin, or an intent to make the limitation, unless based upon a bona fide occupational qualification;

(4) an employer, labor organization or employment agency to discharge, expel or otherwise discriminate against a person because he has opposed any practices forbidden under AS 18.80.200 — 18.80.280 or because he has filed a complaint, testified or assisted in a proceeding under this chapter;

(5) an employer to discriminate in the payment of wages as between the sexes, or to employ a female in an occupation in this state at a salary or wage rate less than that paid to a male employee for work of comparable character or work in the same operation, business or type of work in the same locality; or

(6) a person to print, publish, broadcast or otherwise circulate a statement, inquiry or advertisement in connection with prospective employment which expresses directly, a limitation, specification or discrimination as to sex, marital status, changes in marital status, pregnancy, parenthood, age, race, religion, color or national origin, unless based upon a bona fide occupational qualification.

(b) The state, employers, labor organizations, and employment agencies shall maintain records on age, sex, and race that are required to administer the civil rights laws and regulations. These records are confidential and available only to federal and state personnel legally charged with administering civil rights laws and regulations. However, statistical information compiled from records on age, sex, and race shall be made available to the general public. (§ 6 ch 117 SLA 1965; am § 4 ch 119 SLA 1969; am § 1 ch 237 SLA 1970; am §§ 5, 6 ch 42 SLA 1972; am § 1 ch 119 SLA 1974; am § 9 ch 104 SLA 1975)

Cross references. — As to original jurisdiction of the superior court over suits arising under this chapter, see AS 22.10.020.

Opinions of attorney general. — Subsection (b) should be interpreted to require the commission to keep confidential information from a survey for records maintained to administer civil rights laws and regulations until it is presented at public hearing unless the information is released in a format which does not identify individual responding employers or unions. May 14, 1979, Op. Att'y Gen.

wording of subsections (a) and (b) is nearly identical, there would seem to be no basis for assigning different implementation times to the increments, unless an indication of such legislative intent is to be found elsewhere. The supreme court has discovered no such expression of contrary legislative intent. Alaska Pub. Employees Ass'n v. State, Sup. Ct. Op. No. 1066 (File No. 1999), 525 P.2d 12 (1974).

Thus, employees entitled retroactively to pay increments in subsection (b). — As of July 1, 1972, state employees who otherwise met the statutory eligibility requirements and had been in the last step of their pay range for four, nine, or 13 years should have immediately received the pay increments provided by subsection (b) of this section. Alaska Pub. Employees Ass'n v. State, Sup. Ct. Op. No. 1066 (File No. 1999), 525 P.2d 12 (1974).

Given an indication of retroactivity in the Free Conference Committee Report on the original bill and the similarity in the phrasing of subsections (a) and (b), the most intrinsically reasonable interpretation of the bill would seem to be that, in the absence of any indications of legislative intent to the contrary, if eligibility for the initial pay increase was to become effective on July 1, 1972, then eligibility for all the incremental increases should become effective on that date. Alaska Pub. Employees Ass'n v. State, Sup. Ct. Op. No. 1066 (File No. 1999), 525 P.2d 12 (1974).

Increments as salary steps. — Interpretating the longevity pay increments provided for by this section, so as to suggest that these increments may not be salary steps and therefore employees receiving these longevity increments who are promoted to a higher job series are not entitled to the salary increases required by Personnel Rule 9.02.13 and article 7 of the agreement between the state of Alaska and Alaska Public Employees Association covering the general government unit would be at variance with the legislative intent expressed in this section. September 11, 1974, Op. Att'y Gen.

Sec. 39.27.025. Swing and graveyard shift differentials. (a) Classified and partially exempt state employees who regularly work a "swing" shift beginning between 12:00 noon and 7:59 p.m. are entitled to a one-step increase over their normal pay established by this chapter.

(b) Classified and partially exempt state employees who regularly work a "graveyard" shift beginning between 8:00 p.m. and 3:59 a.m. are entitled to a two-step increase over their normal pay established by this chapter. (§ 3 ch 87 SLA 1971)

Legislative history report. — For report on ch. 87, SLA 1971 (FCCS SCSHB 106), see 1971 House Journal, p. 378.

Sec. 39.27.030. Annual salary survey. (a) The director of the division of personnel shall conduct an annual salary survey in the manner prescribed by AS 39.27.030 — 39.27.040, and make recommendations in pay ranges to be applied to all classes of positions in the state's partially exempt and classified service. This survey shall

(1) reflect the costs of living in the various election districts of the state by using the cost of living in Seattle, Washington, as a base of 100;

(2) reflect the competitive position of the state, first, by comparing state salary levels with salary levels of comparable classes in private industry, in other governmental agencies throughout the state, and in

other states constituting the prime recruiting areas, using "bench-mark" classes selected by the director of personnel, based on the principle of like pay for like work, from as many employment categories as is necessary to reflect correctly the competitive position of the state salary levels with those paid other employees under this paragraph; and secondly, by comparing fringe benefits in the state service with other governmental agencies and major employers throughout the state.

(b) The director shall use United States Department of Labor statistics or other reliable statistical data in carrying out the provisions of (a) (1) of this section. If reliable statistics are not available, the director shall gather the data by field studies for the survey required by (a) (1) of this section.

(c) The director may use any reliable source of data in carrying out the provisions of (a) (2) of this section. When reliable statistics are not available, the director shall by field studies gather the data to carry out the provisions of (a) (2) of this section.

(d) The director shall, on a regular basis, report to the state employees association by providing a summary of the information accumulated during the data-gathering process; he shall consult with the employees association and consider its findings before his final recommendation. (§ 1 ch 226 SLA 1970; am §§ 1, 2, 4 ch 42 SLA 1971)

Cross reference. — As to gathering data reflecting the cost of living in various election districts, see AS 44.31.020(4).

Sec. 39.27.035. Preparation and submission of pay schedules. The director shall prepare an annual pay schedule setting out the base pay for all classes of positions in the state's partially exempt and classified service, taking into account the statistics and reasonable internal pay relationships. The director shall also prepare annual pay schedules for persons in the state service in each election district. These annual pay schedules shall either add to or subtract from the base pay of the person in state service according to the data obtained by the annual salary survey conducted under AS 39.27.030 — 39.27.040. The base pay schedule and the election district differentials shall be prepared annually from data obtained by the annual salary survey provided for in AS 39.27.030 — 39.27.040. The salary schedule shall be reviewed by the personnel board before submission to the legislature. A report and recommended salary schedules shall be submitted to each regular session of the legislature no later than five days after the session convenes. (§ 1 ch 226 SLA 1970)

Sec. 39.27.040. University salary survey. The director shall conduct an annual salary survey in the manner prescribed by AS 39.27.030 — 39.27.035, and make recommendations to the Board of

ATTACHMENT B

CLASSIFICATION STUDY - TASKS AND TIMELINES

TASKS RELATED TO:	1-2 JUNE	3 - 7 JULY	8 - 11 AUG	12 - 15 SEPT	16 - 20 OCT	21 - 24 NOV	25 - 28 DEC	29 - 33 JAN 85	34 - 37 FEB	38 - 41 MAR	42 - 46 APRIL	47 - 50 MAY	51 - 54 JUNE	55 - 59 JULY	60 - 63 AUG
Orientation	X X	X													
Work Plan	X X	X													
Communications Plan	XX	X													
Factors and factor weights		X X X X	X												
Data Collection Forms		X X	X X												
Data Collection Methods		X	X X												
Class Specification Format			X X												
Presentations to Management			X X	X X											
Training			XX	X X											
Software package OR option	X X	X X X													
Report on decentralized automation			XXXX	X											
Report on over-all automation			XXXX	X											
Inter-rater reliability Report				XXX	XXXX										
Report on selected Classes				X ——	——	——	——	——	——	——	—— X				
Prepare Pay Table												X ——	—— X		
Cost $ to Implement													X ——	—— X	
Final Report														X	
Periodic Updates		X	X	X	X	X	X	X	X	X	X	X	X		

Date:

Arch - Daily News 9/5/85

Equal pay decision reversed

By BOB EGELKO
The Associated Press

SAN FRANCISCO — The nation's first statewide "comparable worth" ruling was overturned Wednesday by a federal appeals court, which said the state of Washington did not have to offer women equal pay for jobs of equal worth.

"Neither law nor logic deems the free market a suspect enterprise," said the 9th U.S. Circuit Court of Appeals in reversing a decision that could have provided as much as $1 billion in damages to 15,500 workers.

Comparable worth is a policy of equal pay for different jobs that are judged to be of equal value. The Reagan administration has vehemently opposed the policy.

A three-member panel of the appeals court said federal laws banning sex discrimination in employment do not require an employer to provide equal pay for different jobs, even if the employer's own studies say the jobs have the same value.

In holding the state liable for damages in 1983, U.S. District Judge Jack Tanner had cited a study commissioned by the state government showing a 20 percent salary gap between workers in predominantly female and predominantly male jobs that required similar levels of skill, mental demands, accountability and working conditions.

But the appeals court said a wage gap, by itself, does not show that the state intentionally discriminated against women.

The 1964 federal Civil Rights Act "does not obligate (Washington) to eliminate an economic inequality which it did not create," said the opin-

See Back Page, EQUAL

Equal pay decision reversed

Continued from Page A-1

ion by Judge Anthony Kennedy.

In language that could be devastating to the comparable-worth theory, Kennedy said an employer can follow prevailing market wages in setting salaries, even if those wages underpay women.

"The state did not create the market disparity and has not been shown to have been motivated by impermissible sex-based considerations in setting salaries," Kennedy said.

In Washington, Gerald McEntee, national president of the American Federation of State, County and Municipal Employees, which brought the suit in Washington state, reacted sharply to the decision.

"We'll take this to the Supreme Court. We still believe we have the law and equity on our side," said McEntee speaking through a spokesman, Philip Sparks. McEntee scheduled a news conference for this morning.

Numerous "comparable worth suits have been filed across the nation, including a suit on behalf of nurses in Illinois, 5,000 public workers in Hawaii, and a suit on behalf of 100,000 past and present California state workers in female-dominated jobs. The issue has been raised in several labor disputes, including last year's strike by office workers at Yale University and a strike in San Jose, Calif., by city workers.

Feminist groups that promote the concept of comparable worth say it would remedy discrimination against large numbers of women in predominantly female jobs like secretary and clerk.

8-17-85

Administration renews attack against 'comparable worth'

By KAREN TUMULTY
Los Angeles Times

WASHINGTON — The Reagan administration took its criticism of the controversial concept of "comparable worth" one step further Friday, filing a court brief siding with the state of Illinois against nurses seeking higher pay on the grounds that they do not earn as much as men in similar — but not identical — jobs.

Explaining the administration's decision to file its first "friend-of-the-court" brief in such a case, Assistant Attorney General William Bradford Reynolds said in a statement, "Congress, the courts and this administration have long advocated 'equal pay for equal work.' " That right is spelled out in the 1963 Equal Pay Act.

But Reynolds, head of the Department of Justice's civil rights division, insisted: "The comparable worth theory, however, makes a mockery of the ideal of pay equity, advancing instead the thesis that equal pay should be provided to men and women in remarkably different jobs on the basis of a subjective evaluation by some 'expert' that the two jobs can be called 'comparable.' "

The brief, filed with the 7th U.S. Circuit Court of Appeals in Chicago, urges the court to uphold a lower court ruling last April dismissing the nurses' claims, rather than to allow it a full trial.

The administration's move drew immediate and sharp criticism from advocates of the concept, who see it as their most effective tool in closing the historical gap between lower-paying jobs traditionally held by women and more lucrative ones held by men.

Those who support using comparable worth as a basis for pay scales insist that sex discrimination accounts for the fact that teachers routinely are paid less than truck drivers and nurses less than house painters.

"No matter how hard the Reagan Justice Department tries to turn back the clock on civil rights, the Supreme Court has made it clear that sex-biased wage discrimination is illegal," said Gerald W. McEntee, president of the American Federation of State, County and Municipal Employees.

The union has led the court fight for comparable worth, winning what is considered the most important victory thus far — a 1984 case in which a federal judge ordered Washington state to pay female employees up to $1 billion in back wages.

Federal job panel rejects comparable worth idea

By ROBERT PEAR
The New York Times

WASHINGTON — The Equal Employment Opportunity Commission ruled unanimously Monday that federal law does not require employers to give men and women equal pay for different jobs of comparable worth.

The five-member federal commission said that if jobs were comparable, the fact that they paid different amounts was not in and of itself proof of discrimination. Jobs are said to be of comparable worth if they require comparable levels of knowledge, skill and effort and if their responsbilities and working conditions are comparable.

Labor unions and women's groups have embraced comparable worth as a way to reduce the differences in pay between jobs held mainly by women, such as nursing and secretarial work, and jobs held mainly by men, such as truck driving and warehouse work, which tend to pay more.

Clarence Thomas, the chairman of the commission, said Monday's ruling was the first decision by the agency on the issue. He said it would apply to all public and private employers with 15 or more employees.

"Sole reliance on a comparison of the intrinsic value of dissimilar jobs which command different wages in the market does not prove a violation" of federal law, Thomas said. "We are convinced that Congress never authorized the government to take on wholesale restructuring of wages that were set by non-sex-based decisions of employers, by collective bargaining or by the marketplace."

Monday's ruling was hailed by the Chamber of Commerce of the United States and the National Association of Manufacturers, but denounced by unions and women's groups.

Jerry Jasinowski, executive vice president of the National Association of Manufacturers, saw the decision as "a signal that the whole movement for comparable worth is diminishing." He said "employers should rest easier" knowing that the commission "will not get into the business of determining the inherent worth of jobs."

Winn Newman, a lawyer who has represented the American Federation of State, County and Municipal Employees and other unions in similar cases, said that with Monday's decision, the commission was "perpetuating sex discrimination and playing into the hands of sex bigots."

The Civil Rights Act of 1964 bans discrimination in compensation, Newman said.

Times 7/13/84

Equal pay for work of comparable value

By Joan Beck

NOTHING ANY presidential candidate can do between now and November holds as much potential for bettering the lives of women as a little-noticed bill on bureaucratic operations that the U.S. House passed last week.

The innocuous-sounding measure calls for a seven-month study of comparable pay scales in the executive branch of the federal government. And that, as the State of Washington discovered at a cost that may reach $1 billion, could uncork a genie that may eventually bring millions of women substantially higher salaries.

The Senate has passed other sections of the bill without the pay equity provision. The Reagan administration has lobbied against it and suggested it would be vetoed. But the House vote was so overwhelming, 413 to 6, that it may persuade Senate conferees to include the comparable section in the final legislation and President Reagan that a veto would be overridden.

SENATORS AND Reagan staffers will probably realize, as did the congressman who led the fight against the measure and then voted for it, that it is easier to worry about its effects later on than to explain to women why they oppose the idea.

There is little doubt that the proposed study will find inequities in federal pay scales. The federal government is the nation's largest single employer of white-collar workers, who are already graded and paid according to an 18-level classification system. A 1977 study shows that only 3 percent of federal workers in the three highest-paid categories are women. But 77 percent of those in the lowest four ranks are female.

The catch to the bill, sponsored by Rep. Mary Rose Oakar, D-Ohio, is that if the study finds sex discrimination in the federal pay scales, it will have to be corrected. Supporters of the bill say the Civil Rights Act of 1964 requires it. And a federal judge so ruled last year when he awarded almost $1 billion in raises, back pay and pension contributions to women employees of Washington State.

To ease worries of male workers that wage equality will be gained by leveling their salaries down, the legislation does provide that the rate of pay for a given job can't be cut.

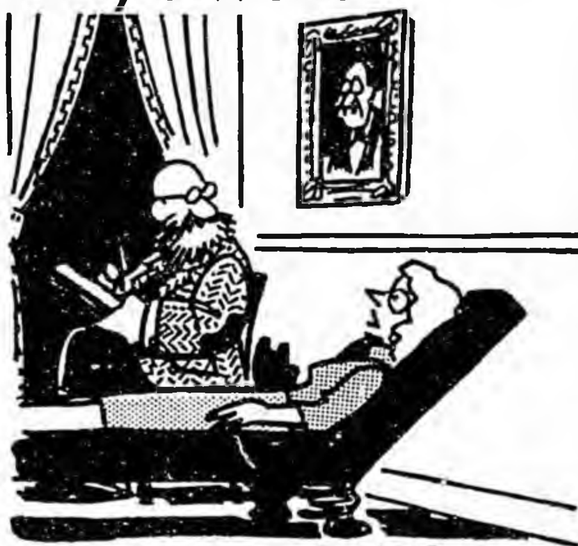
ONCE THE FEDERAL government has a system of comparable pay in place, some of the current arguments against it will lose their force and pressures will grow to apply the same antidiscrimination standards to other jobs.

Opponents, for example, charge that efforts to end sex bias in jobs interfere with the free market for labor. But the labor market is free only on theory. In reality, it reflects government regulations, union forces, lack of worker mobility and complex and interlocking social, educational and economic factors that have historically pushed women into sex-segregated and low-paying jobs.

Adversaries say it's fair to pay women less because they are more likely to take time off for family responsibilities. But not all women do. And stacks of studies now show that even when length of time on the job and all other factors are eliminated, substantial pay differences remain that can only be attributed to historic sex bias.

It's already too late to shove the genie back into the bottle. More than 100 other states and cities have started studies on built-in sex bias in jobs and pay — actions that seem to obligate them legally to correct any discrimination they find.

Berry's World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"I just want what EVERYBODY has — love, power, money, happiness, success, fame .."

Women-led families show income drop; aid cuts blamed

Associated Press

Washington — Cuts in government assistance have lowered the income of families headed by women, even as most other households were getting a boost from President Reagan's tax program, new government statistics show.

After-tax income for American households climbed 1.7 percent to an average $18,906 between 1981 and 1982, the Census Bureau reported Thursday.

But families headed by women, with no husband present, suffered a 3.8 percent income decline to an average of $10,868, the report disclosed.

Cuts in Aid to Families with Dependent Children and other assistance programs may be at least part of the reason for this drop, said Charles T. Nelson of the Census Bureau. He noted that eligibility rules for several programs had been tightened, eliminating some participants and thus lowering average income for women.

Nelson stressed that many of these families also receive noncash benefits such as Medicaid, food stamps, housing subsidies and school lunch programs, which are income but are not counted in his statistics.

Several of those programs have also been cut, however, Catherine East of the National Women's Political Caucus pointed out.

She cited a Congressional Budget Office report that showed that families with incomes of $10,000 or less lost money under the administration tax program, while those with higher incomes gained.

The Census study showed that taxes paid by households with incomes of under $10,000 rose 4.2 percent, while taxes paid by all other income groups fell.

Some 55.4 percent of households with children, headed by women, no husband present, had incomes under $10,000 in 1982.

The Congressional Budget Office study showed that cuts in cash benefits reduced income to low-income families by $250 a year, East said, and another $390 was lost to reductions in noncash programs such as Medicaid and food stamps.

But for most Americans the news from the new Census study of after-tax income was good.

"The tax cut, you could really see the difference it made," Nelson said in a telephone interview.

Average household income had declined 2.6 percent from 1980 to 1981, before the income tax cuts took effect, the report showed.

The biggest increase from 1981 to 1982, 5.2 percent, affected the elderly, with average household incomes rising to $13,767 after taxes. Nelson noted that indexing of Social Security income helps this group, with payments rising along with inflation.

And he observed that there has been an increase in interest income in recent years as banks and savings institutions offer a wide variety of high interest savings accounts.

Older families are more likely to have savings to invest in such accounts than younger people, he commented, and thus may have benefited from more interest income.

Nelson also observed that the effect of children on family finances was illustrated in the study.

Married couples had an increase in after-tax incomes of 2.3 percent to $22,934, Nelson pointed out. But for couples with children the after-tax income rose only 0.8 percent to $23,307, a change so small as to virtually be the same income as a year earlier.

There have been discussions of increasing the federal tax deduction for children and these statistics would tend to support those proposals, Nelson said.

White couples average income rose 1.7 percent during the year, to $19,606, the study reported.

Blacks had an 0.8 percent rise to $12,955 and Hispanic families saw their income fall 2.9 percent to $15,297. However, because of the small sample the change in income for blacks and Hispanics was not considered statistically significant by Census officials.

The largest regional growth was in the South, where household incomes rose 2.4 percent to $18,399, although that was still the lowest in the nation. The Northeast had 1.9 percent growth to $18,915.

THE WHITE HOUSE

Office of the Press Secretary

New York, New York

For Immediate Release April 5, 1984

REMARKS OF THE PRESIDENT
TO THE WOMEN BUSINESS OWNERS OF NEW YORK

Empire State Ballroom
Grand Hyatt Hotel
New York, New York

1:13 P.M. EST

THE PRESIDENT: Thank you. Thank you very much. Good afternoon, and thank you for that warm reception. I'm delighted to be back in the Big Apple. And I've been eager to get to one of these conferences for women in business ever since the Small Business Administration's Office of Women's Business Ownership under Carolyn Gray started co-sponsoring them.

It's a special honor to be here with you, the members and friends of Women Business Owners of New York. You and your firms make up a vibrant part of the New York economy, employing thousands of men and women, providing goods and services that range from bookbinding to financial consulting. Each of you knows from personal experience that American women have the vision, the talent, and the determination to make great contributions to our nation's economy. And you're serving as role models for a new generation of women -- women for whom participating in the economy will be much easier because of your efforts. On behalf of all Americans, I commend you.

In our lifetime, America has begun an historical social change that offers women exciting new opportunities. Just 35 years ago, only a third of adult women held jobs outside the home. Today, more than two-thirds of the women between the ages of 25 and 44 are in paid positions. Growing numbers of women are doctors, military officers, police and firefighters; more than a third of our law students are female; and women business owners represent the fastest-growing segment of the small business community.

On a personal level, I've seen these changes clearly in the lives of the women closest to me. My mother, Nelle, never had the chance to go beyond elementary school. All her life she devoted herself to our family and held us together both emotionally and financially. For a while during the depression, she helped make ends meet by working in a dress shop for $14 a week.

My wife, Nancy, belongs to a later generation of women, in which many were raised with society expecting one thing of them, only to discover years afterward that society had come to expect something else. Like so many women, Nancy's had both the challenges and the rich rewards of adapting. She pursued a successful career as an actress, and today she gracefully combines her role as a loving wife and mother with her many duties as First Lady.

MORE

And, you know, the government gets quite a bargain with First Ladies. They aren't on the payroll, but Nancy's office hours and duties run about even with mine. That's why she's not here at this moment. No words can express how proud I am to be the man in her life. (Applause.)

And my daughters, Patti and Maureen, belong to a new generation. Maureen, as you heard, has worked in radio and television, promoted overseas trade, run for political office. Today she's giving advice to her dad on something she understands very well: how to communicate to women, what the administration is working to accomplish. My younger daughter, Patti, seeks a career in the entertainment world. When certain people for political reasons claim that I don't understand the modern woman, I'm tempted to say, "Then how come I have two very independent daughters?" (Laughter.) (Applause.)

In my mother's time and throughout our history, women were always hard at work, seeking self-fulfillment, giving of themselves to their families, and building a better nation. Today, women in our country are just as hard-working and giving as ever. It's America that has changed and grown, giving women increased chances to reach for the stars and go as far as their God-given talents can take them.

Women in the eighties are a diverse majority with varied interests and futures. Some seek to pursue their own careers, some run for political office, some focus on the home and family, and some seek to do all these things. No role is superior to another. What's important is that each woman must have the freedom to choose her path for herself, and I'm committed to just that. The simple truth is I've been frustrated by the perception that's been created about my supposed lack of interest in the welfare of women, and I'm going to take advantage of this opportunity to reveal some things our administration has been doing and that seem to have been closely guarded secrets up until now.

Once, after making a speech, a minister, the late Bill Alexander of Oklahoma, took it upon himself to tell me the story of his first sermon. I've never forgotten it. I've always suspected maybe it had something to do with the length of my speech. He said that he had worked for weeks after his ordination on his first sermon and had been asked to speak or pray or preach at a small country church in Oklahoma, an evening service, and he arrived after working all these weeks on that first sermon that he was going to preach as a minister and looked out at a church that was empty except for one lone little fellow sitting out there amongst all the empty pews.

And Bill went down, and he said, "My friend, you seem to be the only member of the congregation that showed up. I'm just a young preacher getting started, and what do you think? Should I go through with it?"

MORE

And the fellow said, "Well, I wouldn't know about that sort of thing. I'm a little old cowpoke out here in Oklahoma. But I do know this, if I loaded up a truck load of hay, took it out in the prairie, and only one cow showed up, I'd feed her." (Laughter.) Well, Bill took that as a cue, got back up on the pulpit, and an hour and a half later said, "Amen." (Laughter.) And he went down and said, "My friend , you seem to have stuck with me and, like I told you, I'm a young preacher getting started. What do you think?" And he says, "Well, like I told you, I'm just a little old cowpoke out here in Oklahoma. I don't know about that sort of thing. But I do know this. If I loaded up a truck load of hay, took it out in the prairie, and only one cow showed up, I sure wouldn't give her the whole load." (Laughter.) (Applause.)

Now, I'm not going to miss an opportunity like this, and I'm going to take a certain advantage of the situation. I'm not going to talk an hour and a half, but you're going to get the whole load. (Laughter.) Because during the past three years, I've appointed more than 1400 women to top government positions. Not because of their sex, but because they were the best people for the jobs. (Applause.)

Now, among many other firsts, our administraton has Susan Meredith Phillips, the first woman head of the Commodity Futures Trading Commission; Elizabeth Jones, the first woman Chief Engraver of the United States Mint; and Janet McCoy, the first woman High Commissioner of the U.S. Trust Territories. And today, I'm delighted to announce that I'm sending to the Senate the nomination of Rosemary Collyer to be General Counsel of the National Labor Relations Board, and that will be another first. (Applause.

For the first time in history, our nation has three women in the Cabinet -- Margaret Heckler, who is Secretary of Health and Human Services is in charge of the third largest budget in the world. Elizabeth Dole, who as Secretary of Transportation, oversees matters ranging from expendible rocket launches to revisions of our Maritime laws. And Jeane Kirkpatrick, who as Ambassador to the United Nations, plays a crucial role (applause) -- she does play a crucial role in our country's foreign policy.

I must tell you, shortly after she had arrived there, she informed some of her colleagues from other countries that there was going to be a change. And one of them jokingly said, "Well, you mean you're not going to stand for being kicked around?" She said, "No, we're just going to take off the 'kick me' sign."

Well, one of my proudest days in office came when I appointed Sandra Day O'Connor to be the first woman in history on the United States Supreme Court. (Applause.)

To aid women in business, our administration has put together the three-point National Initiative Program to assist women business owners. The first of the three components is the Advisory Committee on Women's Business Ownership. Now, this committee is made of twelve women and three men, all very successful in the business and professional world.

MORE

I had lunch with the Committee last week, and they told me about the hearings they're holding to learn about the problems that women business ownees encounter. And if you have any suggestions for the Committee, please write to me at the White House, and I'll pass your letters on to them.

The second part of our initiative for women business owners is the Interagency Committee on Women's Business Enterprise. This committee is composed of high-level Federal officials representing the various departments and agencies of the federal government. I've charged that Committee with making certain that in dealing with women-owned businesses, the federal government sets an example for private enterprise.

A series of conferences like this one is the final part of initiative for women business owners. In addition to this New York conference, conferences for women in business have been held in places ranging from Somerset, New Jersey, to San Francisco, as you've been told -- and many more are planned. The conferences are designed to help women acquire management skills and compete more effectively, and they're all co-sponsored by private sector groups to make sure that we get private enterprises in the act.

In Atlanta for example, local private firms responded to the conference enthusiastically. A group of businesses agreed to publish a women business owner's directory for the state of Georgia at their own expense, and a group of banks established a hot line -- one number for women to call to find out about everything from the availability of venture capital to where to get help in drawing up a contract.

Now, just as we're supporting you as you make gains in private enterprise, we're making certain that women receive fair treatment under the law. Our administration has moved to amend, or eliminate statutes that discriminate on the basis of sex. At my direction, the Justice Department conducted a review of federal statutes and found 140 that give different treatment to men and women. We have already proposed legislation to correct 122 of them. Of the remaining 18, six are still under study, the rest favor women and will remain unchanged. (Laughter.) Like the law that -- well, it's like the law that establishes a Women's Bureau in the Department of Labor. And I want to mention the superb job that Dr. Lenora Cole-Alexander is doing in heading that Bureau.

At the same time, the Task Force on Legal Equity for Women has begun a thorough review of non-statutory rules, practices and procedures throughout the federal government. Whenever it finds women treated unfairly, the Task Force works with the agencies or departments to ensure changes will be made.

To reach laws and procedures beyond the federal level, we've established the Fifty States Project, a program that's working with Governors to help them find the areas where their state codes, regulations and administrative rules treat women unfairly. And I'm delighted to say that 42 states have already begun reviews of their laws and procedures, and more than half our states are already amending their laws to ensure equal treatment for women.

MORE

At the same time, the Department of Justice has been hard at work to fight discrimination in individual cases. The Department has filed the first seven suits in its history to enforce the Pregnancy Discrimination Act of 1988. And one of those suits involved the rights of some 9,000 women. Just last year, the Justice Department won a record-breaking $2.75 million discrimination case dealing with the rights to 685 women and blacks. Perhaps most important, the Department of Justice has so far filed more charges -- or cases charging sex discrimination in employment than did the last administration during a comparable time.

Let there be no doubt -- this administration considers discrimination based on sex just as great an evil as discrimination based on religion or race, and we will prosecute cases of sex discrimination to the fullest extent of the law. (Applause.)

Now, just as we're joining you in your efforts for legal equity, we're helping in a number of ways as American women work for economic self reliance.

For those whose former spouses are delinquent in child support payments, we've moved to strengthen the federal child support enforcement system. The year we took office, some $4 billion were owed to the children of America. Since then, our measures have raised child support collections by two-thirds. Improvements still need to be made in this area. So we proposed new legislation that would further improve collection of child support for both welfare and non-welfare families.

For those receiving aid to families with dependent children, the majority of whom are women, we've increased training opportunities that will help them secure permanent productive employment because no government hand-out can give a woman who's supporting her family the same sense of dignity as a job.

Now, our Job Training Partnership Act specifically targets these women as a group that must be served.

For workers in the federal government, I signed into law a bill that extends flexible work hours. This applies to both men and women, but it's of particular importance to women who are holding down a job while raising a family. Now they'll be better able to structure their working hours to do things like spend more time with their families and perhaps be at home when their children come home from school.

For all women, we've worked with the Congress and women's groups to provide several forms of tax relief. Relief, by the way, which could and should have been passed long ago by those in Washington who had a monopoly on power and who still claim a monopoly on compassion. Our administration has greatly reduced the income tax marriage penalty. We've eliminated a state tax that's levied on a surviving spouse giving significant benefits to those with family f rms and small businesses where women have long been hard-working partners. We've put Social Security back on a firm footing and made reforms that help many divorced spouses and disabled widows. And we've expanded participation in IRA accounts, helping women whether they work at home or in paid jobs.

MORE

Nothing is more importnat to parents than knowing their children are being taken good care of while they're on the job. So we've almost doubled the maximum child-care tax credit. In other moves to make child care more available and affordable, we proposed tax relief for organizations that care for the dependents of working people and we're pressing for a restructuring dependent-care tax credit to make more benefits available for low- and middle-income taxpayers.

We're also working with the Congress to pass historic legislation that will reform inequities that women suffer in some private pension plans. This legislation has passed the Senate and we're awaiting a vote on the floor of the House, in case you'd like to call or write someone. (Laugher.) I have often said it is not only necessary to make the legislators see the light, it's better to make them feel the heat. (Laughter.) (Applause.) The reforms will lower the age at which employees can participate in company pension plans; protect non-working spouses from losing death benefits without their knowledge; coordinate state and federal laws so divorced spouses can collect court-awarded pension benefits more easily; require pension plans to offer survivor's benefits protection to workers after they reach 45; and permit a break in service of up to five years without loss of pension credit, a change that would help women take time to start a family but still go back to their careers.

Despite the importance of all these reforms, I've always believed the most important step we can take for women is the most important step that we can take for all our people, a dynamic, sustained economic expansion. Economic growth will provide more opportunities for women than if all the promises made in the history of Washington, D.C. were enacted into law.

Think back just three years. Raging inflation, the highest prime interest rate in more than a century, an ever-growing tax burden, government regulations that were out of control -- all these had stifled investment, smothered productivity, and brought growth to a virtual standstill.

The economic crisis hit women especially hard. Elderly women living on fixed incomes found their purchasing power eaten up by inflation. Working women saw jobs become more and more scarce. Homemakers found that 12-1/2 percent inflation made it harder and harder to buy the groceries and pay the bills. And the thousands of women who wanted to start their own businesses saw 21-1/2 percent prime interest rates slam the door in their faces.

When we took office, we made restoring economic vitality our top priority. We cut the growth of government spending, we pruned needless regulations, we chopped tax rates, and enacted an historic reform called tax indexing. Indexing means that government will never again profit from inflation at your expense.

MORE

And today, less than three years after we set our program in place, we're seeing a surging economic expansion. The prime interest rate has fallen to about half what it was when we took office. Inflation has plummeted some two-thirds to about 4 or 4½ percent. Housing starts, factory orders and retail sales are up. Compared to the last quarter of 1982, net private savings during the same period in 1983 shot up nearly 50 percent to over $230 billion, providing new funds to fuel innovation and spur growth.

In the 15 months since the recovery began, nearly five million Americans have found work and the overall unemployment rate has fallen to 7.7 percent, marking the steepest drop in more than 30 years. And just last month it was announced that during the first quarter of 1984 our gross national product grew at the robust annual rate of more than 7 percent, proving that expansion is here to stay.

Just as the economic crisis hit women hard, today's expansion is giving them a powerful lift. The unemployment rate among adult women has dropped from 9.1 percent to 6.9 percent. More women have jobs today than ever before in our nation's history. Just as important, the jobs women hold are getting better and better. In 1983 women filled almost three-quarters of all the new jobs in managerial, professional and technical fields. And the number of women-owned businesses is growing four times faster than the number of those owned by men.

Entrepreneurs like you, who own their own, mostly small businesses, are playing a special part in this expansion. Last year alone, there were almost 600,000 new business incorporations. That's an all-time high in our history and half again the number of incorporations each year during the early '70's. At the same time, bankruptcies declined some 30 percent in the second half of 1983 compared with the same period in 1982. And small business income, as measured by proprietorships and partnerships, grew by a remarkable 18 percent. Perhaps most important, during this expansion small businesses, like the ones that many of you own, provided the most new jobs, gave the most employees the freedom to work part time and hired the most young people, senior citizens and women. The American entrepreneur is building a dazzling new future and she's just getting started. (Applause.)

We must and will go forward to keep opportunities expanding for you and all Americans. To prevent the nightmare of inflation from ever coming back, we must enact Constitutional reforms like the line-item veto and the balanced budget amendment. Please,

MORE

I'd like both of those. (Applause.) And to provide new incentives for growth, make taxes more simple and fair, I believe we must design and enact a program of tax simplification. Not tinkering here and there, but a sweeping, comprehensive reform of the entire tax code. We must, and will, enact these measures. And I'm convinced that when we do, the American economy will reach new heights of prosperity. (Applause.)

When I look at America, I see our basic industry making striking gains, and new industries, like robotics and bio-engineering, gathering strength. I see America leading the world in a technological revolution that's putting men and women into space and adding years to life here on earth. I see a country of open, self-confident people, serving as a force for peace among nations. And I see women, who are holding families together, entering the workforce, starting new enterprises, and doing it all with courage and confidence. America is back.

And now, I know that many of your companies gross millions of dollars a year, but I'd like to share a letter I received that tells about a woman who started a business that's more modest. The letter comes from a person called Betty Lou, and I believe it shows the enterprising spirit of American women. She wrote, "Mr. President, I'm a simple person in that I have a simple -- have simple needs. My husband, a Vietnam veteran of the Marine Corps is a union steamfitter. When we got married, he was out of work for two years, but we learned how to budget around it and still were able to save money. Now that construction work is available in our area, we know we still have to save. We both know that nothing comes from nothing. You make your own fortune, so to speak."

So, to help make ends meet, Betty Lou writes, " With only $530 and a big smile, I began a new venture. I had no previous business management experience and didn't know exactly where I'd end up. But I had the chance. Now, three years later, I own and operate my own wordprocessing company. It has grown from that initial $530 to an annual income for 1983 of $41,000. From an older technology machine costing $3,000 to a new system costing $22,000. From one person logging a huge number of hours, to two, full-time employees, each logging over 40 hours a week. We have pride in the work we do, and are even more proud of the fact that we're being given the chance to do it. And who knows what goals can be achieved in 1984?" She closed, adding that they're a young couple in their early thirties and they've already built a new home for themselves.

Well, whether founding their own companies like Betty Lou and so many of you, or holding down any of the millions of jobs our economy provides; or devoting themselves to caring for their loved ones and raising happy, healthy children; or doing all these things, I know that women will play a vital part in leading our nation into the future -- and that there will always be American women who are American heroes.

Thank you. And God bless you. (Applause.)

END 1:38 P.M. EST

TOM DAHL for U.S. CONGRESS

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ISSUES IMPORTANT TO WOMEN

Because I am a candidate for Congress, I believe I have a special responsibility to outline some of my thoughts on issues important to women.

The Equal Rights Amendment must be the law of our nation. That we still must talk about this and debate this issue in Congress and a few reactionary state legislatures is more than unfortunate. It's a waste of time. I promise to steadfastly and earnestly work to implement ERA in America.

I have said before that abortion raises significant moral problems. These problems are especially for women who are faced with this difficult moral dilemma. Because governmental involvement in this matter is even more repugnant to my principles, I firmly believe the government should leave this choice to individual women.

Pay equity is an issue which effects the vast majority of women living in America today. The wage gap between women and men is one of the most persistent symptoms of sexual inequality in the United States. Women who work full-time, year-round are paid approximately 60 cents for every dollar earned by their male counterparts. This ratio has been essentially the same since at least 1930. The growth of white collar industries, the huge entry of women into the labor force, development of anti-discrimination laws including the federal Equal Pay Act of 1963 and Title VII of the Civil Rights Act of 1974 have not been sufficient to break down the wage gap. The question is not whether to bring about wage parity but how and when. I think the government must play a strong role in defining and then enforcing

Paid for by Dahl for Congress Campaign Committee

pay equity as soon as possible. The cost of discrimination to individual women and to society as a whole is devastating. The dramatic increase in the number of households headed by women has additionally increased the number of families guided by women who live in poverty. Almost one in three female guided families is poor in contrast to one in eighteen families headed by a man. It is my belief that most of these female guided families would not be living in poverty if the breadwinners were compensated for the real value of their jobs and I intend to bring about changes in this area.

Elderly women are especially vulnerable to inadequate governmental policies. Over 70% of the elderly poor are women. Social Security is the only significant source of support for 60% of these women. The budgets Don Young supported in 1981 endangered the survival of the elderly poor by seeking cuts in Social Security and a massive shift in Medicare costs from the government to elderly patients. These kinds of budget restrictions are inhuman and must be changed.

Finally, I know women are committed to a wide range of issues and policies that transcend the label of "women's issues." The nuclear freeze is vital for all of us. Providing a society where our children can grow up free to explore and fulfill their education and physicals needs is vital for our future. And everyone has an interest in protecting a sustaining and harmonious environment. We must work together on each of these issues.

I look forward to your continued support and working with you to bringing about the best changes for all Alaskans as Representative in the United States Congress.

Tom Dahl

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Opinion

JUNEAU EMPIRE

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Positive attitude is what's needed

Pick an issue, almost any issue, and folks will get wound up about it.

Whether it is capturing killer whales off the coast of Alaska or deciding where to build a new school, the tendency is for people not to stay on top of issues until they have been fully discussed in public meetings. Then, as the gavel is about to fall, along comes a group of concerned citizens

Questions involving comparable worth

Phyllis Schlafly

Copley News Service

Hearings were held recently by the House Post Office and Civil Service Committee on a bill "to promote pay equity" (H.R. 4599). "Equity" means justice, but what is justice when it comes to setting wages?

Clearly, there must be something mighty fair and just about the American economic system which has provided higher wages and more of the good things of life to more people than any nation in the history of the world. The free market — which allows most economic decisions to be made freely by individuals and unions of individuals — has produced an American standard of living that is the envy of the world.

The method of wage-setting which has produced the highest wages for the most people is the system that allows wages to be determined by freedom of choice: what is an individual willing to work for, and what is an employer willing to pay? The result is called "market rates."

Our society has made a few slight modifications to this system. Prior to the current generation, society's notion of pay equity was generally understood to include giving the job preference, the higher pay and the promotion to the father supporting a family.

Some 20 years ago, the American society codified into federal law the consensus that equity wage-setting included the concept that an individual should receive "equal pay for equal work" as determined by looking at two or more persons doing substantially equal work. There is no apparent dissent from this principle.

Now, however, H.R. 4599 comes along and wants to engage in wage-setting by very different factors. Instead of allowing wages to be set by millions of free decisions, H.R. 4599 wants wages to be set by the subjective opinions of anonymous person who will decide job "worth." This is an even more intangible will-o'-the-wisp than "pay equity," and even less able to produce consensus or equity. Who are the unnamed persons who can fulfill H.R. 4599's assumption that "job-evaluation techniques" can be "equitable?"

Are they the same job evaluators as those in the state of Washington case who decided that laundry workers are "worth" the same wage as truck drivers and should be paid equally? The estimated $1 billion judgment levied against the taxpayers of the state of Washington by the judge who decided this case (American Federation of State, Country, and Municipal Employees v. State of Washington) was based on a job evaluation that called for wages to be paid according to the following points allegedly describing job worth: laundry workers 96, truck driver 97, librarian 353, carpenter 197, nurse 573, chemist 277. The evaluation concluded that laundry workers should be paid equally with truck drivers and nurses should be paid about twice as much as carpenters and chemists.

Do the sponsors of H.R. 4599 really think that the American people will accept as "equitable" a job evaluation that comes up with such subjective opinions? There isn't a shred of evidence that wage-setting by job evaluators will be as equitable as wage-setting by the millions of individual decisions operating in the free market today.

Once you divorce wage-setting from prevailing market rates, every determination of job worth — being a matter of subjective opinion — will result in a dispute, and most of those disputes will end up in the courts. That's the inevitable scenario of artificial wage-setting.

For two decades, women have been free to go into any occupation; there are even 3,000 female coal miners today. But most women continue to choose traditional rather than non-traditional jobs. This is their own free choice; nobody makes them do it.

If the wages for these non-traditional jobs are raised above the market rates, the result will be that even more women will crowd into those jobs. On the other hand, the reaction of employers will be to reduce the number of those jobs, and there will be even fewer of the kinds of jobs that women obviously prefer.

When H.R. 4599 asserts that "the average earnings of full-time female workers are significantly lower than the average earning of similarly situated male workers," the words "similarly situated" are (to borrow a current Mondaleism) the "sleaze factor."

If the male and female workers are, indeed, similarly situated, we have adequate current remedies under present laws enforced by the Equal Employment Opportunity Commission. Most jobs with pay differentials, however, are not similarly situated, and it would be gross "pay inequity" to force the artificial setting of wages as though they were.

3/15/84 Anch. Times

Women in the marketplace: It's 'fess-up-pay-up time

By Jody Powell

IT IS ONE of the fundamental laws of life that the longer we put off doing what we know to be right, the higher will be the tab when the bill finally comes due.

From day one we have paid women doing "women's jobs" significantly less than we paid men doing "men's jobs," in large measure because they are women. As more and more women have gone to work outside the home, the problem has gotten worse. Worse in the sense that increasing numbers of women were being cheated out of an honest day's pay for an honest day's work. Worse in the sense that the cumulative shortchanging of women increases with every pay period.

Now the check must be paid, and it is not going to be cheap. Nor should it be. Federal Judge Jack E. Tanner of the Western District of Washington has held that it is illegal to pay female jobs less than male jobs of similar value. That decision will cost the state of Washington millions of dollars in back pay and raises. It will also, in the words of the attorney who won the case, "stimulate an avalanche of private litigation on behalf of the victims of discrimination" — primarily because employers have refused to act on the problem except under threat of a lawsuit.

IF THE DECISION stands up, and the betting at the moment is that it will, some major changes are in order in the American work place. Few of us need statistics or studies, though there are a mountain of them, to know that the systematic underpaying of women is rampant.

In fact, few argue that discrimination does not exist, although one of the few is William Bradford Reynolds, assistant attorney general for civil rights. He suggests, presumably with a straight face, that "women with low-paying jobs had an equal opportunity to work at the jobs with higher salaries but never took advantage of that opportunity . . . they never sought the higher-paying jobs." Poppycock!

What many do argue is there is really nothing to be done about the problem. As one of Mr. Reynolds' subordinates put it, no doubt thinking himself quite witty, "How do you compare the poet and the plumber?" How indeed? Except what we are being asked to do is rather mundane: like comparing laundry worker and warehouse worker, or civil engineering technician and library technician, or registered nurse and computer systems analyst. Those are job titles from a study done by the state of Washington itself. The jobs were evaluated by methods routinely employed throughout American industry, and in each case the predominantly male job, though determined to be of lesser value than the predominantly female job, was quite significantly more — sometimes as much as 58 percent more.

The "poets and plumbers" argument is almost as much of a red herring as the "never took advantage of the opportunity" ploy. According to one study, "almost two-thirds of the adult population of the U.S.A. are pay-graded in this instance by job evaluation schemes." The federal government and most state governments use such a classification system for all employees. At the time the civil rights acts were passed, business organizations lobbied heavily to be allowed to use the ability to deter-

found on land, often in out-of-way, wooded areas near Seattle-Tacoma International Airport, about 14 miles south of downtown. But the name "Green River Killer" has stuck.

The winding river whose name was pinned to the slayings springs from the Stampede Pass region of the Cascade Mountain range, about 50 miles southwest of downtown, changes its name to the Duwamish outside the city limits, then empties into Puget Sound.

The Green River has steep banks where it runs though the community of Kent, near the Boeing Aerospace Center. The brush along the shore is heavy. Wild blackberry vines and low growing trees hang over the water. It was along this stretch, in an isolated area behind P.D.J. Meats, that Coffield and four other victims were dumped.

"Custom Slaughtering and Hauling" says the company's sign. The smell downwind is ripe.

Tacked to a telephone pole on the road that runs along the river's western bank is a poster offering a reward. But the sign concerns a lost dog named Dingo, not the $20,000 bounty being offered in the Green River case.

Two signs posted in a parking area near the river's edge are filled with irony. One says "Green River Bike Route," the other "No Dumping." Coffield's body was found by two boys riding their bikes.

As cruel as the end was for Coffield, her demise came as no surprise to her mother.

"I kind of expected it," Virginia Coffield told reporters after her daughter's body was identified through tattoos and dental records. "I know this was the kind of life she chose for herself. We taught her the best we could.

"Growing up is hard," Mrs. Coffield said, recalling her own childhood involvement in "too much sex and violence," activities that led to two years in a state juvenile home.

"I come from a family of drinkers, a big family of drinkers," she said at the time. "All it's ever caused is divorce and heartache."

Pregnant at 16, Mrs. Coffield gave her first child up for adoption. She kept Wendy Lee when she was born several years later.

Things turned bad for Wendy Lee after her parents divorced in 1979. She was convicted of theft at 13; six months later she was accused of taking a motor vehicle. At 16, she was dead.

A year before, Wendy told her mother she'd been raped while hitchhiking. "That's the way she got around, hitchhiking. And that's what happens," said Mrs. Coffield. "She just needed a couple of years off the street to grow up."

Mary Ellen Stone, director of the King County Rape Relief Center, said the streets are filled with young women like Wendy Lee.

She contended the prostitute killings were "all part of a continuum of violence, no question about it. We're fooling ourselves to think otherwise."

Three years ago, Stone recalled in a recent interview, a 14-year-old girl called her office claiming she had been sexually assaulted by her father "for years." The girl, distrusting the rape center, never called again. The next time Stone heard of her was when she turned up as one of the first victims.

"Now you could ask yourself: 'Why are they finding dead prostitutes?' But what we should really be asking is: 'Why do we have 14-year-old prostitutes?'"

The bodies of most of the initial victims were found soon enough to permit thorough autopsies. In cases where a ruling was possible, it was death by strangulation. For decomposed bodies, the coroner has listed death due to "homicidal violence of undetermined origin," without elaboration.

But according to sources close to the investigation, who requested anonymity, as many as 10 of the victims were killed in exactly the same way.

"There are reasons why we connect the cases and they exceed location of the bodies and their occupation," Adamson said.

Last month when two sets of bones were linked to the river bodies, Lt. Jackson Beard, a task

Mat-Su lawyer decries abuse decision

Al Campbell
es Valley Bureau

Palmer — District Attorney Michael ite says he hopes next year's legislature lresses a problem that he and other prose- ors feel may have been created by the ıska Court of Appeals.

Earlier this month the state's second-high- court said family court and social service encies may no longer routinely inform law- forcement personnel of the names of child users learned by them in the course of ir duties.

But White, district attorney for the Mata- ska-Susitna, Glennallen and Valdez areas, d such a prohibition could eliminate many prosecutions in the area, as police and prosecutors might never hear of the child's plight.

Under state law, most health workers and educators must report allegations of child abuse or child sexual abuse if they have reasonable grounds to believe the claims could be valid.

But the Appeals Court says the matter should stop there, at least until social services investigators have pursued the matter.

The court took that position in the case of a psychologist whom the court ruled did not have to testify against a patient in criminal proceedings.

In widening that case the court stated in a unanimous opinion that reports of child abuse and neglect, required by state law, are intended for use "in child protection proceedings . . . and not in criminal proceedings."

The Mat-Su area has an inordinately high rate of sexual abuse, according to Alaska State troopers.

Sgt. Rollie Port of the Palmer-based General Investigations Unit has said sexual abuse is often the most-frequent of the major crimes reported in the area.

White said he hoped the 1985 legislature will amend existing laws to assure full reporting of sex and child abuse to police or the district attorneys in the state.

volunteers in providing direct services as well as in fundraising and providing support services.

Attitudes and Concerns of the Nonprofits

While responding in a variety of ways to the financial squeeze, nonprofit agencies also expressed their ambivalence and concern about some of the changes they are making. For example, while many nonprofits were willing to acknowledge that they may have become too dependent on the government, they took issue with the notion that public funding has "significantly distorted" their missions and objectives. Most favored increased government use of nonprofits in delivering publicly funded services rather than less. Similarly, while many nonprofits have increased their use of volunteers, most agencies expressed reservations about extensively replacing paid professionals with volunteers.

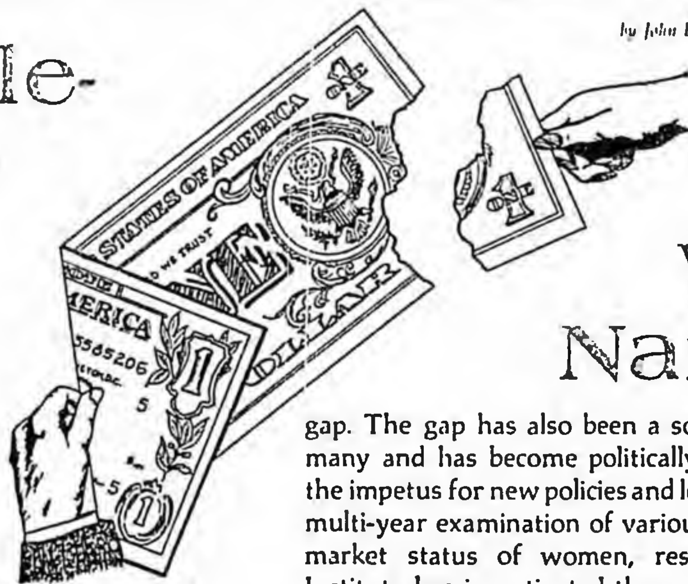
Despite signs of stress and pressures, the nonprofit organizations in the survey displayed considerable optimism about the future. Less than one in five projected reductions in revenues for 1983, and 40 percent projected increases in excess of 10 percent, primarily from earned income, individual giving, and corporate and foundation support.

Nonprofit organizations are seeking to make a transition from significant levels of public funding to heavier reliance on private sources of support. The most important private source is fees, charges, and other earned income; and the organizations that fared the best were generally those with access to this source of income. While this trend will protect the organizations, it raises important questions about the evolution of the nonprofit sector and its capacity to serve those who are in need. □

This story is based on a summary prepared by Lester M. Salamon and Michael F. Gutowski of a survey conducted by the Institute's Nonprofit Sector project. A copy of the summary, "Serving Community Needs," Progress Report No. 3, is available by sending $2.50 to the Library/Information Clearinghouse.

The Male-Female Pay Gap: Will It Narrow?

by John Boyer



A large gap has long persisted in the wages paid to men and women in the United States. As measured by full-time annual earnings, women received 64 percent of men's wages in 1955, a pay gap of 36 percent. By the early 1960s the pay gap had widened to 40 percent, and it has remained at about that level for the past 20 years. When measured by the hourly earnings of full-time workers, the pay gap is about 30 percent. This narrowing occurs because full-time work can be 35 hours or more a week, and men tend to have a longer full-time work week than women.

The large and apparently undiminished pay gap between men and women is a puzzle. The introduction of equal pay and equal employment legislation starting in 1963, the spread of the women's movement, and the dramatic increase in women's labor force participation, rising from a rate of 36 percent in 1955 to 53 percent in 1982, would seem more consistent with a closing pay gap. The gap has also been a source of frustration to many and has become politically important, providing the impetus for new policies and legislation. As a part of a multi-year examination of various aspects of the labor-market status of women, research at The Urban Institute has investigated the sources of the wage gap and the reasons why it has not narrowed over time.

Explaining the Current Wage Gap

What accounts for the pay gap? Studies investigating the gap have come to different conclusions. These studies, however, use different data sources, refer to different populations and control for many but not always the same set of variables. Even the gross wage gap—the hourly earnings differential before adjusting for diverse characteristics—varies from study to study, ranging from 45 to 7 percent depending on the type of population considered. Studies based on national samples covering the full age range tend to show a gross wage gap of 35 to 40 percent. Studies based on more homogeneous groups, such as holders of advanced degrees or those in specific professions, have found considerably smaller gross wage gaps.

(continued next page)

After adjusting for various characteristics, the wage gap narrows. Generally, the most important variables contributing to the adjustment are those that measure the total number of years of work experience, the years of tenure on current job, and the pattern or continuity of previous work experience.

Traditional home responsibilities of married women have been an obstacle to their full commitment to a career. Although women are now combining work and marriage to a much greater extent than in the past, older women in the labor force today have typically spent many years out of the labor force raising their families. Data from the National Longitudinal Survey (NLS) indicate that in 1977 employed white women in their 40s had worked only 61 percent of the years after leaving school, and employed black women had worked 68 percent of the years. By contrast, men are usually in the labor force or the military on a continuing basis after leaving school.

The contribution of lifetime work experience and other variables was examined using the NLS data for men and women aged 25 to 34. White women's hourly wage rate was found to be 66 percent of white men's—a wage gap of 34 percent. This wage gap narrowed to 12 percent after accounting for the effects of male-female differences in work experience, job tenure, and schooling, as well as differences in plant size and certain job characteristics, such as the years of training required to learn a skill, whether the occupation was hazardous, and whether the occupation had a high concentration of women.

The gross wage gap between black men and black women was 18 percent. The gross wage gap was smaller for blacks than for whites because job related characteristics of black women and black men are closer than those of white women and white men. Black women have somewhat fewer years of work experience in their teens and early 20s than white women, which may be related to earlier childbearing. They are more likely to work continuously and full-time later on, however, and thus accumulate more total work experience and longer tenure on their current jobs than white women. The adjustment for differences in the measured characteristics cited above narrowed the wage gap of black men and women to 9 percent.

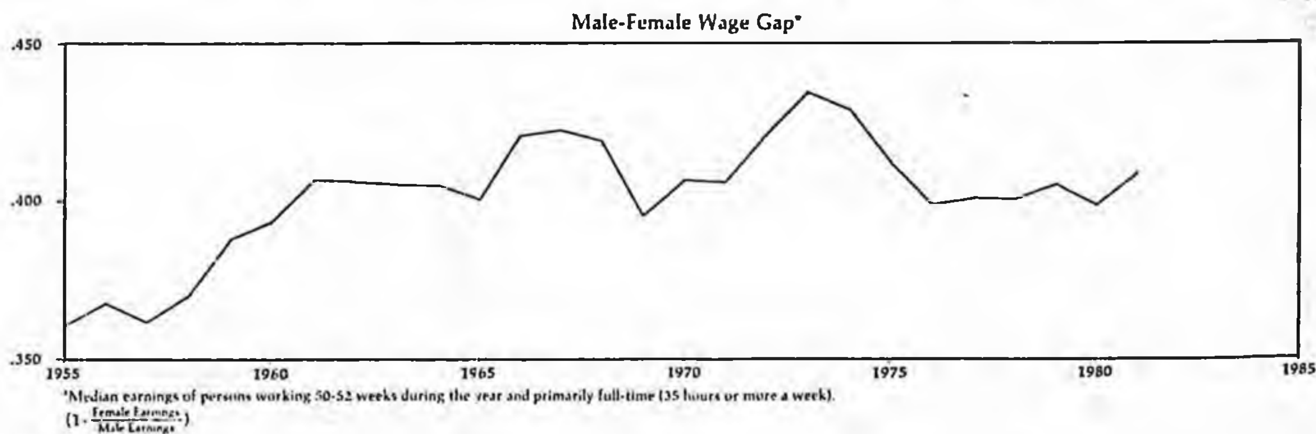
Are the remaining, unaccounted-for differences a measure of discrimination in the labor market?

If all the productivity differences between women and men are not accurately identified and measured, labor market discrimination would be overestimated by the unexplained residual. Many variables were omitted from this analysis and from other studies because relevant data are not available. These include details on the quality and vocational orientation of education; on the extent of other work related investments, such as job search; and on less tangible factors, such as motivation and effort. Differences in these factors could arise from the priority placed on earning an income versus fulfilling home responsibilities. If women, by tradition, are relegated the primary responsibility for homemaking and raising children, they may be reluctant to take jobs that demand an intense work commitment. An Institute study found that career intentions formed at younger ages have a strong effect on the occupational differences between women and men at older ages. Moreover, occupations with a concentration of women were found to have such characteristics as providing part-time work that enabled women to split their time between home and work. Societal discrimination may influence the division of labor in the home, but this should be distinguished from labor market discrimination.

On the other hand, the unexplained residual may underestimate discrimination if some of the included variables, such as years of training to learn a job or the sex typicality of occupations, partially reflect labor market discrimination. Some employers may deny women entry into lengthy training programs or be reluctant to hire them in traditionally male jobs. It is difficult with available data to distinguish this situation from one where women choose not to engage in training because of uncertainty about their long-run career plans or choose female occupations because they are more compatible with competing responsibilities at home.

A substantial amount of the differences in wages and in occupations by sex has, therefore, been statistically linked to investments in work skills acquired in school or on the job. Varied interpretations of these results are possible, however. Thus, the precise amount

Male-Female Wage Gap*



*Median earnings of persons working 50-52 weeks during the year and primarily full-time (35 hours or more a week).
$(1 - \frac{\text{Female Earnings}}{\text{Male Earnings}})$

that can be labeled as the result of choices made by women and their families rather than the result of discrimination by employers is not known.

The Trend in the Wage Gap

The wage gap would not narrow significantly over time unless the productivity or skill of women in the labor force increased relative to men's or discrimination in the work place diminished. Because the gross wage gap widened somewhat after 1955, either discrimination increased or women's skills decreased relative to men's. The findings from the Institute study suggest that changes in skill, as measured by the changes in the education and work experience of men and women in the labor force, strongly contributed to the increase in the wage gap.

In 1952 women in the labor force had completed 1.6 more years of schooling than men. This difference narrowed sharply so that by 1979 it had disappeared. One reason for this is that the education level of men advanced more rapidly than that of women during the 1950s. Aided by the GI bill educational benefits, more men attended college. Another is that the labor force participation of less educated women increased more rapidly than the participation of highly educated women. Thus, the female labor force became increasingly less selective over time in terms of schooling attainment.

These effects differ within age groups. For the age group 25 to 34 in 1952, women in the labor force were only marginally better educated than men; in the same age group men were marginally better educated than women by 1979. For older groups the difference in schooling shifted significantly in favor of men over the 1952 to 1979 period. Since education has a significant impact on the earnings of both women and men, these changes have strong implications on the pay gap. Over the period 1952 to 1979 the decline in the level of women's education relative to men's was found to account for a 10 percentage point decrease in women's earnings compared to men's, which fully explains the widening in the wage gap over the period.

The rise in the number of women in the labor force may also have had an effect on the lifetime work experience of the average working woman. A large number of less experienced women entering the labor force may have diluted the experience level of the working women. While the total number of years of work experience of women is not available for periods of time before the late 1960s, data on job tenure—years with current employer—show that in 1951 men's job tenure exceeded women's job tenure by 1.7 years. This difference widened in the 1960s to 2.7 years and then slowly declined, reaching 1.9 years in 1978 and 1.5 years in 1981. These patterns also differ by age. At ages 25 to 34 the difference in job tenure rose from one year in 1951 to 1.5 years in 1963. By 1981 it had narrowed to 0.9 year. At ages 45 to 54 this difference widened from 3.6 years in 1951 to 6.2 years in 1968 and was reduced to 5.1 years by 1981.

The widening job tenure difference provided an additional explanation for the increasing wage gap during the late 1950s and early 1960s. In fact, the combined effect of the relative decline in the education and work experience of employed women was sufficient to cause a greater widening in the wage gap than actually occurred. Since the mid-1960s education and work experience differences have moved in different directions. Male educational attainment rose slightly more than that of working women, which alone would have widened the pay gap slightly. The differences in job tenure declined overall.

More detailed data on total years of work experience are available from the NLS for the 1967 to 1978 period. These data show that working women accumulated slightly more work experience during this period. On the whole, these changes should have caused the wage gap to narrow slightly. It did not do so between 1965 and 1979. Between 1979 and 1982, however, a small narrowing in the wage gap is evident in both the annual earnings and hourly earnings data. More significant changes in the wage gap are apparent at younger ages. For the age group 25 to 34 the pay gap in annual earnings has narrowed from 38 percent in 1965 to 28 percent in 1982. One reason for the improvement is that this group has also experienced a substantial reduction in work experience and job tenure differences.

Evidence from the NLS and other sources suggests that the pay gap is likely to narrow perceptibly in the next decade. Not only are young women working more continuously, but they are also getting higher pay for each year of work experience than they were in the late 1960s. This could reflect a reduction in sex discrimination by employers or a greater willingness of women to invest in market skills, or both. Women's career expectations also seem to be rising. In response to an NLS question asked in 1973, 57 percent of women between 25 and 29 indicated their intention to hold jobs rather than be homemakers when they reach age 35. Among women reaching ages 25 to 29 in 1978, 77 percent expressed their intentions to work.

Young women have also greatly increased their education level relative to men. Female college enrollment increased significantly during the 1970s, while male enrollment fell between 1975 and 1980. Moreover, women have made impressive gains in professional degrees during the 1970s. Work roles and work expectations of women and men may well be merging. As these younger women become a larger component of the female labor force, it is anticipated that the overall wage gap will be reduced. □

This article is based on the following studies: "The Trend in the Sex Differential in Wages" ($5.00) and "The Determinants and Wage Effects of Occupational Segregation" ($7.00) by June O'Neill. Funding was provided by Exxon, the Rockefeller Foundation, and the U.S. Department of Labor under Grant No. 21-11-81-02. Copies of the reports are available from the Library/Information Clearinghouse.

composed Monday's hearings, Faiks said.

Exp[illegible] to testify on gender pay rates

From staff and wire reports

An expert in job comparison is expected to testify today that the state's mostly female public health nurses perform duties that are at least equivalent to those performed for higher pay by the state's mostly male physician's assistants.

Professor George Haglung of the University of Wisconsin took the stand Monday at an administrative hearing pitting the state Commission for Human Rights against the State of Alaska in an equal-pay-for-equal-work dispute. He is scheduled to get to the heart of his testimony on behalf of 11 nurses as the hearing continues this morning.

For more than four years the public health nurses have been trying to convince state personnel officials that they should be paid the same as physician's assistants. The nurses say their job, which pays about $500 a month less than a physician's assistant, requires a four-year college degree compared to a two-year training program required of physician's assistants.

The nurses work independent of doctors, providing vaccinations, maternal and child health care, tuberculosis and venereal disease control and screening of children for various health and developmental problems.

Physician's assistants work under a doctor's supervision and provide health care to state jail inmates.

The commission and the nurses claim the state is violating a statute that manadates equal pay for male and female workers doing comparable work.

[illegible]lisher gets APU honor

[illegible]enter at Alas- the school's Board of Trustees.

ADMINISTRATION ACCOMPLISHMENTS BENEFITING WOMEN

Economic Recovery Tax Act Of 1981

o ERTA benefited all taxpayers and their families by reducing personal income tax rates 25 percent over three years and indexing the tax system beginning in 1985. It also contains provisions which specifically benefit women. These include:

-- Reducing the "marriage tax penalty" by allowing a partial deduction from the combined salaries of married couples, permitting two-wage earning families to keep more of what they earn.

-- Greatly broadening the eligibility for all IRAs and increasing the maximum allowable contribution from $1,500 to $2,000 per year for wage-earning individuals and to $2,250 for an wage-earning individual and his or her non-wage-earning spouse.

-- Making fundamental changes in estate tax law which effectively exempt 99 percent of all estates from estate tax.

-- Creating an itemized deduction up to a maximum of $1,500 for the expenses of adopting "special needs" children.

-- Increasing child care tax credits for all working parents, especially those with lower incomes for whom the tax credit nearly doubled.

-- Making employer contributions to day care non-taxable to employees.

Tax Equity

o On October 24, 1983, the President announced four proposals to advance tax equity. These proposals would benefit women by:

-- Increasing the maximum IRA contribution from $2,250 to $4,000 for a wage-earning individual and his or her spouse. The amount which any family earning $4,000 or more can invest in an IRA for retirement no longer would be affected by whether both spouses are employed. Spouses not employed outside the home and spouses with part-time earnings less than $2,000 are the primary beneficiaries of this new provision.

-- Permitting taxable alimony received by a divorced person to be treated as compensation in determining the deduction for IRAs. Current law does not permit divorced taxpayers to treat alimony as compensation for purposes of establishing an IRA unless a spousal IRA contribution for that individual was made in at least three of the last five years before the divorce.

-- Permitting non-profit dependent care organizations to be treated as tax exempt irrespective of whether they are organized for charitable or educational purposes. This provision provides an incentive for taxpayers to support non-profit dependent care organizations.

-- Restructuring the dependent care tax credit to increase the tax benefits for low and middle income taxpayers and single heads of households. The IRS currently allows an individual tax credit equal to a maximum of 30 percent of qualifying dependent care expenses for a taxpayer with an adjusted gross income of $10,000 or less, sliding to a 20 percent credit for taxpayers earning more than $28,000. The maximum credit is $720 for one child, $1440 for two or more. The proposed credit would go to 40 percent of qualifying expenses for taxpayers earning less than $11,000, sliding to 10 percent for taxpayers earning $50,000.. The credit is phased out at an adjusted gross income level of $60,000 or more.

Pension Equity

o On September 29, 1983, the President proposed the Pension Equity Act of 1983 to promote economic equity for women. This Pension Equity Act would make the following changes in ERISA:

-- Lower the minimum age of insurable pension plan participation from 25 to 21.

-- Lower the minimum age for vesting from 22 to 21.

-- Permit maternity or paternity leave without a loss of pension credits for participation and vesting purposes.

-- Clarify that State courts can award spouses' pensions as part of child support and alimony orders.

-- Expands the rights of divorced spouses to survivor benefits, and requires the right of survivorship to pension benefits unless a married couple otherwise specifies.

Legal Equity

o On December 21, 1981, the President announced the appointment of the Task Force on Legal Equity for Women. He directed the Justice Department to identify Federal statutes and regulations that discriminate on the basis of sex. The Task Force, chaired by Dorcas Hardy, Assistant Secretary of Health and Human Services, is to implement the Justice findings.

-- The Department of Justice submits its findings to the President quarterly. He has directed that agencies correct any sexually discriminating language in Federal regulations. In 1982, the President actively supported the Federal Equity Act designed to correct gender-based language in Federal statutes.

-- In 1983 proposed amendments to the bill to correct additional statutes that the Department of Justice had identified as sexually discriminatory.

Fifty States Project

o In 1981, the President established the Fifty States Project to assist in correcting State statutes which discriminate on the basis of sex.

-- The President has met with State representatives to outline how the nation's governors can act to identify and correct discriminatory State laws.

-- The project monitors State compliance and reports its findings to all States and women's commissions.

Presidential Appointments

o During his first three years in office, the President has appointed more than 1400 women to top policy-making positions. These include:

-- Supreme Court Justice Sandra Day O'Connor.

-- Cabinet Secretaries Elizabeth Dole and Margaret Heckler and Ambassador Jeane Kirkpatrick.

-- Women also head the Federal Mine Safety and Health Review Commission, the Commodity Futures Trading Commission, the National Institute of Museum Services, the Federal Election Commission, the Federal Labor Relations Authority, the Postal Rate Commission, the Consumer Product Safety Commission, the Appalachian Regional Commission and the Peace Corps.

-- 57% of all Reagan political appointments (Schedule C) have gone to women. Twice as many top White House staff jobs are filled by women as under President Carter (24 to 12).

Child Support Enforcement

o The Administration has acted to strengthen and improve Child Support Enforcement program enacted in 1975 based on the model of then Governor Reagan's initiative in California.

-- In 1983, the President proposed legislation, now pending, to strengthen State child support enforcement. The bill would establish funding based on State performance in increasing collections from absent parents and reducing overhead costs. New State laws and procedures, such as mandatory wage withholding in cases of delinquent payments, also would be required.

-- In 1982, the Department of Justice eased internal restrictions upon federal involvement in parental kidnapping cases, thereby expanding assistance available from the FBI in helping locate parents who take children in violation of court orders and flee across State lines.

-- Efforts on behalf of families who are not receiving welfare would be expanded significantly.

-- The Department of Health and Human Services is also providing considerable technical assistance to State enforcement programs.

-- Collections rose from $1.5 billion in FY1980 to almost $2.5 billion in FY1984.

The Missing Children's Act

- In 1982, President Reagan signed the Missing Children's Act which authorized access to a national computer system to help trace missing children.

Pornography

- In 1983, the President established a Cabinet Council Working Group on Pornography to coordinate the efforts of the U.S. Customs Service, the U.S. Postal Service, the Department of Justice, and the Federal Bureau of Investigation in enforcing Federal anti-obscenity laws.

  -- The U.S. Customs Service has dramatically increased seizures of obscene materials imported into the U.S. and is cooperating with other Federal agencies and State and local governments to initiate criminal charges against the addressees of obscene material. Seizures of imported obscene materials rose 200 percent during 1983.

Uniformed Services Spouses Protection Act

- In 1982, the President signed the Uniformed Services Spouses Protection Act which established the legal rights of divorcees to equity in the military pensions of their spouses.

Task Force on Domestic Violence

- On September 19, 1983, the Attorney General announced creation of a Federal Task Force on Domestic Violence to investigate spouse abuse, and abuse of the elderly.

  -- The Task Force has completed hearings throughout the nation to investigate the causes and remedies of domestic violence, the possibility of changing the classification of certain acts of domestic violence from civil to criminal acts, thereby enabling the State to prosecute offenders.

Single Parent Assistance

- Since 1981, the Department of Housing and Urban Development has supported two model efforts which focus on the housing, day care, counseling, and training needs of women heads of households.

-- HUD is working with the Departments of Labor and Health and Human Services to develop a third model program, Project Self Sufficiency, for single heads-of-households.

-- These programs utilize Section 8 existing certificates, block grants and technical assistance through Federal-State-private partnerships.

o On July 23, 1982, the President signed the Flexible and Compressed Work Schedules Act which permanently allows agencies to adopt flexitime schedules for Federal employees.

-- This measure is particularly significant for working mothers who use the flexibility to schedule work hours to assist them in meeting their responsibilities at home and the office.

Business Women

o On June 22, 1983, the President established the President's Advisory Committee on Women's Small Business Ownership to review the status of female-owned businesses and make recommendations to the executive branch on issues relating to this sector.

-- The SBA also recently funded a program to improve women's access to private credit sources and assist female-owned firms bidding for Federal contracts.

o Interagency Committee on Women's Business Enterprise. The President appointed this Committee to promote, coordinate and monitor Federal sector efforts that will help to assure equitable opportunities for and improved government services to women business owners. This Committee is composed of high level Federal officials from various departments and agencies.

o Conferences. At President Reagan's direction the Small Business Administration is hosting a series of national conferences with local co-sponsors which will offer practical training.

WOMEN'S LEGAL RIGHTS IN ALASKA
LEGAL RIGHTS HANDBOOK NOW AVAILABLE, page 2

STATUS REPORT

Alaska Women's Commission

Vol. 4, No. 3 June-July 1984

Barriers to employment conference scheduled for August

To identify barriers to employment and to help employers understand and overcome these barriers, the Alaska State Advisory Council on Vocational and Career Education is sponsoring a conference in August.

According to Rosie Peterson, conference coordinator and executive director of the state advisory council, the conference is designed to allow employers, labor organizations, service-providers and trainers the opportunity to explore the barriers to employment and to look at what programs have been developed to tear down those barriers.

"For those of us who are gainfully employed, I'm sure we don't spend much time thinking about those who aren't," she said. "Yet full employment is a major concern of employers and citizens alike across the country."

The conference is being co-spon-

(See BARRIERS – page 3)

Despite strides, women still need to fight for legal rights

"Historically, the subordinate status of women has been firmly entrenched in our legal system . . . . Constitutions were drafted on the assumption that women did not exist as legal persons. Courts classified women with children and imbeciles, denying their capacity to think and act as responsible adults and enclosing them in the bonds of protective paternalism."

The Equal Rights Amendment:
A Constitutional Basis for Equal Rights for Women
– *The Yale Law Journal* April 1971

State laws often still discriminate against women simply because they treat women differently than men, or the laws do not include sex as a basis for discrimination.

In Alaska, women have won the legal right to be treated equally. But in practice, they still face a number of problems in obtaining that right.

Of the 432 complaints filed with the Alaska Human Rights Commission in 1983, 30.6 percent were filed on the basis of sex discrimination, 4.6 percent were filed based on pregnancy discrimination and another 4.2 percent of the complainants said they were discriminated against because of their marital or parental status.

A more telling statistic shows that 63 percent of all complainants in 1983 were women — up 17.6 percent over 1982 figures — and that most complaints were filed against an employer.

The trend seems to be representative of what is taking place throughout the country. Two recent studies confirm that women still face discrimina-

(See LEGAL – page 2)

Sheffield signs displaced homemaker bill into law

Gov. Bill Sheffield has signed into law a bill that opens Alaska's Displaced Homemaker Program to anyone who has worked as a homemaker for at least three years and who now faces a serious reduction in family income because of divorce, death, separation, desertion or disability of a mate.

The administration-backed measure (SB 386) reduces the time period a person must wait to qualify for the program from seven to three years.

The program provides employment training and assistance in re-entering the labor force for women who have been homemakers without paid work experience.

"Since one immediate alternative to participation in this program is broader dependence on direct subsidy programs, I believe it is imperative to adjust the participation requirement to allow applicants who have provided three years of homemaking services to qualify for participation," Sheffield said in a letter supporting the plan.

The program has been in existence for more than a year, but already it has broadened work opportunities for homemakers who have been thrown back into the work force, Sheffield said.

Gov. Bill Sheffield signs the Displaced Homemaker Bill.

LEGAL *continued –*

tion in the workplace, that they are not promoted to better paying, more prestigious positions as fast as men are promoted, and that women are still paid lower salaries.

According to the first study, submitted in 1984 to a congressional committee by the National Academy of Sciences, women and men with similar education and work backgrounds were hired by companies and then placed in different starting positions that resulted in different promotional opportunities and wages.

The second report, completed by the Congressional Caucus for Women's Issues, showed that between 1970 and 1980 only a handful of women managed to move into the upper echelons at the State Department.

Most states, including Alaska, have adopted a wide variety of laws forbidding sex discrimination in employment. Alaska law also forbids discrimination on the basis of sex in public accommodations, housing, financing, and education. The Human Rights Commission and the municipal equal rights commissions have been established to handle complaints from those who believe they have been discriminated against. (See Chart.)

To help bridge the gap between discrimination and legal rights, the Alaska Women's Commission recently has published a revised edition of a handbook entitled, "Women's Legal Rights in Alaska," which outlines how women can help themselves if they believe they've been treated illegally.

The publication gives the reader practical advice, such as how to get an attorney and how to settle legal fees with counsel. It also offers the reader a basic understanding of all state laws, and details everything from adoption, marriage, name changes and divorce to public assistance and how to obtain it.

"Women's Legal Rights in Alaska" is available through community domestic violence or sexual assault centers or your local Women's Resource Center. If copies are not available, contact the Alaska Women's Commission, 3601 C St., Suite 742, Anchorage, AK 99503, 561-4227.

STATE LAWS, REGULATIONS AND POLICIES GOVERNING DISCRIMINATION

	Fair Employment Practices	Sex/Wage Discrimination	State Contracts	State Employees
State Statutes, Regulations, and Policies	AS 18 80 010 et seq AS 22 10 020 AS 23 10 192 6 AAC 30 011 et seq	AS 18 80 220(a)(1). AS 18 80 220(a)(5) 6 AAC 30 011 et seq	Governor's Code of Fair Practices, Art. I, 8/11/67 Administrative Order No. 76 AS 18 80 255	Governor's Code of Fair Practices, Art. I, 8/11/67 Administrative Order No. 75 AS 18 80 010 et seq 6 AAC 30 011 et seq
Does Law Specify Sex Discrimination?	YES	YES	YES	YES
Agency or Department Responsible for Enforcement or Monitoring	Human Rights Commission 431 West 7th Ave Suite 105 Anchorage, AK 99501 (907) 274-4692	HRC	HRC has enforcement power over AS 18 80 255 Department of Transportation and Public Facilities monitors others	Public employees enjoy the same protection against discrimination as do private sector employees. HRC enforces those Alaska Statutes, but the Department of Admin., Division of EEO, Juneau, AK 99811, (907) 465-3570, also oversees state policies regarding employment
Time Limit for Action	300 days for filing with HRC; 2 yrs for court filing	Same	Same	Same
Number of Employees	One or more employees (but the law excludes domestic help)	Same	Same	Same
Process	1, 2, 4 and 5	1, 2, 4 and 5	1, 2, 3, 4 and 5	1, 2, 3, 4 and 5

The chart is not intended to be a complete listing of discrimination laws, and anyone interested in more detailed information should contact the appropriate federal, state, or local monitoring agency.

PROCESS KEY:

1. The state agency investigates and may hold an administrative hearing and may issue a court-enforceable order. If the order is ignored, the agency can file a suit compelling compliance. If still ignored, discriminator can be held in contempt of court.
2. The discriminator may be punished by criminal sanctions either by fine or imprisonment.
3. The Dept. of Administration and the Dept. of Transportation are supposed to monitor own employment/contracting practices. The "enforcement" is limited to voluntary compliance.
4. The state agency has the power to issue a cease-and-desist order subject to judicial review.
5. Women have the right to file lawsuits in court against discriminators.

Status Report is published six times yearly by The Alaska Women's Commission. The Commission was established in 1978 to improve the status of Alaska women through research and advocacy. Its members are appointed by the Governor to a staggered five-year term. Commission members serve on a voluntary basis and at the pleasure of the governor. They include Betty Ramage, chairwoman, Pat Berkley, Charlotte Brower, Kris Chatfield, Marcia Johnson, Pat Kennedy, Suzanne Lombardi, Agnes Nichols, and Grace Smith.

For further information about the Commission, contact us at 3601 C St., Suite 742, Anchorage, AK 99503, (907) 561-4227. Kathy Marshall, Executive Director, Roberta Graham, Editor.

BARRIERS *continued* –

sored by 17 state agencies or commissions, including the Alaska Women's Commission.

The conference will be held August 1-3 at the Sheraton Anchorage Hotel. For more information contact Chris Callahan at the Alaska Women's Commission, 561-4227.

Interview with Eleanor Holmes Norton

(Eleanor Holmes Norton, a recognized expert in race relations and women's issues, was the guest speaker at the Third Annual Employment Discrimination Law Conference held in May and sponsored by the Alaska Chapter of the American Association for Affirmative Action.)

Eleanor Holmes Norton learned early in life of the harsh realities of discrimination. As a black child growing up in pre-civil rights days, she said she witnessed the toll that inequality and discrimination took on the lives of others.

"I grew up in segregated schools in the heart of the nation's capital and learned quite early that this country talks a lot and doesn't do much. So I decided to go into a field where I could do something about (discrimination)," she said.

She labored as a civil rights case worker in Mississippi, later as a lawyer, a commissioner in charge of enforcing New York's human rights laws, and in 1977 she became the first woman to chair the U.S. Equal Employment Opportunities Commission.

Now as a professor of law at the Georgetown Law Center in Washington, D.C., Norton has had more of an opportunity, perhaps more time, to assess the changes that have come about over the past 25 years.

Have the issues or the arguments or the outcomes changed that much over the past decades for women and minorities?

Norton says yes. "We still have a lot of it (discrimination) left. But the laws are magnificent tools for insuring equal treatment," she said.

The key is to insure that women are treated no differently than are men.

"We can't look at discrimination laws as a benefit for women," she said. "We're in this for equality, and we must always remember that. We should never strive to be treated differently, for that will surely mean we will be treated worse."

Because of her years of experience, Norton is in a good position to examine and assess policy changes of the past presidents.

"You can always assume there is a long way to go despite the gains, and this country has certainly been moving in that direction, but it has slowed tremendously during this current administration," she said.

She advised women's organizations to continue pressuring the federal government to continue funding EEO programs, and individuals to continue bringing their own suits under the current laws.

Historical Highlights

In June 1904, the International Woman's Suffrage Alliance, one of the forerunners to the U.N.'s Commission on the Status of Women, was founded.

In June 1946, the United Nations established a permanent Commission on the Status of Women.

In June 1963, President John Kennedy signed into law the Equal Pay Act, one of four federal laws forbidding discrimination against women workers.

In June 1968, the Age Discrimination in Employment Act was signed into law.

In June 1982, the Equal Rights Amendment failed to gain ratification, three states short of the needed 38.

In July 1964, the Civil Rights Act was amended adding Title VII, perhaps the most important legal instrument prohibiting sex discrimination. The law has been the legal impetus for forcing change in employment practices.

In July 1978, Gov. Jay Hammond signed into law legislation creating the first Commission on the Status of Women. The name has since been changed to the Alaska Women's Commission.

In July 1982, the new ERA was introduced in Congress.

National association holds annual conference

The 15th Annual Convention of the National Association of Commissions for Women was just getting underway in Washington, D.C., when *STATUS REPORT* went to press. The theme "Women Speak 1984: Securing and Using Power," included a complement of influential Washington women as scheduled guest speakers. Among the most recognized names: Barbara Bush, wife of Vice President George Bush, Reps. Lindy Boggs and Barbara Kennelly, Dr. Lenora Cole Alexander, director of the Women's Bureau, U.S. Dept. of Labor, and Patricia Reuss, legislative director for the Women's Equity Action League.

Topics of discussion ranged from business issues and economics to social equity and the 1984 Presidential campaign.

Alaska Women's Commission Chairwoman Betty Ramage and Executive Director Kathy Marshall attended the annual meeting. A complete wrap-up of convention activities will be included in the August/September issue of *STATUS REPORT*.

Jobs rights book available

"A Working Woman's Guide to Her Job Rights," a guide to national laws prohibiting discrimination, is now available through the Women's Bureau, U.S. Dept. of Labor, Washington, D.C. 20210.

1984 declared 'Year of the Secretary' in Alaska

Gov. Bill Sheffield has declared 1984 the "Year of the Secretary," and has issued a proclamation asking all Alaskans to celebrate it appropriately.

House Resolution 15, introduced by Reps. Don Clocksin, Mike Szymanski and Mike Davis, passed the House April 18 by unanimous consent and was signed by the Governor later that month.

As signed, the resolution celebrates 1984 as the "Year of the Secretary" because:

- secretaries are such a vital part of any office;
- the secretarial profession has been tagged by the Bureau of Labor Statistics as the career field with the most projected job openings in the 1980s; and,
- secretaries often receive less than equal pay for work comparable to that performed by males.

The resolution also says that the House of Representatives dedicates itself to assuring equal pay for comparable work.

The U.S. Congress also has asked President Reagan to declare 1984 the "Year of the Secretary" nationwide.

More than 70 people attended the April conference on Women in Labor Organizations sponsored by the Alaska Women's Commission. Pictured above is Elinor Glenn, guest speaker, discussing labor union women with Ruth Sheridan (l) and Peggy Burgin (r).

A job well done: Lillie Hope McGarvey, vice president of the Aleut Corp., and past president and now treasurer of the Alaska Native Women's Statewide Organization, has received one of the highest honors given by the Soroptimists International of Anchorage and the Soroptimists International of Cook Inlet — the Women Helping Women Award. McGarvey was honored during a banquet held in May.

Boards and commissions vacancies

More than 40 Alaska boards and commissions currently have vacancies, including the Accountancy Board, the Arts Council, the Bar Association, the Older Alaskans Commission, the Personnel Board, the Resources Corporation, and the Alaska Women's Commission. If you are interested in finding out how to apply, contact: Boards and Commissions Section, Office of the Governor, Pouch A, Juneau, AK 99811, or phone 465-3651.

Alaska Women's Commission
3601 C Street, Suite 742
Anchorage, AK 99503
Telephone (907) 561-4227

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Bill Sheffield, Governor
Stephen McAlpine, Lt. Governor

FLOOD, JOE, REP
3423 W 79TH
ANCHORAGE AK 99502

"No person is to be denied the enjoyment of any civil or political right because of race, color, creed, sex, or national origin."
Article I, Section 3
of the Alaska Constitution

ADDRESS CORRECTION REQUESTED

Intent vs. Effect: Title VII Case Law that Could Affect You (Part I)

Ann Weaver Hart,
Principal,
Farrer Junior High School,
Provo, Utah

Understanding Title VII case law prevents unintentional discrimination.

For about two decades, American civil rights policy has had as its epicenter the philosophies embodied in the 1964 Civil Rights Act. As part of that legislative mandate, Title VII was designed to prohibit discrimination in hiring, discharge, compensation, or any benefit of employment on the basis of race, color, religion, sex, ethnicity, or national origin.

Except in a few cases of bona fide occupational qualifications based on sex, religion, or national origin, this section of the Civil Rights Act prohibits the facially obvious discrimination that has been so common in American society in the past. The Act recognizes no bona fide occupational qualification based on race. American employers are, however, not prohibited from requiring other qualifications of those seeking employment or advancement: enforcing a bona fide seniority system or merit system, judging the quantity or quality of work, or applying professionally developed tests for employment, promotion, or compensation.

In recent years, courts have been called upon to interpret not only the effects of certain employment practices on protected groups, but the motives of those involved in formulating policy and making employment decisions. Conflicting standards are developing in the American judicial system over equal employment opportunity litigation. In some cases the plaintiffs are only required to show that an employment practice has resulted in a disproportionate effect on a protected group while in others, proof of discriminatory intent is necessary to establish a Title VII violation. Two examples illustrate these perspectives.

What's the Intent?

In an effort to preserve a clean-cut public image, the Trailways Bus Company had a grooming code requiring all drivers and other male employees with public contact to be clean shaven. Though there was no established intent to discriminate, this apparently innocuous policy had a special impact on black employees. While less than 1% of white males

suffer from a condition known as pseudofolliculitis barbar (PFB or shaving bumps), 25% of black males are afflicted with the malady. When Trailway's black employees challenged the policy, the U.S. District Court in Colorado agreed, arguing that PFB was a racial trait.

Because the policy requiring males to shave would have a disproportionate effect on black employees, it was prohibited under Title VII provisions.[1] In this case the discriminatory effect of the policy was sufficient to support plaintiffs' claims and invalidate company policy. The Trailways case is an example of the application of the standard that requires only that plaintiffs demonstrate a discriminatory effect of an employment practice, the most commonly applied standard over recent judicial history.

"Though no intent to discriminate may be established, employers cannot prohibit employees from speaking their native language on the job where this prohibition is not justified..."

Another point of view is also emerging. Immunity from Title VII liability was granted by the Civil Rights Act for bona fide seniority systems. However, these systems often have the effect of perpetuating pre-Act discrimination by trapping minorities and women in the lowest paying divisions of an organization. So they have been challenged in the courts on the basis of discriminatory effect. In *American Tobacco Company vs. Patterson*,[2] the U.S. Supreme Court held that the plaintiff must demonstrate that a system is established with the deliberate intent to discriminate.

The U.S. District Court at Cincinnati has also supported this reasoning. Plaintiffs in *Taylor vs. Mueller Company*[3] argued that a seniority system that prevented the transfer of employees from previously segregated departments to other, more promising divisions of the corporation without loss of seniority supported past overt policies of discrimination. Even though the company's policy before 1965 was to place all blacks in the lowest paying divisions and transfers involved a loss of seniority in the company, the system was equally rigid in freezing white employees into their department of entry, thus having a limiting effect on all employees. The seniority system was found to be exempt from Title VII challenge.

These two standards, applied in courts at all levels, represent the struggle taking place in the collective conscience of Americans. The resolution of this conflict will shape the direction of Title VII litigation in the coming decade. The serious question of discriminatory intent and direct evidence of intent is the frontier in Title VII adjudication and regulation.[4] As a standard it is much more stringent than the requirement that plaintiffs demonstrate only discriminatory effect and represents a significant departure from many decisions in previous Title VII litigation.

Plaintiffs Are Favored

The standard of discriminatory effect favors the plaintiffs in Title VII actions, because it requires no demonstration of the state of mind of the defendants. Many employers in the private sector and in municipal and state governments are currently critical of a federal government that enforces strict standards of discriminatory effect of employment practices through its regulatory agencies while apparently failing to practice what it preaches.

In the dramatic budget slashing of the last two years, a disproportionate number of minority and female employees were laid off by the federal government. Representatives Michael Barnes and Patricia Schroeder are considering a legislative remedy to give protection against federal layoffs for groups protected under Title VII.[5]

In the discussion that follows, cases are divided into the two main categories: those supporting the tendency to sanction remedies to employment practices having a discriminatory effect on protected groups, and those tending to support the establishment of intent to discriminate. Within these two major categories of cases, certain issue areas have emerged. Some of these areas stretch across protected

groups, affecting discrimination on the basis of race, sex, national origin, or religion. Among these are seniority systems and employment testing. Trends in racial discrimination cases in the last few years have tended toward these areas. Other cases follow more traditional divisions based on religion, ethnicity or national origin, or sex.

Seniority Systems

One trend appearing in the courts is to sanction some modification of seniority systems previously exempt from challenge under Title VII. This action is supported by the use of consent decrees designed to remedy past discrimination. Two recent cases in federal appeals courts have approved modifications of consent decrees in order to prohibit seniority-based layoffs when they have an adverse impact on minorities hired under the terms of the consent decrees.

In *Stotts vs. Memphis Fire Department*,[6] a plan to lay off city firefighters on a last-hired, first-fired basis would have had a devastating effect on minority employment and would have effectually negated the consent decree provisions entered into with the EEOC when Title VII was extended to municipalities. The U.S. Court of Appeals in Cincinnati concluded that minorities had been excluded from meaningful participation in these occupations for decades, and a modification of the consent decree to prohibit seniority-based layoffs in order to promote the goals of the decree was proper.

The U.S. Court of Appeals at Boston agreed. By overriding a Massachusetts Civil Service Law that authorized seniority-based layoffs because it conflicted with provisions of consent decrees requiring increased hiring of minorities as firefighters and police officers,[7] the court supported an increasing assault on the inviolability of bona fide seniority systems under Title VII.

Arguing that their right to equal protection under the First Amendment was violated in a collective bargaining provision that changed the last-hired, first-fired layoff procedure to protect minorities, a group of teachers sought to have a voluntary affirmative action clause in their collective bargaining agreement overturned. The agreement required seniority retentions in times of layoff, except that at no time would there be a greater percentage of minority personnel laid off than the current percentage of minority personnel at the time of the layoff. While the teachers claimed that societal discrimination (as opposed to employer discrimination) was not a lawful basis for the adoption of a voluntary affirmative action plan, the U.S. District Court at East Michigan supported the collective bargaining agreement in *Wygant vs. Jackson Board of Education*.[8]

The court reasoned that the plan was substantially related to remedying past discrimination and was thus protected under Title VII. In another case involving educational organizations, *Oliver vs. Kalamazoo Board of Education*,[9] the layoff-by-seniority provision of a collective bargaining agreement was nullified, because it thwarted a permanent court order calling for school district achievement of 20% black participation in teaching and administrative positions.

Employment Testing

In the area of employment testing for the purpose of hiring or promotion, the recent past has seen the application of very strict standards by both courts and federal regulatory agencies. If any test used for the hiring, promotion, or layoff of employees has an adverse effect on groups protected under Title VII, it must be validated or discarded. This protection extends to the test if it is a barrier denying access to employment, even if the employer is hiring minority members who have passed the test. Courts have rejected the "bottom line" argument that minorities as a group suffer no injury as a result of the job practice.

An example of the results of a strict adherence to the standard of discriminatory effect in the area of employment testing can be found in *Connecticut vs. Teal*.[10] The prevailing argument held that a victim of a facially discriminatory policy that has a disproportionate impact on a protected group can be wronged even if other persons of his or her race or sex were hired. The written examination being challenged was a screening device for the selection of supervisors.

Fifty-four percent of black candidates and 80% of white candidates passed the

examination. The employer promoted 22.9% of black candidates while promoting only 13.5% of white candidates, arguing that the bottom line was that minorities were not disproportionately harmed by the test. The Supreme Court did not agree, arguing that individuals, not groups, are protected from discrimination in employment by Title VII.

In order to prevent this discriminatory effect, the validation of tests used for employment purposes has now become an involved and somewhat uncertain procedure. The EEOC argues that test validity requires that the test be related directly to performance on the job and proportional to the job skills used in the actual work — criterion and content validity.[11] The use of psychological traits judged as desirable for the job (construct validity) has been criticized by the agency.

Ninety Questions

In addition to elaborate uniform guidelines adopted on September 1, 1978, the EEOC has also developed a series of 90 "Questions and Answers Dealing With Uniform Guidelines on Employee Selection Procedures."[12] These were offered in March of 1979 to guide employers, psychologists, and others called upon to conduct test validity studies. These stringent regulatory requirements, which make employment tests extremely hard to validate and support a policy of hostility toward any employment practice that has a discriminatory effect on protected groups, have been supported by some jurisdictions. *Douglas vs. Hampton*[13] established a standard that validations should show correlations between test scores and criteria that indicate successful job performance, not construct validity related to personal characteristics.

The EEOC guidelines warn employees that any employment test must reflect a standard of "business necessity." There should be no alternative selection procedures with less adverse effects or that the test must be absolutely essential to successful job performance.[14] Any discriminatory effect that results, regardless of intentions, including from an attempt to select the most qualified candidates for a job, is vigorously combatted by this approach. The use of criteria that are only job related (as opposed to being vital for the successful performance of the job) have been frowned on by the EEOC.[15]

The application of this discriminatory effort philosophy has also appeared in the courts. In *Berkman vs. City of New York*,[16] the U.S. District Court for the Eastern District of New York ordered the New York Police Department to develop a new agility test that would have less impact on women and employ fewer facially valid tests such as scaling a wall or carrying a dummy.

Religious Discrimination

The discriminatory effect standard is also being applied in cases of alleged religious discrimination. The current emphasis is on the necessity for the employer to show an effort to make reasonable accommodation for the religious beliefs, unless the accommodation presents an undue hardship for the employer. Religious holidays and observance are often the focus of these cases.

While the 1977 *Trans-World Airlines vs. Hardison*[17] required minimal and reasonable cost to employers for religious accommodation, the EEOC currently calls for options some view as quite expensive, such as staggered work hours, lateral transfers, and floating holidays.[18] In *Anderson vs. General Dynamics and Machinists Lodge*,[19] the plaintiff's religious beliefs precluded the payment of dues to any organization. When the union sought to collect dues for services rendered, the court held that the union must make accommodation to the individual, arguing that such accommodation was not an undue hardship for the union.

National Origin or Ethnicity

Though no intent to discriminate may be established, employers cannot prohibit employees from speaking their native language on the job where this prohibition is not justified by a bona fide business necessity, such as safety or communication with the public. In *Saucedo vs. Brothers Well Service, Inc.*,[20] an employee was discharged for casually uttering an unoffensive exclamation in his native language, which violated a company rule prohibiting the use of any language other than English on the job.

The court opinion maintained that the requirement that bilingual employees generally use English on the job is

not a violation of the Title VII prohibition against national origin discrimination. The language a multilingual individual speaks is a matter of choice, according to the court, while Title VII was designated to prohibit discrimination based on factors beyond the control and power of the individual to change (sex, skin color, place of birth).

Some requirements based on national origin are protected by the courts. The California requirement that all peace officers be U.S. citizens was supported by the U.S. Supreme Court. The court also rejected plaintiffs' claim that the statute was a violation of the Equal Protection Clause of the Eighteenth Amendment.[21]

Sex Discrimination

More than any other major area within Title VII, the last three years have seen a rapid expansion of case law and regulatory interest in sex discrimination. Deliberate as opposed to effectual discrimination remains most ephemerally defined in this area. Directly conflicting jurisdictional opinions abound, and there is a lack of Supreme Court direction.

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On January 7, 1979, the EEOC assumed enforcement responsibility for the Equal Pay Act from the Department of Labor.[22] This change in enforcement agencies was consistent with the inclusion of the provisions of the Equal Pay Act into Title VII through the Bennett Amendment. The issues subsumed under equal pay for equal work are only the tip of the iceberg.

The Civil Rights Act exempted from its provisions bona fide occupational qualifications applicable to sex, religion, or national origin. Under extremely subtle and ambiguous social and cultural conditions, the courts are being asked to decide in each Title VII sex discrimination case whether occupational qualifications established by employing organizations are in fact bona fide. In *Fernandez vs. Wynn Oil Company*,[23] the U.S. Court of Appeals at San Francisco found that the preference and stereotypes held by a possible foreign customer were not justification for sex-based discrimination. The oil company had refused to consider a female employee for the position of director of international operations because of its claim that a woman could not attract and do business with its Latin American clients.

The effect of such a policy was the obvious exclusion of women from positions of authority in any role involving the international operations of the corporation. Discriminatory effect was the result, regardless of motive or intent. Noting that EEOC has held that the need to accommodate the racially discriminatory policies of other nations can not be a bona fide occupational qualification, the court also stressed that EEOC regulations support sex as an occupational qualification only when it is necessary to genuineness and authenticity.

Incomplete Umbrella

Title VII is not an umbrella covering all possible imaginable categories of human beings under its protection. Though the issue of sexual preference has received considerable attention in our society, under Title VII, the traditional interpretations and definitions of sex hold firm. As early as 1977[24] it was argued that transexuals are not covered under Title VII protection against discrimination in employment because of the anatomical notions of sex. The court ruled that many efforts to amend the Civil Rights Act to include sexual preference have been resisted by Congress.

The "traditional" rather than "expansive" interpretation of sex still prevails, regardless of its discriminatory effect on an unprotected group. Nor have the courts supported attempts to protect dismissal on the basis of sex for an individual who claims to be a male in a female body.[25] Under Title VII, all arguments that fall outside traditional interpretations have failed. Though Congressional hearings continue and bills to prohibit discrimination on the basis of affectional or sexual orientation continue to be introduced,[26] nothing has currently emerged to change

the traditional concept of sex under Title VII.

Comparable Worth

The Equal Pay Act requires that individuals receive equal pay for work that is substantially equal. Under the rubric of sex discrimination, the extension of the concept of equal pay for equal work has led to another interpretation of sex discrimination issues under Title VII: comparable worth. Equal pay for work of comparable worth to the employer is a new concept in our society. In order to satisfy the conceptual demands it places on the culture, somebody in which authority is vested must determine the relative worth of all gainful work in the society.

In the search for the relative worth of work, ambiguous and conflicting values must be resolved. In the pursuit sense, discriminatory intent is totally irrelevant to advocates of comparable worth in the resolution of sex discrimination issues. If two jobs are found to be of equal worth to an employer, the compensation and benefits attached to those jobs should be substantially equal.

Though case law on comparable worth continues to develop, there is some support in the courts for the discriminatory effect perspective. The U.S. Court of Appeals in Philadelphia found sex-based discrimination under Title VII is prohibited even if jobs are different.[27] The issue as seen by this court was whether Congress intended to allow companies to willfully discriminate against women in a way in which they could not discriminate against any other group protected by the Equal Pay Act and Title VII.

Discrimination and Job Segregation

The discriminatory effect of job segregation regardless of intent is important to advocates of comparable worth. In 1980, Eleanor Holmes Norton, then chair of the EEOC, declared that the widening wage gap between men and women that has occurred during the years in which Title VII and the Equal Pay Act have been in effect was cause for concern. This growing discrepancy requires that we look beyond the known and traditional causes.[28]. Searching for other explanations for this deteriorating situation, the EEOC began the study of the effect of job segregation on wages and for other differences in discriminatory practice.

Arguing for a better understanding of the subtle workings of cultural and societal factors, Winn Newman, general counsel for the International Union of Electrical Workers and the Coalition of Labor Union Women, found a practical relationship between access to jobs and wage discrimination.[29] Newman pointed out that certain societal practices, such as discrimination in initial assignment or placement of new employees, are the linchpins of discrimination under comparable worth. In his analysis there are four main areas that contribute to and exacerbate this problem: 1) initial assignment discrimination; 2) occupation segregation; 3) wage discrimination for work performed; and 4) denial of promotional opportunity. All of these factors contribute to the continued presence of dramatic pay differences between men and women without any apparent intent to discriminate.

Claims of discriminatory effect in employment compensation under comparable worth are encouraged by the U.S. Supreme Court majority in *County of Washington vs. Gunther*.[30] Basing its decision on the employer's own job evaluation point system, the court supported the women employees' claim of job undervaluation, even though their work is not identical to the work of male employees. In this case, female prison guards were receiving pay at 70% the rate of men even though market, outside, and internal evaluation indicated that the jobs were 95% equivalent in points.

The majority argued in support of the right to sue. This right hinged on whether the Equal Pay Act's equal pay for equal work, or only the Act's four affirmative defenses, were incorporated into Title VII by the Bennett Amendment. The four affirmative defenses are: 1) a bona fide seniority system; 2) a merit system; 3) quality or quantity of output; and 4) any other factor other than sex. The court held that the Bennett Amendment incorporates only the four affirmative defenses. If only the Act's provisions of equal skill, effort, and responsibility were included, the court felt that relief would be denied to victims who do not hold the same jobs as the opposite sex.

Pension Discrimination

Another unresolved question of discriminatory effect can be found in the distribution of pension and other benefits. The 1978 amendment to Title VII of the Civil Rights Act requires employers to pay maternity benefits under their insurance programs if other disabilities are covered. The U.S. Court of Appeals at Richmond ruled that employers who cover maternity costs for female employees are required to cover the spouses of male employees if spouses were covered under other disabilities. Again, the discriminatory effect of the policy was central to the court's argument. If the company were to eliminate spouses, according to this interpretation, the distinction would result in more benefits being available to female employees with spouses than to male employees with spouses.[31]

> ***"The standard of discriminatory effect favors the plaintiffs in Title VII actions because it requires no demonstration of the defendants."***

Even within the discriminatory effect interpretation, the search for equity has led to differing opinions in the courts. The issue of maternity benefits led to a different decision in the San Francisco Court of Appeals. The key to the sex discrimination issue in benefits, according to this court, is employee status for employment-related purposes, rather than a summation of benefits available to spouses.[32]

Pension programs are the scene of another battle over sex discrimination. Some jurisdictions prohibit the use of different ages for retirement plans and the use of actuarial tables to make women contribute more or receive smaller monthly benefits. In *Norris vs. Arizona Governing Committee*,[33] the court argued that an employer may not maintain a discriminatory practice just because it reflects the marketplace. The extension of this argument brings it squarely into the effect/intent conflict. In this case, the presence of a discriminatory effect was sufficient to prohibit the practice.

Two federal appeals courts have reached opposite conclusions on the nation's major pension program for college professors. The New York Appeals Court ruled that Teachers Insurance and Annuity Association and the College Retirement Equities Fund violated Title VII by using sex-based mortality tables to establish smaller monthly benefits for women. Women, the court maintained, are at a lower economical level than their male counterparts regardless of whether they are among the few who outlive males or are among the 84% of all women who do not outlive their male counterparts.[34] However, the Cincinnati Court of Appeals held TIAA-CREF's use of sex-distinct tables was not in violation of Title VII if the actuarial value of pension annuities is the same for men and women similarly situated — if annuities are of equal value at the time of retirement.[35] No proof of discriminatory intent was required in either decision.

Equal Discrimination

Employers and insurance carriers cannot discriminate against one sex on one issue and against the other sex on another. By paying women who retire before the age of 60 more than men, while paying men who retire after the age of 60 more than women similarly situated, California was found to be engaging in sex-based discrimination in *Retired Public Employees vs. State of California*.[36] Opponents of the use of actuarial tables in the allocation of pension benefits on the basis of sex argue that insurance companies could just as well use other categories not protected under Title VII in determining pensions. Actuarial tables based on previous health records for smokers or non-smokers, drinkers or non-drinkers, or relative obesity could be used to avoid the issue of sex.

Applying the principle of discriminatory effect, other employment benefits have also fallen under the protection of Title VII. In *Abraham vs. Graphic Arts International Union*,[37] the finding of the court was that leave policies that have a disparate impact on one sex and are not justified by business necessity are violations of Title VII. In this case, temporary

workers were limited to 10 days of sick leave or were subject to termination. Since maternity leave is likely to take more than 10 days, the court found the policy had the de facto impact of discrimination on the basis of sex. Breast feeding, another activity unique to women, has also been protected as a family and privacy right shielded against discriminatory impact in employment practices.[38]

Sexual Harassment

EEOC guidelines issued November 10, 1980, reaffirm that sexual harassment is a violation of Title VII.[39] These guidelines define sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature in an environment in which 1) submission is an explicit or implicit condition of employment; 2) submission or rejection is used as a basis of employment decisions; or 3) the purpose or effect interferes with work performance or creates an intimidating, hostile, or offensive work environment. Responsibility vests directly with the employer when it knows or should have known that the harassment was taking place, unless it can show that immediate corrective action was taken.[40]

"In the area of employment testing for the purpose of hiring or promotion, the recent past has seen the application of very strict standards by both courts and federal regulatory agencies."

The discriminatory effect standard has been applied if the employer knows that a harassing situation exists. The U.S. Court of Appeals for the District of Columbia abrogated the traditional requirement that a plaintiff prove the actual loss of employment benefits in a sexual harassment case. In one case, a female employee was entitled to Title VII relief though no actual loss of benefits accrued.[41] This case also introduced the conce that an employer violates Title VII if it establishes or condones a substantially discriminatory work environment of sexually harassing behavior. Basing the decision on past court opinions involving the presence of ethnic or racial slurs in the work environment, the court extended the judicial definition of discrimination on the basis of sex into social interaction and work climate and beyond quantifiable employment benefits.

If sexual harassment is the result of an employment practice, even if the harassment is not from the employer or its agents, the practice having the discriminatory effect is prohibited under Title VII in some jurisdictions. An example can be found in *EEOC vs. Sage Realty Corporation*,[42] a case tried in the U.S. District Court for Southern New York. A lobby attendant at the Sage Realty Corporation was subjected to sexual harassment and lewd comments as a result of the employer's requirement that she wear a sexually revealing and provocative uniform. According to the court, the employer violated Title VII by not taking action to prevent harassment, by removing the cause of harassment.

In sexual harassment cases, any demand made of an employee because of that person's sex, that would not be made of an employee of the other sex, is prohibited. In *Wright vs. Methodist Youth Services, Inc.*,[43] the U.S. District Court for Northern Illinois found homosexual harassment prohibited under Title VII for this reason. The effect of such behavior is the discrimination in employment against a person because of his or her sex. The effect standard tends to prevail in this area, though expectations will be discussed below.

Other Attacks

Some traditional preemployment requirements that have a disproportionate effect on women (as well as racial or ethnic groups) are being attacked under Title VII. The discriminatory effect of these practices has led to their prohibition in some jurisdictions, but the reasoning applied by courts has not been uniform. In *Costa vs. Markey*,[44] height requirements were upheld because the female employees were being drawn from a pool of females But in *U.S. vs. North Carolina*,[45] height requirements were found to violate Title VII.

The court found that the practice had

a disproportionate impact on women, and the state could not prove that a certain height was necessary for effective job performance. In this case, the showing of discriminatory effect without an opposing compelling business necessity nullified the requirements, with no attempt to establish the intent to discriminate.

Conflicting Policies

The determination of discriminatory effect on protected gr[illegible]ps is not a simple one. While Title V[illegible] e[illegible]entially requires that employers be color, religion, and sex blind, the scope and intent of affirmative action under executive order 11246 sometimes comes into conflict with Title VII. Two public policies then clash in the courts.

Fullilove vs. Klutznick[46] is just one case of several in which the Supreme Court found that remedies to past discrimination approved by Congress need not be color blind but may include a racial or ethnic flavor in appropriate cases. The judiciary is left to determine in which cases this is "appropriate." In an extreme example, the Second Circuit Court ordered that the next 73 job offers in a corporation be made to minority candidates in order to compensate for past discrimination.[47]

Applying the standard of discriminatory effect is often difficult. Consent and conciliation agreements, used to justify the loss of inviolability of bona fide seniority agreements under Title VII, can promote the interests of one protected group while having a discriminatory effect on another. In *Williams vs. City of New Orleans*,[48] the U.S. District Court for the Eastern District of Louisiana rejected a proposed consent decree on the grounds that, while it was fair to the members of the plaintiff class (blacks), it would have an adverse effect on women and hispanics. Conflicts between consent de[illegible] and collective bargaining agreements [illegible] arisen as well.

The Fifth Circuit held that the district court had no authority to approve a consent decree containing numerical remedies where they would adversely affect promotion provisions of a collective bargaining agreement in *U.S. vs. City of Miami*.[49] In this case, the application of the standard of discriminatory effect was found to require that the actual discriminatory impact of the agreement in the promotion of minorities would have to be shown, remedy sought, and appropriate relief ordered at that time. The speculation that a provision of employment might have a discriminatory effect was not found to be justification for its prohibition. □

References

1. *EEOC vs. Trailways*, Inc. USDC Colorado, 27 FEP Cases 801, 1981.
2. *American Tobacco Company vs. Patterson*, US Sup Ct, 28 FEP Cases 713, 1982.
3. *Taylor vs. Mueller Co.*, CA 6, 26 FEP Cases 1695, 1981.
4. *Pullman-Standard vs. Swint*, 28 FEP Cases 1973, 1982; *American Tobacco Company vs. Patterson*, 1982.
5. *Labor Relations Reporter: Fair Employment Practices Manual Supplement 454* (August 28, 1982).
6. *Stotts vs. Memphis Fire Department*, CA 6, 28 FEP Cases 1491, 1982.
7. *Boston Chapter, NAACP vs. Beecher*, CA 1, 28 FEP Cases 1657, 1982; *Brown vs. Neeb*, 25 FEP Cases 267, 1981.
8. *Wygant vs. Jackson Board of Education*, USDC East Michigan, 29 FEP Cases 1359, 1982.
9. *Oliver vs. Kalamazoo Board of Education*, USDC W. Mich., K88-71 C.A., 1980; *Concerned Minority Educators of Worcester, et al. vs. Worcester School Committee, et al.*, Mass. Superior Court, Case No. 81-20388, 1981.
10. *Connecticut vs. Teal*, US Sup. Ct, 29 FEP Cases 1, 1982.
11. *Labor Relations Reporter: Fair Employment Practice Manual, Supplement 454* (August 28, 1982).
12. Ibid.
13. *Douglas vs. Hampton*, CA DC, 10 FEP Cases 91, 1975.
14. "Uniform Guidelines on Employee Selection Procedures," *Labor Relations Reporter: Fair* [illegible]*ent Practice Manual, Supplement 454* [illegible] t 28, 1982).
15. Ibid.
16. *Berkman vs. City of New York*, 23 FEP Cases 856, 1982.
17. *Trans-World Airlines vs. Hardison*, 432 U.S. 63, 1977.
18. Lublin, Joann. "Guideline Happy at EEOC?" *Wall Street Journal* 196 (August 28, 1980) p. 18.
19. *Anderson vs. General Dynamics and Machinists Lodge*, CA 9, 14 FEP Cases 1655, 1978, cert. denied, US Sup Ct, 1979.
20. *Saucedo vs. Brothers Well Service, Inc.*, USDC, S Tex, 19 FEP Cases 91, 1979.
21. *Cabell vs. Chavez-Salido*, 27 FEP Cases 1129, 1982.
22. *BNA Labor Relations Manual: Fair Employment Practices*, 1982.
23. *Fernandez vs. Wynn Oil Company*, CA 9, 26 FEP Cases 815, 1981.
24. *Holloway vs. Arthur Anderson and Co.*, CA 9, 19 FEP Cases 689, 1977.
25. *Sommers vs. Budget Marketing, Inc.*, CA 8, 27 FEP Cases 1217, 1982.

26. U.S. House Committee on Education and Labor, Subcommittee on Employment Opportunities. Hearing, October 10, 1980 on H. R. 2074, to prohibit discrimination on the basis of affectional or sexual orientation, 1980. 96th Congress, 2d Session.
27. *IUE vs. Westinghouse*, CA 3, 23 FEP Cases 588, 1980.
28. "The Comparable Worth Issue," *Labor Relations Reporter, Fair Employment Practices, Supplement 433* (November 7, 1981).
29. Ibid.
30. *County of Washington vs. Gunther*, US Sup Ct, 25 FEP Cases 1521, 1981.
31. *Newport News Shipbuilding and Dry Dock Company vs. EEOC*, CA 4, 27 FEP Cases 1219, 1982.
32. *EEOC vs. Lockheed Missles and Space Committee*, CA 9, 28 FEP Cases 369, 1982, cert. granted, 12 October 1982, 51 US LW 3287.
34. *Spirt vs. TIAA-CREF*, CA 2, 29 FEP Cases 1599, 1982.
35. *Peters vs. Wayne State University*, CA 6, 29 FEP Cases 1753, 1982.
36. *Retired Public Employees vs. State of California*, CA 9, 28 FEP Cases 1609, 1982.
37. *Abraham vs. Graphic Arts International Union*, CA DC, 26 FEP Cases 818, 1981.
38. *Dike vs. School Board of Orange County, Florida*, CA 5, No. 80-5005, 80-5058, 17 July 1981.
39. "Sexual Harassment and Labor Relations," *Fair Employment Practices. BNA, No. 426, Part II* (July 30, 1981).
40. Ibid.
41. *Bundy vs. Jackson*, CA DC, 24 FEP Cases 1155, 1980; *Brown vs. City of Guthrie and Guthrie Police Department*, WD Okla, 22 FEP Cases 1624, 1980.
42. *EEOC vs. Sage Realty Corp.*, USDC S NY, 24 FEP Cases 1521, 1981.
43. *Wright vs. Methodist Youth Services, Inc.*, USDC NILL, 25 FEP Cases 563, 1981.
44. *Costa vs. Markey*, 28 FEP Cases 1347, 1982.
45. *U.S. vs. No. Carolina*, 28 FEP Cases 566, 1981.
46. *Fullilove vs. Klutznick*, 448 U.S. 448, 1980.
47. *Association Against Discrimination vs. City of Bridgeport*, 24 FEP Cases 1013, 1981.
48. *William vs. City of New Orleans*, 29 FEP Cases 30, 1982.
49. *U.S. vs. City of Miami*, 27 FEP 913, 1981.

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Next month, in Part II, the author will discuss discriminatory intent.

Does Quality of Supervision Affect Your Company's Productivity?

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cognition and behavior. Do leaders always behave as they intend to behave? Do leaders sometimes know what needs to be done but poorly use this knowledge to act? It would seem, for example, that the display of recognition (one of Yukl's 19 leader-behavior categories) by a leader might be evaluated by subordinates in a myriad of different ways, depending on the actual behaviors chosen by the leader to reflect his "intent" to recognize good performance and on subordinates' perceptions of the leader's "true" motivation for behaving in that way. Related to this is the book's failure to address the issue of leadership attribution, that is, the process by which observers attribute leadership qualities to others (Calder, 1977). These attributions most likely have considerable influence on subordinates' acceptance, compliance, and commitment to achieving a leader's stated goals. Although there is a discussion of charismatic leadership that has implications for attribution making by subordinates, it would have been most interesting had this line of reasoning been developed further. In fairness, Yukl does indicate throughout the book the need for greater conceptual clarity and explicitness in terms of the variables mediating organizational situations and leader behavior and leader behavior and subordinate or work-group effectiveness. Knowledge of these processes would certainly provide greater insight into the more subtle, less mechanical aspects of the leader-subordinate relationship.

It might also be argued, in contrast to the author's suggestion in chapter 3 (p. 64), that reciprocal superior-subordinate influence processes in organizations, often a very informal type of activity, *cannot* be insured by imposing formal rules and policies requiring such behavior of managers who otherwise might be inclined to be somewhat more autocratic.

These criticisms, however, are relatively minor. As it stands, the book is successful in describing the field of leadership and stimulating ideas for testing extant theories, as well as in exploring as yet unexplored territory.

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REFERENCES

Calder, Bobby J.
1977 "An attrition theory of leadership." In Barry M. Staw and Gerald R. Salancik (eds.), New Directions in Organizational Behavior: 179–204. Chicago: St. Clair.

French, John R. P., and Bertram Raven
1959 "The bases of social power." In D. Cartwright (ed.), Studies in Social Power: 150–167. Ann Arbor, MI: Institute for Social Research.

Yukl, Gary A., and William Nemeroff
1979 "Identification and measurement of specific categories of leadership behavior: A progress report." In James G. Hunt and Lars L. Larson (eds.), Crosscurrents in Leadership: 164–200. Carbondale, IL: Southern Illinois University Press.

Women in the Work Force.
H. John Bernardin, editor. New York: Praeger, 1982. 242 pp. $28.95.

In recent years, a rather aggressive assault on the male dominated paradigms of social and administrative sciences has

taken place. Kanter (1977) provided some provocative challenges to organizational scientists on how to restructure our current perspectives of administrative policies and practices. The book, *Women in the Work Force*, is evidence that the gauntlet thrown down by Kanter is beginning to be noticed. To say that the gauntlet had been picked up would be to suggest that further inroads had been made in understanding women and men in organizations. Rather, *Women in the Work Force* is a collection of papers that represents variable results in an exercise of deciphering Kanter's challenge.

Based on the proceedings of a symposium held in 1981 on women in the work force, this book presents the efforts of several scholars to integrate diverse streams of empirical and conceptual work on the topic. Not surprisingly, given the breadth of the topic and the source — conference proceedings — the papers vary in quality of conceptual content, attention to methodological detail, and contribution to a paradigmatic shift. Despite this variation and despite the lack of tight editing, a couple of the themes heralded by Kanter manage to emerge.

The contribution of this book derives from the development and repetition of two themes which, though not new, have radical implications for the design and interpretation of future research studies about women in the work force. The first is that an understanding of the issues or problems of women in work settings depends on a recognition of both the nature of the work and, perhaps more important, on the social and structural context of work. The second theme involves the need to include constructs that acknowledge the proportion of males and females in descriptions of particular work contexts.

The strongest individual contributions to the book are conceptual pieces that integrate the literature from several areas and propose new models or theoretical frameworks. Martha T. Mednick's chapter on the psychology of achievement provides an excellent review and integration of recent literature on achievement motivation, fear of success, expectancies for success, causal attributions of success and failure, androgyny, and career aspirations. In a related vein, Virginia E. O'Leary and Ranald Hansen present evidence that perceptions of worker effort are biased by the gender of the worker being appraised. They develop a promising attribution model using perceptions of effort to explain the differential treatment of women and men in both performance evaluation and reward distribution.

The chapter by Richard W. Beatty and James R. Beatty is also excellent and should be required reading for all personnel classes. These authors detail the issues in the debate of equal versus comparable worth, and they discuss the legal trends that are beginning to challenge traditional systems of job evaluation. Finally, they propose new directions for the development of nondiscriminatory job evaluation constructs and methods.

The remaining five chapters are somewhat disappointing. Although interesting and conceptually sound, the chapter by Kay Deaux and Joseph C. Ullman, describing their study of women in the steel industry, presented only preliminary results. Their final results are due for publication this year, so the impact of this chapter will be limited. Similarly, Karen Klenke-Hamel's model and proposal for testing job satisfaction in dual-career

couples is an excellent dissertation proposal but does not even include preliminary empirical results.

Max Wortman's typology of research on women in management emphasizes the importance of the context and nature of work, but his suggestions for future research smack of an underlying masculine bias about the issues of women in management. "Do women understand the importance of information flow?" and "Do they comprehend information restriction?" are mildly amusing questions if one has a penchant for gallows humor (p. 19).

Marvin D. Dunnette and Stephan J. Motowidlo display intricate logic to frame the costs and benefits of antisexist training programs. This first half of their chapter is provocative and worth reading. An insufficient explanation of research methods in the second half causes their empirical evaluation to miss the mark. Another miss is Benson Rosen's attempt to develop a conceptual framework for the literature on career aspirations, and obstacles and barriers to career progress of women. His conclusions are somewhat precipitous, given the paucity of research in these areas, but Rosen does generate some interesting questions for future research.

A major weakness of the book is the lack of a unifying framework, which is needed to pull together the diverse contributions of the authors. Editor H. John Bernardin missed a significant opportunity by failing to provide an integrative perspective to guide future conceptual and empirical work. Stronger editorial guidance would have increased the long-term significance of the book. Another weakness of the book is the time-lag between the original presentations and publication. A couple of chapters are already outdated because important empirical pieces will be reported more fully in other media. The few major conceptual papers, however, should have continued impact on work in this field.

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REFERENCE

Kanter, Rosabeth Moss
1977 Men and Women of the Corporation. New York: Basic Books.

Influence of Business Firms on the Government.
Geert P. A. Braam. Translated from the Dutch. New York: Mouton, 1981. 320 pp. $29.00.

Braam's study is a meticulous but fragmented choreography of the process of corporate influence in the Netherlands. The 1975 winner of his country's Kluwer and Shell prizes (the author declined the Shell prize to avoid disparaging remarks), Braam looks at how individual firms influence the distribution of government benefits.

Size is often a numerological fetish in the study of social organization, and in studies of political power, organizational

Nurses file last argument in sex suit

by Stephen J. Downes
Times Writer

Alaska's public health nurses filed their final legal brief Monday in a seven-year-old sex discrimination case against the state of Alaska.

The brief, which sums up the nurses' arguments in the case, follows a $1.3 million settlement offer made by the nurses on Jan. 26, an offer the state rejected.

Assistant attorney general Thomas Jahnke now has about 40 days to file his brief outlining the state's position.

Hearing officer Joan Katz will read the briefs and make a recommendation to the Alaska Commission for Human Rights. The commission will decide whether the state is guilty of sex discrimination for paying some nurses lower wages than male physician's assistants.

The nurses contend that all public health nurses and physician's assistants have similar responsibilities and should, under state law, receive the same wages. The state argues that the two jobs are not comparable.

Nurses in two of three categories have starting salaries that are at least $400 less than physician's assistants, Jahnke said. Nurses in the third category earn the same amount as the assistants, he said.

In their January offer, the nurses asked the state for $1.3 million in back pay plus an automatic promotion to the third category after two years on the job. The offer included the stipulation that nurses in the first two categories would maintain their present salary level.

The state turned them down. "We told them the $1.3 million was too high because it was predicated on this automatic promotion," Jahnke said, who added that he was unaware of any other state that has a system of "classification based on longevity."

But Allison Mendel, the attorney for the nurses, said that the proposal "wouldn't be any more automatic" that the current policy that allows a nurse in the first category to move to the second category after one year. "We were just extending it up the ladder," Mendel said.

She also said that the nurses' position remains unchanged — they still believe, as the final legal brief states, that the state is guilty of sex discrimination. The offer, she said, "was supposed to be a concession."

Both Jahnke and Mendel said Thursday that settlement negotiations are continuing.

The complaint was filed in late 1978 by 11 public health nurses. The claim was later broadened into a class-action suit on behalf of all public health nurses.

In a related development, one of the original 11 nurses filed a complaint against Jahnke with the Alaska Bar Association, alleging that Jahnke violated the ABA's code of ethics by interviewing several nurses involved in the discrimination suit last August.

Such an incident would violate the ethics code because the nurses are represented by attorneys, Mendel said.

Constance Trollan, the Juneau Health Center nurse who filed the complaint, said Thursday she was notified by the ABA on March 9 that the association would investigate the complaint.

SEATTLE P-I 3/11/84.

More lawsuits challenging low 'pink collar' pay

By Tamar Lewin
New York Times

NEW YORK — In Biblical times, says Leviticus 27:3-4, women of working age were valued at 30 silver shekels, while men were valued at 50.

That ratio is basically unchanged today, despite the women's movement, the laws that mandate equal pay and outlaw sex discrimination — and thousands of years during which women have moved from hearth and home into the paid work force. In 1982, women working full time earned an average of 62 cents for every dollar paid to men.

Lately, however, a growing number of lawsuits and union negotiations are challenging that ratio, and with increasing success, based on a theory known as "comparable worth."

Most working women remain in nursing, secretarial, light industry and waitressing jobs that make up a low-paying "pink collar ghetto." Statistics show that the more a job category is dominated by women, the less it pays — with the compensation going down about $42 a year for each additional percentage point of women employed in the category.

The electrical industry has already dealt with a round of comparable worth cases, and others may be brought against industries that have traditionally employed large numbers of women — among them communications, food service and health services.

But most cases now involve government employees, many of them represented by the American Federation of State, County and Municipal Workers, which has one million members, 400,000 of them women.

In December, AFSCME and the comparable worth movement won their biggest victory so far when a federal judge in Washington state ordered the state government to pay its women workers back pay and wage increases.

The question of which jobs are comparable to which others is a knotty one — and there is no simple formula for making those decisions.

Traditionally, it has been left to the marketplace to decide such questions, and many businessmen would like to leave it that way. But supporters of comparable worth say that the cost of ending discrimination should not be an excuse for continuing illegal pay practices. They argue that reliance on the marketplace merely institutionalizes the bias against women, and that valuation schemes giving points for the skills, responsibility, physical and mental effort to do a particular job — and the hazards and risks that job involves — are a better guide.

"Ending discrimination costs money," acknowledges Winn Newman, the lawyer who represented AFSCME in the Washington state case, and is now preparing comparable worth cases for several other unions.

"But no one would dare raise that as a reason for continuing to pay blacks less than whites. If you are choosing blacks and women for certain jobs because you know you can get them cheaper, that's illegal. The free market doesn't allow that, any more than it allows employers to ignore the minimum wage laws or the child labor laws."

Most corporate executives are reluctant to discuss the issue. But some indicate privately that even though they personally think women's jobs are undervalued, they cannot justify paying higher-than-market rates, which, they say, would lead to higher labor costs, higher prices, and higher inflation.

"I think any system that gets away from market valuation is an artificial one," said Thompson Powers, a Washington, D.C., attorney who advises employers. "You tell me how to set up a system outside the marketplace that objectively compares rock musicians and brain surgeons and I'll tell you whether nurses and plumbers should have comparable pay. But I suspect it can't be done in any but an artificial way."

Still, in many places, the process is well under way.

"Because of the enormous implications of the Washington state case, employers are now very concerned about the issue of comparable worth," said Ronald Green, a New York labor lawyer who defends employers against discrimination suits. "These days, almost every sex discrimination case we see includes allegations of comparable worth violations: charges that women's jobs are undervalued. But I still think this isn't a problem employers should have to solve. I think it's a societal problem."

The Washington state case is only one indication of how far the legal battle against sex-based pay discrimination has come since a 1981 Supreme Court ruling legitimized comparable worth claims under the Civil Rights Act of 1964.

Until that case — brought by Oregon prison matrons earning $200 a month less than the deputy sheriffs who guarded male prisoners — most sex-based pay claims failed unless they involved wage differences between male and female workers who performed exactly the same tasks and thus were covered by the 1963 Equal Pay Act.

Now, however, the comparable worth cases are proliferating, spurred on by the fact that 80 percent of the women in the work force are crowded into only 20 of the Labor Department's 427 job categories:

- Within the electrical industry, several major manufacturers have in recent years settled sex discrimination charges by agreeing to upgrade jobs held mostly by women.

In a case against Westinghouse, the International Union of Electrical Workers used as evidence a 45-year-old company manual setting out pay scales for different jobs, and stating that women would be paid less because they were women.

- Michigan Bell, a unit of AT&T until the recent divestiture, is facing a class action lawsuit by 400 "engineering layout clerks" who claim that they have been classified as clerical workers because they are women, even though their work is more like the drafting jobs held primarily by men — who are paid $125 a week more.

- In 1982, after a study showing widespread underpayment for female-dominated jobs, the state of Minnesota earmarked $22 million to upgrade women's pay. The study found, for example, that clerk stenographers — 99.7 percent of them women — had about as hard a job as laborers, all of them men. The clerk stenographers got $1,171 a month while the laborers got $1,521.

Some 8,000 state employees, about a third of the state work force, are now receiving adjustments.

According to Joy Ann Grune, executive director of the National Committee on Pay Equity, 18 states have undertaken pay equity job evaluation studies.

Most labor lawyers who represent employers caution that it can be dangerous to undertake such studies.

"If the employer has done a job evaluation study, and isn't paying in accordance with it," said Powers, " that employer is going to face a lawsuit, and the Washington State case indicates that once a study is done, the employer may not be given enough time to change pay scales in a financially realistic way."

WHAT PEOPLE

BY BERNARD GAVZER

WHO MAKES how much across the United States? More than 104 million Americans have jobs, while 8.7 million are out of work. The federal government says that a family of four with an income of $9862 or less is living in poverty. Across the country, the median income—meaning there is an equivalent number of wage earners over and under that figure—is $359.50 a week, or $18,70^ a year.

If your income is between $35,000 and $50,000, you are among the top 6 percent of all wage earners in the country. If you make $60,000 or more, you are in the top 1 percent.

PARADE recently crisscrossed the country in an informal survey to find out what people earn. It came as no surprise that not everyone wanted to talk.

"There are people who do not have anything to conceal but who will not discuss income because it is considered private," says Dr. Lee Salk, a professor of psychology at the New York Hospital-Cornell Medical Center.

"People jockey to find out what other people earn because, in our society, money is a symbol of strength, influence and power," he adds. "It helps them try to establish where they stand in society and among one another."

Most of those who agreed to speak on the record seemed to be content with their lives, their jobs or their locales, and they did not act as if money was of vital importance. Perhaps, given Dr. Salk's comments, this was at least partly why they were willing to reveal how much they earned.

Many of those interviewed spoke of how important challenge was to them. For example, 21-year-old Evelyn Williams works two jobs, as a drugstore cashier at $3.95 an hour and as a checking representative at a savings and loan institution, for which she is paid $700 a month. "I like it," she says. "It was a challenge to learn to use the computer, and it's exciting dealing with people. I'm learning something that's going to get me ahead."

And a man in Wyoming, Urban Schechinger, says he is looking for "a new challenge in a new area." Schechinger, 34, earns $40,000 a year as a

David Stuart, peace activist: $6000 (all figures annual)

Susan Yaghjian, contractor's aide/artist: $5000

Matt Simon, insurance businessman: $200,000

Lynne Neeley, high school counselor: $29,500

Salvador Ramirez, building superintendent: $18,720

Phil Caragol, one-man ad agency owner: $70,000

Laura Howell, food service aide: $15,000

Geoff Evans, car salesman: $22,000

Juanita Guillen, phone operator: $10,920

Carl Stokes, municipal court judge: $57,500

Joan Champagne, therapist: $17,500

Son Kim, computer technician: $27,500

Evelyn Williams, savings & loan rep/cashier: $9000

Cynthia Harrison, cable TV sales: $30,000

Ruby Bright, taxicab driver: $7800

construction accountant with the Union Pacific Railroad in Cheyenne. "I've accomplished everything I've wanted to by taking this office from last place to first in the region," he says. "I would like to take over a troubled office and recharge it."

For every person willing to be identified along with his salary, at least five insisted on anonymity. Some were involved in the "underground economy," with most transactions, which go unreported to the IRS, being made in cash or bartered goods or services. Among them were a Washington, D.C., bellhop who makes $15,000 a year, a New Jersey student who moonlights as second cook at $6 an hour in a restaurant and pockets $120 "under the table" each week, and a Tennessee fabrics executive who says he reports an annual income of $80,000. "But I really generate $200,000 a year for myself," he adds. "My lifestyle can't be sustained on $80,000 a year."

No matter how you view such a philosophy, life isn't always fair and case in point. How is it that a college football coach gets more than a college professor, that hotshot Wall Street brokers make far more than noted scientists, or that company controllers, who watch the money, tend to be paid more than the senior engineers, who are responsible for making it?

Nearly 11 million Americans, including dependent children, are receiving some form of welfare assistance.

PARADE talked to a number of individuals whose income was well under or not far over the poverty line. Two of the lowest wage earners, not counting a parish priest in Chicago, were Susan Yaghjian, who helps build homes in Concord, N.H., and David Stuart of Boston. Yaghjian makes $5000 a year from her work, which is enough for her to get by while she pursues a second profession in art. "That's all I need," she says. "My time is my own, and it lets me do my art."

Stuart is one of those quiet, efficient men one encounters at peace and disarmament rallies. He is 36, married and the father of three. "I depend upon my income from contributions from those who support the cause of peace," he says. It's about $6000 a year.

An Atlanta cab driver named Ruby Bright earns almost $2000 a year more than Stuart. She is 53 and has been driv-

COVER PHOTOGRAPHS BY KEVIN HORAN PICTURE GROUP (BARD, SOPHER), ANDREW SACKS (BROWN, DUPUIS), JAY SIMONS (SIMONSON), DIANE ENKELIS (HARRISON), BILL HESS (BIRD), MERRY ALPERN (GROSECLOSE), PAUL TEPLEY (DELGADO), RANDY TAYLOR SYGMA (JOHNSON)

EARN

ing a taxi since 1961. She has 17 brothers and sisters and says her father, Noah, lived to be 104. "I wouldn't do anything but drive a cab," she says. "I love it." Her annual income is $7800.

Still under the poverty line but not feeling sorry for herself is Orella Delgado, 25, the assistant manager of a record shop in Cleveland. She's surrounded by music and, because of that, she says, "I really love what I'm doing." She makes $9100 a year.

Another who has a job he cares about but not a great deal of money to go with it is Al Wickham, a 43-year-old photographic technician for Wyoming's Game and Fish Department in Cheyenne. "This is a great job," says Wickham. "I like meeting all the different people. But I can make three times what I make now doing something else. I make $10,000 a year. But if I got a job working maintenance on the Minuteman missile system, I'd make $30,000."

And up in Montana, there's a 40-year-old Vietnam veteran named Ben Simonson who hauls logs by horse near the town of Noxon. He earns about $12,000 a year. "After I left Vietnam," he says, "I didn't want to be surrounded by people, so I came to Montana. I was a deputy sheriff for a while and, doing that, you only see the bad side of people, and you work long hours. Now, doing what I do, I wouldn't trade away any of the peace and quiet for anything in the world."

How do telephone operators fare? Not great. Juanita Guillen of Chicago gets $5.25 an hour for her job as a telephone operator at an answering service, which works out to be $10,920 a year. "As far as I know, it's pretty good, I guess," she says. "I don't think they'd pay any higher. Most people starting in this business get the minimum wage." That, at present, is $3.35 an hour. Hotel telephone operators, it was found, have wages that vary from region to region. Here are examples of what they earn: in Atlanta, $4.10 an hour; in Detroit, $4.90; in New York, $8.48.

At the midpoint between $10,000 and $20,000 and edging up toward the median income level is 61-year-old Laura Howell, a grandmother who is a senior food service aide at Tampa General Hospital in Florida. "I'm told I could make more in New York," she says, "but I don't want to leave Tampa."

Legal secretaries are a couple of rungs up the financial ladder. Norma Dupuis, a legal secretary in Detroit, makes $17,500. Ninety-nine of 100 secretaries are women, incidentally. Those who perform approximately the same type of work earn $16,068 in Minneapolis, $21,632 in San Francisco, $19,604 in New York and over $15,000 in Atlanta.

In Concord, N.H., an occupational therapist named Joan Champagne makes exactly the same salary as Dupuis. "I like my work," she says. "It's particularly rewarding because I work with geriatrics," [illegible] people, "but I wish the pay were higher." Therapists such as Champagne help those who are physically or psychologically impaired undertake goal-related programs designed to improve their conditions. The median income for occupational therapists in hospitals in Alaska is $20,499.

Would you tell what you earn? Many won't. Here are some who did.

Right at the median income level, or a shade over, at $18,720, is Salvador Ramirez, 36, who supervises the upkeep, cleaning and daily operation of a 133-unit apartment house in New York. He is known as a building super. "The toughest part of the job," he says, "is dealing with the older people. They depend on you so much and begin to think of you as a son. That's heavy." For consolation, he gets a free apartment, free utilities and a free telephone.

Hovering near $20,000 are a Chattanooga bus driver, a Wisconsin undersheriff and a Denver carpenter. The bus driver is 30-year-old Mike Angel, who works for the city and calls his pay "all right." He adds, "I haven't found anything better. You just have to learn to deal with weirdos." If Angel were driving his bus in Baltimore, Kansas City,

continued

WHY WOMEN EARN LESS

OVER THE YEARS, women have earned, on the average, 60 cents for every dollar earned by a man. Indeed, until recently, women with four or more years of *college* earned the same as men with one to three years of *high school*, says the Bureau of Labor Statistics.

A National Academy of Sciences study shows that women may earn less than men because they have less seniority, stay in the labor force less consistently and tend to work in jobs with lower intrinsic value. But the study also shows that half of the wage gap probably is due to discrimination.

More than half the women in the country now work. Most have to: One-third of all working women are either divorced, separated or married to men who earn less than $15,000 a year. In fact, the Census Bureau estimates that 15.4 percent of all U.S. families are headed by women.

Federal law bars [illegible] and guarantees equal pay for equal work, but predominantly female occupations traditionally pay far less than largely male ones. The Bureau of Labor Statistics cites these average wages: nurses, $18,300 versus pharmacists, $23,000; kindergarten teachers, $20,042 versus mail carriers, $21,000; bank tellers, $9700 versus stockroom clerks $15,000.

Much of the wage-gap debate focuses on the doctrine of "comparable worth," which holds that women and men should be paid on the same scale not only when they perform identical jobs but also when they perform different jobs of equal skill, effort and responsibility. Advocates of comparable worth maintain that women have been deliberately forced into low-paying job categories: Nearly half the women in the work force are clerical workers, teachers or nurses. Opponents say that women choose these lower-paying positions because they are less demanding and have more flexible hours.

In any case, a study of comparable worth commissioned by the State of Washington in 1973 found that women state employees were being discriminated against because men of similar skills, training and responsibility were being paid significantly more. The inequities persisted, and eventually the women employees sued the state. One of them was Louise Peterson, a licensed practical nurse at Western State Hospital in Tacoma. For supervising the daily care of 60 men convicted of sex crimes, she was paid $1462 a month last year. That was $192 a month less than the hospital's groundskeepers earn. The state's own studies also showed that Peterson made $700 a month less than men at state prisons who held jobs similar to hers.

Federal Judge Jack Tanner found Washington guilty of sex discrimination and ordered the state to pay its women employees about $838 million in raises and back pay.

Sex-bias charges are pending against the states of Connecticut, Wisconsin and Hawaii, and against the cities of Chicago, Los Angeles and Philadelphia. Private employers also face demands for comparable worth studies.

The issue clearly pits against each other two cherished American values: the ethic of nondiscrimination versus [illegible]

If Judge Tanner's ruling becomes the law of the land, women employees in almost every institution and business will soon be asking for pay equity studies and then for pay equity, which could cost employers in America billions in back pay and raises.

"That may be true," concedes Winn Newman, who represents the women plaintiffs in the Washington case. But he also contends that his is an old-fashioned sex discrimination case, regardless of comparable worth. The Civil Rights Act, he notes, bars discrimination in pay based on sex. And that, he maintains, is what the State of Washington and most other employers do.

He notes that though the state conducted job evaluations, it also ignored them and refused to readjust wages accordingly. Washington State argues that its wages simply reflect prevailing market rates and that, if the market discriminates, the state should not be held liable.

Newman asserts: "We would not think of saying to an employer, 'It's OK to discriminate on the basis of race if you can't afford to correct it.' "

Nina Totenberg, the legal affairs correspondent for National Public Radio, covers the U.S. Supreme Court.

BY NINA TOTENBERG

joy the work. It's so challenging."

A computer education specialist who works in northernmost Alaska makes $40,000 a year, which some say is just about enough to buy groceries up that way. The 30-year-old teacher declares, "I thoroughly enjoy the work. I enjoy working with kids and teachers, and I feel that what I'm doing is going to help young people use the new technology to advance themselves and enrich their lives."

Lynne Neeley, a director of guidance in the R.A. Long High School in Washington State, has a master's degree but, at $29,500 a year, she gets $11,500 less than the Alaska computer teacher. Mrs. Neeley, who is 40, says her salary is "just above average" for her state "and a bit above the national average."

In Washington, D.C., Son Kim, a computer technician, makes $27,500, well over the national average of $22,360 that the Bureau of Labor Statistics says is paid to senior-level technicians.

Government, of cour[illegible] is in a class by itself. More than 16 [illegible] Americans—one out of every six [illegible]s of the U.S. work force—are em[illegible]d by local, state or federal ager[illegible] More than 3 million work for the federal government alone, and that's not counting the 1,686,000 who are members of the military. A woman in her 30s who lives in Fairfax, Va., is a Grade Level 13 chemist for the Environmental Protection Agency. She gets $36,000 a year, somewhat less than the job might pay in private industry.

Others encountered in the $30,000-$40,000 range included a second officer for Eastern Airlines and a meat department manager for a supermarket in Manhattan.

The second officer doesn't fly the plane. He serves as the flight engineer, monitoring electronic and mechanical systems. This one flies the shuttle service between New York, Boston and Washington and, after three years, says he is making close to $35,000. First officers earn up to $63,314; captains are paid up to $94,237.

The meat department manager, Walter Grescelose, is 45, and he works for the Pioneer supermarket chain in New York City. He says he has been a butcher since the age of 10, when he worked off the books in a wholesale meat market. "Times were tough then," he says, "and I helped the family." Now he makes $35,000 a year for a six-day week.

Carl Stokes used to be the mayor of Cleveland. In fact, he was the first black to be elected mayor of a major American city. He later was a TV anchorman in New York, in 1972-73, making $70,000 a year. Now, at 56, back in Cleveland, he's a municipal court judge who is paid $57,500 a year. "I must admit, I miss New York," he says. "Once you become part of the fabric of New York, you really can't get away from it. Life would be perfect if I could move this job to New York."

But a Tampa surgeon named Denis Johnson, 36, who also happens to be black, isn't tempted by New York. He says he makes $60,000 a year from his private practice. "I like the lifestyle here," he says. "I know I could make more money in a larger city, but it's good living here." Various experts in the medical field say the after-tax income for most doctors in the U.S. ranges from $86,000 to $93,000 a year. Surgeons and specialists earn more.

Three entrepreneurs—one in the Southwest, two in the West—are also doing all right. In El Paso, Tex., 56-year-old Matt Simon is the son of sharecroppers. He retired from the Army in 1970 as a lieutenant colonel and started an insurance business. He says he now makes $200,000 a year.

Phil Caragol, 31, has a one-man ad agency in San Francisco. At $70,000 a year, he notes, he makes three times what he did working for other agencies, but he also says, "Now I can start at 5 a.m. and work to 9 p.m. and on weekends as well."

Also in San Francisco is Cheryl Harrison, 26, who started her own company, which helps businesses with image-building through graphic design. Clients include Levi-Strauss, General Mills and Shaklee. Her sister, Cynthia Harrison, 27, works on the East Coast—in Manhattan—for Group W Cable Westinghouse, where she develops national sales programs. With friends, Cynthia also invented the "I Survived New York" parlor game. Each woman earns $30,000 a year and each considers herself the "luckier" of the two.

Finally, consider the clergy. There are 270,000 members of the clergy attending to the religious needs of 133 million Americans who, according to the U.S. Bureau of the Census, are regarded as members of legitimate religious bodies. Salaries for pastors and rabbis vary according to the affluence and size of their congregations, but others are more or less fixed.

The Rev. Dean Bard is pastor of Holy Trinity Lutheran Church of Chicago. Though paid an annual wage of only $15,000, he feels that because he also is given a house, a car and insurance coverage, his income is equivalent to a salary of $31,000 a year. "I have been here three years, and my earnings are average for a person of my tenure," he says, adding, "I think it's fine."

And parish priests in the Chicago archdiocese of the Roman Catholic Church receive $2700 a year, along with $150 for auto insurance, $750 for hospitalization and a $3000-a-year travel allowance. Of course, the salaries are not locked in. Each year, the pay goes up $60.

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Thus began one of the great stories of unrequited consumerism of our time. Since that fateful day on Interstate 5, by their account, the Halfertys have spent a total of $45,000, including the purchase price, in a valiant effort to keep their car on the road. The car now has "about 100,000 miles" on it. It is powered by its fourth diesel engine (an average of 25,000 miles per engine), and it is limping along on its third transmission. "It needs a new transmission," Guy reports, "but we're waiting to see if General Motors (the manufacturer) will settle with us before we have it put in."

Naturally, replacing so many engines and transmissions takes time, even for Mr. Goodwrench, and at last report the Halfertys' Cadillac Seville had logged "down time" amounting to 11 months.

On one trip to California for their daughter's college graduation, the Halfertys had just reached San

In the course of their multi-year ordeal, the Halfertys say they have devoted an uncompensated 17,000 hours, or the better part of two years, to a so-far unsuccessful attempt to gain relief from General Motors, both for themselves and for the other 35,000 owners of General Motors diesel vehicles who have now contacted them.

In September of 1982, because so many GM diesel owners found themselves in similar circumstances, the Halfertys formed a group called Consumers Against General Motors, and today that group boasts more than 25,000 members from every state in the union.

According to Diane Halferty, many of these people originally contacted the Halfertys at the suggestion of attorneys general in their home states. These officials, Diane explained, recognized legal realities and the enormity of General Motors' political clout, and they honestly felt constituents had

these later models are experiencing the same problems as the earlier models.")

The Halfertys' demands are few. According to Diane, "We'll take $50,000 and an apology. I'm not saying I'd settle for that, but that's what it would take to make me go away." Ultimately, she says, that's what CAGM members would like to do: just go away. But they can't when GM makes settlement offers like the following: "They said that if we traded in the car and gave them $7,500, they'd give us a used 1983 diesel," Diane explains. "I told them that was the tackiest offer I'd ever heard of."

"Look," Diane says. "This isn't what we want to do with our lives. We didn't want to do this, and we certainly didn't want to take on the problems of 35,000 people. But we've got a tiger by the tail and it's running with us."

Travel by tiger tail has its obvious drawbacks, but for the Halfertys, the only alternative is to take their car. So, who can blame them if they hang on for dear life?

SEATTLE P.I. 9/11/84

Comparable worth: Our wage system is changing

By Pete McConnell
P-I Reporter

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Holmes, 43, who has a high school education, folds diapers and towels in a large warehouse with about 17 other employees. The crew handles 140,000 pounds of laundry a month.

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But a study by a consulting firm of 206 state job classifications found, in part, that the duties of a state laundry worker such as Holmes should have equal or more "worth" than those of a truck driver such as Henry.

In other words, Holmes should be making at least as much money as Henry.

The concept is known as "comparable worth." And it may well change the basic fabric of how wages are determined in the work place.

The theory goes beyond the old concept of equal pay for equal work. Instead, it calls for equal pay for different jobs of comparable value.

That concept was the basis of a 1982 sex discrimination suit filed by the Washington Federation of State Employees (AFSCME). In December of last year, U.S. District Court Judge Jack Tanner of Tacoma ruled in the union's favor.

"This is one of the biggest issues of the 1980s," said state Rep. Jennifer Belcher, D-Olympia, who chairs a committee in charge of implementing the Legislature's own comparable worth plan. That plan calls for a 10-year phase-in period.

"Society will be asked to re-evaluate how we value our work in this country," Belcher said.

"Every public agency in the country is looking at the Tanner decision very carefully," said Seattle Mayor Charles Royer, past president of the National League of Cities. "Government ought to take the lead in the pay equity issue."

20% disparity

In his ruling, Tanner said the state practiced "direct, overt and institutionalized" discrimination against its women employees. The judge found a 20 percent disparity in pay between "predominantly male and predominantly female jobs" of equivalent value and responsibility.

The judge ordered the state to increase the pay of jobs that are 70 percent or more filled by women — librarians, secretaries, food service workers, laundry workers and welfare case workers and nurses, for example.

Males who are in those jobs dominated by women would receive the same salary increases and back pay as their fellow female workers.

Eventually, the state will likely review all job classifications, and as many as 38,000 out of 65,000 state employees could be affected, said Dan Keller, budget coordinator for the State Office of Financial Management.

Tanner directed that formulas be worked out to raise the pay of those jobs dominated by women.

The Legislature already had told state officials to phase in a similar pay formula over a 10-year period. But Tanner ordered the pay change immediately, including pay raises and back pay retroactive to 1979.

The state has appealed to the U.S. 9th Circuit Court of Appeals in San Francisco. The case is expected eventually to reach the U.S. Supreme Court.

Jim McDermott, Senate Ways and Means Committee chairman, said the question of how the state will raise enough money to implement the comparable worth plan is a serious one. A quick settlement could allow the state to phase in the comparable worth salary structure without serious financial consequences, the Seattle Democrat said.

But if the award is ultimately decided in the courts, "we are looking at major tax increases or a combination of tax increases and cuts in services," said McDermott. "If the U.S. Supreme Court upholds the decision, it will put us in a terrible spot in 1988 and 1989."

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Additionally, it would cost the state $125 million a year to maintain the comparable worth salary structure starting in 1985, Keller said.

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"I certainly agree that the issue of the gap in pay between jobs predominantly held by men and jobs predominantly held by women must be addressed — and it is being addressed by the Legislature," he said.

The issue of comparable worth began in Washington in 1973 when then-Gov. Dan Evans, acting on the request of the AFSCME union, ordered an in-house, state study of a small number of state job classes, comparing jobs predominantly filled by men and those dominated by women.

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Under the Willis model, for example, a beginning laundry worker and truck driver receive 97 points. Additionally, a laundry worker at Fircrest receives 17 more points based on extra duties. Holmes, for example, trains about eight of Fircrest's 491 residents in laundry work at any one time.

Too subjective?

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"We filed the lawsuit because there was no progress," said union spokesman Larry Goodman. "They (the state) had 10 years since the survey to do something about it, and the state's track record has been zero. If there hadn't been a lawsuit, there would have been no reason for the state to change its history."

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Keller, the state's budget coordinator, said implementing the union's plan would have cost the state $966 million through June 30, 1985, instead of $473 million. It would have meant raising salaries of jobs predominantly held by women by an average of 31 percent. As it now stands, the average raise would be

See COMPARABLE, Page A-29

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Evaluating Job Evaluation: Emerging Research Issues for Comparable Worth Analysis

by

Lorraine D. Eyde
U.S. Office of Personnel Management

The earnings gap between those men and women who work full time and for the full year is a principal source of concern about compensation practices. In the United States, between 1967 and 1978, the earnings gap between women and men has remained largely unchanged, with women earning about 60 percent of what men earn (Hedges and Mellor, 1979). A rough comparison of the female-male earnings gap in the U.S., Canada, and four West European countries indicates that the United States has the widest gap, whereas Sweden, where the ratio between women's and men's earnings is 86 percent (Ratner, 1980), has the lowest differential. Even when attempts have been made to compare similar jobs and jobs of equal worth, sex differences in pay rank among the top international equal employment opportunity concerns for women (Ratner, 1980; Bellace, 1980).

The purpose of this paper is to identify factors contributing to the earnings gap and to examine parallels between employment testing practices and law and compensation procedures and law, identifying potential research areas.

BACKGROUND CONTRIBUTORS TO THE EARNINGS GAP

In the decade and a half since the passage of the Equal Pay Act and the 1964 Civil Rights Act, the female-male earnings ratio has remained unchanged. Many occupationally segregated occupations have been opened up to women and many individual women have experienced considerable upward mobility in the occupational structure. But the overall statistics show little improvement for women as a class. Special civil rights efforts regulating employment selection decisions through the issuance of the federal government selection guidelines (see USEEOC, 1970; USEEOC, et al., 1978) have not helped women as much as they have minorities in opening up employment possibilities. In a large number of civil rights lawsuits, the courts have struck down written tests on which women score well (see U.S. Office of Personnel Management, 1979; U.S. Office of Personnel Management, 1980).

Educational Level

Since the passage of the 1964 Civil Rights Act, the earnings of Black males relative to White males have risen. In 1975, Black earnings were 77 percent of the earnings of Whites,

up from 65 percent in 1963 (Smith and Welch, 1978). Smith and Welch (1978) made an extensive analysis of eight Current Population Surveys, each involving over 40,000 people, for 1968 through 1975, using weekly wages as the dependent variable, analyzing the relationships with schooling, regional residence, market experience, direct and indirect government employment (a measure of the effects of affirmative action), and controlling for part-time work. The authors did not find that affirmative action accounted for changes in the Black-White earnings ratio. Instead, they found that Black men and White men have become increasingly similar in their educational backgrounds, noting that younger Blacks had developed more marketable skills. Education was found to explain 47 percent of the relative growth in Black male wages.

Data from the Current Population Survey, analyzed in terms of the female-male earnings ratio, indicate that White women do not benefit economically as much from education as do men. In 1974 (O'Kelly, 1979), women with four years of college earned only 60 percent as much as men with a similar amount of education. In 1978, women with four years of college earned what men with one to three years of high school earned (Hedges and Mellor, 1979). On the other hand, Black women with four years of college had the same earnings as comparably educated Black men. But Black men with four years of college earned only 75 percent of what similarly educated White men earned.

Geographical Location

Another variable contributing to the increase in wages of black men relative to white men was geographical in nature (Smith and Welch, 1978). In the South, the earnings ratio continues to be the lowest in the country, whereas it is highest in the North Central region where Black men earn 80 percent of the amount that White men earn. However, the relative ratio has risen more rapidly in the South than elsewhere, bringing the 1974 ratio to 59 percent, up from 52 percent in 1967. It is interesting to note that similar marked geographical differences do not appear in the female-male earnings ratio. In the four regions of the United States, only the North Central, with a 57 percent ratio, is somewhat different from the remaining three regions which have female-male earnings ratios close to 60 percent (U.S. Department of Labor, 1979).

Public or Private Sector

The female-male earnings ratio also varies according to whether the job is in the public or private sector. The median ratio for year-round, full-time and full-year civilian workers in the public sector was 68 percent, but for private-sector workers it was 59 percent (U.S. Department of Labor, 1979). This relationship also holds for Great Britain, where data on the average weekly earnings for full-time workers indicate that women earn 69 percent of what men earn when employed in the public sector and 57 percent in the private sector (Equal Opportunities Commission, 1979). In specific public sector occupations, the earnings differential by sex is much smaller. Women postal clerks in the United States earn 98 percent of what men earn and the female-male earnings ratio for elementary and secondary school teachers is around 85 percent (Rytina, 1981).

Interrupted Work Patterns

Women's earnings are less than men's in part because women are more likely to work on a part-time basis (Leon and Bednarzik, 1978). Therefore, most statistics used in computing the female-male earnings gap are based on data from full-time, year-round workers. Women with families are also more likely than men to have interrupted work patterns. Data from the 1967 Current Population Reports (O'Kelly, 1979) show that the annual median income for adult women who were employed for 100 percent of their adult lives was 73 percent of what men earned. For women who worked 75 percent to 99 percent of their adult lives, the female-male earnings ratio was 55 percent, and for women who had worked from 50 percent to 74 percent of their work lives, the female-male earnings ratio was 43 percent.

Age

Age is another variable associated with the sex-earnings gap. Men earn more than women in all age brackets. However, women's weekly earnings are highest for the twenty-five- to thirty-four-year-olds (Hedges and Mellor, 1979). Women earn 77 percent of what men earn in the youngest age group, sixteen to twenty-four, a time when the earnings are relatively low for both sexes. The female-male earnings ratio drops to 53 percent for the thirty-five- to forty-four-year-old age group, in which the men's earnings are among the highest.

Occupational Segregation by Sex

Women's earnings come closer to men's in the comparatively low-paying occupations which are held predominantly by women (Rytina, 1981). Rytina (1981) has come to this conclusion after analyzing cross-tabulations from the 1976 Survey of Income and Education, based on data from about 150,000 households. She documented the extent to which women are concentrated in relatively fewer occupational groups than are men. There are 41 occupational groups, each with more than 90 percent women workers, which employ 40 percent of all women employees. On the other hand, 179 occupations, in which 90 percent of the workers are men, provide employment for 50 percent of employed men. Rytina illustrates that female-male earnings ratios are highest for predominantly female fields of work, but even in these fields, men earn more than women. For example, the female-male earnings ratio is 74 percent for waiters and waitresses, an occupational group that is 93 percent female. The ratio is 58 percent for bank officers and financial managers, of which 27 percent are females. And the ratio drops down to 41 percent for physicians (medical and osteopathic), a group in which 13 percent of the workers are females. Rytina analyzes the female-male earnings ratio for female-dominated occupations (in which 60 percent or more workers are women), male-dominated occupations (in which 20 percent or less of the workers are women), or neutral or mixed occupations (in which 21 to 59 percent of employees are women). Her results show that there is a zero-order correlation of .22 between the female-male earnings ratio and the percent of women in the occupation, showing that the earnings of women tend to be lower than those of men in occupational groups in which there is a low proportion of women. She concludes that "occupational sex segregation has a negative impact on female earnings, thereby contributing to the persistence of male and female earnings differentials" (Rytina, 1981, p. 52).

Historical Antecedents. Highlights from the history of occupational segregation by sex among government clerical workers provide insight into the matter of depressed earnings of workers employed in predominantly female occupations. Presently, one out of every three women workers is engaged in clerical work, an occupation in which 80 percent of the workers are females (U.S. Department of Labor, 1980). More than 100 years ago, clerical work was considered to be men's work. In 1870, less than one percent of the employed women (outside of agriculture) were employed as clerical workers, a term which included clerks, stenographers, typists, bookkeepers, cashiers and accountants (Hill, 1929). Women who were employed by the federal government as clerks were hired as a separate class of women clerks. In 1853 Congress established the basic government pay scales used until the passage of the Classification Act of 1923. The 1853 law established four clerical classes, with the pay range from $1,200 to $1,800, and four subclerical classes for laborers, watchmen, and messengers in which the pay range was $720 to $840. The pay for the female clerks was set between the clerical and subclerical classes. Women were hired as subordinates to "clerks of the first class" and were paid at a rate of $900. By 1870 there were 2,000 women in the United States who worked as clerical workers (McMillin, 1938).

A century ago, clerical jobs, held predominantly by men, were relatively well-paid jobs. Individual federal clerical workers were paid as well as or better than crafts workers. The 1875 *U.S. Treasury Register* (U.S. Department of the Treasury, 1875) listed the names and earnings of each Treasury Department employee. For example, in the Philadelphia Mint an Assistant Calculator earned $4.50 a day, whereas a Plumber earned $3.25. In San Francisco, an Office Clerk earned $6.50 each day and a Machinist earned $5.50. In Carson (City), Nevada a Calculating Clerk and a Carpenter each earned $6.00 a day. This publication also provided an example of discounting pay for women's jobs. The San Francisco District of the U.S. Customs Service employed thirty-four (male) Inspectors at the rate of $4.00 a day and paid the one Female Inspector at the rate of $3.00 a day.

In the first two decades of the twentieth century, employment in office occupations rose and clerical work became women's work (Hill, 1929). By 1920, there were 1,910,695 women holding clerical jobs (Hill, 1929), representing 26 percent of the employed women and girls outside of agriculture. In 1930 Saint reviewed numerous surveys about women employed in the public service and concluded that "the types of positions most often held by women are clerical, nursing, social service, and library. The salaries of women have been generally lower than those of men, due largely to the fact that the scale of salaries is lower for the occupations in which women are predominantly employed, and to the fact of lower pay for equal work" (Saint, 1930, p. 54).

During World War II, federal government salaries for classified clerical and classified craft workers did not appear to be very different (Primoff, Note 1). Secretaries were paid at levels three to six in the Clerical, Administrative, and Fiscal service (CAF). In 1942, the CAF grade 5 starting salary was $2,000 for secretaries. At the same time, starting pay was $2,040 for classified supervisors of skilled mechanics maintaining, for example, large heating, lighting and power plants who were paid the Crafts, Protective and Custodial (CPC) grade 7.

The basic principle for establishing blue-collar pay, set forth in 1861, involved basing pay for similar work on prevailing private sector rates of pay. Since 1965, the system has called for using standardized job evaluation procedures and area wage survey data with central control coming from the Office of Personnel Management (formerly the U.S. Civil Service Commission), rather than allowing agencies autonomy to use different approaches to wagesetting.

Congress, however, has not been willing to apply the "going rate" principle to a wider range of federal government jobs (Van Riper, 1958). Recently, more uniform procedures for applying local prevailing pay rates to blue-collar jobs may well have contributed to a widening of the earnings gap between clerical workers and craft workers.

Over a century ago, the U.S. Treasury Department's office and calculating clerks in San Francisco and Carson (City), Nevada were paid as much as or more than machinists and carpenters, at a time when clerical and craft jobs were predominantly held by men. Now that in 1981 most clerical workers are women, experienced clerks are paid at a starting salary of $10,963, at the present nationwide federal GS-4 level. Federally employed craft workers, who are most likely to be men, are paid locality pay based on local private sector wage surveys. In 1981, experienced machinists in San Francisco start at $10.51 per hour or $21,860 annually (equating 2,080 hours with a year of hourly pay) for the WG-10 level, pay which is roughly twice that of clerks. Carpenters in Carson City, Nevada in 1981 are remunerated at the local pay rate starting at $8.76 per hour or $18,22[illegible] on an annual basis, for work at the WG-9 level.

JOB EVALUATION AND THE EARNINGS GAP

In addition to historical antecedents and background contributors to the earnings gap, this paper deals with technical and fairness issues regarding job evaluation. The term job evaluation, as defined in the NAS Interim Report (Treiman, 1979), refers to evaluation and rating of jobs and refers to formal procedures for placing jobs in a hierarchy with respect to their value or worth, for pay-setting purposes. It deals with the identification of the job duties and responsibilities, job demands (physical and mental requirements), and working conditions.

Job Worth Analyses by Sex

Union interest in salary differentials in jobs held predominantly by men or by women has led to a resurgent interest in the concept of equal pay for jobs of comparable worth, a subject of interest to the National War Labor Board during World War II (see Gitt, 1977). The Washington Federation of State Employees, AFL-CIO, and the State Women's Council, in 1973 requested the governor of the state of Washington to produce what has become a classical study of comparable worth (International Women's Year Commission Report, 1976; Remick, 1980). Remick defines *comparable worth* in general as "a concept requiring comparable salaries for dissimilar jobs requiring comparable overall effort, skill, responsibility and working conditions" (Note 2, p. 1). Willis (Note 3) was hired by the state of Washington to conduct a factor-point job evaluation using four factors (Treiman, 1979) found to be very similar to those used in the Hay system: Knowledge and Skills, Mental Demands, Accountability, and Working Conditions. (For a description of conventional job evaluation methods, see Burns, 1978; Treiman, 1979; Henderson and Clarke, 1981). One hundred and twenty-one job classifications held predominantly (70 percent or more) by one sex were chosen. Analysis was made of the total number of job-worth points assigned to each classification in relation to actual monthly salaries paid for predominantly male and predominantly female jobs. The study concluded that, on the basis of measured job content, women's classes were paid approximately 20 percent less than men's. The report also noted that the salary structures were "developed from historic position alignments supported by extensive surveys of prevailing practices of private business and other governmental organizations" (Willis, Note 3, p. 20).

The results of a second study, using the Hay method, which was conducted in San José, California in July and December 1980 (Stone, 1981), led to a major strike involving the American Federation of State, County, and Municipal Employees (AFSCME). The study found that women employed in predominantly female jobs, such as in clerical, library, and recreation work, earned, on the average $3,000 less than men who held comparable jobs in male-dominated areas (Stone, 1981). Nevertheless, the settlement of the nine-day strike of the San José municipal workers led the *Wall Street Journal* to advocate the use of market pricing in an editorial: "The lid was removed from a Pandora's box, and a new approach for setting pay for women has made its escape. Under the innocuous name of 'comparable worth,' it would abolish the labor market and have everyone's pay set by bureaucrats . . . Value, we have always thought, is what the market says it is, not some notion that one job is as 'important' as another" ("Pandora's Worth," 1981).

Additional questioning of the premises behind comparable worth has come from Kenneth McGuiness, President of the Equal Employment Advisory Council (EEAC), in a book edited by Livernash (1981a). He cites Livernash (1980b), stating that "the concept of comparable worth has never been defined in operational terms or associated with any measurement device" (Livernash, 1980a, p. v). McGuiness states the following:

> Briefly stated, proponents content that the marketplace has historically discriminated by establishing lower rates of compensation for jobs held predominantly by women and, in some instances, by minorities. They argue that any job has a certain inherent "worth" to the employer, or perhaps to society at large, and that it is therefore possible to compare these "worths" even though they do not require the same skill, effort and responsibility and are not performed under similar working conditions (the Equal Pay Act Standards). If this comparison indicates that a position held predominantly by women is paid less than a 'male' job of comparable worth, the difference in pay rates is presumed to be exclusively the result of past societal discrimination. Consequently, proponents argue that it is necessary to devise a common measuring system which is capable of assigning a numerical worth to each job, so that jobs which are dissimilar can be compared and their pay rate analyzed for possible discrimination (Livernash, 1980a, pp. iv, v).

In the same EEAC volume, Schwab examines job evaluation and pay setting and concludes that "job evaluation does not measure worth beyond its definition in market wages . . . The choice and weighting of job content variables are based, therefore, on a criterion of wages, and not on a criterion of worth" (Schwab, 1980, p. 76). He notes that "If individuals are aggregated into groups, such as by sex and a [pay] difference is observed, the source of the difference could be due to job and/or individual pay variation. Consequently, attribution of the difference to only a single source may be erroneous. Moreover, to expect that the regulatory manipulation of a single pay procedure will eliminate group differences may be equally erroneous" (Schwab, 1980, p. 77).

The battle of expert witnesses appears to be moving into a new area of law with the initial limited approval of the U.S. Supreme Court. In *County of Washington* v. *Gunther* (1981)[1] Mr. Justice Brennan, delivering the majority opinion, concluded: "We do not decide in this case the precise contours of lawsuits challenging sex discrimination in compensation under Title VII. It is sufficient to note that respondents' claims of discriminatory undercompensation are not barred by Section 703(h) of Title VII merely because respondents do not perform work equal to that of male jail guards."

Concerns Raised by Employment Testing Law

Proponents of equal pay for comparable worth raise questions parallel to those raised in employment testing court cases. I will review some of the issues which I view as having some similarity with those related to comparable worth, that is, those relating to research on validity, documentation requirements, administrative aspects and considerations of fairness.

Technical Issues. In 1966, when the first Equal Employment Opportunities Commission Guidelines were issued (USEEOC, 1966), the first technical test standards were twelve years old (APA, 1954), and there was little current published literature on practical applications in personnel testing. The extensive personnel selection research, chiefly from the 1930s and 1940s, was summarized in Fryer and Henry's 1950 *Handbook of Applied Psychology*. The validity of many employment selection procedures was not documented in detail.

When the first federal guidelines were written in 1966, there were no professional standards for the use of job analysis in conducting validity studies (APA, 1966). The 1974 (APA) *Standards for Educational and Psychological Tests* made an attempt at codifying the use of job analysis as did the 1975 (APA) Division 14 *Principles for the Validation and Use of Personnel Selection Procedures*. However, in 1980, the Division 14 *Principles* (APA, 1980) retreated from the positions of codifying job analysis standards and did not recommend the use of any one type of job analysis procedure.

Job Analysis Documentation. Employers purporting to use content-valid tests, had little information available about the jobs and were not likely to have conducted a formal job analysis. (For description of job analysis methods, see McCormick, 1979.) And when job analysis was used, qualitative evidence rather than systematic quantitative data was available. Job analysis, for many public employers, was performed by making a few phone calls to incumbents or their supervisors to find whether the job under consideration had changed since the last examination was held. Job analysis and/or selection procedures overlooked, undervalued, or inappropriately weighted critical job requirements. Though women were often involved in test development, minority group members were often not consulted or involved in task forces carrying out job analysis or examination development in an effort to insure the fairness of the test content.

Organizational Practices. Many employers used traditional personnel practices "because they always had been used." It was not unusual to find employers preparing job analyses and conducting validity studies to justify existing tests. Requests to revise and develop more comprehensive procedures aimed at covering the whole job were turned down because they were too expensive.

Comparable Issues in Compensation

Technical Research. Job analysis has been called "a mature art and infant science" (Brumback, Note 4). These words may also apply to job evaluation. But it appears that job evaluation procedures are at an earlier stage of development than job analysis was at the time the first U.S. Supreme Court employment testing case was handed down in 1971. There is no single set of authoritative professional standards for job evaluation, nor are there government guidelines on wage discrimination. The 1979 Interim Report of the National Academy of Sciences (Treiman, 1979) on job evaluation, written by Treiman, observed that

"Much of the published literature on job evaluation is twenty-five to thirty years old . . . Job evaluation procedures were the subject of a fairly lively research effort at the time they were first gaining prominence, in the period just after World War II. By the mid-1950s, however, interest in job evaluation as a research topic has largely died out" (Treiman, 1979, p. xii). Otis and Leukart's text, *Job Evaluation*, of which the second edition was published in 1954, is still in print. In one paragraph, Otis and Leukart identify job evaluation's relevance to women in industry: "In applying the 'equal-pay-for-equal-work' principle, particularly in cases where women are wholly or partially performing jobs that are normally considered men's jobs, the existence of detailed job descriptions makes possible an objective determination of correct rate of pay for the job" (Otis and Leukart, 1954, p. 279). And more than twenty-five years later, as we watch the reawakening interest in job evaluation, we find psychologist Schwab's chapter in the EEAC book cited in footnote 20 of the majority opinion in the *Gunther*[2] case, the first U.S. Supreme Court case dealing with sex bias in compensation procedures.

Legal requirements often contribute to research activity. During the generally slow period in job evaluation research, Congress enacted the Job Evaluation Policy Act of 1970, in which the job evaluation requirements for the executive branch of the federal government were defined. As a result, the Factor Evaluation System (Anderson and Corts, 1973), an eclectic method which combined whole-job ranking, factor comparison, and point rating approaches, was developed and used by federal government agencies.

My interest in the fact that little current research has involved job evaluation led me to query three industrial/organizational psychologists who have published in this area: Ernest McCormick (Note 5); C. H. Lawshe (Note 6); and Carroll L. Shartle (Note 7). (See the following references for their publications: Otis and Leukart, 1954; Shartle, 1950; and Treiman, 1979.) All three psychologists recognize that job evaluation has not, especially in recent years, been a central concern of psychologists. Lawshe attributes this lack of interest to the fact that psychologists who work in industry have been preoccupied with organizational development. He notes that, in industry, wage administration is organizationally separate from personnel and industrial relations. Shartle points out that job evaluation is looked upon as being the subject matter of labor relations, labor economics, or even engineering, rather than psychology, and that college training has emphasized the measurement of human traits and aptitudes and not job characteristics (Note 7).

Job evaluation, notes Lawshe, no longer provided the cutting edge for university-based research. Lawshe elaborates: Otis wrote his book. Lawshe published his dozen or so studies. "What else was there to explore? Like personnel testing was (for twenty-five years), too pedestrian!" (Note 6).

For Shartle and McCormick, interest in job evaluation grew out of exposure to the workplace. They, along with Otis (Otis and Leukart, 1954) had all been exposed to practical, real-world considerations when they worked in the Office of Research Programs in the U.S. Employment Service. (McCormick was also chief occupational analyst with the Census Bureau for the 1940 Census and in charge of occupational statistics with the Selective Service System.) McCormick, along with his co-workers, Mecham and Jeanneret, have persisted in their Position Analysis Questionnaire research and applied it to job evaluation (see McCormick, Mecham, and Jeanneret, 1972). McCormick (Note 5) acknowledges that his experiences before coming to Purdue had convinced him of the need for more systematic approaches to human work, that is, to quantitative approaches to job and occupational analysis. He con-

tinued doing research with job evaluation implications during the period before the federal selection guidelines drew attention to job analysis procedures.

In addition to the factors cited by Lawshe, McCormick and Shartle, there are some powerful forces that serve to inhibit job evaluation research. Technical considerations, relating to establishment of job-worth points for the internal organizational alignment of jobs, may often play a secondary role to organizational politics (Jeanneret, 1980), collective bargaining agreements, and the use of prevailing rates of pay in establishing compensation rates. Henderson and Clarke recognize the following constraints: "A pay structure that eventually sets limits on the base pay for a job is a blend of senior management philosophy, external influences and technical considerations" (1981, p. 63). They state that pay structure design is not a scientifically pure procedure, noting that administrative decisions affecting the design of the pay structure are frequently arbitrary in nature.

Role of Job Evaluation in Pay-Setting Procedures. What then is the role of job analysis and job evaluation in pay-setting procedures? Some information may be obtained by examining the results of four surveys (reported in Craver, 1977; Treiman, 1979; Henderson and Clerke, 1981), which describe the extent to which the four conventional job evaluation methods (ranking, classification, factor comparison and point methods), identified in the National Academy of Sciences (NAS) Interim Report (Treiman, 1979), are applied. Two of the surveys also included the market-pricing approach which Henderson and Clarke (1981) describe as being closely related to whole-job ranking. Henderson and Clarke (1981) note that organizations which use a pure market-pricing method allow the marketplace to determine the relative worth of its jobs.

The four surveys vary, not only in the methods covered, but in the number and type of organizations covered, in the response rates of the groups surveyed, and in the way in which procedures are defined and classified. Despite these limitations, the survey data are useful in identifying, in a general way, the extent to which job evaluation procedures are applied. Just as the development of employment testing case law alerted employers to the need for conducting job analyses, the emerging case law[3] on job evaluation has alerted psychologists (Beatty and Beatty, Note 8) to the need for collecting job analysis information to establish the worth of equal and comparable jobs.

The first survey is the Bureau of National Affairs (BNA) Survey No. 113 (cited in Henderson and Clarke, 1981, pp. 32–33) which covered 172 job evaluation plans and considered market pricing and simple ranking procedures to be job evaluation methods. Three-fourths of the companies had at least one kind of job evaluation plan. Job descriptions served as the key source of information on which job evaluations are based. The data for the job descriptions were collected through interviews with supervisors in 57 percent of the plans, through interviews with job incumbents in 49 percent of the plans, and through observations by job analysts in 48 percent of them. In 28 percent of the plans, job descriptions were revised every year. This survey also indicated that 86 percent of the companies with plans had written manuals on their job evaluation plans.

A second survey, reported by Akalin (cited in Treiman, 1979), describes data collected in 1968 from 250 corporations who responded to a survey sent to 1,000 firms. The NAS Interim Report (Treiman, 1979), in commenting on this survey, noted the low response rate and the less than desirable quality of the data, but, nevertheless, concluded that the majority of the large firms were making use of formal job evaluation procedures, ranging from 56 percent for managerial jobs to 67 percent for nonsupervisory office jobs. The point system was the

most popular type of job evaluation, used in 65 percent of non-supervisory factory and office jobs and for 46 percent of the professional and managerial jobs. The BNA Survey also indicated that the point system was most popular and used in 53 percent of the plans. This popular system is considered to be relatively simple to administer because the range of possible points is constant across jobs (Treiman, 1979). The BNA Survey also revealed that 12 percent of the plans used the market-pricing method and another 9 percent used simple ranking. Both methods depend heavily on economic considerations rather than on job demands and working conditions.

The third survey, conducted in 1977 by the American Compensation Association, which covered 634.598 employees, confirmed the BNA finding that 12 percent of the employees were compensated on the basis of a market-pricing plan. The most popular method reported in the ACA survey was the ranking plan with covered 35 percent of the employees.

The fourth survey (Craver, 1977) dealth with the public sector study conducted in 1976 by the International Personnel Management Association (IPMA). It included forty-six states and 44 percent of the seventy largest county government employers surveyed. This report showed that qualitative methods, which included position classification and position ranking, which are "whole jobs" methods of evaluation, were most popular and used by 89 percent of the states and 94 percent of the counties. The county and state jurisdictions frequently used different methods to evaluate different kinds of jobs. Quantitative methods, which mainly involve the use of factor point ranking, were used for some classes by 35 percent of the states and 16 percent of the reporting counties. Future plans called for still greater use of the adoption or expansion of factor point methods and reduction of the use of position classification, indicating plans to move towards more quantitative methods of job evaluation. Although the IPMA did not comment on its use of prevailing rates of pay, it is clear that considerable salary and wage survey data are collected and reported annually by a relatively large number of organizations (e.g., IPMA, the U.S. Office of Personnel Management, the Council of State Governments, and wage and salary surveys are conducted by the U.S. Department of Labor's Bureau of Labor Statistics).

In summary, the survey findings show job evaluation practices vary considerably from one employer to another and by the pay plans used by an employer. There are employers who make little use of job evaluation procedures and who rely on market pricing, letting the market determine the worth of the job. Numerous employers have no written manuals for the job evaluation plans. Many state and local government employers make use of qualitative rather than quantitative methods of job evaluation.

Organizational Practices. Reports of case studies of applications of job evaluation methods in local jurisdictions illustrate problems associated with discrepancies that arise between the results of job evaluation procedures and information gathered about prevailing rates of pay. Wallace and Krefting (1975) and Henderson and Clarke (1980), who applied and studied pay-setting procedures in two small cities, identified discrepancies between the two sources of information in a variety of jobs such as firefighters and department heads which are undervalued and which are jobs held primarily by men. These reports show that the administrative procedures for aligning the results of job evaluation with prevailing rates of pay are worthy of close scrutiny. For example, Henderson and Clarke (1981) reported that such an analysis led to the removal of department-director jobs from the basic pay structure. On the other hand, Wallace and Krefting (1975) concluded that external market factors have a greater bearing on the establishment of compensation structures in the public than in the

private sector. Municipalities, they note, have "less flexibility in establishing the administrative rules that define the internal labor market," and elected officials must approve the pay plans.

Blumrosen (1979), a major proponent of the legal theory relating to comparable worth, has pointed out that pay-setting procedures all involve comparisons between what an employer planned to pay and the prevailing market rates for similar or comparable jobs. A key component of comparable worth analyses will, no doubt, focus on discrepancies between job worth points and organizational use of prevailing rate of pay. Concerns about the extent to which market pricing plays a role in compensation practices are summed up by this controversial question raised by Henderson and Clarke (1981, p. 11): "Does the market relate to past discriminatory practices on [sic] hiring and thus perpetuate pay practices that have an adverse impact on females and minorities?"

Recent publications on the use of job evaluation call attention to practices which are used to justify existing pay structures. The NAS Interim Report (Treiman, 1979) recognizes the distinction between the introduction of job evaluation to an organization and its ongoing application. Treiman notes: "Typically, a job evaluation system is introduced in an attempt to rationalize an existing wage structure . . .[it] is often introduced in a firm, as a way of putting order into a wage- and salary-setting process that has been haphazard or arbitrary" (1979, p. 4). Also, in Great Britain, where the role of job evaluation in achieving equal pay for work of equal value has received some degree of official recognition (Bellace, 1980), Burns (1978) has also noted that the normal purpose of job evaluation serves to rationalize and reinforce existing differences in pay levels.

Critical Job Demands and Working Conditions Undervalued

Job Demands. Concern with equitable pay practices has led many occupational groups to identify critical job demands and working conditions which appear to be undervalued, overlooked or inappropriately weighted in pay-setting procedures. Professional organizations representing nurses and librarians were among the groups which testified at the 1980 Hearings on Job Segregation and Wage Discrimination conducted by the U.S. Equal Employment Opportunity Commission (USEEOC, 1980). The American Nurses Association highlighted similarities between the work of nurses and physicians, stressing that the work of nurses, in which 98 percent of the jobs are held by women, is undervalued. Nursing work, particularly in intensive care units where nurses have critical responsibilities for monitoring sophisticated equipment, concerns itself with the extensive use of judgment in life and death situations. Job evaluations need to identify the amount of discretion and responsibility assigned to nurses and physicians and their overlapping tasks and critical worker requirements.

Librarians, represented by the American Library Association, also testified before the EEOC Hearings on the undervaluing of the work of professional librarians, who held a Master's degree in library science. Approximately 80 percent of professional library jobs are now held by women. The Library Association pointed out that the expertise, knowledge and responsibilities of library workers have not been adequately reflected in the wages paid (USEEOC, 1980), and noted in particular that librarians must apply information retrieval technology to handle increasingly complex procedures for storing, finding and analyzing information for use in research and in decision making.

One of the objectives in job evaluation deals with the identification of the worth of dissimilar jobs. It is harder to meet this objective when an organization has a number of different pay plans, for example, different pay plans for blue- and white-collar workers. Jeanneret (1980) has dealt with this problem in his review of how the Position Analysis Questionnaire (PAQ) may be used to develop a single statistical equation, based on forty-five job dimensions, for each job within an organization. One of his illustrations deals with the use of the PAQ to establish the fairness of three different pay systems, including hourly nonexempt, salaried nonexempt, and salaried exempt positions. (The exempt-nonexempt distinction deals with overtime pay and other provisions under the Fair Labor Standards Act.) For example, twenty-six salaried exempt jobs were analyzed and the PAQ points were compared with the rank orderings established by the organization's evaluation system. By analyzing the PAQ results, Jeanneret was able to indicate why, for example, the controller position was accorded more points than the maintenance superintendent's position. The controller position, he found, involved a higher degree of decision making, more communication and public contact, less job structure, and more overall general responsibilities (Jeanneret, 1980).

Pay equity concerns have also generated a great deal of research in the Federal Republic of Germany, where Bellace (1980) has observed that the issue of undervaluation of women's work is more hotly debated than in nine of the other West European countries she studied. West Germany, in its 1949 Constitution, guaranteed equal treatment to its citizens regardless of sex. In 1955, the Federal Constitution Court interpreted the Constitution as requiring equal pay for work of equal value and declared that this "principle of equality" applied in wage contracts drawn up by employers and trade unions (Bellace, 1980; Helberger, 1980). A European community policy on the matter was established (Bellace, 1980) and Article 119 of the Treaty of Rome guaranteed equal pay for work of equal value. Since many questions arose in West Germany about the implementation of this agreement, the German Federal Diet, in 1966, requested that reports on its implementation in West Germany be submitted to them every two years (German Federal Diet, Note 10). In October 1973 West Germany's Federal Ministry for Labour and Social Order commissioned a large-scale job analysis study to deal with "what work is considered to be heavy or light in today's technological working environment, paying particular attention to work performed by men and women in the lower-wage brackets" (German Federal Diet, Note 10, p. 5). Rohmert and Rutenfranz (1975) were selected to develop scientific criteria to judge work activities as light or heavy and easy or difficult. As a result, they developed a multipurpose job analysis procedure reflecting a human factor, that is, an ergonomic and physiological viewpoint which resulted in a questionnaire which initially consisted of 390 items. This job analysis instrument is called the AET (*A*rbeitswissenschaftliches *E*rhebungsverfahren zur *T*ätigkeitsanalyse), which in its final form (Rohmert and Landau, 1979) is a questionnaire consisting of 216 items to deal with economic and social aspects of work situations which are important in the evaluation and remuneration of work performed predominantly by women (Landau and Rohmert, 1981; Landau, Note 9). The AET's item format and its rating scales, covering physical and nonphysical job requirements and work activities, were derived from the Position Analysis Questionnaire developed by McCormick and his co-workers (McCormick, Jeanneret and Mecham, 1969). The AET, however, was designed to focus on the stress and strain associated with the job requirements of heavy and light work. The final form of the AET included the following types and number of items (Landau and Rohmert, 1981): object of work (33); equip-

ment (36); working environment (50); principles of remuneration (24); analysis of tasks (31); reception of information (17); decisions demands (8); and sensory and postural activity (17).

The AET was used to study the work activities performed by 616 workers employed in ten different types of work settings including industry, trade and public service (Rohmert, Luczak and Kugler, 1979; Helberger, 1980). Fifty-eight percent of the sample consisted of men and the remaining 42 percent of women. A total of 42 percent of the workers were from the steel industry and white-collar workers were represented by 196 workers (32 percent) employed by government agencies, banks and insurance companies.

This study is useful to comparable worth analyses because it goes beyond job titles to identify the job demands and the working conditions faced by men and women employees. Data were not summarized by occupations, but instead show how different the job demands and work conditions are for men and women, which is a necessary first step in recognizing factors associated with occupational segregation on the basis of sex.

Here are some of the highlights of the report on the work activities of 616 West German employees (Rohmert, Luczak, and Kugler, 1979; Helberger, 1980), based on AET data. Men spent 47 percent of their work time engaged in heavy dynamic work, while women workers spent 60 percent of their time performing active light work occurring in short cycles and straining muscles on one side of the body. Men were much more likely to spend time in analyzing information (22 percent vs. 4 percent, respectively), whereas women spent a larger proportion of their time engaging in repetitive work (39 percent vs. 10 percent, respectively). Men working conditions were quite different. The men reported working under extremely high noise level conditions more frequently than did the women (24 percent vs. 15 percent, respectively), and the men were more likely than the women to spend over two-thirds of their work time in dirty or wet work environments (42 percent vs. 8 percent, respectively). And finally, German working men were much more likely than women to have responsibility for costly material asets valued at more than 300,000 DM (35 percent vs. 9 percent, respectively).

Rohmert (German Federal Diet, Note 10) has made proposals for using these data to develop a job evaluation procedure, but these steps have not yet been carried out. Remick (1978) has grouped the AET results into more than a dozen categories and offers suggestions for establishing job worth points for work performed predominantly by men or by women. For example, on the matter of light vs. heavy work she notes: "A bias-free system might give points for total weight lifted during a day or for total caloric output in lifting objects. Male jobs are also characterized as involving full body movement; however, female jobs often tend to involve repeated and confined use of only a few muscles. Evaluation systems should be altered to give value to both kinds of muscle use" (Remick, 1978, p. 86).

Working Conditions. Remick (1978) has also commented on job evaluation considerations of working conditions for men and women. Men in the United States, just as in West Germany, are more likely than working women to be exposed to physical dangers or to unhealthy working conditions (Cohen, 1971). Remick has noted that job evaluation systems which cover working conditions have generally weighted cold, wet, noisy and dirty conditions under which men are most likely to work. Remick (1978, p. 88) comments on other negative conditions found in jobs held by females, but not generally covered in job evaluation systems: "Factors not considered but found in many female jobs include confinement to small spaces, restricted body movement, use of magnifying equipment (as in assembly of microcircuitry), and noise from machines such as typewriters, telephones, key punches and vacuum cleaners.

Noise should be measured for both average and peaks, and the other factors not usually considered should be added to evaluation systems."

American researchers are beginning to identify working conditions and job demands which have been found by European researchers to be sources of stress (see Cooper and Marshall, 1980). Health complaints and job stress may well be considered in future job evaluations of working conditions. A recent study of video display terminal (VDT) operators evaluated the relationship between job demands and health complaints and stress in video display operations (Cohen, Smith and Stammerjohn, 1981; Smith, Cohen, Stammerjohn and Happ, 1981). VDT operators engage in machine-paced work in which their movements are constrained. The approximately 250 clerical VDT operators in the study included data entry clerks, classified advertising clerks, and circulation clerks, employed in five work places including four newspapers and one insurance company. A specially prepared questionnaire included information about job demands, job stressors, job stress level and working conditions for VDT operators, including clerical and professional workers and a clerical control group with more than 150 respondents.

The results indicate the need for considering human factors when studying the impact that jobs have on workers. The results showed that clerical VDT operators reported higher levels of stress and health complaints than did professionals who used VDTs and control clerical workers who were using regular typewriters. The health complaints of the clerical VDTs included visual, musculoskeletal and emotional health complaints. The key job stressors perceived by the clerical VDT operators related to a number of factors including the workload, lack of control over job activities and boredom.

These illustrations of perceived inadequacies in identifying critical job demands and negative working conditions as they exist in jobs held predominantly by women point to the need for gathering better job information and reevaluating procedures for establishing job worth points. This is particularly critical for jobs which are primarily carried out by members of one sex and which are evaluated using different job evaluation systems.

EMERGING RESEARCH ISSUES

The female-male earnings ratio varies according to background factors in education, race, age and continuity in employment. Employment setting (public vs. private), occupational segregation by sex, and historical antecedents are also associated with the relatively low compensation received by women. The use of job evaluation results and prevailing rates of pay in compensation practices will receive increasing attention in lawsuits dealing with equal pay for jobs of comparable worth. However, pay-setting procedures are not the only contributors to the earnings gap. Other personnel practices, for example, the failure to evaluate women's educational qualifications and skills developed in unpaid activities may contribute to the underevaluation of women's job worth, particularly for those women who have interrupted careers.

Interdisciplinary Research

Interdisciplinary research is needed to understand factors contributing to the earnings gap. Investigations of historians, economists, sociologists (e.g., Peterson-Hardt, Note 11) as well as psychologists are needed to unravel the various contributions to the earnings gap. An important question is: Why are the educational qualifications of women undervalued in

the workplace? How does occupational segregation on the basis of sex contribute to the female-male earnings ratio?

Use of New Psychometric Tools

New psychometric tools such as multidimensional scaling (MDS) procedures (for MDS history and applications, see Carroll and Wish, 1974; Wish and Carroll, 1974) might be used in studying the cognitive processes involved in making judgments of the similarities between jobs and establishing their relative worth. The research of Coxon and Jones (1978, Chapter 4; 1979, Chapter 6) on occupational evaluation and the subjective aspects of occupational structure involves the use of multidimensional scaling to study how subgroups of individuals use differing bases for evaluating occupations. Coxon and Jones find MDS to be a more powerful tool for gaining insight into the structure of occupational perceptions than other multivariate techniques such as factor analysis. They find it especially useful to supplement their scaling analyses with the subjects' verbalizations. The verbalizations are used as aids in interpreting the emerging dimensions. A key advantage of MDS is that the dimensional structure is solely a function of the perceptions of the subjects (as expressed in the subjects' judgments of similarity) and not of the speculations of social scientists (reflected, for example, in the choice of rating scales). Basic research on the valuing of occupations might contribute to a better understanding of sources of bias in job evaluation.

New Applications of Existing Job Analysis Methods

Another step might involve turning to job analysis methods developed for other purposes to determine their value as job evaluation tools. For example, Fine's (1973) three functional scales, which assess the complexity of work functions involved in work with Data, People and Things, might be modified for use in job evaluation. Particular attention should be paid to critics of the People scale of the third edition of the Dictionary of Occupational Titles (DOT) (International Women's Year Commission Report, 1976), who suggested adding a separate Caring-Counseling level to overcome subtle biases in the establishment of skill-complexity codes for jobs predominantly held by women. The critics noted, for example, that in the 1965 edition of the DOT, skill-complexity level ratings for barbers were higher than those for nursery school teachers.

Further research needs to be conducted applying one job evaluation method such as the PAQ (see Jeanneret, 1980) to a variety of office, trades, labor, professional and managerial jobs, traditionally covered by different pay systems.

Procedures to Further Identify Critical Job Demands and Working Conditions

Further research on the effects of job familiarity on job evaluation results along the lines of Madden (1962, 1963) needs to be conducted. Madden, in studying the Air Force job evaluation system, conducted two studies in which he found an association between the level of job familiarity and job evaluation ratings. Madden (1962) found that raters who were relatively familiar with a job, gave the job higher ratings on adaptability, decision making, mental work, working conditions and managerial or supervisory factors. He (1963) reported an interaction effect between specialty and familiarity level, noting that this was a complex effect and not a simple matter of ego-involvement. He made practical recommendations for de-

aling with the familiarity effect, suggesting that at least one out of every six raters be thoroughly familiar with a specialty.

Another variable that needs to be studied is the role of gender and/or feminist outlook of the job analyst, job incumbent or rater at all stages of job evaluation, including the collection of critical job requirements and starting with the initial stage at which job information is collected.

Research on Perceived Fairness of Job Evaluation Systems

Another research issue is related to the perceived fairness of systems for establishing compensation rates. Equity, defined as compensation commensurate with employees' perceived contributions, is viewed as a contributor to the quality of work life (Ronan, 1981). One aspect deals with employee participation in pay-setting procedures. What roles do due process considerations, such a providing employees with information about job evaluation procedures, including job-worth scores for jobs and information about the use of prevailing rates of pay, have on workers' perceptions of fairness?

Research on the perceived equity of different job evaluation procedures should build on the research that Atchison and French (1967) conducted, in which they used three systems for setting pay and which involved study of the extent to which scientists and engineers perceived the systems as equitable.

Equity could also be analyzed in terms of how job evaluation procedures differ in terms of their qualitative or quantitative nature. Are more quantitative procedures, such as point systems, perceived as being more equitable by employees of predominantly female occupational groups than are the more qualitative procedures involved in the position classification and whole-job ranking methods? Nieva and Gutek's (1980) review of studies relating to sex effects on evaluation leads to the hypothesis that job evaluation procedures using ambiguous criteria are more susceptible to sex stereotyping and possible underevaluation.

CONCLUSIONS

Background factors are associated with the female-male earnings gap. The smallest pay differential between the earnings of men and women often appears among lower-paying jobs held predominantly by women, younger workers and public sector employees. The application of job evaluation methods and the results of reconciliation between job-worth points and prevailing rates of pay are also important contributors to the earnings gap.

Interdisciplinary research is needed to understand the role of background and historical contributors to the earnings gap. Use of new psychometric tools such as multidimensional scaling may provide insight into the valuing of occupations. Existing job analysis methods should be used to obtain comprehensive information on the worth of jobs held predominantly by members of one sex and occupations traditionally covered by different pay plans. The role of gender and job familiarity in the collection and evaluation of jobs is worthy of further study.

Another emerging research area deals with perceptions of pay equity, including due process considerations and the qualitative or quantitative nature of job evaluation.

The magnitude to which prevailing rates of pay are used in compensation procedures needs to be closely scrutinized. Research on job evaluation and documentation of pay-setting procedures is likely to increase because of the growing civil rights concerns about equal pay for comparable worth.

REFERENCE NOTES

1. Primoff, E. S. Personal communication. August 10, 1981.
2. Remick, H. *Comparable worth definitions.* Unpublished manuscript, March 1981. (Available from: Office for Affirmative Action, University of Washington, Seattle 98195.)
3. Willis, N. D. *State of Washington comparable worth study.* Unpublished manuscript. September 1974. (Available from: Norman D. Willis & Associates, 812 3rd Avenue, Seattle, Washington, 98101.)
4. Brumback, G. B. One method is not enough; *An overview of selection oriented job analysis methodology.* Paper presented at the Selection Specialist's Symposium of the International Personnel Management Association, Chicago, Illinois, 1976. (Available from: 724 Wilson Avenue, Rockvilie, MD 20850.)
5. McCormick, E. J. Personal communication, June 12, 1981.
6. Lawshe, C. H. Personal communication, June 13, 1981.
7. Shartle, C. L. Personal communication, June 15, 1981.
8. Beatty. R. W. & Beatty, J. R. *Job evaluation and discrimination: Legal, psychological and economic perspectives on comparable worth and women's pay.* Unpublished manuscript, 1981. (Available from: University of Colorado, School of Business, Boulder, Colorado 80302.)
9. Landau, K. Personal communication, July 15, 1981.
10. *German Federal Diet, 8th Legislative Period. Federal Republic of Germany, Federal Ministry of Youth, Family and Health. Information from the Federal Government.* Subject area 8. Printed Matter 8/547, June 3, 1977.
11. Peterson-Hardt, S. *Sex differences in occupational achievement: A structural analysis.* Paper presented at the meeting of the American Psychological Association, Los Angeles, 1981. (Available from: Department of Sociology, Russell Sage College, Troy, New York.)

NOTES

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[1] *County of Washington et al.* v. *Alberta Gunther et al. BNA Daily Labor Report,* No. 109, D-1–D-12, June 8, 1981, p. D-6.

[2] *County of Washington et al.* v. *Alberta Gunther et al. BNA Daily Labor Report,* No. 109, D-1–D-12, June 8, 1981, p. D-6.

[3] *Gunther et al.* v. *The County of Washington, et al.* 20 *FEP Cases* 792 (August 16, 1979), p. 795.

REFERENCES

American Psychological Association. Technical recommendations for psychological tests and diagnostic techniques. Supplement. *Psychological Bulletin,* 1954, *51,* 201–238.

American Psychological Association. *Standards for educational and psychological tests and manuals.* Washington, D.C.: Author, 1966.

American Psychological Association. *Standards for educational and psychological tests.* Washington, D.C.: Author, 1974.

American Psychological Association, Division 14, Division of Industrial-Organizational Psychology. *Principles for the validation and use of personnel selection procedures.* Dayton, Ohio: Author, 1975.

American Psychological Association, Division of Industrial-Organizational Psychology. *Principles for the validation and use of personnel selection procedures* (Second Edition). Berkeley, CA: Author, 1980.

Anderson, C. H. and D. B. Corts. *Development of a framework for a factor-ranking benchmark system of job evaluation* TS-73-3. Washington, D.C.: U.S. Civil Service Commission, Personnel Research and Development Center, December 1973.

Atchison, T. and W. French. Pay systems for scientists and engineers. *Industrial Relations,* 1967, 7 (1), 44–56.

Bellace, J. R. A foreign perspective. In Livernash, E. R. (Ed.), *Comparable worth: Issues and alternatives.* Washington, D.C.: Equal Employment Advisory Council, 1980.

Blumrosen, R. G. Wage discrimination, job segregation, and Title VII of the Civil Rights Act of 1964. *University of Michigan Journal of Law Reform,* 1979, *12* (3), 397–502.

Burns, M. *Understanding job evaluation.* London: Institute of Personnel Management, 1978.

Cohen, M. S. Sex differences compensation. *Journal of Human Resources,* 1971, *VI* (4), 434–447.

Cohen, B. G. F., M. J. Smith and L. W. Stammerjohn, Jr. Psychosocial factors contributing to job stress of clerical VDT operators. In *Proceedings from the International Conference on Machine Pacing and Occupational Stress.* Held at Purdue University. London: Taylor & Francis, Ltd., March 17–19, 1981.

Cooper, C. L. and J. Marshall (Eds.) *White collar and professional stress.* New York: Wiley, 1980.

Coxon, A. P. M. and C. L. Jones *The images of occupational prestige: A study in social cognition.* New York: St. Martin's, 1978.

Coxon, A. P. M. and C. L. Jones *Class and hierarchy: The social meaning of occupations.* New York: St. Martin's, 1979.

Craver, G. Job evaluation practices in state and county governments. In Suskin, H. (Ed.), *Job evaluation and pay administration in the public sector.* Washington, D.C.: International Personnel Management Association, 1977.

Equal Opportunities Commission. *Fourth annual report, 1979.* London: Her Majesty's Stationery Office, 1980.

Fine, S. A. *Functional job analysis scales: A desk aid.* Methods for Manpower Analysis, No. 7. Kalamazoo, Michigan: W. E. Upjohn Institute for Employment Research, April 1973.

Fryer, D. H. and E. R. Henry (Eds.) *Handbook of applied psychology.* (Vol. 1). New York: Rinehart, 1950.

Gitt, C. E. and M. Gelb. Beyond the Equal Pay Act: Expanding wage differential protections under Title VII. *Loyola University Law Review,* 1977, *8,* 723–766.

Hedges, J. N. and E. F. Mellor. Weekly and hourly earnings of U.S. workers, 1967–78. *Monthly Labor Review,* 1979, *102* (8), 31–41.

Helberger, C. Work analysis as a means to achieve equal pay for working women: The Federal Republic of Germany. In Ratner, R. S. (Ed.), *Equal employment policy for women—Strategies for implementation in the United States, Canada, and Western Europe.* Philadelphia: Temple University, 1980.

Henderson, R. I. and K. L. Clarke. *Job pay for job worth: Designing and managing an equitable job classification and pay system.* Research Monographs 86. Atlanta, GA: Georgia State University, 1981.

Hill, J. A. *Women in gainful occupations, 1870–1920.* Census Monographs IX. Washington, D.C.: U.S. Government Printing Office. New York: Johnson Reprint Corporation, 1972. (Originally published, 1929.)

International Women's Year Commission Report, U.S. Senate. *Congressional Record,* September 27, 1976, S16703–S16739.

Jeanneret, P. R. Equitable job evaluation and classification with the Position Analysis Questionnaire. *Compensation Review,* 1980, *12* (1), 32–42.

Landau, K. and W. Rohmert. AET: A new job analysis method. *Proceedings of Spring Annual Conference and World Productivity Congress.* American Institute of Industrial Engineers, Inc., Detroit, May 17–21, 1981, 751–760.

Leon, C. and R. W. Bednarzik. A profile of women on part-time schedules. *Monthly Labor Review,* 1978, *101* (10), 3–12.

Livernash, E. R. (Ed.) *Comparable worth: Issues and alternatives.* Washington, D.C.: Equal Employment Advisory Council, 1980a.

Livernash, E. R. *An overview.* In Livernash, E. R. (Ed.) *Comparable worth: Issues and alternatives.* Washington, D.C.: Equal Employment Advisory Council, 1980b.

McCormick, E. J., P. R. Jeanneret and R. C. Mecham. *A study of job characteristics and job dimensions as based on the Position Analysis Questionnaire.* Contract Nonr-1100(28), Report No. 6: Final Report. Washington, D.C.: Office of Naval Research, June 1969.

McCormick, E. J., P. R. Jeanneret and R. C. Mecham. A study of job characteristics and job dimensions as based on the Position Analysis Questionnaire (PAQ). *Journal of Applied Psychology Monograph,* 1972, *56* (4), 347–368.

McCormick, E. J. *Job analysis: Methods and applications.* New York: AMACOM, a division of American Management Associations, 1979.

Millin, L. F. *Women in the federal service.* Washington, D.C.: U.S. Civil Service Commission, 1938.

Madden, J. M. The effect of varying the degree of rater familiarity in job evaluation. *Personnel Administration,* 1962, *25* (6), 42–46.

Madden, J. M. A further note on the familiarity effect in job evaluation. *Personnel Administration,* 1963, *26* (6), 52–54.

Nieva, V. F. and B. A. Gutek. Sex effects on evaluation. *Academy of Management Review,* 1980, *5* (2), 267–276.

O'Kelly, C. G. The 'impact' of equal employment legislation on women's earnings: Limitations of legislative solutions to discrimination in the economy. *American Journal of Economics and Sociology,* 1979, *38* (4), 419–430.

Otis, J. S. and R. H. Leukart. *Job evaluation: A basis for sound wage administration.* (2nd ed.). New York: Prentice-Hall, 1954.

Pandora's worth. *Wall Street Journal,* July 16, 1981, p. 24.

Ratner, R. S. The policy and problem: Overview of seven countries. In Ratner, R. S. (Ed.), *Equal employment policy women: Strategies for implementation in the United States, Canada, and Western Europe.* Philadelphia: Temple University, 1980.

Remick, H. Strategies for creating sound, bias-free job evaluation plans. In Industrial Relations Counselors, Inc. *Job evaluation and EEO: The emerging issues.* New York: Author, 1978.

Remick, H. Beyond equal pay for equal work: Comparable worth in the state of Washington. In Ratner, R. S. (Ed.), *Equal employment policy for women.* Philadelphia: Temple University, 1980.

Rohmert, W. and J. Rutenfranz. Arbeitswissenschalftliche Beurteilung: Der *Belastung und underschiedlichen industriellen Arbeitsplatzen.* Bonn: Bundesrepublik, Der Bundesminister für Arbeit und Sozialordnung, 1975.

Rohmert, W., H. Luczak and H. Kugler. Geschlechtstypische Unterschiede aus der Sicht det Arbeitswissenschaft. In Eckert, R. (Hrsg.), *Geschlectsrollen und Arbeitsteilung Mann und Frau in soziologischer Sicht.* München: C. H. Beck, 1979.

Rohmert, W. and I. Landau. *Das Arbeitswissenschaftliche Erhebungsverfahren zur Tätigkeitsanalyse—AET. Handbuch* (Band I). Merkmalheft (Band II). Bern: Hans Huber, 1979.

Ronen, S. *Flexible working hours: An innovation in the quality of work life.* New York: McGraw-Hill, 1981.

Rytina, N. F. Occupational segregation and earnings differences by sex. *Monthly Labor Review,* 1981, *104* (1), 49–53.

Saint, A. M. Women in the public service: 1-A general survey. *Public Personnel Studies*, 1930, *8* (4), 46–54.

Schwab, D. P. Job evaluation and pay setting: Concepts and practices. In Livernash, E. R. (Ed.), *Comparable worth: Issues and alternatives*. Washington, D.C.: Equal Employment Advisory Council, 1980.

Shartle, C. L. Job classification and evaluation. In Fryer, D. H. and E. R. Henry (Eds.), *Handbook of applied psychology*. (Vol. 1). New York: Rinehart, 1950.

Smith, J. P. and F. Welch. *Race differences in earnings: A survey and new evidence*. R-2295-NSF. Santa Monica, A: Rand, March 1978.

Smith, M. J., B. G. F. Cohen, L. W. Stammerjohn and A. Happ. An investigation of health complaints and job stress in video display operations. *Human factors*, in press.

Stone, P. Do you know the pay in San José? *Union W.A.G.E.* May/June 1981, *65*, p. 1 ff.

Treiman, D. J. *Job evaluation: An analytic review: Interim report to the Equal Employment Opportunity Commission*. Washington, D.C.: National Academy of Sciences, 1979.

U.S. Department of Labor, Women's Bureau. *The earnings gap between women and men*. Washington, D.C.: U.S. Government Printing Office, 1979.

U.S. Department of Labor, Women's Bureau. Twenty facts on women workers. December 1980.

U.S. Equal Employment Opportunity Commission (USEEOC). Guidelines on employment testing procedures, *Federal Register*, August 24, 1966.

U.S. Equal Employment Opportunity Commission (USEEOC). Guidelines on employee selection procedures. *Federal Register*, August 1, 1970, *35*, 12333–12336.

U.S. Equal Employment Opportunity Commission (USEEOC). U.S. Civil Service Commission, U.S. Department of Labor, U.S. Department of Justice. Uniform guidelines on employee selection procedures. *Federal Register*, August 25, 1978, *43* (166), 38290–38315.

U.S. Equal Employment Opportunity Commission (USEEOC). *Hearings on job segregation and wage discrimination*. Washington, D.C.: Author, April 28–30, 1980.

U.S. Office of Personnel Management, Office of Intergovernmental Personnel Programs. *Equal employment opportunity court cases*. Washington, D.C.: Author, September 1979.

U.S. Office of Personnel Management, Office of Intergovernmental Personnel Programs. *Equal employment opportunity court cases*. Washington, D.C.: Author, October 1980.

U.S. Treasury Department. *The U.S. Treasury Register*. Washington, D.C.: U.S. Government Printing Office, 1875.

Van Riper, P. P. *History of the United States civil service*. Evanston, IL: Row and Peterson, 1958.

Wallace, M. J. and L. A. Krefting. External and internal constraints on wage policy: The case of a municipality. *Proceedings of Academy of Management*, 1975, 463–465.

Wish, M. and J. D. Carroll. Applications of individual differences scaling to studies of human perception and judgment. In Carterette, E. C. and Friedman, M. P. (Eds.), *Handbook of perception: Psychological judgment and measurement*. (Vol. II). New York: Academic Press, 1974.

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Judge says to pay woman equally

KHN 4/5/84

WASHINGTON (AP) — A federal judge says the government was wrong to use location of the job as a reason for paying a woman civil service employee less than men doing the same work elsewhere.

The Treasury Department was sued by Margaret Mary Grumbine, a regional counsel of the Customs Service assigned to Baltimore, Md., because she was classified as a GS-14 and the agency's eight other regional counsels, as well as her immediate predecessor, all male, were GS-15s.

A GS-14 has a starting salary of $42,722 a year, while a GS-15 begins at $50,252 per year.

In its defense, the government said each regional counsel's office is a separate "establishment" and did not have to pay Ms. Grumbine the same rate as the others serving in other "establishments" elsewhere in the United States.

In his ruling Tuesday, Judge Harold Greene said, "The court rejects the government's argument based on geographic location, and it holds that, at least for Pay Act purposes, the 'establishment' under the Act is the Civil Service in its entirety.

"It follows that, when a comparison is made between the pay of male employees and that of female employees, it must be made on the basis of the Civil Service as a whole, and a woman may not be paid less than a man merely because she works in a different location."

The government may still distinguish between and among its employees on the basis of their duties and responsibilities, with geography being taken into consideration, Greene said.

"However, if the duties and responsibilities of the position are substantially equal, the burden is appropriately placed on the government, in view of the existence of a single nation-wide Civil Service system, to explain why it should be permitted to pay a lower wage or salary to a female employee in a particular geographic location ... merely because she is employed at that location.

"What the government may not do — as it argues it has the authority to do — is to refuse to take the first step under the Equal Pay Act, that is, to compare the duties and responsibilities of similarly-situated employees of different genders to determine whether they warrant equal pay, merely because the employees happen to be assigned to different locations."

Royce C. Lamberth, chief of the U.S. Attorney's civil division which handled the case, said the government is studying the decision to decide whether to appeal.

Valuing Work
Complications—Contradictions—Compensation

by

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WHAT IS WORK?

One of many complications in valuing of work is to define work. One's work is another's play. For some, work is a way of "resting," or getting away from the problems and tensions of other involvements. Work may be rewarding, fulfilling, painful, dirty, pleasurable, hazardous, moral or immoral, challenging, boring—you could go on almost endlessly in describing the characteristics or qualities of work. Perspectives from which work is viewed are societal, cultural or even geographical; others are personal. Certainly in the setting of today's family, there are different views as to what is work—someone is alleged to have said not too long ago "Infant feeding is messy, but is not work." Would you rather be an ice cream taster or a wine taster? That's work to some!

Some of the first references to work are biblical. In Genesis 3:17,[1] The Lord God said to Adam "... cursed is the ground because of you, in toil you shall eat of it all the days of your life ..." Even earlier, Genesis 2:2 says, "on the seventh day God finished his work which he had done." And in Exodus 20:9, God commanded "Six days you shall labor and do all your work."

In Webster's *Third International Dictionary*,[2] work is references as: "An activity in which one exerts strength or faculties to do or perform;" "Sustained physical or mental effort valued as it overcomes obstacles and achieves an objective or result." (Golf is work for the author, as well as for others who are infinitely more skilled than he, under this definition.) The Webster's Dictionary further suggests that work is to be contrasted with play or rest. A somewhat more economic definition provided by Webster's is, work is "the labor, task, duty that affords one his accustomed means of livelihood—requiring sustained efforts or repeated operations—it may or may not be laborious, burdensome or an onerous expenditure of one's time and energy." Continuing with Webster's, John Dewey is quoted, "... any activity becomes work when it is directed by accomplishment of a definite material result, and it is labor only as the activities are onerous or undergone as mere means to secure a result."

Toil, as first references in Genesis, and as later described by T. S. Elliott, is "fatiquing, prolonged work (the labor of sifting, combining, constructing, expunging, correcting, testing); this frightful toil is as much critical as creative. Travail stresses the painfulness, difficulty

or struggle in work, as in grind or drudgery." One of the more recent articles on work is "Sharing the Dirty Work, What Equality Really Means," Michael Walzer in *Harper's*, Dec., 1982, in which the author suggests that the nation's dirty, painful work should be shared by all segments of society—not only by minorities, women or the disadvantaged.

FUNCTIONS OF WORK OR WORKER FUNCTIONS

One way of presenting work, as suggested by Webster's definitions, is to list the functions of work, or things people do in jobs, rather than to describe the many hundreds or hundreds of thousands of possible occupations.

The *Dictionary of Occupational Titles*, Fourth Edition, 1977,[4] provides a list of worker functions and also a rating for the tasks or functions performed in the thousands of occupations coded in the Dictionary. "Every job," says DOT, "requires a worker to function to some degree in relation to data, people and things." "A separate digit (as indicated below), expressed the worker's relationship to each of these three groups."

Data	*People*	*Things*
0 Synthesizing	0 Monitoring	0 Setting Up
1 Coordinating	1 Negotiating	1 Precision Working
2 Analyzing	2 Instructing	2 Operating/Controlling
3 Compiling	3 Supervising	3 Driving/Operating
4 Computing	4 Diverting	4 Manipulating
5 Copying	5 Persuading	5 Tending
6 Comparing	6 Speaking	6 Feeding/Offbearing
	7 Signalling	7 Handling
	7 Serving	
	8 Taking Instructions Helping	

"Worker functions involving more complex responsibility and judgment are assigned lower numbers in these three lists, while functions which are less complicated have higher numbers. For example, "synthesizing" and coordinating data re more complex tasks than "copying data;" "instructing" people involves a broader responsibility than "taking instructions—helping;" and operating is a more complicated task than "handling things." The worker functions code may relate to any occupational group, and "The worker functions code indicates the broadest level of responsibility or judgment required in relation to data, people or things. It is assumed that, if the job requires it, the worker can generally perform any higher numbered function listed in each of the three categories."

Without assigning any hierarchical order, some additional functions of work or worker functions might also include the following (recognizing some may be intended to be covered by the DOT functions):

Writing	Fighting	Critiquing
Thinking	Arguing	Viewing
Playing	Inspecting	Collecting
Acting	Driving	Cleaning
Caring	Growing	Greeting
Deciding	Counselling	Judging

Pulling	Examining	Pushing
Opening	Closing	Digging
Warning	Treating	Guarding
Listening	Testing	Diagnosing

Clearly, work, as indicated by these functions, includes a very broad span of human behvior and will be valued as uniquely and differently as it reflects the diversity of the needs and interests of people who perform it and the "employers" for whom it is performed.

CRITERIA, CONDITIONS, STANDARDS OR SYSTEMS FOR VALUING WORK WHAT IS ITS WORTH?

As will be noted in the preceding section, already we have entered the complicated realm of value judgments about work by referencing the hierarchical ranking of worker functions in the *U.S. Dictionary of Occupational Titles*. By examining the following DOT worker function codes for some recognizable jobs, one immediately becomes aware of some of the difficulties in making judgments about relative complexities, responsibilities or levels of judgment required in work.

Data	*People*	*Things*
0 Striptease Dancer		
		1 Tattoo Artist
3 Birth Attendant/Midwife		3 Drive-In Theater Atten.
		3 Parking Lot Attendant
4 Bartender	4 Striptease Dancer	4 Bartender
4 Baggage Porter		4 Child Care Attendant
4 Parking Lot Attendant		4 Animal Ride Attendant
5 Tattoo Artist		
6 Child Care Attendant	6 Dance Hall Hostess	
6 Dance Hall Hostess		
6 Animal Ride Attendant		
6 Drive-In Theater Attendant		
6 Housekeeper/Cleaner		
	7 Bartender	7 Birth Attendant/Midwife
	7 Birth Attendant/Midwife	7 Baggage Porter
	7 Baggage Porter	7 Dance Hall Hostess
	7 Child Care Attendant	7 Housekeeper/Cleaner
	7 Animal Ride Attendant	7 Striptease Dancer
	7 Drive-In Theater Attendant	
	7 Tattoo Artist	
	7 Parking Lot Attendant	
	8 Housekeeper/Cleaner	

Interestingly, the DOT assigns the Striptease Dancer the highest ranking with respect to Data (Synthesizing?), a middle-level ranking with respect to people, i.e., diverting, and a low rating, i.e., handling, with respect to things. (The author would probably have asigned at least a "4," i.e., manipulating.) The Parking Lot Attendant, Baggage Porter, Child Care Attendant, Bartender, Midwife, Tattoo Artist, Drive-In Theater Attendant, and Animal Ride

Attendant, are ranked "lower" and the same in relation to People, i.e., serving, but several score higher with respect to "things," i.e., manipulating or operating/controlling.

Obviously, in referencing the DOT worker functions, we are having fun, playing around (not working), and we are not really being entirely fair to the DOT intent for use. The DOT rankings are for one comparative purpose—one aspect or concept of relative job value or worth. One must speak to a much broader concept to do justice to all of the complications and contradictions which are involved in valuing work. (Otherwise, why would a Pawnbroker receive a 157 by the DOT, a Nuclear Power Plant Mechanic only a 261, and a Morgue Attendant a dismal 667?)

Once again, we must resort to Webster's to obtain a perspective as to what is meant by valuing and worth. Value is said in Webster's to be "... the amount of a commodity, service or medium of exchange that is the equivalent of something else—relative worth, utility or importance, degree of excellence; status in a scale of preferences." "Value may suggest *an evaluation from an individual or specific point of view in an individual or specific situation; worth, more lasting, deeper, intrinsic, and enduring qualities.*" (Emphasis added.)

Worth, again according to Webster's, is "*a specified value* of something measured or judged by its *qualities*, or by the *esteem* with which it is regarded—*having monetary or material value*—exhibiting or marked by desirable or useful qualities." Freud's[5] view of the worth of work was, "... as a path to happiness work is not highly prized by men. They do not strive after it as they do other possibilities of satisfaction." On the other hand, another man's view of worth, G. I. Dickinson's, was that "The ultimate test of true worth is pleasure." Work, then, that gives pleasure is worth more than that which is painful, drudgery or toil? It depends.

What, then, can we do to extricate ourselves from this dilemma—to work out of this problem of value and worth—to have the products of this labor bear fruit—to assure that we do not toil in vain—and to help others to understand better the travail of valuing work? Let's take a look at some of the criteria, standards and conditions against which we value the worth of work. These might include the following:

—market competition (skills, abilities, knowledge, techniques);
—length of preparation required;
—length of performance, seniority;
—excellence of performance, merit;
—productivity; quality, and quantity standards;
—hazards, endurance, fatigue, exposure, mental and physical effort required;
—pleasure, pain, aesthetic, sensory, emotional or intellectual appreciation or enjoyment;
—cultural orientations; locality, geographical, and even national;
—personal needs, survival, situational, self-fulfillment;
—scarcity, timeliness requirements;
—traditional or historical approaches;
—union or organizational impacts—controls— pressures;
—ability to pay, expectations for profit;
—status, recognition, respect, morality; and
—industry or business practices.

This author, in his article on "Criteria for Selecting a Wage System," Public Personnel Management (September-October, 1976),[5] suggests that the primary criterion for a compensation system for valuing work is "that set of compensation policies, structures, and practices

which is followed in remunerating or rewarding employees for their work in behalf of the goals or mission of the organization or enterprise in which they are employed. The extent to which the system contributes to the overall effectiveness of the enterprise—the degree to which the wage system fits the nature and purpose of the organization, and how well it responds to the needs of the work environment it is designed to serve." The author then proceeds to discuss the needs of employers, employees, the public, and others to be served, and provides a model of a wage system meeting these needs.

Considering, then, the definitions of work, worth, and value, it is clear that any *realistic* valuing of work may be from one or more perspectives, but if substantially different, the diverse points of view must then be reconciled in terms of a single, primary criterion or consideration—the purpose for the performance of the work to be performed. The needs and concerns of the organization, employees, the public, unions, and other interested groups—must all be taken into account, but in the final analysis, the *reason* for the work serves as the base on which to construct a standard of value. If the individual's values or needs, or those who represent the worker, are not in consonance with the purpose of the work, the mission of the organization, and the public interest, there must be an accommodation if the organization is to survive and achieve its mission, and if the societal or proprietary objectives of the public or client to be served are to be observed.

CONFLICTS AND CONTRADICTIONS

What are the conflicts and contradictions that one confronts in valuating work? We are speaking of those conditions or criteria which are not necessarily in agreement with the purposes for which the work is performed—or which may be in conflict or contradiction with each other.

Certainly not in any prejorative sense, consider the following:

—collective bargaining—union pressures—employer associations;
—labor market dysfunctions—economic conditions;
—educational biases;
—racial, religious, ethnic, national, and other biases;
—special interest group leverages—ethical, moral;
—professional associations—societies, special objectives and interests;
—contemporary topical concerns—fads, publicity, reactions;
—legislative and political pressures;
—profit and loss, balance sheet considerations; and
—taxpayer/public concerns—fiscal, competitive evaluations.

There has not been, is not now, and probably will not be in the foreseeable future—in a democratic, free, pluralistic society—any single, intrinsic, all-inclusive standard for valuing work, or for qualitfying toil, pleasure, pain, complexity, hazard, or morality of work—except possibly from the perceptions of those doing the valuing. This does not, in any sense, mean that bias or discrimination contrary to law or national policy should be allowed to prevail or prejudge in placing values on work. As Virginia Klinger states in her article in the Classifier's Column (April-May, 1983), on The Debate Over Comparable Worth and Its Impact on Management, Labor, and the Courts, "Unequal compensation when jobs are comparable demands attention. Barriers, real and artificial, should not exist. Equality of wages is important to all workers."

In a free, democratic society, the interests of all members must be served, and the interests of each individual must be protected in valuing work. How can we attempt to do this?

COMPENSATING FOR WORK WITH CONSIDERATION OF COMPARABLE VALUES

First, we can adopt and adhere to a pay policy which provides for an intelligent balance between internal equity and alignment—and external, marketplace alignment and realism, for all jobs. The mission or purpose of the organization is best served with a compensation system, including benefits, which values work so as to enable the recruitment, retention, and motivation of a well-qualified and productive workforce.

Secondly, we must use carefully thought out evaluation criteria or factors—free from sex, ethnic, racial, or other bias. The key here is for the factors to be free *from bias,* they must *include* all important aspects of value of the work to be valued—not simply lifting X number of pounds of weight, but also, for example, the need for resistance to boredom and fatigue, and for manual dexterity.

Lastly, we must be certain that those whose work is to be valued have a say in the design of the value system to be used, i.e., employees, unions, and the accountable managers and executives.

There is an axiom which states that "Whatever exists can be measured." The author would add, simply, in applying this to the valuing of work, be certain that the measure or value assigned is rational and equitable, and perceived as such by those whose work is to be valued.

NOTE:

The author deliberately has not set forth an extensive discussion of evaluation factors (i.e., skill, responsibility, effort, and working conditions), and other criteria traditonally used in job evaluation and pay fixing—these are extensively discussed in current literature on the subject of comparable worth (see particularly the Joint Hearings on Pay Equity: Equal Pay for Work of Comparable Value, before the Subcommittees on Human Resources, Civil Service Compensation, and Employee Benefits of the Committee on Post Office and Civil Service of the U.S. House of Representatives, Ninety-Seventh Congress, Second Session).

Other highly useful publications on this subject include "Job Evaluation and Wage Administration in the Public Sector," edited by Harold Suskin, and published by the International Personnel Management Association, and "Elements of Sound Base Pay Administration," published by the American Society for Personnel Administration and the American Compensation Association.

NOTES

[1]*The Holy Bible,* Revised Standard Version, The World Publishing Company, Cleveland, Ohio.

[2]Webster's *Third International Dictionary.*

[3]*Michael Walzer, "Sharing the Dirty Work, What Equality Really Means," Harper's,* December, 1982.

[4]*Dictionary of Occupational Titles, Fourth Edition,* 1977, U.S. Department of Labor, Employment and Training Administration, U.S. Government Printing Office.

[5]Freud, S. (1962), "Civilization and Its Discontents," J. Strachery, translation, New York: Norton.

[6]Robert R. Fredlund, "Criteria for Selecting a Wage System," Public Personnel Management, September-October, 1976, International Personnel Management Association.

[7]Virginia A. Klinger, "The Debate Over Comparable Worth and Its Impact on Management, Labor, and the Courts," *Classifiers Column,* April/May, 1983.

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Comparable worth: an idea that won't work

WASHINGTON—Most drivers of delivery trucks are men. Most workers in laundries are women. The first question before the house is: Are their jobs substantially equivalent? The second question is: If so, should they be paid at the same rate?

On the resolution of those questions an estimated $320 billion a year in wages and salaries could well depend. What we are discussing is the suddenly hot topic of equal pay for jobs of putatively comparable worth.

That issue is light-years removed from the familiar issue of equal pay for the same job. With certain exceptions for small employers, federal law requires that men and women, whites and blacks, old and young must be treated identically in the workplace. If a male is hired to drive a delivery truck at $1,574 a month, a woman driver must be paid the same salary. This has become elementary.

But over the past couple of years an entirely different concept has taken root. Out in the state of Washington the concept has flowered into a lawsuit as awesome as Jack's famous beanstalk. The story doubtless goes back for eons, to the time when cavemen killed the tigers and cavewomen cooked the tigers. Over the centuries certain jobs became well defined as "women's jobs" and other jobs as "men's jobs." It was that simple.

The more immediate story goes back only to 1971, when the state of Washington enacted a law prohibiting sexual discrimination in employment. The state government itself promptly took action to comply with the statute. The then-governor, now senator, Daniel Evans issued a directive: "If the state's salary schedules reflect a bias in wages paid to women compared to those of men, then we must move to reverse this inequity."

This directive led to a 1974 study by Norman Willis & Associates. The study focused not on individual jobs, but on "job classes." The consultants

Views expressed here do not necessarily represent those of the Daily News-Miner

began by examining 59 job classifications typically dominated by males and 62 that were typically female. They developed a hypothetical point system based on four criteria: knowledge and skills, mental demands, accountability and working conditions. In the case of the truck driver and the laundry worker, it turned out that each scored about 100 points.

From this subjective and conjectural analysis, the Willis study concluded that "the tendency is for women's classes to be paid less than men's classes, for comparable job worth." The disparity resulted in the truck driver's earning $1,574 a month, the laundry worker $1,114.

For one reason or another—parsimony and procrastination both played a part—the Washington state government did nothing about the Willis findings. Their patience exhausted, unions representing state employees filed a class action in July 1982. Last December U.S. District Judge Jack Tanner, a Carter appointee in 1978, sweepingly upheld the Willis postulation and ordered the state to get started at once on equalizing pay for about 45,000 employees in 284 job classifications.

The idea sounds plausib'e. The male truck driver and th⁻ female laundry worker are both high school graduates; both jobs carry about the same mental demands and imply about the same accountability; the hazards and discomforts of a delivery route may reasonably be equated with those of an industrial laundr[y]. Therefore, is it not unjust to pay th[e] women at an annual rate of $13,36[8], the man at an annual rate of $18,888?

If that simplistic summary were a[ll] that mattered, Tanner's injunctio[n] could not easily be challenged. This i[s] the problem: The apparent inequitie[s] could not be thus resolved withou[t] wholesale abandonment of the princ[i]ples of a free marketplace. Decision[s] that historically have been made b[y] the interplay of supply and demand, of productivity in terms of output, c[of] contributions toward profitability—these decisions would now be contro[l]led by committees on comparabl[e] worth.

The idea is superficially plausible. It is fundamentally implausible. I[t] could not work in either public or private employment unless both labo[r] and management were to abdicat[e] their functions. That Orwellian da[y] may come. It is not here yet.

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Comparable Worth: An Overview

by

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Personnel professionals should give thanks that because of "comparable worth" the process of evaluating positions and determining their monetary value has been raised from the level of technicians, arguing over "system" approaches, to the level of executives and legislative bodies, deciding policy issues. This is because they have been forced by determined women to consider more than traditional technical factors in wage determination as they have been told that traditional factors do not truly represent a non-discriminatory basis for evaluating the work of employees in cross-occupational comparisons.

Personnel professionals should give thanks because for too long many have been on the outer circle of management, looking in at inner councils and wondering why they are not a part of the "management team." Now the opportunity is here. Personnel professionals will need basic technical competence, flexibility and breadth of vision to provide operationally useful answers to the questions being raised by top managers and legislative policymakers faced by a new social issue.

WHAT GOES ON HERE?

This issue is overwhelmingly political and volatile. It stems from nationwide demands by increasingly active professional women in government, supported by community-based women's organizations and by government unions. The unions not only are reacting to their women members but see an opportunity to mine an untapped lode of new memberships from among women who work in predominantly female occupations. ". . . 80 percent of all women work in 25 occupations out of the 420 total listed by the U.S. Department of Labor: secretaries are 99.1 percent female; registered nurses are 84.5 percent female; elementary school teachers are 84.5 percent female; librarians are 82 percent female; cleaning and household service workers are 98.3 percent female; and clerks are 86.3 percent female.[1]" Regarding clerks, due to the growth of the service industry, it is the largest occupational job sector and is considered to be the fastest growing. As Karen Nussbaum, Executive Director, 9 to 5, National Association of Working Women, and President, District 925, Service Employees International Union put it, "Today the most typical worker is no longer a man in a hard hat but a woman at a typewriter. The notion of pay equity is painfully significant

for office workers. We are people who have been passed by because of the narrow interpretation of equal pay laws. If equal pay is based on comparing men and women in the same jobs, then nearly all office workers are out of luck—there are just not many men around to compare ourselves to."[2]

This pressure upward for elimination of what are identified as pay inequities due to sex becomes especially significant in view of the number of women entering the labor force and the changes in marital status and education of the woman worker. Today there are more than twice the level of women in the labor force than there were in 1960 (then 23 million women) and ". . . the labor force participation rate has risen to 53 percent . . . In 1970, only 28 percent of working women ages 25 to 35 . . . had completed at least one year of college. By 1980, that figure had grown to 46 percent . . . By March of this year, 51 percent of all wives were working or looking for work. This compares to 41 percent in 1970 and 31 percent in 1960 . . . the number of women maintaining families on their own—with no spouse present—has more than doubled over the past two decades (from 4.5 million in 1960 to 9.7 million). Today one of every six of the 61.4 million families in the nation is maintained by women. In fact, of every eight women in the labor force, one is a woman who maintains her own family."[3]

Women have noted, however, that the basic ratio of their earnings to those of men has not changed much, and that disparity is wide. In 1939, median earnings for women who worked year round were 58 percent of the median earnings for men; in 1981 they had inched up to 59 percent. ". . . at every level of educational achievement, women's median earnings continued to lag far behind men's. The $15,325 women college graduates earned was only 63 percent of the amount earned by male graduates. On average, therefore, whether college graduates or high school dropouts, women earned about sixty cents for every dollar their male counterparts were paid."[4] Though one might give as an explanation that industries with the highest percentage of female employees tend to have low average hourly earnings, another explanation is that *because* women provide the necessary labor in these industries, they continue to have the lowest pay.

It is not strange that women have joined unions at a faster rate than men. "In the last ten years, six out of every ten new union members have been women."[5]

Being profoundly disturbed by what they have concluded to be "discrimination based on job segregation and undervaluation of their skills,"[6] they have taken the routes of activism: (1) the union route of bargaining and either striking or threatening strikes, (2) the political route of pressure on elected officials, and (3) the legal route of court action.

Women's groups and unions are now vigorously pressing for "equal pay for work of comparable value" as being necessary to eliminate the vestiges of sex discrimination in pay. At this writing, some eighty-five state and local governments are said to be studying or implementing "comparable worth" pay adjustments.

HOW DID WE REACH THIS POINT?

"Classifying" positions so that the same title and the same range of pay could be applied to positions having similar duties and responsibilities and similar requirements as to experience, education, and skills, knowledge and abilities was born in the United States with the passage of the Classification Act of 1923. This act established the principle of "equal pay

for equal work" and set in motion the machinery for the administration of a classification system for the Executive Branch of the Federal Government. A year later, at the urging of the American Federation of Labor printing trades, Congress passed the Kiess Act. This act (1) gave authority to the Public Printer of the United States to pay wages, salaries, and compensation which was in the interest of the government and fair and just to employees, (2) provided that more than ten members of a single trade or craft could select a committee to confer once each year with the Public Printer, and (3) required that the wage package offered the craft by the Public Printer and accepted by the craft would go into effect after approval by the Joint Committee on Printing (a Congressional Committee overseeing the Government Printing Office).

It is significant that in this same organization, the Government Printing Office, women employees only recently won pay adjustments through a court decision affirming their contention that differences in pay between certain jobs performed by men in the early years of printing, only because of the physical requirements involved, no longer were warranted. Though the titles were still different, the differences in physical requirements had been erased by technological changes. The court's decision was based on "equal pay for equal work," under the Equal Pay Act of 1963. But clearly at issue was continuation of different pay based upon a segregation of work between men and women under a "traditional" and invalid *assumption* of work difference.

Working generations of classification specialists from 1923 to 1983 have approached their craft by preoccupation with techniques, arguing over the best "system," and even the best ways to write and present written specifications which indicated the results of position evaluations and identified class contents.

In general, "system" differences have been of two general kinds: quantitative and non-quantitative. Specialists ("technicians" to others than those in this field) have argued the pros and cons of non-quantitative, or "whole job," evaluation and quantitative, or "factor," evaluation. The non-quantitative school favors "ranking" or "classifying" positions. The quantitative school favors the "point system" or the "factor comparison" system.

All too frequently, preoccupation with relative advantages of different "systems" has overshadowed the need of sound basic judgments on management requirements, the accountability to which employees are held in fact, and the realism of claimed qualification requirements. Too many initial "point" totals have been changed to reflect the analyst's awareness that they did not reflect the total job for me to put great weight in the "scientific objectivity" of the "point" system. And too many demands have been made for increased educational requirements, frequently unjustified by the specifics of the work, as pegs on which to hang later salary increases or "professional" designations, for me to be other than sympathetic when minority groups later attack them as discriminatory.

With regard to methods of presenting evaluation results by preoccupation with code words and such ridiculous requirements as twelve-page position evaluations, classifiers may have established themselves as "masters of the mysteries," but they have not thereby endeared themselves to managers. By unthinking or careless use of factors for which they alone have the interpretive key, they not only have dug themselves into a relationship hole, they have laid themselves open to questions of discrimination raised by those who read from a different personal background. It's the old management adage of "where you stand depends upon where you sit," the stance of classifiers being predictably different from that of those affected.

By the "splendid isolation" in which personnel professionals have made their decisions regarding basic classification factors and their application in specific occupational evaluations, they have brought much of the current problem on themselves.

WHAT TO DO?

Nothing yet has transpired to date in the controversy over "equal pay for work of comparable value" for me to be persuaded that the personnel professional should run to a lawyer for "protection" against the possibility of future litigation. The courts have been eminently pragmatic in deciding cases brought before them. Uniformly they have examined *practices*, how they were determined and their relationship to the total operational environment. The key phrase is clearly *de facto discrimination*. Personnel managers who are knowledgeable of the social philosophy and management practices of their jurisdiction and agency are quite capable of interpreting whether it exists and of making their recommendations accordingly.

The personnel professional should not view the issue of "equal pay for work of comparable value" as a *legally* accepted principle. He or she should not act under the belief that it forces upon personnel managers or classification specialists a new technique or methodology of job evaluation or wage determination. Finally, the personnel professional *does* need to approach the issue with a thorough knowledge of basic job evaluation principles, a clear understanding of the social concepts of the agency and the community of which it is a part, for "equal pay for work of comparable value" is clearly a *social concept and a policy issue*.

That I not be misunderstood, I shall discuss each of these three points briefly.

First as to the Courts

"Comparable worth" should not be viewed as a legal nightmare posing agency-wide or jurisdiction-wide threats to a soundly developed job evaluation and pay plan as a whole. The courts have weighed cases for evidence of factual discrimination, not the techniques by which decisions have been reached in good faith. In other words, they have not validated "comparability of worth" as a legal principle.

In only two cases has a Supreme Court decision dealt with the issue.

In *Lemons* v. *City and County of Denver*, the Court denied certiorari to an appeal from the Tenth Circuit decision. The Tenth Circuit pointed out that (1) plaintiffs (nurses) who claimed that their work had been traditionally undervalued in relation to non-female positions had not shown that they were deprived of equal pay for equal work and (2) their theory of wage discrimination went "far beyond" the existing statutory law. It also noted that wage rates cannot be set "in total disregard of conditions in the community."

Gunther v. *County of Washington* was indeed a landmark case, but it did not involve "comparable worth." Rather, it broadened the *basis* for bringing a claim of unequal pay for equal work previously restricted to claims of unequal pay for equal or substantially equal work under the provisions of the Equal Pay Act of 1963. Now they are possible under Title VII of the Civil Rights Act of 1964, which guaranteed protection against *discrimination* with respect to compensation, terms, conditions and privileges of employment. In its decision, the Supreme Court specifically noted that "Respondents' claim is not based on the controversial concept of 'comparable worth' under which plaintiffs might claim increased compensation on the basis of a comparison of the intrinsic worth or difficulty of their job with that of other jobs in the same organization or community."

As to Basic Methods

In *Gunther*, the Supreme Court did not require that employers undertake job evaluations, and in post-*Gunther* cases the *kind* of evaluation plan has not been a factor. Courts have, however, held defendants liable if they *did not follow their job evaluation plan, or if they did not have a job evaluation plan.*

Previously, I have noted the varieties of "systems" which serve as the bases of classification and pay plans. There is no reason to believe that making a basic "system" change will ensure greater "protection" from a future adverse court action. *The critical aspect of basic evaluation methodology is whether or not it is understandable by managers and employees and, further, whether it lends itself to participation by groups who "sit" with the classification authority as evaluation and qualification standards are established.* Despite the "mystique" which has surrounded some point systems, they are inflexible and arbitrary, and frequently their "keys" are not made known to managers and employees who are well versed in operating requirements and practices and knowledgeable as the knowledge, skills and abilities required for fully satisfactory performance at various skill and responsibility levels of the occupations involved. I need to note that for openness in approach to plan review or to new plan development and for understanding of details by "users" of the end product, the FES (Factor Evaluation System) of the federal government has produced positive responses from "user" groups, both managers and employees.

The basic methodology of position analysis began with the U.S. Classification Board and Ismar Baruch's "ultimate classification factors." These factors or later modifications of them are still the bases for position analysis. Whether results of this analysis are presented directly in narrative "specifications" or "standards" or are then subjected to quantification in an effort to substantiate objectivity, position analysis based upon an identified number of what Baruch termed "ultimate" factors is basic to *either* "equal pay for equal work" or "equal pay for work of comparable value." The critical issue is whether the factors to be employed and the definitions and weightings of those factors have been participated in by "users" and whether the requirements as to skills, knowledge and abilities have been worked out in conjunction with these "users," who should include persons sensitive to economic and occupational discrimination involving women.

As to Policy

This is, and will be, fought out within the bargaining process. Whether that process takes place at the management level through formally established bargaining procedures or at the legislative level through the interaction of competing pressures from interested and affected groups, the results will be based upon community mores and social values. Internal "pay equity" increases are now being granted to lower-paid classes of predominantly women officeholders, in addition to across-the-board increases, in a growing number of jurisdictions. "Equity pay adjustments" are now being made in labor contracts when job difficulties match even though wages in the competitive labor market differ for the classes compared. Legislation is now being passed which calls for the establishment of pay plans based upon recognition of the "factor of comparability of worth." These reflect policy conclusions in those jurisdictions where a pay gap exists between occupational groups predominantly filled by women workers and groups predominantly filled by males, gaps which cannot be adequately explained by differences in age, experience, or education—and that these represent discrimination.

Of course cost is a significant issue in these policy decisions. They have been weighed in each decision. However, whether or not these decisions, regardless of inner convictions concerning the need to correct a social inequity or of political pressure, have considered costs *beyond* initial implementation of these policy changes is problematical. Time will provide this answer. It will depend largely upon the reaction of craft and other male-dominated unions whose wages in the competitive labor market are higher than they receive in public agencies and whose considerable political pressure in many agencies will be focused on ratcheting their wages upward to achieve the other use of the term "comparability"—comparability with the private sector.

CONCLUSION

To date the drive in state and local governments for implementation of a policy of "equal pay for work of equal value" has taken four routes. These are: the courts, collective bargaining, changes in evaluation factors and legislation. Of these *the courts* have clearly reacted to factual evidence of discrimination as to the existence of unequal pay for equal work, but thus far the courts have failed to validate the broader concept as a legal principle. The drive has produced changes in *collective bargaining* contracts in several jurisdictions. It undoubtedly will produce more because the drive is intensive. *At the legislative level*, the concept has been reflected in pay legislation or in studies to review such legislation in a significant number of jurisdictions, and it will surely spread during the 1984 election year.

To the personnel professional, the personal course should be clear. No professional worthy of the name can be ignorant of the underlying reasons, the concept in detail and the implications. And no professional should lack the flexibility and social awareness to take the initiative in reviewing evaluation methodology used in his or her agency to the end that evaluation factors or their implementing definitions which maintain sexual discrimination are eliminated. As a professional resource to policymaking executives and legislative bodies, the professional needs to have a well-thought-out technical base and an ability to include a broadened base of participation in basic system development or review. The extent to which a professional's personal acceptance or rejection of the social concept of "equal pay for work of equal worth to the organization" should be consciously recognized. As in any other issue of public administration, he or she will need to balance personal commitment against legal or administrative policy and the environment in which the agency functions. Failure to do so may result in unexpected consequences. Some forty years ago a state personnel director announced a wage plan based entirely upon internal comparisons of classification factors and the placement of classes into pay levels based upon those comparisons. The resulting uproar, initiated by department heads whose budgets were a shambles therefrom, led to legislative elimination of a newly established state civil service. It was several years before continued public demand for the concept of civil service led to its reestablishment through an amendment to the state constitution.

NOTES

[1]From the "Foreword" prepared by the Subcommittee on Human Resources for the Joint Hearings on Pay Equity: Equal Pay for Work of Comparable Value, held before the Subcommittees on Human Resources, Civil Service, Compensation and Employee Benefits of the Committee on Post Office and

Civil Service, House of Representatives, September 16, 21, 30 and December 2, 1982. U.S. Government Printing Office. Washington: 1983 (VII).

[2]Ibid. p. 87.

[3]Statement of Janet Norwood, Commissioner, Bureau of Labor Statistics. Ibid. p. 51.

[4]Ibid. p. 53.

[5]Statement of Ellen Wernick, Center for Education and Research, Coalition of Labor Union Women. Ibid. p. 73.

[6]Idem.

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Battle of the Sexes Over "Comparable Worth"

Women's-rights groups are winning the early skirmishes to get fatter salaries for traditionally female jobs.

The newest weapon against sex discrimination is triggering a nationwide dispute, with billions of dollars in back pay and raises for women riding on the outcome.

The basic question goes beyond the notion of equal pay for equal work. It is: Are American women systematically and illegally underpaid for work that is different from but is just as demanding as that done by men?

Women's-rights advocates, who charge that millions of women are victims of such bias, are winning the early rounds in a campaign seeking equal pay for what is called comparable work.

The dispute has been intensified by a recent court decision in Washington State that ordered higher wages and back pay for female state employes—a ruling that could cost that state's taxpayers hundreds of millions of dollars.

"The pay-equity question has been lurking for a decade. Now it has the potential to be the hot labor issue of the 1980s," says Roger Dahl, executive director of the National Public Employer Labor Relations Association.

Deep changes looming? At the heart of the struggle is a controversial technique called "comparable worth," in which every job is given a numerical rating of its value that then is used to set salaries. Wide adoption of this system could change the way in which wages are determined around the nation. Contends Linda Chavez, staff director of the U.S. Civil Rights Commission: "The principle that underlies comparable worth is a fundamentally radical one that would alter our existing marketplace economy."

Fueled by the fall campaign, the issue is becoming a major battleground—

- Leading Democratic presidential aspirants have been quick to embrace pay equity. But the Reagan administration may risk offending women by supporting Washington State in its appeal of the ruling.
- Nearly half of the 37 states charged by labor and women's groups with wage-rate bias have commissioned studies of the issue.
- The U.S. Equal Employment Opportunity Commission has pending 250 wage-discrimination complaints. How the commission decides these cases could have a big impact on private employers.
- Opposition to pay equity is building among employers and conservative activists, who argue that the value of jobs should be established by the marketplace.

The Equal Pay Act of 1963 required identical salaries for men and women doing the same work. It helped eliminate most blatant workplace pay discrimination, but an overall wage gap has persisted between the sexes.

In 1982, women on average earned 63 cents for each dollar paid to men—a ratio that has remained roughly constant since the 1950s.

Although more women are rising to higher corporate positions and are entering male-dominated professions such as medicine and law, most female workers still are concentrated in occupations such as secretary, salesclerk, teacher and nurse. New figures from the Department of Labor show that some of these traditional "women's jobs" have even become more female dominated over the last decade.

Feminists insist that many women—no matter what their job classification—deserve higher salaries on the basis of their training and skill.

To prove their point, women's groups and unions have persuaded many government agencies to employ job evaluators who try to make a scientific comparison of the background and effort needed for various jobs. "Employers evaluate jobs and set salary levels all the time," says Nancy Reder of the Washington, D.C.-based National Committee on Pay Equity. "All we're asking is that they do so in a sex-neutral manner."

One of the earliest studies of the equity-pay issue was commissioned in 1974 by Washington Governor Dan Evans, now a U.S. senator. A private firm, Norman D. Willis & Associates,

As Some Experts See the "Wage Gap"—

Studies by "job evaluators" in Washington State, Minnesota and Illinois found these disparities in monthly salaries in male-dominated and female-dominated state-government jobs ranked of roughly "comparable worth":

Predominantly Male Job		Comparable Predominantly Female Job	
Washington			
Carpenter	$1,654	Social-service worker	$ 961
Security officer	$1,114	Telephone operator	$ 808
Mechanic	$1,462	Medical-record analyst	$ 892
Highway engineer	$1,654	Registered nurse	$1,392
Illinois			
Accountant	$2,470	Nurse	$1,794
Electrician	$2,826	Secretary	$1,486
Highway worker	$1,816	Clerk-typist	$1,075
Minnesota			
Delivery driver	$1,382	Pharmacy assistant	$1,202
Auto-parts handler	$1,505	Dining-hall director	$1,202
Game warden	$1,808	Behavior analyst	$1,590

USN&WR—Basic data: Washington State, Illinois Commission on the Status of Women, Minnesota Commission on the Status of Women

rated as comparable many kinds of work in which men consistently received fatter paychecks than women. The firm attributed many of the differences "to traditional job relationships rather than to relative job worth."

After studying the Willis report and state wage scales, U.S. District Judge Jack Tanner ruled last December that Washington State had "historically engaged in employment discrimination on the basis of sex." Tanner ordered wage increases and four years' back pay for more than 15,000 workers, 90 percent of them women. The ruling will cost the state between 500 and 800 million dollars, depending in part on findings of an expert appointed by the judge to monitor the case.

Union leaders predict that this scenario will be repeated in state after state as discriminatory patterns are uncovered and challenged. What's more, says Diana Rock of the American Federation of State, County and Municipal Employes, "there's every reason to believe that the private sector is just as bad."

Studies bear fruit. Labor and women's groups are pushing cases in 37 states and within the federal equal-employment agency. Besides Washington, the states of Connecticut, Idaho, Illinois, Michigan, Minnesota and Wisconsin have completed studies of their civil-service systems. All of the studies have turned up at least some sex bias. Investigations are under way in Alaska, Florida, Iowa, Kentucky, Maine, Massachusetts, Montana, New Mexico, New York, Ohio and Oregon.

Legislators in California, Iowa, Minnesota and Washington have enacted laws requiring pay equity for comparable work in state jobs.

Labor leaders contend that the expense of raising women's pay to levels comparable to men's can be held down if states negotiate adjustments with workers and avoid lengthy court fights.

Minnesota, for instance, is spending a relatively modest 21.8 million dollars—about 4 percent of the state payroll—to correct sex bias in 8,500 jobs. "We have had support from the Legislature and the business community," reports Nina Rothchild, state commissioner of employe relations.

In other areas, however, opponents of comparable worth are waging a fierce fight against the idea. They contend that the wage gap between the sexes exists largely because women have ended up in jobs on which the free market has placed a lesser value. Women are said to take these jobs either voluntarily or because they have lacked the time or resources for sufficient training.

"It's unrealistic to think that employers have colluded to hold down wages in certain occupations. How could they do that?" asks economist June O'Neill of the Washington, D.C.-based Urban Institute.

Some critics contend that the supporters of comparable worth are mixing apples and oranges. "There is no objective way to define job worth—it's a very subjective process that overvalues paper credentials and undervalues some working conditions," says labor economist Judith Finn of Oak Ridge, Tenn., who is working with the conservative Eagle Forum to battle the comparable-worth campaign.

For example, Finn says, a typical numerical rating that equates a male truck-driver and a female laundry worker does not take into account the risk and mental anguish involved in trucking.

Some conservatives contend that success of the pay-equity movement eventually would mean a centrally planned U.S. economy in which government boards would make arbitrary decisions on the value of every job.

Raising salaries of secretaries, nurses and other "women's jobs," add some skeptics, will simply encourage women to remain in those positions and not seek careers that have historically brought higher paychecks.

Partisan politics may play a big part in the pay-equity fight in 1984. Leading Democratic presidential contenders—including Walter Mondale, John Glenn, Gary Hart and Alan Cranston—have declared themselves in favor of comparable worth, but President Reagan has reserved judgment. Reagan is being pressured by conservatives to join the opposition, but his political advisers—including daughter Maureen—say such a stand could alienate scores of women voters.

Criticism from Justice. William Bradford Reynolds, chief of the Justice Department's Civil Rights Division, stated recently that he has "absolutely no doubt" that Judge Tanner's decision was "wrong." Reynolds is expected to urge top Justice officials to support an appeal filed by Washington State.

On Capitol Hill, hearings are planned in coming weeks in both houses on proposals to institute a comparable-worth plan to set wages for federal employes.

At the EEOC, which handles mostly bias complaints against private firms, staff members are working on a study of the comparable-worth issue. Critics say the agency's indecision on the matter has allowed 250 complaints of wage discrimination by sex to pile up in recent years. If the commission takes action against private firms similar to that ordered by courts against public agencies, the resulting wage adjustments could total billions of dollars. ☐

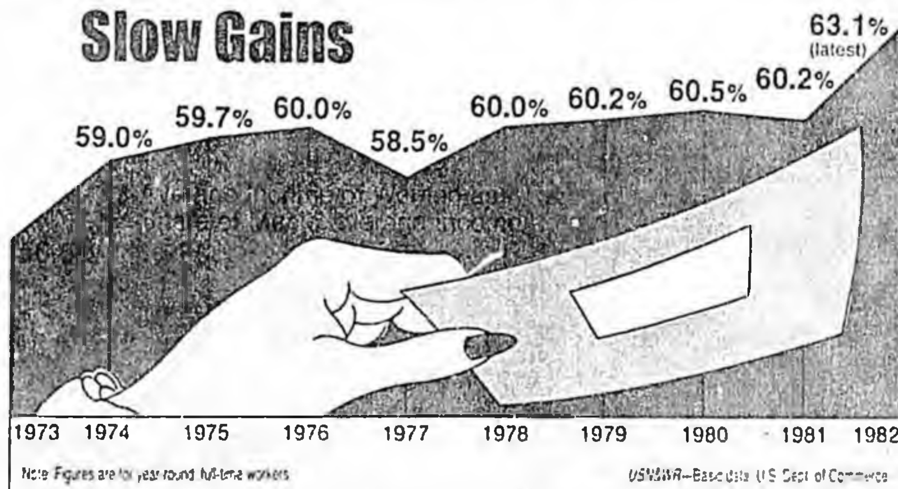
By TED GEST

No End to the "Women's Ghettos"

Despite their entrance into many jobs formerly held exclusively by men, women complain that they still are concentrated in positions that consistently pay less than those held by men with comparable skills. Among such jobs, and the percentage held by women—

	1973	1983
Secretaries	99%	99%
Child-care workers	96%	97%
Registered nurses	98%	96%
Billing clerks	83%	88%
Waiters, waitresses	92%	88%
Librarians	83%	87%
Health technicians	72%	84%
Elementary-school teachers	81%	83%
Bank tellers	90%	81%
Retail salesclerks	69%	70%

USN&WR—Basic data: U.S. Dept. of Labor



Comparable Worth: An Overview

by

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Personnel professionals should give thanks that because of "comparable worth" the process of evaluating positions and determining their monetary value has been raised from the level of technicians, arguing over "system" approaches, to the level of executives and legislative bodies, deciding policy issues. This is because they have been forced by determined women to consider more than traditional technical factors in wage determination as they have been told that traditional factors do not truly represent a non-discriminatory basis for evaluating the work of employees in cross-occupational comparisons.

Personnel professionals should give thanks because for too long many have been on the outer circle of management, looking in at inner councils and wondering why they are not a part of the "management team." Now the opportunity is here. Personnel professionals will need basic technical competence, flexibility and breadth of vision to provide operationally useful answers to the questions being raised by top managers and legislative policymakers faced by a new social issue.

WHAT GOES ON HERE?

This issue is overwhelmingly political and volatile. It stems from nationwide demands by increasingly active professional women in government, supported by community-based women's organizations and by government unions. The unions not only are reacting to their women members but see an opportunity to mine an untapped lode of new memberships from among women who work in predominantly female occupations. ". . . 80 percent of all women work in 25 occupations out of the 420 total listed by the U.S. Department of Labor: secretaries are 99.1 percent female; registered nurses are 84.5 percent female; elementary school teachers are 84.5 percent female; librarians are 82 percent female; cleaning and household service workers are 98.3 percent female; and clerks are 86.3 percent female.[1]" Regarding clerks, due to the growth of the service industry, it is the largest occupational job sector and is considered to be the fastest growing. As Karen Nussbaum, Executive Director, 9 to 5, National Association of Working Women, and President, District 925, Service Employees International Union put it, "Today the most typical worker is no longer a man in a hard hat but a woman at a typewriter. The notion of pay equity is painfully significant

for office workers. We are people who have been passed by because of the narrow interpretation of equal pay laws. If equal pay is based on comparing men and women in the same jobs, then nearly all office workers are out of luck—there are just not many men around to compare ourselves to."[2]

This pressure upward for elimination of what are identified as pay inequities due to sex becomes especially significant in view of the number of women entering the labor force and the changes in marital status and education of the woman worker. Today there are more than twice the level of women in the labor force than there were in 1960 (then 23 million women) and ". . . the labor force participation rate has risen to 53 percent . . . In 1970, only 28 percent of working women ages 25 to 35 . . . had completed at least one year of college. By 1980, that figure had grown to 46 percent . . . By March of this year, 51 percent of all wives were working or looking for work. This compares to 41 percent in 1970 and 31 percent in 1960 . . . the number of women maintaining families on their own—with no spouse present—has more than doubled over the past two decades (from 4.5 million in 1960 to 9.7 million). Today one of every six of the 61.4 million families in the nation is maintained by women. In fact, of every eight women in the labor force, one is a woman who maintains her own family."[3]

Women have noted, however, that the basic ratio of their earnings to those of men has not changed much, and that disparity is wide. In 1939, median earnings for women who worked year round were 58 percent of the median earnings for men; in 1981 they had inched up to 59 percent. ". . . at every level of educational achievement, women's median earnings continued to lag far behind men's. The $15,325 women college graduates earned was only 63 percent of the amount earned by male graduates. On average, therefore, whether college graduates or high school dropouts, women earned about sixty cents for every dollar their male counterparts were paid."[4] Though one might give as an explanation that industries with the highest percentage of female employees tend to have low average hourly earnings, another explanation is that *because* women provide the necessary labor in these industries, they continue to have the lowest pay.

It is not strange that women have joined unions at a faster rate than men. "In the last ten years, six out of every ten new union members have been women."[5]

Being profoundly disturbed by what they have concluded to be "discrimination based on job segregation and undervaluation of their skills,"[6] they have taken the routes of activism: (1) the union route of bargaining and either striking or threatening strikes, (2) the political route of pressure on elected officials, and (3) the legal route of court action.

Women's groups and unions are now vigorously pressing for "equal pay for work of comparable value" as being necessary to eliminate the vestiges of sex discrimination in pay. At this writing, some eighty-five state and local governments are said to be studying or implementing "comparable worth" pay adjustments.

HOW DID WE REACH THIS POINT?

"Classifying" positions so that the same title and the same range of pay could be applied to positions having similar duties and responsibilities and similar requirements as to experience, education, and skills, knowledge and abilities was born in the United States with the passage of the Classification Act of 1923. This act established the principle of "equal pay

for equal work" and set in motion the machinery for the administration of a classification system for the Executive Branch of the Federal Government. A year later, at the urging of the American Federation of Labor printing trades, Congress passed the Kiess Act. This act (1) gave authority to the Public Printer of the United States to pay wages, salaries, and compensation which was in the interest of the government and fair and just to employees, (2) provided that more than ten members of a single trade or craft could select a committee to confer once each year with the Public Printer, and (3) required that the wage package offered the craft by the Public Printer and accepted by the craft would go into effect after approval by the Joint Committee on Printing (a Congressional Committee overseeing the Government Printing Office).

It is significant that in this same organization, the Government Printing Office, women employees only recently won pay adjustments through a court decision affirming their contention that differences in pay between certain jobs performed by men in the early years of printing, only because of the physical requirements involved, no longer were warranted. Though the titles were still different, the differences in physical requirements had been erased by technological changes. The court's decision was based on "equal pay for equal work," under the Equal Pay Act of 1963. But clearly at issue was continuation of different pay based upon a segregation of work between men and women under a "traditional" and invalid *assumption* of work difference.

Working generations of classification specialists from 1923 to 1983 have approached their craft by preoccupation with techniques, arguing over the best "system," and even the best ways to write and present written specifications which indicated the results of position evaluations and identified class contents.

In general, "system" differences have been of two general kinds: quantitative and non-quantitative. Specialists ("technicians" to others than those in this field) have argued the pros and cons of non-quantitative, or "whole job," evaluation and quantitative, or "factor," evaluation. The non-quantitative school favors "ranking" or "classifying" positions. The quantitative school favors the "point system" or the "factor comparison" system.

All too frequently, preoccupation with relative advantages of different "systems" has overshadowed the need of sound basic judgments on management requirements, the accountability to which employees are held in fact, and the realism of claimed qualification requirements. Too many initial "point" totals have been changed to reflect the analyst's awareness that they did not reflect the total job for me to put great weight in the "scientific objectivity" of the "point" system. And too many demands have been made for increased educational requirements, frequently unjustified by the specifics of the work, as pegs on which to hang later salary increases or "professional" designations, for me to be other than sympathetic when minority groups later attack them as discriminatory.

With regard to methods of presenting evaluation results by preoccupation with code words and such ridiculous requirements as twelve-page position evaluations, classifiers may have established themselves as "masters of the mysteries," but they have not thereby endeared themselves to managers. By unthinking or careless use of factors for which they alone have the interpretive key, they not only have dug themselves into a relationship hole, they have laid themselves open to questions of discrimination raised by those who read from a different personal background. It's the old management adage of "where you stand depends upon where you sit," the stance of classifiers being predictably different from that of those affected.

By the "splendid isolation" in which personnel professionals have made their decisions regarding basic classification factors and their application in specific occupational evaluations they have brought much of the current problem on themselves.

WHAT TO DO?

Nothing yet has transpired to date in the controversy over "equal pay for work of comparable value" for me to be persuaded that the personnel professional should run to a lawyer for "protection" against the possibility of future litigation. The courts have been eminently pragmatic in deciding cases brought before them. Uniformly they have examined *practices*, how they were determined and their relationship to the total operational environment. The key phrase is clearly *de facto discrimination*. Personnel managers who are knowledgeable of the social philosophy and management practices of their jurisdiction and agency are quite capable of interpreting whether it exists and of making their recommendations accordingly.

The personnel professional should not view the issue of "equal pay for work of comparable value" as a *legally* accepted principle. He or she should not act under the belief that it forces upon personnel managers or classification specialists a new technique or methodology of job evaluation or wage determination. Finally, the personnel professional *does* need to approach the issue with a thorough knowledge of basic job evaluation principles, a clear understanding of the social concepts of the agency and the community of which it is a part, for "equal pay for work of comparable value" is clearly a *social concept and a policy issue.*

That I not be misunderstood, I shall discuss each of these three points briefly.

First as to the Courts

"Comparable worth" should not be viewed as a legal nightmare posing agency-wide or jurisdiction-wide threats to a soundly developed job evaluation and pay plan as a whole. The courts have weighed cases for evidence of factual discrimination, not the techniques by which decisions have been reached in good faith. In other words, they have not validated "comparability of worth" as a legal principle.

In only two cases has a Supreme Court decision dealt with the issue.

In *Lemons* v. *City and County of Denver*, the Court denied certiorari to an appeal from the Tenth Circuit decision. The Tenth Circuit pointed out that (1) plaintiffs (nurses) who claimed that their work had been traditionally undervalued in relation to non-female positions had not shown that they were deprived of equal pay for equal work and (2) their theory of wage discrimination went "far beyond" the existing statutory law. It also noted that wage rates cannot be set "in total disregard of conditions in the community."

Gunther v. *County of Washington* was indeed a landmark case, but it did not involve "comparable worth." Rather, it broadened the *basis* for bringing a claim of unequal pay for equal work previously restricted to claims of unequal pay for equal or substantially equal work under the provisions of the Equal Pay Act of 1963. Now they are possible under Title VII of the Civil Rights Act of 1964, which guaranteed protection against *discrimination* with respect to compensation, terms, conditions and privileges of employment. In its decision, the Supreme Court specifically noted that "Respondents' claim is not based on the controversial concept of 'comparable worth' under which plaintiffs might claim increased compensation on the basis of a comparison of the intrinsic worth or difficulty of their job with that of other jobs in the same organization or community."

As to Basic Methods

In *Gunther*, the Supreme Court did not require that employers undertake job evaluations, and in post-*Gunther* cases the *kind* of evaluation plan has not been a factor. Courts have, however, held defendants liable if they *did not follow their job evaluation plan, or if they did not have a job evaluation plan.*

Previously, I have noted the varieties of "systems" which serve as the bases of classification and pay plans. There is no reason to believe that making a basic "system" change will ensure greater "protection" from a future adverse court action. *The critical aspect of basic evaluation methodology is whether or not it is understandable by managers and employees and, further, whether it lends itself to participation by groups who "sit" with the classification authority as evaluation and qualification standards are established.* Despite the "mystique" which has surrounded some point systems, they are inflexible and arbitrary, and frequently their "keys" are not made known tc managers and employees who are well versed in operating requirements and practices and knowledgeable as the knowledge, skills and abilities required for fully satisfactory performance at various skill and responsibility levels of the occupations involved. I need to note that for openness in approach to plan review or to new plan development and for understanding of details by "users" of the end product, the FES (Factor Evaluation System) of the federal government has produced positive responses from "user" groups, both managers and employees.

The basic methodology of position analysis began with the U.S. Classification Board and Ismar Baruch's "ultimate classification factors." These factors or later modifications of them are still the bases for position analysis. Whether results of this analysis are presented directly in narrative "specifications" or "standards" or are then subjected to quantification in an effort to substantiate objectivity, position analysis based upon an identified number of what Baruch termed "ultimate" factors is basic to *either* "equal pay for equal work" or "equal pay for work of comparable value." The critical issue is whether the factors to be employed and the definitions and weightings of those factors have beer participated in by "users" and whether the requirements as to skills, knowledge and abilities have been worked out in conjunction with these "users," who should include persons sensitive to economic and occupational discrimination involving women.

As to Policy

This is, and will be, fought out within the bargaining process. Whether that process takes place at the management level through formally established bargaining procedures or at the legislative level through the interaction of competing pressures from interested and affected groups, the results will be based upon community mores and social values. Internal "pay equity" increases are now being granted to lower-paid classes of predominantly women officeholders, in addition to across-the-board increases, in a growing number of jurisdictions. "Equity pay adjustments" are now being made in labor contracts when job difficulties match even though wages in the competitive labor market differ for the classes compared. Legislation is now being passed which calls for the establishment of pay plans based upon recognition of the "factor of comparability of worth." These reflect policy conclusions in those jurisdictions where a pay gap exists between occupational groups predominantly filled by women workers and groups predominantly filled by males, gaps which cannot be adequately explained by differences in age, experience, or education—and that these represent discrimination.

Of course cost is a significant issue in these policy decisions. They have been weighed in each decision. However, whether or not these decisions, regardless of inner convictions concerning the need to correct a social inequity or of political pressure, have considered costs *beyond* initial implementation of these policy changes is problematical. Time will provide this answer. It will depend largely upon the reaction of craft and other male-dominated unions whose wages in the competitive labor market are higher than they receive in public agencies and whose considerable political pressure in many agencies will be focused on ratcheting their wages upward to achieve the other use of the term "comparability"—comparability with the private sector.

CONCLUSION

To date the drive in state and local governments for implementation of a policy of "equal pay for work of equal value" has taken four routes. These are: the courts, collective bargaining, changes in evaluation factors and legislation. Of these *the courts* have clearly reacted to factual evidence of discrimination as to the existence of unequal pay for equal work, but thus far the courts have failed to validate the broader concept as a legal principle. The drive has produced changes in *collective bargaining* contracts in several jurisdictions. It undoubtedly will produce more because the drive is intensive. *At the legislative level*, the concept has been reflected in pay legislation or in studies to review such legislation in a significant number of jurisdictions, and it will surely spread during the 1984 election year.

To the personnel professional, the personal course should be clear. No professional worthy of the name can be ignorant of the underlying reasons, the concept in detail and the implications. And no professional should lack the flexibility and social awareness to take the initiative in reviewing evaluation methodology used in his or her agency to the end that evaluation factors or their implementing definitions which maintain sexual discrimination are eliminated. As a professional resource to policymaking executives and legislative bodies, the professional needs to have a well-thought-out technical base and an ability to include a broadened base of participation in basic system development or review. The extent to which a professional's personal acceptance or rejection of the social concept of "equal pay for work of equal worth to the organization" should be consciously recognized. As in any other issue of public administration, he or she will need to balance personal commitment against legal or administrative policy and the environment in which the agency functions. Failure to do so may result in unexpected consequences. Some forty years ago a state personnel director announced a wage plan based entirely upon internal comparisons of classification factors and the placement of classes into pay levels based upon those comparisons. The resulting uproar, initiated by department heads whose budgets were a shambles therefrom, led to legislative elimination of a newly established state civil service. It was several years before continued public demand for the concept of civil service led to its reestablishment through an amendment to the state constitution.

NOTES

[1]From the "Foreword" prepared by the Subcommittee on Human Resources for the Joint Hearings on Pay Equity: Equal Pay for Work of Comparable Value, held before the Subcommittees on Human Resources, Civil Service, Compensation and Employee Benefits of the Committee on Post Office and

Civil Service, House of Representatives, September 16, 21, 30 and December 2, 1982. U.S. Government Printing Office. Washington: 1983 (VII).

[2]Ibid. p. 87.

[3]Statement of Janet Norwood, Commissioner, Bureau of Labor Statistics. Ibid. p. 51.

[4]Ibid. p. 53.

[5]Statement of Ellen Wernick, Center for Education and Research, Coalition of Labor Union Women. Ibid. p. 73.

[6]Idem.

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Pay Equity: An Innovative Public Policy Approach to Eliminating Sex-Based Wage Discrimination

by

Joy Ann Grune

and

Nancy Reder

National Committee on Pay Equity

INTRODUCTION

Pay equity, or equal pay for work of comparable value, has emerged as one of the most innovative policy approaches to the continuing wage discrimination against people in predominantly female jobs. The principle of pay equity means that jobs of equal value to the employer should be paid the same regardless of the sex or race of the people holding the jobs.

Pay equity public policies now being adopted by a rapidly growing number of state and local governments, are, on the one hand, simply an extension of anti-discrimination efforts of the last twenty years. In many other ways, they are a uniquely creative approach to the severe, unrelieved patterns of job segregation and wage depression.

State and local governments, which have established positions of leadership over the last two decades in promoting justice and opportunity for women and minorities, are now exercising their leadership to achieve pay equity.

Overall, women earn fifty-nine cents for every dollar paid to men in the U.S. (figures for year-round, full-time workers). In state and local governments, women earn seventy-one cents for every dollar earned by men. In the federal government, the ratio is sixty-three cents to one dollar, while in the private sector, employed women earn only fifty-six cents for each dollar men earn.

This paper will describe the problem, review the new approaches and solutions in place or underway, and look at the challenges facing public policymakers and advocates of pay equity.

Joy Ann Grune is Executive Director of the National Committee on Pay Equity. Nancy Reder is Chair of the National Committee on Pay Equity and Director of Human Resources and Social Policy, League of Women Voters.

WHAT IS THE NATIONAL COMMITTEE ON PAY EQUITY?

The National Committee on Pay Equity, founded in 1979 by a group of individuals dedicated to achieving pay equity for women, is the only national coalition working exclusively to accomplish this goal. The committee has over 130 organizational and individual members including international labor unions, major women's and civil rights groups, as well as education and legal associations.

The goals of the National Committee include:

—Providing leadership, coordination and strategy direction to members and other comparable worth advocates;
—providing assistance and information to the growing number of public officials, labor unions, women's groups and other organizations and individuals pursuing pay equity;
—stimulating new comparable worth activities; and
—bringing national and local attention to this issue.

EXTENT OF THE PROBLEM

The wage gap between women and men is not new; it is one of the oldest and most persistent symptoms of sexual inequality in the United States. While many people believe that the situation of employed women has improved markedly—particularly with the influx of women into nontraditional jobs—the facts indicate otherwise. Women have been making fifty-nine cents for every one dollar earned by their male counterparts for over fifty years.

None of the major economic, demographic and political changes of the past twenty years has had any impact on the wage gap. The growth of white collar industries and the accompanying demand for female labor, the massive entry of women into the labor force and the development of anti-discrimination laws (notably the federal Equal Pay Act of 1963 and Title VII of the Civil Rights Act of 1964) have all been insufficient to break down this barrier to equality.

The vast majority of women do not work at the same jobs as men. And this is the main reason enforcement of the Equal Pay Act, which mandates equal pay for equal work, has not reduced the wage gap.

The concentration of women in a narrow range of overwhelmingly female-dominated jobs, which, not incidentally, pay low wages, is the single most important cause of the wage gap.

Although there have been some changes in the types of jobs men and women hold, the degree of job segregation has remained essentially the same since the beginning of the century. The entry of new women workers into traditionally female jobs has simply not been matched by the movement of women into male jobs.

In the 1970s, more than 40 percent of all women workers were employed in ten occupational categories: secretary, retail trade salesworker, bookkeeper, private household worker, elementary school teacher, waitress, typist, cashier, sewer and stitcher, and registered nurse. Each of these occupations employed over 800,000 women. In 1982, more than 50 percent of all female employees were found in only twenty of a total of 427 occupations.

Men, on the other hand, are spread among many job categories. For example, less than 20 percent of all male employees are found in the ten largest male-dominated occupations. It is important to point out that there is segregation by sex even within occupations, with women filling the lower-paid jobs. Men who fill male jobs within female-dominated occupations, i.e., mail clerks within the clerical occupation, also suffer low wages as a consequence.

In 1981, the National Academy of Sciences released a landmark study e..titled *Women, Work and Wages*, which concluded: "Not only do women do different work than men but also the work women do is paid less, and the more an occupation is dominated by women, the less it pays." The study added that "only a small part of the earnings differences between men and women can be accounted for by differences in education, labor force experience, labor force commitment, or other human capital factors believed to contribute to productivity differences among workers."

The cost of this discrimination to families and to society as a whole is devastating. Along with the dramatic increase in the number of households headed by women, there has also been a rise in the number of families headed by women living in poverty. Almost one in three female-headed families is poor in contrast to one in eighteen families headed by a man. Almost half of these families living in poverty would not be there is they were compensated for the real value of their jobs.

And there is a deeper social cost which cannot be measured in dollars and cents: the critical impact on the quality of life for millions of families—especially for our children, the loss of self-esteem for countless women who work in a society which too often assigns value according to earnings, and the depletion of the human capital that is such a central factor to our nation's economic growth.

HOW IS WAGE DISCRIMINATION DOCUMENTED?

The best technique for documenting wage discrimination is a job evaluation study of the workplace. Employers have often made use of some type of job evaluation to set wages. Now these studies are being used to document wage disparities. Typically, the process involves three steps:

(1) Through the use of questionnaires and interviews, composite job descriptions are developed for the positions to be evaluated. These ensure that all job tasks performed by an employee are explicitly spelled out.

(2) Each job title is then assigned a number of points for each of a variety of factors such as skill, effort, responsibility and working conditions.

(3) Jobs which have similar numbers of points are then compared to see whether their salaries are similar and if not, to determine whether the difference is related to the gender of those filling the jobs. In an ideal world, a predominantly female job receiving 220 points should be paid the same salary as a predominantly male job receiving 220 points.

What these studies demonstrate, however, is that the real world is far from the ideal. Job evaluations have uncovered a consistent pattern of undervaluation of women's work in every work place examined an example of which is shown in Table I.

Studies such as these provide indisputable evidence that jobs held predominantly by women are underpaid relative to their worth.

Having outlined the nature and scope of the problem, the next question is: What is being done to achieve pay equity for women?

OVERVIEW AND HIGHLIGHTS OF PAY EQUITY ACTIVITIES

The wage gap is not new, but what *is* new is the sudden proliferation of actions aimed at eliminating sex-based wage discrimination. In addition to ongoing education and research, four primary tactics are being used: (1) state and local government efforts to move toward

TABLE I

Job Title	Monthly Salary	# of Points
Minnesota		
Registered Nurse (F)	$1723	275
Vocational Ed. Teacher (M)	$2260	275
Typing Pool Supervisor (F)	$1373	199
Painter (M)	$1707	185
San José, California		
Senior Legal Secretary (F)	$ 665	226
Senior Carpenter (M)	$1119	226
Senior Librarian (F)	$ 898	493
Senior Chemist (M)	$1119	493
Washington State		
Licensed Practical Nurse (F)	$1030	173
Correctional Officer (M)	$1436	173
Secretary (F)	$1122	197
Maintenance Carpenter (M)	$1707	197

pay equity in their own wage structures, often accomplished through legislation, (2) collective bargaining in the private and public sectors, (3) non-union organizing, and (4) enforcement of Title VII of the Civil Rights Act and Executive Order 11246[1] which prohibit sex discrimination in employment.

> Working women continue to suffer from widespread wage discrimination in the workplace. Full-time women workers earn fifty-nine cents for every dollar earned by full-time men in the workforce.
>
> A 1981 EEOC-commissioned study completed by the National Academy of Sciences confirms that an enormous wage differential results from discrimination against women.
>
> The AFL-CIO calls upon its affiliated unions:
>
> - To work through contract negotiations to upgrade undervalued job classifications, regardless of whether they are typically considered "male" or "female" jobs; and
> - to initiate joint union-employer pay equity studies to identify and correct internal inequities between predominantly female and predominantly male classes.
>
> The AFL-CIO urges its affiliates to recognize fully their obligations to treat pay inequities resulting from sex discrimination like all other inequities which must be corrected and to adopt the concept of "equal pay for comparable work" in contract negotiations.
>
> The AFL-CIO will take all other appropriate action to bring about true equality in pay for work of comparable value and to remove all barriers to equal opportunity for women.

In addition to passing resolutions, some unions have adopted bargaining guidelines which specifically direct affiliates to pursue pay equity in contract negotiations. For example, the

American Nurses Association reports that five state nurses' associations in Florida, Massachusetts, Pennsylvania, New York and California have taken bargaining positions that require specific comparable worth provisions in all contracts with health care employers.

The bargaining recommendations of the Newspaper Guild urge that "Locals should give special attention to wage improvements in clerical wage classifications to bring these rates up from substandard levels where necessary." Another recommended bargaining goal for the Guild states that the "Locals should establish minimums reflecting the true differentiation in job content . . ." Even more directly, equal pay for equal work or work of equal value is a mandatory collective bargaining proposal which must be made each time a local enters into negotiations.

Union Conducted Wage and Job Studies. Prior to bargaining for either pay equity studies or wage increases, some unions have conducted their own studies. The Associated Clerical, Office, Laboratory and Technical Staff (ACSUM), part of the Maine Teachers Association, a National Education Association (NEA) affiliate, performed a job survey in Orono, Maine in 1979 which revealed that two-thirds of the employees in the ten lowest wage categories were female. No woman held a job in any of the two eight wage categories at the university.

The preliminary studies often calculate the sex composition of each major job and the average salary. Findings usually indicate that the more a job is dominated by women, the less it pays. Depending on the findings and the strength of the union, the study is usually followed by lobbying or bargaining for a joint labor-management job evaluation study or directly for wage equity increases.

Negotiated Joint Labor-Management Job Evaluation Studies. Joint labor-management studies are another major approach taken by unions, especially in the public sector. The Civil Service Employees Association (an AFSCME affiliate) representing 100,000 New York State employees has negotiated a $500,000 joint pay equity study. It will examine both sex- and race-based wage differentials and will also include an economic forecast and budget analysis for the state of New York so that the parties can plan for orderly implementation of the results.

In the private sector, the 1980 national collective bargaining agreement between the Communications Workers of America (CWA) and the Bell System established a joint national CWA/AT&T Occupational Job Evaluation (OJE) Committee comprised of three union and three management representatives. The Committee was charged with responsibility to research, develop and make recommendations concerning the design and implementation of a job evaluation plan for non-management workers in the Bell System which would provide for an equitable wage structure for all workers, both male and female, compensating for many of the inequities caused by technological change.

Wage Equity Increases through Collective Bargaining, Grievance Procedure and Arbitration. Collective bargaining has produced more wage equity increases than other approaches. After striking for nine days in July 1981, AFSCME Local 101 in San José, California won wage equity increases of $1.5 million for municipal employees over a two-year period (on top of increases of 7.5 percent for the first year and 8 percent the second year). In another action, AFSCME was able, through arbitration, to obtain an upgrading for 300 word processing operators employed by the state of Illinois. The union hired an expert job evaluator who determined that the operators' jobs were undervalued.

A 1981 contract between the state of Connecticut and the New England Health Care Employees Union, District 1199, RWDSU, calls for the state to establish a pay equity fund equi-

valent to one percent of the health care workers' payroll to be used to begin to correct internal wage inequities.

Some union locals are attempting to negotiate across-the-board dollar rather than percentage increases as a way of moving toward pay equity, since dollar increases raise the wage of the lowest paid workers—usually women—a greater percentage, closing the wage disparity.

This spring in a Pennsylvania school district, Local 585 of the Service Employees International Union (SEIU) negotiated "catch-up" raises for the most underpaid job categories—primarily secretarial and clerical jobs held by women—even while securing average raises of 10.8 percent for all workers, including males.

SEIU has also relied on reclassification as a tool for winning pay equity. In Santa Clara County, California, SEIU Local 715 signed a two-year contract in 1981 that upgraded clerical employees, resulting in salary increases of 5–10 percent (this was in addition to general wage increases of 16.5 percent). That contract also called for the formation of an appeals board comprised of representatives of labor, management and a neutral party to hear individual challenges to classification decisions. In recent contracts Local 715 has strengthened the powers of the appeals board and union access to it.

Legal Action. When bargaining fails to result in a pay equity agreement between the union and the employers, one option available to the union is legal action.

At its 1972 convention, the International Union of Electrical, Radio and Machine Workers (IUE) initiated a Title VII Compliance Program because it found that collective bargaining was often not sufficient to remedy sex-based wage discrimination. The program educated union members and union staff and conducted research on job and wage comparisons by sex and race.

Under this program, if an employer refused to bargain to correct wage discrepancies, IUE files a charge with the National Labor Relations Board as well as complaints under Title VII and/or Executive Order 11246.

In addition, IUE has worked closely with federal agencies. Under the Carter administration, the EEOC adopted a "Resolution on Title VII and Collective Bargaining" which encouraged union participation in affirmative action.

The IUE has been a leader in comparable worth litigation. In addition to the landmark third Circuit Court of Appeals decision *IUE* v. *Westinghouse* in 1981 (which ruled that sex-related wage patterns constitutes discrimination under Title VII), the union filed five other Title VII pay equity lawsuits against Westinghouse. Five of the six suits filed have resulted in settlements which include substantial back pay awards and significant upgrading for predominantly female electrical assembly jobs.

Almost ten years ago, AFSCME Council 28 persuaded the state of Washington to investigate whether female-dominated jobs paid less than male-dominated jobs requiring comparable skill, effort and responsibility. The resulting study—the first pay equity study of its kind—showed that female-dominated jobs paid on the average about 20 percent less than comparable male-dominated jobs. The state refused to comply with the recommendations of its own Personnel Board and raise wages. AFSCME filed sex discrimination charges with the EEOC, and on July 20, 1982, filed a multimillion dollar lawsuit in federal district court. The trial will be held in late August 1983.

In addition to the case in Washington, AFSCME has pending charges or lawsuits against the states of Hawaii, Wisconsin and Connecticut and the cities of Los Angeles, Chicago and Philadelphia.

Political Activity. Unions are forbidden by law from bargaining for wages in the federal government and in some state and local governments. In such circumstances, unions have often turned to lobbying for pay equity legislation and enforcement. Unions are particularly concerned that workers and the organizations that represent them are guaranteed roles as full participants with management in pay equity studies and implementation effected through legislation.

On the federal level, the American Federation of Government Employees (AFGE), National Federation of Federal Employees (NFFE), and National Treasury Employees Union (NTEU) testified before Congress in September 1982 about wage discrimination against women in federal employment.

As a result, the Subcommittees on Human Resources, Civil Service, and Compensation and Employee Benefits have requested that the General Accounting Office (GAO) undertake an evaluation of the federal sector position classification system to determine if it contains sex bias.

In Minnesota, AFSCME supported legislation that established a policy of pay equity and funds for implementation for state employees.

The United Auto Workers (UAW) has supported pay equity through its political activity and its leadership in coalitions. The UAW participated in a broad coalition which struggled seventeen years for the passage of the 1963 federal Equal Pay Act, which, in draft, originally included comparable worth language. The UAW has also been active in a statewide pay equity coalition in Michigan.

Non-Union Organizing

Organizations such as 9 to 5: National Association of Working Women, the American Library Association, and Women Employed of Chicago do not collectively bargain but are organizing around wage equity in the workplace. They are also active in promoting state, local and county laws that address the issue of pay equity.

This past spring, the 9 to 5 chapter in Muncie, Indiana won an eight percent wage increase for clerical workers at Ball State University by organizing a public pressure campaign. The office workers had *averaged* $9,798 a year prior to the raise, while the *starting salary* for custodial workers is $12,100.

This past May, the Fairfax County (Virginia) Library Association filed a complaint with the EEOC alleging sex discrimination in violation of Title VII. Two studies done by the association showed that librarians, especially at entry levels, were not receiving wages equal to those for comparable male-dominated job categories. To date, the county has refused to correct the inequities.

Women Employed participated in a pilot pay equity study of state employees in Illinois. The study was completed in May 1983 and showed systematic undervaluation of women's jobs.

Enforcement of Title VII of the 1964 Civil Rights Act

The *Gunther* v. *Washington* and *IUE* v. *Westinghouse* decisions mentioned elsewhere in this journal established that Title VII *does* cover wage discrimination involving jobs which are not identical. These decisions are important victories because opponents of pay equity had argued that the application of Title VII was restricted solely to equal work situations.

The *AFSCME* v. *Washington State* case will, we hope, resolve favorably some questions concerning the types of evidence necessary to win a pay equity lawsuit.

The National Committee and its members have developed recommendations for the EEOC and are meeting with officials and staff at the agency.

CHALLENGES FOR THE FUTURE

Pay equity as a goal in the U.S. can be traced back to the War Labor Board set up during World War II to deal with wage disputes and forward from there to the original draft language of the Equal Pay Act and to IUE's landmark litigation efforts in the early 1970s. In the last four years, there has been a spectacular leap in the number and variety of pay equity initiatives as this article has described.

But experiences in the U.S. and in other countries demonstrate that closing the wage gap will require *direct* and *deliberate* challenges to the existing system of wage setting. Indirect approaches—such as job integration—and laissez faire approaches—relying on the marketplace to make wage adjustments—are insufficient to reduce the wage gap. Discrimination is too pervasive and built into the structure of wages and into the process of wagesetting to be reached by either of these methods.

Pay equity advocates have come a long way in the last four years. There is still a long way to go. We face four specific challenges:

(1) We must take this issue beyond the already committed. We need to reach opinion leaders and all working women with the message of the unique promise pay equity holds.

(2) We must move beyond education and research to action. We need to lobby, organize, collectively bargain and sue for pay equity.

(3) We need to experiment with approaches to pay equity in the private sector which lags behind state and local governments in addressing the wage discrimination of working women. We need to give direction to those in management positions who agree with the goals of pay equity and give support to unions bargaining in the private sector. We need to facilitate "dialogues" among relevant sectors. We need to pressure government enforcement agencies to move more aggressively. And we need to file charges and bring lawsuits when employers refuse to eliminate discrimination.

(4) We must mobilize support to encourage elected officials to take *action* on behalf of pay equity. One year ago we were analyzing the political vacuum surrounding pay equity. Today, there is an amazing amount of interest among public officials, especially, but not exclusively, at the state and local levels. The gender gap, the ERA and the uniqueness of pay equity have all combined to stir up this interest. The result has been a number of studies but too few wage equity increases. Pay equity advocates need to make the most of the political potential of this issue.

WHERE DO WE GO FROM HERE?

The National Committee will continue its efforts to reach out to individuals and groups to present the possibilities of pay equity and to provide strategic advice and technical assistance to those wishing to pursue pay equity in their own workplaces or areas. We will continue to educate employers and employees about laws which prohibit discrimination and to pressure the Equal Employment Opportunity Commission to look for discrimination and file pay equity lawsuits. We will intensify our efforts to work with private employers and workers and to encourage voluntary compliance in the private sector.

Through these specific actions, it is our goal to tear down the connection between wages and sex and to reaffirm the intrinsic value of work—especially those functions that have historically not carried a price tag, functions such as serving, nurturing and caring that now form the basis of many women's paid jobs.

It is our goal to implement pay equity so as to give full expression to the dignity and potential of our citizens, and as we do so, to free our society of the tremendous burden of inequity and provide new fuel for our nation's economic growth.

APPENDIX

Members of the National Committee on Pay Equity have approved a specific set of recommendations for actions that public officials can take to achieve pay equity.

Recommendations for Actions Elected and Appointed Officials Can Take to Achieve Pay Equity

1. Enforcement—including lawsuits—of Title VII of the Civil Rights Act of 1964 and Executive Order 11246, the federal statutes that prohibit wage discrimination on the basis of sex, race or national origin, especially involving jobs predominantly occupied by females and minorities.
2. Appointment of staff and officials who are committed to full enforcement of the Civil Rights Act and the Executive Order to positions in enforcement, personnel and budget agencies at local, state and federal levels, including positions in the U.S. Department of Justice, Office of Federal Contract Compliance Program, Equal Employment Opportunity Commission and the Office of Personnel Management.
3. Implementation of pay equity for federal employees as mandated by the Civil Service Reform Act of 1978 in conjunction with federal labor unions. Opposition to the U.S. Office of Personnel Management's present efforts to downgrade jobs held predominantly by women. Provision of necessary funds to implement pay equity in the federal government.
4. Implementation of pay equity in state and local governments through collective bargaining, joint labor-management job evaluation studies, enforcement of existing laws which prohibit wage discrimination, or enactment of new legislation. Provision of the necessary funds to achieve pay equity.
5. Appointment of expert legislative and administrative staff who are knowledgeable about relevant economic, employment and training issues relating to pay equity.
6. Establishment of policy of pay equity in all employment and training programs to insure that female-dominated jobs receive appropriate salaries.
7. Involvement of labor unions and advocacy groups in enforcement agency efforts to eliminate wage discrimination.
8. Encouragement of private employers to undertake voluntary compliance programs to achieve pay equity. Initiation of lawsuits and all other appropriate action if employers refuse.
9. Education of the public about pay equity and the need for enforcement of wage discrimination laws through speeches, publications, conferences and all other appropriate avenues.

NOTES

[1]Title VII of the Civil Rights Act of 1964, which is enforced by the Equal Employment Opportunity Commission (EECC) forbids, among other prohibitions, sex discrimination in compensation. Executive Order 11246 requires affirmative action on the part of government contractors and is enforced by the Office of Federal Contract Compliance Program (OFCCP) of the Department of Labor.

[2]The survey was undertaken jointly by the National Committee on Pay Equity, the Comparable Worth Project and the National Women's Political Caucus and is available for $6.00 from the National Committee on Pay Equity.

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ED USA THIS WEEK

Horace's Compromise--a look at the latest high school study (pp.172-3)

Spotlight: Ted Sizer (p.174)

Need some synonyms under which to hide budget cuts? The National Council of Teachers of English found these in their "Doublespeak" awards: internal reallocation, institutional self-help, negative base adjustment, productivity increases and personal services.

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COMPARABLE WORTH GAINING IN SPITE OF OBSTACLES

In recent months, the concept of equal pay for jobs of "comparable worth" has gotten some boosts. A federal court awarded millions of dollars in back pay and raises to female employees of Washington State. Clerical workers for the city of Berkeley, Calif., received raises as large as 14% after a job evaluation found a $300 per-month "pay inequity" between comparable men's and women's work. Education could see a major impact because 70% of teachers are women. But such gains won't come easily or quickly in most cases, according to participants at a seminar sponsored last week in Washington by the American Arbitration Assn. and the Labor Management Relations Service of the U.S. Conference of Mayors.

Despite passage of the Civil Rights and equal pay acts, women still average only 61 cents for every dollar earned by men, said Joy Ann Grune, executive director of the National Committee on Pay Equity. Studies of the wage gap have accounted for only about 20% of the disparity through legitimate differences such as seniority, she said. The rest is due to "major, severe, enduring, unforgivable patterns of discrimination" that say women's work is less important than men's, she charged.

Basing jobs on "comparable worth" as determined by skills, efforts and responsibilities required could make up for this earnings gap. But the concept is loaded with problems. With a workforce of 43 million females, it would cost $280 billion to bring them up to a salary close to men's, said Daniel Glasner of Hay Associates of Philadelphia. If this were done in one year, it would add 8.5% to the national inflation rate. If the adjustment were retroactive for five years, the cost could hit $1.13 trillion.

Another problem is the difficulty in comparing jobs. The Bell system and the Communications Workers of America worked two-and-one-half years before they could come up with a job evaluation plan acceptable to both sides, and an initial field test showed stereotypic judgments still were being made, said Florine C. Koole

(continued on last page)

Comparable Worth Gaining

(continued from first page)

of CWA. "Job evaluation is not scientific; it is highly individualistic," added Robert E. Williams, an attorney representing management in comparable worth issues. Congress opted for an equal-pay-for-equal-work law after concluding that evaluations were not enough on which to base a legal mandate for comparable worth, he noted.

Yet another snag is the difference in interpretations of existing laws and court rulings. Michael Gold, associate professor with the New York State School of Industrial and Labor Relations, warned that the Washington ruling may be an exception because the state admitted it intentionally paid women less than men. But an attorney in that case, Winn Newman, argued that comparable work in any case is covered by the Civil Rights Act because "the issue is simply one of sex-based discrimination, not of what jobs are worth." He chastized the Reagan administration's decision to challenge the Washington ruling, charging its "simple solution" for victims of job discrimination is to "go get another, higher-paying job."

Despite the problems, pay equity is not likely to fizzle. About 18 states have completed or are conducting comparable worth studies; some have enacted laws to increase women's pay. The issue is coming up increasingly at the bargaining table, and unions are learning how to pursue pay equity. Congress will look at the issue again next month. And there are ways to make comparable worth affordable, Glasner said. The major step is to prohibit retroactive raises, even though it shortchanges those who have been paid less in the past. Other possibilities include reducing male pay (an aspect opposed by pay equity supporters), eliminating some occupations from discussion and tying a program to noninflationary economic growth, he said. Basically, Glasner said, "we have to find ways to reason together."

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NEWSPAPER

A Status Report on the Theory of Comparable Worth: Recent Developments in the Law of Wage Discrimination

by

Lawrence Z. Lorber

and

J. Robert Kirk[1]

INTRODUCTION

On June 8, 1981 the United States Supreme Court handed down its much anticipated decision in the case of *County of Washington* v. *Gunther*.[2] Civil rights lawyers had hoped the Court would endorse the new theory of wage discrimination and declare that women were entitled to equal wages for doing work that was different from but of "comparable worth" to work done by higher paid men. Employers urged the Court to reject the novel theory of comparable worth because they believed it had no statutory foundation. They also warned that a flood of litigation would ensue if the Court adopted the new theory.

Much of the morning after rhetoric seemed to ignore the fact that the Court's five to four decision chose neither option. The day after the decision *The Washington Post* reported that "Both sides in the 'comparable worth' controversy agreed yesterday that the flood may now begin . . . and that the door is now open for the concept of comparable worth."[3] One might have concluded from such commentary that the theory of comparable worth, what Eleanor Holmes Norton had labelled "the issue of the 80s for women," was off to a fast start.

But even some in the popular press noted that the Court's split decision left "the door to the comparable-worth theory . . . barely ajar."[4] Experience has shown this perception was accurate. Only a year after the *Gunther* decision the leading proponent of the theory was telling members of the American Nurses Association to steer clear of the concept of comparable worth. Professor Ruth G. Blumrosen advised the nurses "Don't even say 'comparable worth,' it's losing language."[5]

This article will discuss selected recent court decisions showing that two years after *Gunther* Professor Blumrosen's advise is still wise. After a brief review of the applicable statutes and the case law through the Supreme Court's decision in *Gunther*, we will describe

two recent cases indicating that the historic reluctance of judges to adopt a theory of comparable worth was not altered by *Gunther*. Finally, we will report two other cases that have developed a different theory of wage discrimination that is based on traditional Title VII principles but that indicate equal wages may be required for jobs that are unequal but comparable in content.

BACKGROUND

The legal basis for the theory of comparable worth is found in two familiar statutes that outlaw sex-based wage discrimination. It is important to keep in mind specific provisions of these laws, and the case law interpreting them, in order to appreciate the sometimes subtle distinctions important in recent comparable worth cases.

The Equal Pay Act

The Equal Pay Act of 1963 requires equal pay only for men and women doing *equal* work.[6] From 1945 to 1963 Congress had rejected legislative proposals containing a "comparable work" standard. Only after the standard was tightened did the Equal Pay Act become law. As passed, the Act provided for equal pay "on jobs the performance of which requires equal skill, effort and responsibility, and which are performed under similar working conditions."[7] An Equal Pay Act plaintiff has the initial burden of proving that she is paid less for doing a job that is substantially equal to a job done by a man.[8] To meet this burden a plaintiff must convince the court that her job requires equal skill, effort and responsibility and is performed under similar working conditions. This does not mean that the jobs must be identical, but only substantially equal.

Once a plaintiff has met her initial burden, the burden of proof shifts to the defendant to convince the court that the reason for the wage difference is covered by one of the Act's four exceptions and is not because of the sex of the plaintiff. Paying workers of different sexes differently is permitted by the Act if the reason for the pay differential is either

> (i) a seniority system; (ii) a merit system; (iii) a system which measures earnings by quantity or quality of production; or (iv) a differential based on any other factor other than sex.[9]

The fourth exception is a "catch-all" category allowing any pay differential that is proven to exist for nondiscriminatory reasons. Nevertheless, a defendant's burden is substantial because it must do more than merely articulate a legitimate rationale for the differential. The defendant must affirmatively prove that the wage disparity can be justified by one of the four exemptions.

Title VII

Title VII of the Civil Rights Act of 1964 makes unlawful any employment practice that discriminates against members of several protected classes, including women, with respect to any terms or conditions of their employment including compensation. Employment discrimination claims under Title VII are generally of two types, "disparate treatment" claims and "disparate impact" claims. These categorizations are important primarily because of the different burdens faced by plaintiffs and defendants once the plaintiff has met its initial burden of proving facts that support an inference of discrimination. Most claims of sex-based wage discrimination are of the "disparate treatment" variety.

In the context of wage discrimination, "disparate treatment" claims allege that an employer has intentionally paid employees differently because of their sex. Plaintiffs claiming disparate treatment carry the initial burden of proving facts that support the inference that a pay differential is the result of intentional sex-based discrimination.[10] Such proof can take many forms. While direct admissions of an employer's discriminatory intent would be powerful evidence, such direct evidence of intent is not required at this initial stage. Rather, it is sufficient if the plaintiff proves facts "showing actions taken by an employer from which one can infer, if such actions remain unexplained, that it is more likely than not that such actions were based on a discriminatory criterion illegal under the Act."[11] Thus, a purely statistical analysis showing gross disparities between the wages of men and women can be sufficient to support an inference of intentional discrimination where all legitimate reasons for the differential are controlled and sex is the only remaining explanation.[12]

Once the plaintiff's initial burden has been met, the defendant in a disparate treatment case must "produce admissible evidence which would allow the [court] . . . to conclude that the [wage differential] had not been motivated by discriminary animus."[13] Unlike an Equal Pay Act rebuttal that must be proven, a defendant's burden to rebut a showing of disparate treatment is only one of producing *some* evidence. "It is sufficient if the defendant's evidence raises a genuine issue of fact as to whether it discriminated against the plaintiff."[14] Should the defendant carry this burden, the plaintiff must then have an opportunity to prove that the legitimate reasons offered by the defendant were not its true reasons but were a "pretext for discrimination."[15]

The Relationship between the Equal Pay Act and Title VII—the Bennett Amendment

The theory of comparable worth is not based on a comparison of the *content* of jobs done by men and women but rather on a comparison of the *worth* of jobs to an employer. The legislative history of the Equal Pay Act makes it quite clear that Congress did not intend to extend its remedies to women doing work merely comparable to work done by men on different jobs which might somehow be determined to be of equal value to an employer. Thus, it is generally acknowledged that the theory of comparable worth must be authorized, if at all, by Title VII rather than the Equal Pay Act. The question answered by the Supreme Court in *Gunther* was whether Title VII authorized any sex-based wage discrimination claim that did not meet the equal work test of the Equal Pay Act. The Court's main job in answering this question was to interpret the meaning of the Bennett Amendment to Title VII. This amendment was Congress' attempt to reconcile possible conflicts between the two statutes.

As originally drafted, Title VII had nothing to do with sex discrimination. Just two days before its vote on Title VII, the House of Representatives amended the bill to proscribe sex discrimination but did not attempt to reconcile the overlapping provisions of Title VII and the Equal Pay Act. When the bill reached the Senate, concerns were raised about possible inconsistencies between the two statutes. In an attempt to resolve these concerns, Senator Bennett proposed an amendment that added a sentence to the section of Title VII that excluded prohibitions of the Act. As adopted, the Bennett Amendment provided:

> It shall not be an unlawful employment practice under this subchapter for any employer to differentiate upon the basis of sex in determining the amount of the wages or compensation paid or to be paid to employees of such employer if such differentiation is authorized by the provisions of section 206(d) of title 29 [the Equal Pay Act].[16]

The meaning of the amendment depended on which sex-based wage differentials were deemed to be "authorized by" the Equal Pay Act. Prior to the decision in *Gunther*, courts had answered this question in two different ways. Many courts concluded that the Bennett Amendment intended to build into Title VII the equal work standard of the Equal Pay Act.[17] A few courts held that a plaintiff's failure or inability to demonstrate equal work did not preclude a Title VII action for sex-based wage discrimination.[18] Since the equal work standard and the theory of comparable worth are incompatible, the way courts interpreted the Bennett Amendment determined whether they were willing to even consider the theory of comparable worth.

Pre-Gunther Case Law Addressing Comparable Worth

Prior to the Supreme Court's decision in *Gunther*, several courts decided whether plaintiffs should prevail on a theory of comparable worth. With only one limited exception, the theory of comparable worth was repeatedly rejected.

In *Christensen* v. *State of Iowa*, female clerical employees of the University of Iowa claimed that Title VII required the school to pay them wages equal to wages paid to predominantly male physical plant workers doing jobs of equal worth to the University.[19] The University had done an objective evaluation of the relative worth of each job based on an assessment of thirty-eight job factors. Jobs with similar numerical evaluations were grouped together, and the salary range for each group was determined by reference to market rates in the local community. But because the local job market paid higher wages for physical plant jobs than those available under the University's system, the school increased the starting pay for many of the physical plant workers but not for the clerical workers. Consequently, male physical plant employees were paid more than female clerical employees despite equivalent seniority and job rating under the University's system.

The Court of Appeals held that plaintiffs failed to meet their initial burden under Title VII of proving facts demonstrating that the pay differential was the result of sex discrimination. So long as the University did not prevent females from becoming physical plant employees and did not discriminate *within* job categories, the court permitted a wage differential between jobs of different *content* despite their equal worth to the employer.

Two and a half years after *Christensen*, the Tenth Circuit rejected a comparable worth claim in *Lemons* v. *City and County of Denver*.[20] Nurses employed by the city brought a class action under Title VII challenging the city's pay plan that equalized the pay of city employees with pay for the same jobs in the local community. The nurses claimed that this system perpetuated historical wage discrimination against predominantly female occupations. The nurses sought to be compared to non-nursing positions that they claimed were of equal worth to the employer. The court provided no description of any evidence advanced by the nurses to support their claim of equal worth.

The court of appeals held that plaintiffs' complaint

> was not sought to be adjusted by the Civil Rights Act . . . The courts under existing authority cannot require the city . . . to reassess the worth of services in each position in relation to all others, and to strike a new balance and relationship . . . This would be a whole new world for the courts, and until some better signal from Congress is received we cannot venture into it.[21]

About a year later, a district court in the Tenth Circuit cited *Lemons* for the proposition that the theory of comparable worth "has apparently been rejected by the Tenth Circuit

Court of Appeals as a cognizable basis for relief under either Title VII or the Equal Pay Act."[22]

In *Gerlach* v. *Michigan Bell Telephone Co.*, a district court in Michigan concluded that although a Title VII plaintiff need not prove equal work as an element of a sex-based wage discrimination claim, "there is no independent cause of action based on a theory *solely* relating to comparable worth and undervaluation."[23] Plaintiffs were women employed as engineering layout clerks. Among plaintiffs' several claims was a proposed allegation that they were not being paid wages reflecting the true value of their work to their employer. Plaintiffs claimed the value of their work was equal to or greater than the value of work done by workers in a traditionally all-male field assistant classification.

The court held, as a matter of law, that a lawsuit based only on a theory of comparable worth and without any claim of intentional sex discrimination was not cognizable under Title VII. The court concluded that evidence of comparable worth "at best could be construed as setting forth an evidentiary basis for the allegations [of intentional discrimination]."[24] While the court was clearly sympathetic to plaintiffs' concerns, it concluded that it was without authority to compare the relative worth of employees.

> While the court wholeheartedly concurs in the observation that the advancement of women and minorities will not be assured until employers pay all persons according to their value to the enterprise, it is my judgment that Congress has, thus far, seen fit to limit an employer's wage rate evaluations only by the preclusions against discrimination in wages and by the requirements of equal pay for objectively defined equal or substantially equal work. Thus, I cannot conclude at this point in time that Congress has authorized the courts to undertake an evaluation and determination of the relative worth of employees.[25]

Finally, in a case decided only two months before the Supreme Court's decision in *Gunther*, a court accepted evidence of comparable worth not as a legal basis for recovery but as a means to determine the wages that female workers should have been paid. In *Taylor* v. *Charley Brothers Company*, the court found that female workers had been the victims of intentional discrimination by being segregated into a lower paying "female department" of a grocery warehouse where they did jobs equal or comparable to or those done in a department staffed by men.[26] With respect to jobs in the two departments that were not equal but comparable, the court found that the differences in wages could not be justified by minor variations in job content. The court relied on a job evaluation plan of the American Association of Industrial Management in holding that women doing jobs comparable to male jobs should have been earning 90 percent of the wages paid to the men.

COUNTY OF WASHINGTON V. GUNTHER

Lower Court Opinions

Alberta Gunther was one of six matrons employed at the Washington County jail. Their job was to guard female prisoners and perform related administrative and clerical duties. Male prisoners were guarded by a group of workers called "corrections officers." Matrons were paid from $176 to $224 less per month than corrections officers.

Four matrons sued the county claiming, in part, that they deserved wages equal to those paid to men doing substantially equal work. In the alternative, the women argued that even

if the jobs were not substantially equal the pay differential between the men and women was greater than could be justified by differences in the difficulty of their work. The matrons thus contended that at least part of the pay differential could only be explained by the existence of sex discrimination. The action was originally brought under both the Equal Pay Act and Title VII. However, since the Equal Pay Act did not apply to government employees until more than two months after the matrons were terminated, the case was treated solely as a Title VII action.

As the plaintiffs' equal work claim, the district court held that under Title VII, plaintiffs claiming equal pay for equal work were required to show that the men's and women's jobs were substantially equal and that plaintiffs had failed to meet this burden.[27] The court focused on the fact that there were, on average, three matrons for every female prisoner but only one corrections officer for every four male prisoners. Consequently, the matrons spent from 10 to 75 percent of their time doing clerical work while the male guards spent very little time on such tasks. The court concluded that even if the jobs required equal skill, the matron's jobs did not require equal effort or responsibility.

The district court did not even reach plaintiffs' claim of sex discrimination based on the existence of a disproportionately large pay differential since the court held that proof of equal work was an essential element of any sex-based wage discrimination claim under Title VII.

It was the district court's refusal to consider evidence of intentional sex discrimination that was overturned by the Ninth Circuit.[28] The court of appeals held that the Bennett Amendment did *not* incorporate the equal work standard into Title VII but merely incorporated the four affirmative defenses available to an employer under the Equal Pay Act. The court noted that at trial plaintiffs had offered some evidence indicating that a part of the wage differential could be ascribed to sex discrimination.[29] It instructed the district court to consider this evidence.

Although the Ninth Circuit did not speak directly to the issue of comparable worth, it did discuss the concept of "comparable *work*." In a footnote in its original opinion, the court suggested that proof of discrimination in wages paid to men and women holding comparable jobs in sex-segregated job classifications would state a claim under Title VII.

> Likewise, in a situation where primarily women are employed in a type of job that is comparable but not substantially equal to that performed by men, an employer is free under the Equal Pay Act to decrease the wages of the women solely because of their sex. Such a practice is prohibited by the plain language of [Title VII] and will continue to be under our interpretation of the Bennett Amendment.[30]

However, in its supplemental opinion denying the county's motion for a rehearing, the court made it very clear that proof of comparable work *standing alone* would not state a claim under Title VII.

> The effect of our decision will not be to substitute a "comparable" work standard for an "equal" work standard. Where a Title VII plaintiff, claiming wage discrimination, attempts to establish a prima facie case based solely on a comparison of the work she performs, she will have to show that her job requirements are substantially equal, not comparable, to that of a similarly situated male . . .
>
> All we hold here is that a plaintiff is not precluded from establishing sex-based wage discrimination under some other theory compatible with Title VII . . . We do note that, because a comparable work standard cannot be substituted for an equal

work standard, evidence of comparable work, although not necessarily irrelevant in proving discrimination under some alternative theory, will not alone be sufficient to establish a prima facie case.[31]

Of interest in the Ninth Circuit's opinions is the fact that the court focused only on the comparable *content* of the male and female jobs. The court did not focus at all on the comparable *worth* of those jobs.

The Supreme Court's Opinion

The Supreme Court's decision in *Gunther* decided a very narrow question.[32] The court's opinion was limited to the issue of whether the Bennett Amendment meant that Title VII's prohibition against sex-based wage discrimination was limited to claims of equal pay for equal work. By a five to four vote the Court affirmed the opinion of the Ninth Circuit. The Court held that Title VII plaintiffs need not prove that they were working at substantially equal jobs in order to sustain a wage discrimination claim under Title VII. Rather, the Court said plaintiffs can prevail by proving that their wages were depressed because of intentional sex discrimination even though their jobs were not equal to jobs held by higher paid men.

The majority opinion went to considerable lengths to emphasize the narrowness of its holding and to avoid endorsing the theory of comparable worth.

> We emphasize at the outset the narrowness of the question before us in this case. [Gunther's] claim is not based on the controversial concept of "comparable worth," under which plaintiffs might claim increased compensation on the basis of a comparison of the intrinsic worth or difficulty of their job with that of other jobs in the same organization or community.[33]

The court emphasized the fact that the matrons' claim would not require the trial court to undertake a comparison of the content or worth of different jobs but would merely entail a traditional Title VII analysis of disparate treatment. In support of this point the court described specific evidence in the record that might support an inference of intentional discrimination. The court noted evidence that the county had done an evaluation of the male and female jobs and paid the women only 70 percent of the evaluated worth of the female jobs while paying the men 100 percent of the evaluated worth of the male jobs. Thus, the matrons' case would not require "a court to make its own subjective assessment of the value of the male and female guard jobs."[34]

Even though dissenting justices were bitterly critical of the majority's reasoning, they viewed the majority's failure to endorse comparable worth as the "saving feature" of the opinion.

> The opinion does not endorse the so-called "comparable worth" theory; though the Court does not indicate how a plaintiff might establish a prima facie case under Title VII, the Court does suggest that allegations of unequal pay for unequal, but comparable, work will not state a claim on which relief may be granted. The Court, for example, repeatedly emphasizes that this is not a case where plaintiffs ask the court to compare the value of dissimilar jobs or to quantify the effect of sex discrimination on wage rates.
>
> * * *
>
> Because there are no logical underpinnings to the Court's opinion, all we may conclude is that even absent a showing of equal work, there is a cause of action under Title VII where there is direct evidence that an employer has *intentionally* depressed

that the state violated Title VII by paying women lower wages for work which defendants had determined to be of comparable or equal value to work performed by male employees. The state asked the court to dismiss this claim arguing that comparable worth is not a legitimate basis for recovery under Title VII. The court refused to dismiss the claim, but only because it read plaintiffs' complaint to allege intentional discrimination. Citing *Power v. Barry County*, the court said:

> This Court will not engage in a subjective comparison of the intrinsic worth of various dissimilar jobs. If the plaintiff's allegations are proven, however, and if the defendants did in fact determine that dissimilar jobs were of equal value, but did not provide equal pay because of the sex of the employees, then this would be evidence of intentional discrimination.[40]

The only recent acknowledgment of comparable worth, albeit in a somewhat off-handed manner, was in *E.E.O.C. v. Hay Associates*.[41] After holding that the defendant had violated the Equal Pay Act in certain respects, the district court turned to plaintiff's alternative claim of comparable worth. The court disposed of this issue in a single paragraph. It suggested that "It is clear after the Supreme Court's decision in [Gunther] that [comparable worth] claims are cognizable under Title VII, [however] the elements of such . . . claims have yet to be defined."[42] The court did not discuss what these elements might be since it held that plaintiff had produced no evidence of comparable worth on which the court could base any relief beyond what it had already granted on the theory of equal work. In the context of this opinion, the court's statement about the vitality of comparable worth after *Gunther* must be read most narrowly. While *Gunther* did not rule out development of a theory of comparable worth, neither the Supreme Court nor the court in *E.E.O.C. v. Hay* provided meaningful precedent for the theory.

To date, the theory of comparable worth remains on the drawing board, and the blueprint for its adoption in the future is very unclear. Since *Gunther*, no Title VII plaintiff has advanced a general, objective mechanism for proving that different jobs are of comparable worth. And no court has shown the least inclination to undertake this task, or even to consider plaintiff's evidence unless it is offered in connection with an allegation of intentional discrimination. For the present, the theory that proof of the equivalent worth of jobs *standing alone* can support an inference of intentional discrimination shows no signs of life.

COMPARABLE WORK AS AN ELEMENT OF CONTEMPORARY WAGE DISCRIMINATION

Although the theory of comparable worth has not blossomed since the Supreme Court's decision in *Gunther*, the broad outlines of another theory of Title VII wage discrimination have started to emerge. This theory depends not on a comparison of the value or worth of jobs but on a traditional comparison of the skill, effort, responsibility and working conditions of different jobs. Since the decision in *Gunther*, two courts have held that if different jobs are sufficiently similar in terms of these traditional criteria and if the jobs have been historically sex-segregated, these facts can be sufficient to support an inference of intentional discrimination meeting a Title VII plaintiff's initial burden of proof. This is not a theory of comparable *worth* but of comparable *work*. The theory does not require proof that jobs are substantially *equal* as under the Equal Pay Act, but that they are sufficiently *similar* to remove the factor of job content as an explanation for a wage differential. This emerging

theory thus relies on the traditional Title VII principle that once all legitimate reasons for a wage differential have been eliminated, it is more likely than not that an employer has based his wage scale on an impermissible factor such as sex.[43]

The jobs of public health nurses and public health sanitarians were compared in *Briggs v. City of Madison*.[44] Public health nurses provided nursing services in the public schools, operated health clinics, conducted health education programs, and enforced various city and state health rules. For twenty years prior to the lawsuit, all but one of Madison's public health nurses had been women. City of Madison sanitarians inspected restaurants, bars, stores, hotels and pools for compliance with health regulations, reviewed plans for and handled complaints concerning sewage systems, investigated reports of food-borne illness, assisted with hazardous waste disposal and utility shut-off procedures and enforced various city and state health rules. For twenty years prior to the lawsuit, all of Madison's sanitarians had been men.

Marsha Briggs and seventeen other public health nurses sued the city alleging a violation of Title VII. The court emphasized that their claim was *not* that they had been denied equal pay for equal work. Rather, the nurses charged that the city had discriminated against them by paying them only about 85 percent of the wages of male sanitarians whose jobs, plaintiff claimed, required the same or less qualifications, skill, effort and responsibility and who worked under similar working conditions. The court noted that the nurses' claims were based "on a theory that seeks to correlate wage differentials with wage discrimination, where the wage differential applies to sex-segregated jobs of comparable content."[45]

The court agreed with plaintiffs' factual claims. It found that the nurses and sanitarians occupied sex-segregated job classifications and that the nurses jobs required skill, effort, and responsibility at least equal to that required of the sanitarians who worked under similar conditions.

Applying a traditional disparate treatment analysis, the court held that plaintiffs had met their initial burden by proving facts that supported an inference of intentional discrimination. The five elements of proof relied upon by the court were that (1) plaintiffs were members of a protected class (2) who occupied a sex-segregated job classification (3) that was paid less than (4) a sex-segregated classification occupied by men and that (5) the two classifications involved work that was so similar in skill, effort, responsibility and working conditions that it was reasonable to infer that the jobs were of comparable value to the city. The court reasoned that plaintiffs' five-step prima facie case

> rests upon the logical premise that jobs which are similar in their requirements of skill, effort and responsibility and in their working conditions are of comparable value to an employer, and upon the equally logical premise that jobs of comparable value would be compensated comparably but for the employer's discriminatory treatment of the lower-paid employees.[46]

Even though this rationale included the notion of comparable value, the court was very careful to distinguish plaintiffs' theory from the theory of comparable worth.

> Plaintiffs' showing does not require the court to evaluate the abstract "worth . . . to society or to an employer" of one job as against another or to compare jobs that differ from one another in their requirements of effort or responsibility, cf., *Gunther*, . . . or to "cross job description lines into areas of entirely different skills," cf., *Lemons* . . . Here plaintiffs have been able to show such a substantial similarity of work requirements and work conditions as to raise a presumption of illegal sex discrimination.[47]

Although the nurses met their initial burden, they failed to win the case. The court held that where male and female jobs are similar but not equal, the standards and burdens of proof of the Equal Pay Act do not apply as they do when a Title VII plaintiff shows it is entitled to equal pay for *equal* work. Thus, the city was only required to articulate a legitimate reason for the wage differential in order to rebut plaintiffs' case. And unlike a defendant rebutting a showing of equal work, the city could rely on evidence of greater difficulty in recruiting and retaining men to justify its wage differential. The court held that plaintiffs' case was rebutted by the city's evidence that the wages of sanitarians were higher because the city thought this was necessary to retain these workers. Thus, the burden shifted back to the nurses to show that the city's explanation was a pretext for discrimination. Although the court described several categories of evidence by which this showing might have been made, the court concluded that plaintiffs' had failed to demonstrate that the city's explanation was pretextual. And even if this demonstration had been made, the court held that plaintiffs failed to prove that the pay differential was not wholly due to actions taken by the city prior to the date when the prohibitions of Title VII became applicable to public employers.

Although the nurses in *Briggs* collected no damages, their lawsuit defined a new formula for wage discrimination claims under Title VII. That formula has recently been recognized by another court as a viable Title VII theory of wage discrimination.

Lanegan-Grimm v. *Library Association of Portland* involved a comparison of the job of a bookmobile driver and that of the library's delivery truck driver.[48] Sheri Lanegan-Grimm was one of four bookmobile drivers employed by the defendant. Her job was to load books and other library materials on and off the bookmobile and drive the bookmobile throughout the county in order to extend library services to members of the public located at some distance from the library's several branches. Historically, the defendant employed predominantly women as bookmobile drivers. The duties of the delivery truck driver were those ordinarily associated with that job title. The defendant had never employed a female as a delivery truck driver.

Lanegan-Grimm sued the defendant under Title VII claiming that her lower wages constituted unlawful sex discrimination. The court pointed out that under Title VII a plaintiff may prevail either by proving equal work or intentional discrimination.

The court analyzed these two theories separately. First, employing traditional Equal Pay Act standards the court examined in great detail the content of the two jobs. The court found that the jobs required substantially equal skill, effort and responsibility and were performed under similar working conditions. Thus, the court held that plaintiff had met her initial burden in proving a violation of Title VII's requirement of equal pay for equal work. Since the only substantial defense advanced by the defendant related to supposed differences between the jobs that the court had already discounted, the plaintiff prevailed on her equal work theory.

The court then addressed plaintiff's theory that the defendant intentionally discriminated against her in setting her wages. Citing *Briggs* v. *Madison*, the court held that plaintiff had met her initial burden of proving facts sufficient to support an inference of intentional discrimination. In light of the fact that the two job categories had been historically sex-segregated and that delivery truck drivers had historically been paid more than bookmobile drivers, the court held that the jobs were sufficiently similar to support an inference of intentional discrimination.

However, the court concluded that the defendant could point to sufficient differences between the jobs to meet its minimal burden of rebutting plaintiffs' initial showing of disparate treatment. Nevertheless, the court concluded that the plaintiff proved that these differences did not explain the wage differential but were a pretext for discrimination. The court credited plaintiffs' testimony that when she asked why she was paid less the director of bookmobile services told her it was because the delivery truck driver was a man and head of a household. The court also made reference to a remark made to plaintiff by the head librarian that was "extremely derogatory and sexist" and "of sufficiently poor taste that it will not be repeated." This uncontested testimony was sufficient to prove that the reasons for the wage differential advanced by the defendant were pretextual.

Lanegan-Grimm thus confirms the theory of wage discrimination enunciated in *Briggs* v. *Madison* and hinted at in *Gunther*. Where a Title VII plaintiff shows an otherwise unexplained historical wage differential between sex-segregated jobs, those jobs may be sufficiently similar to support an inference of intentional discrimination.

CONCLUSION

Courts have not outgrown their historic reluctance to evaluate the *worth* of male and female jobs in order to make decisions about wage discrimination. This reluctance is not surprising and is probably permanent. Judges clearly do not feel at home in the highly technical discipline of job evaluation where fundamental guiding principles seem scarce. While evidence of comparable worth will be considered in support of an inference of intentional discrimination, such evidence standing alone will not be sufficient.

But courts are perfectly comfortable making detailed comparisons of the *content* of male and female jobs. Judges have undertaken such comparisons in twenty years of decisions under the Equal Pay Act. The *Briggs* and *Lanegan-Grimm* opinions suggest that detailed comparisons of job content will become increasingly important to Title VII actions claiming equal wages for different but comparable work. Under this developing theory, women in historically sex-segregated jobs may be entitled to equal pay if their work is so similar to that of higher paid males that the factor of job content cannot be an explanation for the differential. Of course, there may be other legitimate explanations for differences in wages. Courts still face the task of determining which explanations for a wage differential will be deemed legitimate under new theories of wage discrimination. For example, the extent to which the market rate defense will be successful in responding to a comparable work/wage discrimination claim is still to be decided. The nature of the duty placed on an employer to articulate and prove non-discriminatory reasons for wage differentials will continue to be a crucial concern as new theories of wage discrimination emerge.

NOTES

[1]Mr. Kirk is an associate resident in the Washington D.C. office of Breed, Abbott & Morgan. Mr. Lorber is a partner in the Washington office of Breed, Abbott & Morgan, specializing in labor and regulatory law.

[2]452 U.S. 161 (1981).

[3]"Court Allows Women's Suit in Pay Dispute," *The Washington Post*, ne 9, 1981, at 1.

[4]"Women's Issue of the 80s," *Newsweek*, June 22, 1981, at 58.

[5]"Pay Equity Cases Can be Won Blumrosen Says," *Convention News* issued during the American Nurse's Association 1982 Convention, June 29, 1981, at 3, col. 1.

[6]29 U.S.C. §206(d)(1).

[7]*Ibid.*

[8]*Corning Glass Works* v. *Brennan*, 417 U.S. 188, 195, 9 FEP Cases 919 (1974).

[9]29 U.S.C. §206(d)(1).

[10]*McDonell Douglas* v. *Green*, 411 U.S. 792, 802, 5 FEP Cases 965 (1973).

[11]*Furnco Construction Corp.* v. *Waters*, *438 U.S. 567, 17 FEP Cases 1062 (1978) citing Teamsters* v. *United States*, 431 U.S. 324, 358, 14 FEP Cases 1514 (1977).

[12]See *Hazelwood School District* v. *United States*, 433 U.S. 299, 307–8, 15 FEP Cases 1 (1977); *Melani* v. *Board of Higher Education*, 31 FEP Cases 648 (S.D.N.Y. 1983).

[13]*Texas Department of Community Affairs* v. *Burdine*, 450 U.S. 248, 257, 25 FEP Cases 113 (1981).

[14]*Ibid.*, at 255.

[15]*Ibid.*

[16]42 U.S.C. §2000e–2(h).

[17]*Ammons* v. *Zia Company*, 448 F.2d 117 (10th Cir. 1971); *Orr* v *MacNeil & Son, Inc.*, 511 F.2d 166 (5th Cir. 1975).

[18]*International Union of Electrical, Radio and Machine Workers* v. *Westinghouse Electric Corp.*, 631 F.2d 1094 (3rd Cir.), *cert denied*, 449 U.S. 1009 (1980); *Fitzgerald* v. *Sirloin Stockade*, 624 F.2d 945 (10th Cir. 1980).

[19]563 F.2d 353 (8th Cir. 1977).

[20]620 F.2d 228 (10th Cir. 1980).

[21]*Ibid.*, at 229.

[22]*Martin* v. *Frontier Federal Savings & Loan Ass'n.*, 510 F. Supp. 1062 (W.D. Okla. 1981).

[23]501 F. Supp. 1300, 1321 (E.D. Mich. 1980).

[24]*Ibid.*, at 1321.

[25]*Ibid.*

[26]25 FEP Cases 602 (W.D. Penn. 1981).

[27]*Gunther* v. *County of Washington*, 20 FEP Cases 788, 791 (D. Or. 1976).

[28]*Gunther* v. *County of Washington*, 602 F.2d 882 (9th Cir. 1979).

[29]The court pointed to testimony by Sheriff Barnes that he thought the wage differential should have been less and that he had attempted to upgrade the matrons' salary. *Ibid.*, at n.11.

[30]*Ibid.*, at n.9.

[31]*Gunther* v. *County of Washington*, 623 F.2d 1303, 1321 (9th Cir. 1979).

[32]*County of Washington* v. *Gunther*, 452 U.S. 161 (1981).

[33]*Ibid.*, at 166.

[34]*Ibid.*, at 180–1.

[35]*Ibid.*, at 204 (emphasis original).

[36]*Gerlach* v. *Michigan Bell*, *supra*, p. 1321.

[37]539 F. Supp. 721 (W.D. Mich. 1982).

[38]*Ibid.*, at 726–7.

[39]31 EPD ¶33,528, 31 FEP Cases 191 (D. Conn. 1983).

[40]*Ibid.*

[41]545 F. Supp. 1064 (E.D. Penn. 1982).

[42]*Ibid.*, at 1085.

[43]*Furnco* v. *Waters*, *supra*, at 967.

[44]536 F. Supp. 435 (W.D. Wis. 1982).

[45]*Ibid.*, at 442.

[46]*Ibid.*, at 445.

[47]*Ibid.*, at 446.

[48]31 EPD ¶33,512, 31 FEP Cases 865 (D. Or. 1983).

46 - Employment - Comp. wo...

"PAY EQUITY" IS A BAD IDEA

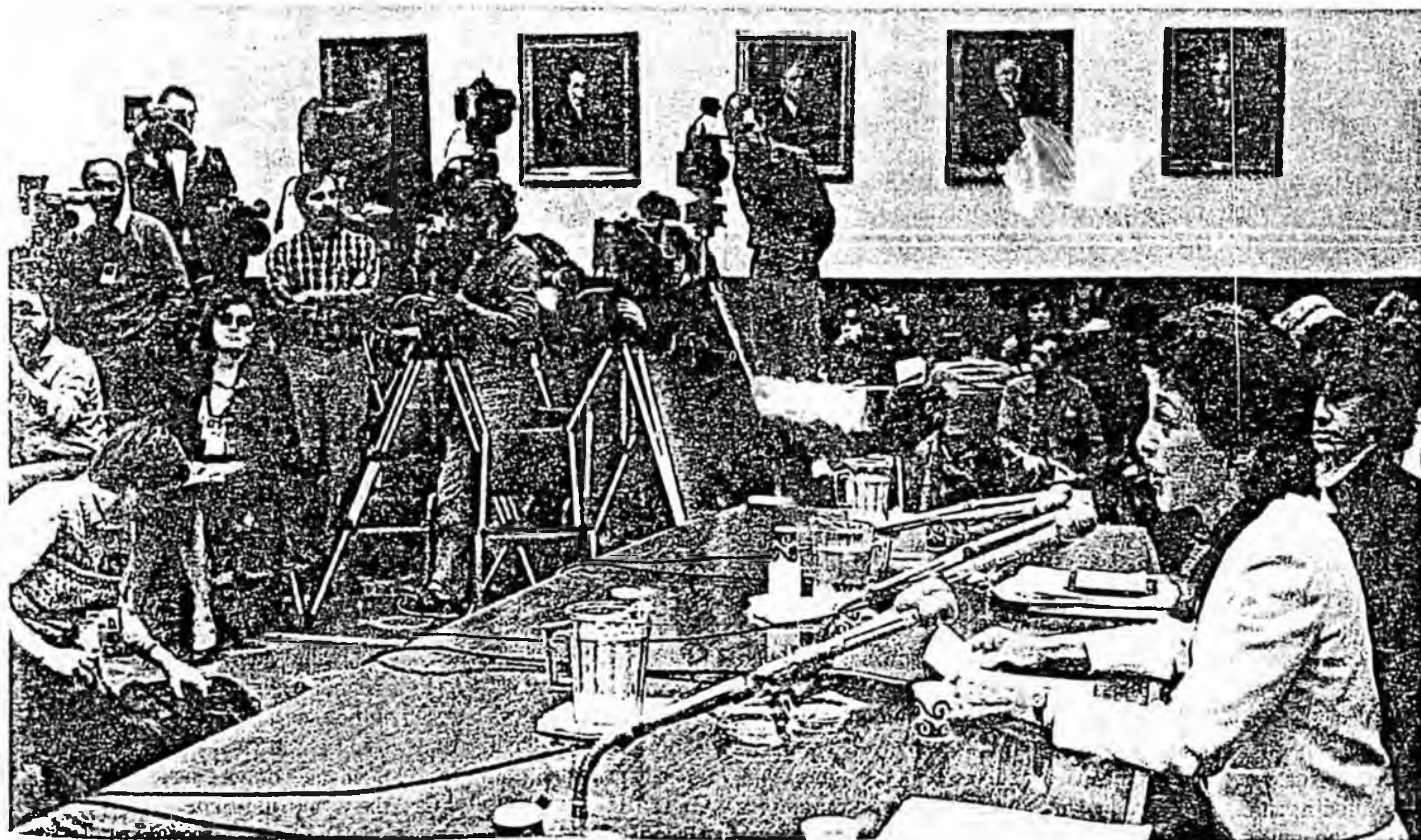
'hich doesn't mean that the idea—also known as comparable worth—will just go away quietly. it became the law of the land, employers would have to pa·· salaries based on job evaluation ores rather than labor market forces. by Daniel Seligman

A PHENOMENON scarcely noticed during the endless race for the Democratic presidential nomination is that all the runners have rather ·ually come out for something called ·mparable worth." True, some of them ·e appeared a bit blurry about what they ·re endorsing—Walter Mondale uses the ·rase "comparable effort"—but, then, the ·ctrine is not easy to grasp. Comparable ·orth is at once revolutionary and loony.

RESEARCH ASSOCIATE *David Kirkpatrick*

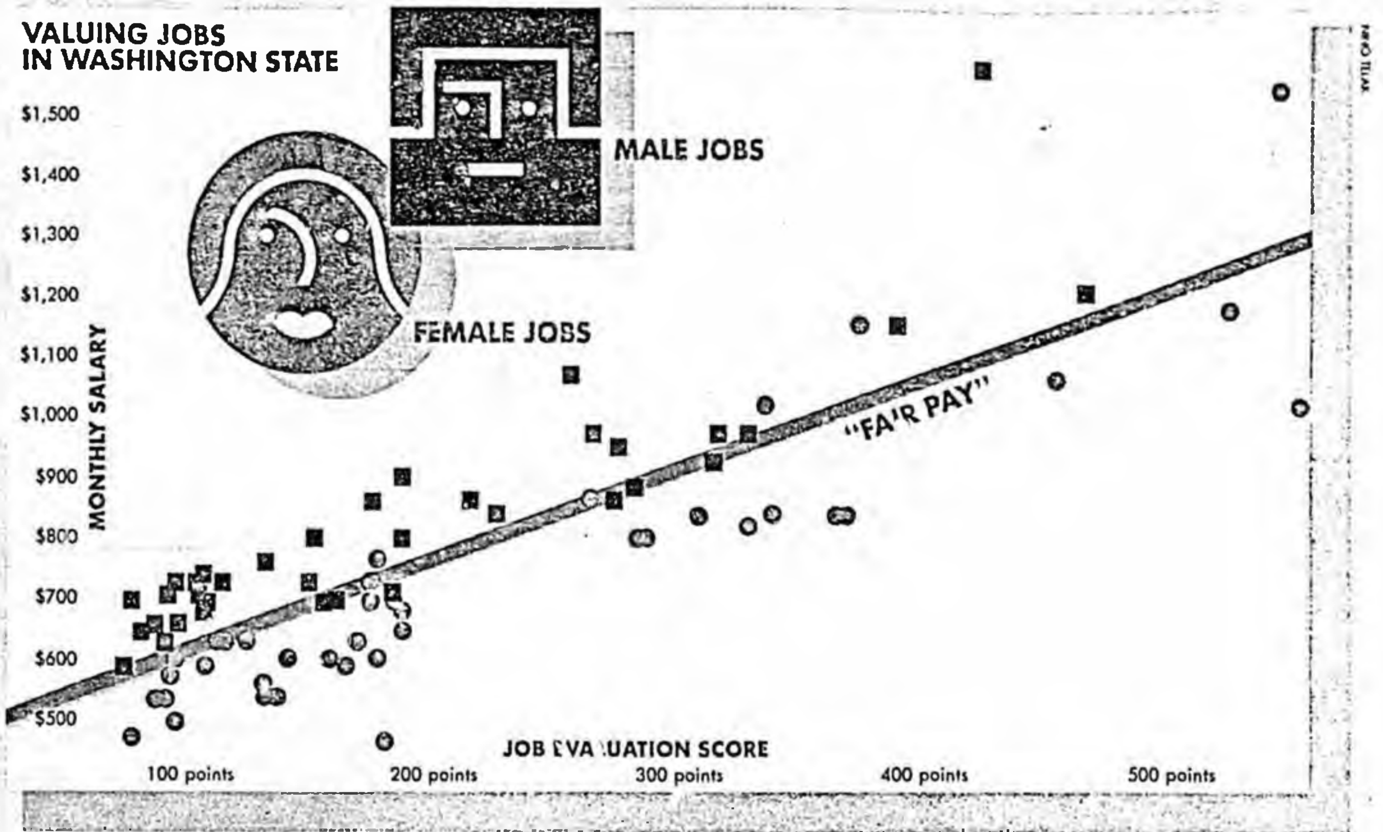
It rests on three extraordinary propositions. First, that it's possible to compare different jobs—even jobs that are totally dissimilar, like secretary and truck driver—and establish some "right" pay relationship between them. Second, that the pay relationships established by supply and demand in the job markets are frequently inequitable and discriminatory, especially with respect to women's pay. And third, that government must therefore intervene to ensure that the pay relationships are right.

Somewhat incredibly, and ominously for business, these ideas now have a lot of momentum behind them. Eleanor Holmes Norton looks to have been prescient back in 1978 when she identified comparable worth as "the women's issue of the Eighties." (Mrs. Norton was then head of the Equal Employment Opportunity Commission.) In 1984 the doctrine, also loosely known as "pay equity," is supported by all feminist organizations, by just about all liberal politicians, by a surprising number of moderate-



Joan Mondale *(right) preaches the comparable worth gospel at a friendly forum on Capitol Hill.*

PHOTOGRAPH BY TERRY ASHE



BUT DOES IT PROVE DISCRIMINATION?

■ The chart is a "scattergram"—a pictorial device that is endlessly onstage in the comparable worth debate and supposedly tells you whether there's discrimination in a given job universe. The universe shown here consists of 75 job categories monitored by the state of Washington's personnel department in 1974—the year in which the state began doing job evaluations. The chart depicts only jobs that were predominantly (70% or more) male or female. and it reflects the logic by which the state satisfied itself that it was indeed discriminating.

Scattergrams show the extent to which jobs are paid more or less than their evaluated worth. In an ideal world, workers' pay (vertical scale) would precisely reflect the evaluation point scores (horizontal scale), and all the plot points would fall on one straight line. Nobody expects this to happen in the real world, where such complications as seniority, unionization, and plain measurement errors are bound to scatter the plot points, leaving some jobs with more dollars per evaluation point than others. But suppose you drew a "fair pay" line that best expressed the trend of the plot points. And suppose it turned out that virtually all the "overpaid" jobs (those above the line) were predominantly male, while those below the line were just about all female. As you can see, that happened in Washington and encouraged a federal judge to find the state had violated the Civil Rights Act.

However, it is far from clear that purely statistical measures like scattergrams prove anything about discrimination. Women were not, after all, barred from the higher-paying job categories above the line; indeed, the state had affirmative-action programs designed to encourage their entry into those jobs. Nor were the majority of women paid less than the minority of men in the categories below the line. In effect, the state was paying market wages for all the jobs depicted and usually finding that it was possible to fill "women's jobs" more cheaply.

to-conservative politicians, and even by some businessmen for whom it would manifestly create many migraines. Its core ideas have been upheld in a landmark ruling by a federal district judge in Tacoma, Washington. It has been endorsed by the *New York Times* and the case for it has been learnedly elaborated in an authoritative-looking study bearing the imprimatur of the National Academy of Sciences. None of which, to be sure, rules out the possibility that comparable worth will ultimately collapse of its own deadweight dumbness.

Fans of comparable worth (hereafter CW) tend to believe that it is the natural and inevitable next step in the long march of civil rights; judging from the public dialogue, this view commands a substantial majority among those who have heard of the issue. The minority view is that CW is just the latest dodge in the never-ending effort of interest groups to get a better deal than the market is giving them.

In principle CW is an effort to extend the reach of the federal Equal Pay Act. This legislation, enacted in 1963, requires employers to pay men and women equally when they're doing the same job. The CW proponents wish to extend this proposition to dissimilar jobs that are nevertheless deemed compara-

ble in value. (Congress considered this idea, but rejected it as impractical, when it was debating the Equal Pay Act.)

How would employers decide which jobs were comparable? The answer usually vouchsafed by CW proponents goes somewhat as follows. It is not really difficult to evaluate the worth of jobs; the employer need only hire one of the many consulting firms that specialize in job evaluation studies. The consultant will rank all the jobs according to such criteria as the knowledge and skill required to handle them, the amount and varieties of problem solving they would require, the accountability of the person doing the job, and any hazards or unpleasantness associated with it. Those are, in fact, the criteria used by Philadelphia-based Hay Associates, the largest of the consultants.

Quantifying all these matters, the consultant will then assign a total point score to each job, and the points will determine the range for the job's base pay. If jobs found to be comparable nevertheless offer different pay scales, a CW advocate will presume that something funny is going on. If jobs predominantly held by men turn out to pay more than those predominantly held by women, the advocate will presume the "something" to be sex discrimination.

The Washington State case is our most famous example of CW in action. Washington was sued in 1982 by the American Federation of State, County, and Municipal Employees (AFSCME), which charged that female employees of the state were victims of discrimination. AFSCME's case was helped by the fact that the state had already accepted comparable worth in principle. Washington began sidling up to this principle in the early Seventies, when Republican Governor Dan Evans (he's now a U.S. Senator) became concerned that the state might really be underpaying women. To test his suspicions, Evans assigned the consulting firm of Norman D. Willis & Associates to perform evaluations on certain state job categories. Norman Willis was a former Hay consultant who had left the firm and set up his own shop in Seattle in 1971. His evaluation procedures are essentially similar to the Hay system.

Sure enough, Willis reported that women's work was underpaid. When you looked at the job categories that were either predominantly (70% or more) male or predominantly female, you found the male jobs paying about 20% more on average after adjustment for point scores. More recent studies have modified the details, but they

An electrician, *Kirk Hanson works for the Washington State education system, filling a job evaluated at 197 points. Jacqueline Bristol, an "attendant counselor III" (she counsels disabled children), has a job that is rated higher, at 209 points; yet the salary range for her job is around $600 a month less than for his. Why is the state, by its own logic, discriminating? It had to pay Hanson more to meet market competition.*

show no overall gains for women's pay relative to men's.

Against this background, U.S. District Judge Jack E. Tanner last December found the state guilty of discrimination. His order, which is being appealed, requires the state to bring all members of the predominantly female job categories up to their "evaluated worth," and to do so immediately. (Washington had been planning to deal with the problem over a ten-year period.) The state estimates that compliance with the order would cost around $400 million in 1984 and about $60 million a year thereafter.

Washington is by no means the only government employer taking CW seriously these days. Belief in the doctrine has also led Minnesota, New Mexico, and Idaho to appropriate money to indemnify groups of mostly female state employees. Minnesota, which hired Hay in 1979 and now has an elaborate job evaluation system, has been giving special raises (they average $1,600 over two years) to 8,225 employees in predominantly female job categories. California and Iowa also have CW laws for state employees, although they're not yet implemented. Other states, including Wisconsin, Oregon, Kentucky, and Alaska, are conducting legislatively mandated studies of CW. In New York and Maine, CW studies have been mandated by contracts reached in collective bargaining. The city of San Jose has a contract with AFSCME, signed in 1981 after a nine-day strike, requiring special raises for women employees of the city who had been found to be getting less than their worth, as evaluated by Hay Associates.

OF SPECIAL INTEREST to business are some rumblings in Hawaii and Pennsylvania. The legislature in Hawaii has passed a resolution that is nonbinding but calls on all employers, public and private, to establish CW pay standards. Pennsylvania is considering an amendment to the state Human Relations Act that would require all employers to adopt CW standards; the amendment is thought to have a good chance of enactment within a year or two.

Then there are stirrings at the federal level. Mary Rose Oakar, Democrat of Cleveland, recently held much publicized hearings (see photograph, page 133) to promote two bills: her Federal Employees Pay Equity Act of 1984 and her Pay Equity Act of 1984. The latter covers private enterprise; however, it purports not to be introducing any new obligations for business, only to be requiring stricter enforcement of an obligation that already exists. Oakar believes that Title VII of the 1964 Civil Rights Act, which deals with employment discrimination in both the public and private sectors, prohibits unequal pay for jobs comparable in value. Her belief is evidently shared by Judge Tanner—who based his Washington State decision on Title VII—and is explicitly endorsed by many liberals in Congress, including Senator Gary Hart. Both Hart and Mondale have pledged that, as President, they would strictly enforce this interpretation of the law.

Is it conceivable that CW is *already* the law of the land? John H. Bunzel, Reagan-appointed member of the Civil Rights Commission, says that it certainly isn't. But Clarence Thomas, Reagan-appointed chairman of the

EEOC, says the law is simply unclear. The Administration is obviously not eager to interpret the law as favoring CW; however, it is also not eager to start any more arguments with organized feminism. Accordingly, it is volunteering no legal opinions on CW for the record these days.

What makes the disagreements possible is a marvelously murky opinion delivered by the U.S. Supreme Court in *County of Washington* v. *Gunther*, the only case with a CW angle that it has tackled. The case involved a claim that matrons guarding women in an Oregon county prison should be paid as much as the guards watching over male prisoners. The Court ruled that, yes, it was permissible under Title VII to bring a suit concerned with different jobs but that, no, it wouldn't specify what had to be proved for the plaintiff to establish illegal discrimination. The Court will presumably get an opportunity to demystify things when the Washington State case lands on its doorstep.

Meanwhile, the more interesting disagreement about CW is on the merits of its case. Does the doctrine make economic sense? Or moral sense? Or any kind of sense?

Not all supporters of CW make precisely the same case for it, but all of them are logically required to at least believe in job evaluation. Without those evaluation scores, they would have no basis for stating that two dissimilar jobs were comparable in worth. So the first question is whether job evaluation systems provide a solid basis. It's not clear that they do.

THE FIRST THING you note when you focus on the systems is that all of them are floating in a sea of subjectivity. Job evaluation consultants inevitably differ among themselves about what factors to measure and what weights to assign the different factors. In the Washington case the state attorney general attempted to counter the evidence provided by Norman Willis by introducing the testimony of Paul Richard Jeanneret, a job evaluation consultant based in Houston. Jeanneret's clients have included a fair number of FORTUNE 500 companies as well as states and municipalities. Applying his PAQ System (so-called because it's based on a position analysis questionnaire) to a sizable sample of the jobs that Willis had scored, Jeanneret found that he and Willis were producing substantially different results. If you had used the scores generated by each system to rank-order jobs controlled by the Department o
the rankings would have varied
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Furthermore, said Jeanneret, '
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it really needs to hire and retain
brarians; meanwhile, the electri
big demand—Silicon Valley bein
miles away—so San Jose is pay

tially above the evaluated rate to hold on to them. (The contract allows the city to pay more than the rate in predominantly male or female categories.) Illogical bottom line: the city is overpaying the librarians in relation to the market and overpaying the technicians in relation to their evaluated worth. Says Personnel Services Administrator David Armstrong of the double standard: "They've got us in a vise."

A fair number of CW proponents admit that job evaluation is inherently subjective and less scientific than it looks—but still make a case for using it to set pay levels. A scholarly version of this case was developed in an influential and much quoted 1981 study sponsored by the National Academy of Sciences. The study had been triggered by a 1977 request from the EEOC to assess "the feasibility and desirability" of developing a CW standard. Translation: give us some good scientific reasons to support it. Outcome: the commission got some bad reasons to support it.

Many economists take the view that market forces represent the only meaningful basis for saying what jobs are worth. The NAS study strenuously rejects this belief, and Wesley Liebtag, a panel member who is director of personnel programs at IBM, says that none of the panelists (himself included) would subscribe to the belief. They argued that pay systems based on CW and job evaluation are fairer than systems which simply reflect what's happening in the market.

THE MARKET, the panelists sadly found, discriminates. After mentioning various academic models of the labor market, the NAS report indicated a strong preference for one of them: a so-called institutional model that generally deemphasizes the role of supply and demand in wage setting. The model assumes that employers are able to impose their own preferences on workers and that they relentlessly segregate women in low-paying jobs. The employers are said to be doing this because they perceive women to have higher turnover rates than men and less career attachment to their jobs. To be sure, the employers understand that this perception does not apply to all women; however, the "information costs" associated with finding the women to whom it is inapplicable are dauntingly high, so employers end up viewing women in general as bad bets for the most valuable jobs—which are, typically, those requiring the most training and also those in which heavy turnover would be most expensive.

So the National Academy panel cautiously concluded that government must do something. It found that (a) "market wages cannot be used as the sole standard for judging the relative worth of jobs," (b) "policy interventions to alter market outcomes may be required," (c) CW "merits consideration" as a way to intervene, and (d) for all the shortcomings of job evaluation, the use of evaluation scores to set pay rates "will go some way toward reducing discriminatory differences in pay when they exist."

Unfortunately, the panel nowhere addressed two rather obvious questions raised by its analysis. First, if women in general are barred from the "good" jobs, why does it make sense to bring in CW—whose whole point is to prove that their jobs are as valuable as those held by men? Second, why would anybody expect CW to be more effective in helping women than the Civil Rights Act, which has been "intervening" for the past 20 years and clearly outlaws the kind of segregation by sex that the panel believes to be still routine?

You often get a sense in talking to CW proponents that they don't take the logic of their case very seriously. If they really believed it was possible to establish the relative worth of jobs, they would presumably be calling for laws even more radical than those now contemplated. They would want to adjust the pay associated with *all* jobs, and not just those held by women, to the "right" level; furthermore, they would want reductions for those found to be overpaid, not just raises for those below the line. At bottom, it seems clear, many CW proponents aren't really buying the whole theoretical case for the doctrine and view it essentially as a politically expedient way to get raises for women.

This appears to be the perspective of some businessmen who support CW. One of them is William Asher, industrial relations director at Xerox. Asher made it clear in a recent interview that he is much concerned about the enormous practical problems entailed in any legislation mandating CW, but said he nevertheless favors a federal law because he doesn't know another way to end sex discrimination. "The concerns are valid," he argued, "but we can't go on keeping an inequity alive. So let's be on our way!" Asher said he hopes that any law Congress writes will specify the kind of job evaluation system business must use; otherwise, he fears, the courts would be choked with arguments about the relative merits of different systems. His preferred legislation would allow business to pay above (but not, of course, below) the evaluated rate where it could demonstrate a need based on market considerations.

SOME OF THE TRADE unionists pushing hardest for CW plainly view it more as a tactic than as an idea worthy of real commitment. One wonderful example of not taking the idea too seriously was provided by the San Jose strike in 1981. The CW movement there was inspired and directed by feminists working in a variety of mostly professional city jobs; although women constituted only about half of those represented by AFSCME Local 101, feminists played a major role in the union leadership. Their demand throughout the strike was equity for all predominantly female categories, with equity defined as getting them up to the "trend line" drawn through the Hay Associates scattergram. (For a short course in scattergrams, see page 134.) Later, the city proposed a compromise that would at least get all those categories up to a point 10% below the trend line. But the union leadership turned out not to like this idea. While the compromise would still provide huge wage increases, exceeding 30% in some cases, for women in the most menial jobs—most of whom were not even union members—it would do little or nothing for some of the office workers most active in the strike. Solution: the "special equity adjustments" were structured to provide increases of at least 5% for just about all the female groups. The money to pay for this deal was raised by capping increases at 15%, leaving many of those low-paid workers, theoretically the main victims of discrimination, well below the line. So much for CW logic.

CW in its pure form is almost certainly going nowhere in the U.S.; to sweepingly replace market-based wages with any concept based on intrinsic job worth would be too radical for the legislatures to swallow whole, or possibly too medieval. (Many arguments for CW seem to echo the ancient Catholic idea of the "just price.") On the other hand, it is hard to believe that the idea will just fall off the table and be forgotten anytime soon; the momentum now behind it, manifest at every level of government, seems to rule out any such possibility. So in some attenuated form or other, CW will doubtless continue to spread across the land, providing special "equity" raises for women. There being no such thing as a free lunch or an unlimited raise pot, men might actually begin objecting to this process at some point, but we are clearly not there yet.

Effect of amendments. — The 1975 amendment, inserted "credit and financing," "other," and "marital status, changes in marital status, pregnancy, parenthood."

NOTES TO DECISIONS

Cited in Loomis Electronic Protection, Inc. v. Schaefer, Sup. Ct. Op. No. 1262 (File No. 2684), 549 P.2d 1341 (1976).

Sec. 18.80.220. Unlawful employment practices. (a) It is unlawful for

(1) an employer to refuse employment to a person, or to bar him from employment, or to discriminate against him in compensation or in a term, condition, or privilege of employment because of his race, religion, color or national origin, or because of his age, physical handicap, sex, marital status, changes in marital status, pregnancy or parenthood when the reasonable demands of the position do not require distinction on the basis of age, physical handicap, sex, marital status, changes in marital status, pregnancy or parenthood;

(2) a labor organization, because of a person's sex, marital status, changes in marital status, pregnancy, parenthood, age, race, religion, color or national origin, to exclude or to expel him from its membership, or to discriminate in any way against one of its members or an employer or an employee;

(3) an employer or employment agency to print or circulate or cause to be printed or circulated a statement, advertisement, or publication, or to use a form of application for employment or to make an inquiry in connection with prospective employment, which expresses, directly or indirectly, a limitation, specification or discrimination as to sex, marital status, changes in marital status, pregnancy, parenthood, age, race, creed, color or national origin, or an intent to make the limitation, unless based upon a bona fide occupational qualification;

(4) an employer, labor organization or employment agency to discharge, expel or otherwise discriminate against a person because he has opposed any practices forbidden under AS 18.80.200 — 18.80.280 or because he has filed a complaint, testified or assisted in a proceeding under AS 18.80.010 — 18.80.300;

(5) an employer to discriminate in the payment of wages as between the sexes, or to employ a female in an occupation in this state at a salary or wage rate less than that paid to a male employee for work of comparable character or work in the same operation, business or type of work in the same locality; or

Since 1949

(6) a person to print, publish, broadcast or otherwise circulate a statement, inquiry or advertisement in connection with prospective employment which expresses directly, a limitation, specification or discrimination as to sex, marital status, changes in marital status,

COMPARABLE WORTH PROJECT WORKING FOR PAY EQUITY IN SEX-SEGREGATED OCCUPATIONS

488 41st Street No. 5, Oakland, CA 94609 (415) 658-1808

Virginia Dean
Patti Roberts
Coordinators

Selected, Annotated Comparable Worth Bibliography - February 1982

1. The American Promise: Equal Justice and Economic Opportunity, final report, National Advisory Council on Economic Opportunity, 1981, 120 pp.

This report does an outstanding job of linking occupational segregation and low pay for women workers to the growing "feminization of poverty," concluding that the traditional "job" solution to poverty doesn't work for women because the pay rates which accompany women's work keep women in poverty. Available for $4.50 from Superintendent of Documents, Government Printing Office (GPO), Washington, DC 20402, Stock No. 041-008-000-19-9. To be published in paperback early in 1982 by Transaction Books, New Brunswick, NJ 08903.

2. Bargaining for Equality: A guide to legal and collective bargaining solutions for workplace problems that particularly affect women. Women's Labor Project, 1980, 141 pp.

An excellent guide to federal and local legal remedies and collective bargaining approaches to workplace issues for women and to their interrelationship. Includes information on comparable worth and a glossary and a resource list. Available from National Labor Law Center, Suite 615, 2000 P St., NW, Washington, DC 20036. $5.50, individual copies, $4.40, 10 or more copies, plus 15% postage and handling.

3. Beyond Equal Pay for Equal Work: Comparable Worth in the State of Washington, Taber, Gisela and Helen Remick, 1976, 25 pp.

Describes historical and technical aspects of the grandmother of all comparable worth studies conducted in 1974 in the State of Washington which determined that predominantly female job classifications earned 20 to 25% less than predominantly male job classifications which were ranked at the same level of complexity. Available from Helen Remick, University of Washington, Affirmative Action for Women, 101 Lewis Hall, DW-08, Seattle, WA 98195.

4. "Beyond the Equal Pay Act: Expanding the Wage Differential Protections under Title VII," Loyola University Law Journal, 8 (1977), 723-766, Gitt, Cynthia E. and Marjorie Gelb.

This law review article provides good background information for legal perspectives on the comparable worth issue and an excellent history of equal pay legislation in the United States, including the application of comparable pay concept by the National War Labor Board during World War I.

5. Comparable Worth Project Newsletter, Comparable Worth Project, January 1981 to the present.

Quarterly publication with articles and updates on comparable worth/pay equity activities and issues around the country and a listing of written materials available from the CWP clearinghouse and other sources. Available by subscription or in bulk for workshops and conferences, including some back issues, from CWP, 488 41st., No. 5, Oakland, CA 94609. Annual subscription: $16, institutions; $8, individuals; $4, low-income.

6. DOT Study: Women's Work--Up from 1878, Women's Education Resources, University of Wisconsin, 1975. 120 pp. plus 20 p. appendix.

Describes how job ranking methodology used by the U.S. Department of Labor (USDOL) Dictionary of Occupational Titles (DOT) undervalues job tasks present in human services occupations which are derivatives of traditional women's work in the home. As a result, dogcatchers rank higher than nursery school teachers. A classic. Available from WER, University of Wisconsin-Extension, Madison, WI 53706.

7. The Earnings Gap Between Women and Men, USDOL, Women's Bureau, September 1979, 22 pp.

One of several government publications which are valuable sources of national statistical information on income and occupations by sex. Includes the oft-cited 59¢ wage gap figure. Single copies free from USDOL, Office of the Secretary, Women's Bureau, Washington, D.C. 20210, or regional offices of the Women's Bureau. Other Women's Bureau publications include 8 x 10½ inch charts presenting graphic illustrations that "Women Are Underrepresented As Managers and Skilled Craft Workers," "Most Women Work Because of Economic Need," "Fully Employed Women Continue to Earn Less than Fully Employed Men." These make good visual aids for presentations. Write for complete list of Women's Bureau publications (Leaflet 10).

8. Families Maintained by Female Householders, 1970-79, U.S. Department of Commerce, Bureau of Census, October 1980, 37 pp.

Presents specific data on income, occupational distribution and poverty of the 8.5 million female heads of household in the U.S. Available for $3.75 prepaid from Supt. of Documents, US GPO, Washington, DC 20402, P-23, No. 107.

9. First Steps to Identifying Sex and Race-based Pay Inequities in a Workplace, Comparable Worth Project, 1981.

Checklist describing three methods of identifying and raising the issue of sex and race-based pay inequties in any workplace without conducting a job evaluation study: 1) collecting wage-gap information; 2) looking at an in-place job evaluation system; and 3) applying results of comparable worth studies at other workplaces to jobs in your workplace. Includes an appendix of selected comparable worth job rankings. Available for $2.00 plus 25¢ handling and postage from CWP, 488 41st St., No. 5, Oakland, CA 94609.

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10. Job Evaluation: An Interim Review, National Academy of Sciences, 1979, 55 pp. plus 117 pp. footnotes and appendices.

Easy to read descriptive review of leading approaches to job evaluation, including case study examples: the Hay System, the federal sector wage system, the steel industry, a market pricing system and the Position Analysis Questionnaire. Available for $7 from National Academy of Sciences, 2100 Pennsylvania Ave., Washington, DC 20037.

11. Manual on Pay Equity: Raising Wages for Women's Work, Conference on Alternative State and Local Policies, 1980, 224 pp.

An informative resource providing strategies and background information, a description of activities and resources across the country at the time of publication and a list of organizations and individuals doing work in the area. Available for $9.95 from CASLP, 2000 Florida Ave., NW, Washington, DC 20009.

12. Money Income and Poverty Status of Families and Persons in the U[illegible] States: 1980, Current Population Reports, Bureau of the Census, 1981.

Latest money income and poverty figures, including data on women and female heads of household. Available for $3.00 prepaid, Supt. of Documents, US GPO, Washington, DC 20402, Series P-60, No. 127. pp.

13. Perfect In Her Place: Women at Work in Industrial America, National Museum of American History, Smithsonian Institution, 1981. 22 pp.

An excellent brief historical description of women wage earners in the U.S. with beautiful illustrations. Published in conjunction with an exhibit by the same title which will be in place until spring 1982. Single, free copies available by writing Deborah Warner, Curator, National Museum of History, Smithsonian Institution, 14th and Constitution Ave., NW, Washington, DC 20560.

14. Pay Equity: A Union Issue for the 1980s, American Federation of State, County and Municipal Employees, International Union (AFSCME), 1980, 21 pp.

A simple and straightforward description of the issue, how to obtain wage gap information and how job evaluation works. Available for 75¢ from AFSCME, 1625 L. St. NW, Washington, DC 20036.

15. Strategies for Creating Sound, Bias-Free Job Evaluation Plans, Helen Remick, 1978, 20 pp.

Describes how to avoid some of the pitfalls of job evaluation which can perpetuate bias. Valuable information to comparable worth advocates whose goal is a job ranking system for their workplace. Available from Helen Remick, 101 Lewis Hall, DW-O3, University of Washington, Seattle, WA 98195.

16. Twenty Facts on Job Evaluation, Comparable Worth Project, 1982, 4 pp.

Twenty little known or often ignored facts about job evaluation, including its historical origins in the late 1900's, its traditional applications since then and its relationship to the prevailing wage concept. Designed to accompany 20 Facts on Women Workers, below. Available for 50¢ from Comparable Worth Project, 488 41st St., No. 5, Oakland, CA 94609. Bulk rates available.

17. Twenty Facts on Women Workers, USDOL, Women's Bureau, 1981, 3 pp.

A fact sheet describing recent statistics on women in the paid workforce. Single copies free from regional or national offices of the Women's Bureau, see item 7 above.

18. Women Have Always Worked: A Historical Overview, Kessler-Harris, Alice, Feminist Press, New York, 1981, 165 pp.

An outstanding, readable history of working women in the United States from the Colonial period to the present, including descriptions of early segregation of occupations specifically for the purpose of keeping the wages of women workers low. Available at bookstores for $5.95.

19. Women, Work and Wages: Equal Pay for Jobs of Equal Value, National Academy Press, 1981, 96 pp. plus 40 pp. supplement and minority report.

Appropriately criticized for studying the subject for three years without recommending a strategy for resolution, the NAS, commissioned by the U.S. Equal Employment Opportunity Commission (EEOC), has nevertheless put out a very readable and comprehensive description of the issue and labor force characteristics which cause and perpetuate pay inequities for women workers. Available for $8.75 from National Academy Press, 2101 Constitution Ave., NW, Washington, DC 20418.

NOTE: Many of these items are available for the cost of copying and postage from the Comparable Worth Project if you have trouble obtaining them from the sources described.

586-3736

State to begin personnel study

by Andy Ryan
Times Juneau Bureau

Juneau — In New Mexico this year the legislature appropriated $3 million in an effort to bring the pay of female state workers in line with that of their male counterparts. In Minnesota, lawmakers ponied up half of the $43.4 million they figure it will take to pay women workers fairly.

In Washington state, legislators doled out $1.3 million this spring, which will barely make a dent in the cost of a new state workers' wage plan with an estimated pricetag of between $20 million and $250 million.

Now, armed with a $500,000 appropriation from the Alaska Legislature, the administration of Alaska Gov. Bill Sheffield plans a two-and-a-half-year study of the state's admittedly archaic state job classification and pay system. The long-range costs of the study, most agree, are likely to be substantial.

"The present classification system is not working . . . It hasn't been looked at for many, many years," said state Personnel Director Frank Raye.

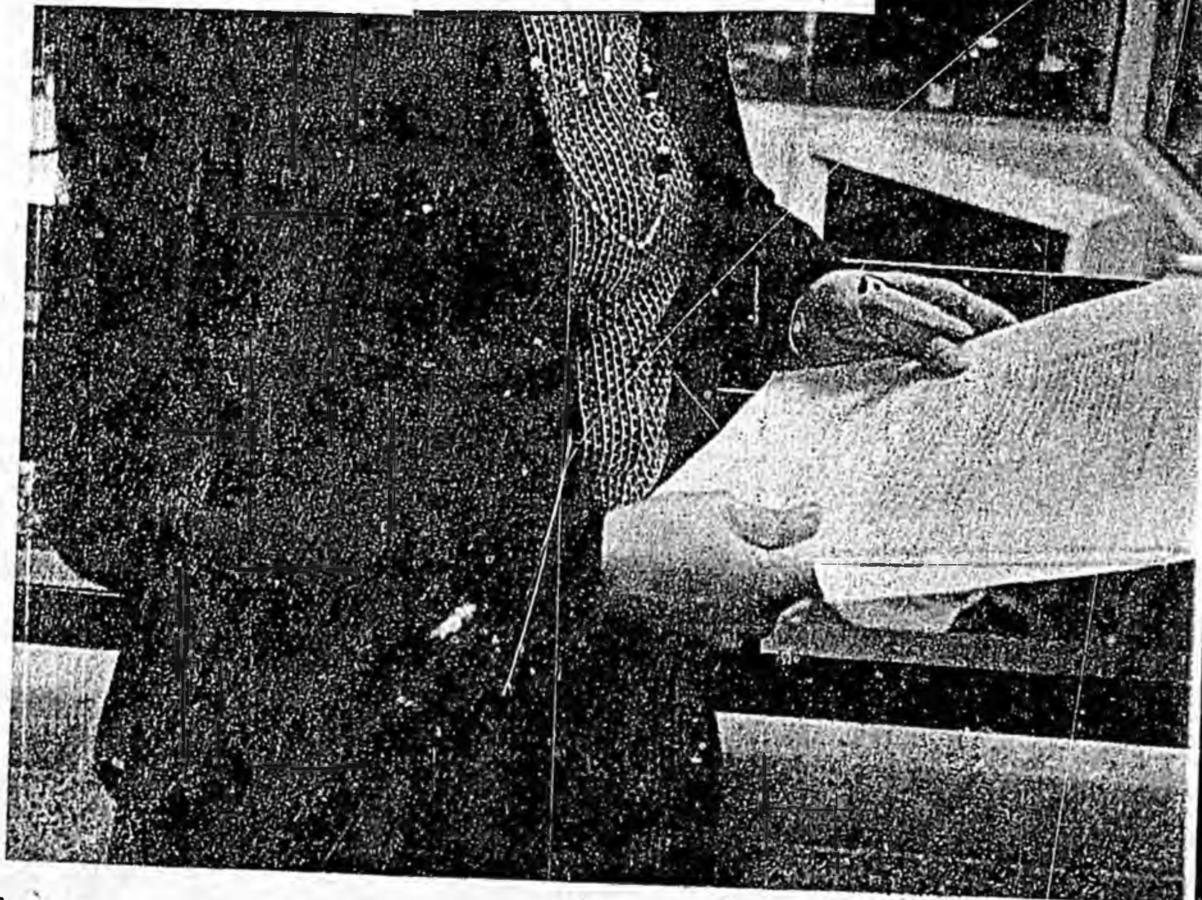
One of Raye's first actions after taking office in January was to scrap a $125,000 job study commissioned by the administration of former Gov. Jay Hammond. He said the study was underfunded, lacked broad-based support and was doomed to failure.

A career personnel officer who served briefly as chief of classification and pay under Anchorage Mayor Tony Knowles, the 51-year-old Raye said one of the objectives of the new study will be to achieve "comparable worth" in state government.

Seen by some as the major human rights issue of the 1980s, "comparable worth" is the concept of basing job rank and pay levels on a single set of bias-free criteria, which are applied to all jobs within an organization.

"Comparable worth is the paying of jobs based on intrinsic value," Ray said. "Secretaries demand to know why they don't

See State, page A-6



Janet Jaron has been hired by the state to oversee a study looking into possible inequities in the state's job cl

Juneau Empire photo

..sification system

State starts job study

Continued from page A-1

get paid as much as carpenters — and they have a right to know that."

In fact, one of the pressures on state government that has led to the job classification study is a 5-year-old class-action sex discrimination complaint, filed against the state by 11 public health nurses.

In their complaint, which will be heard before the state Human Rights Commission next month, the nurses — all women — claim they they perform work of comparable character and therefore should receive the same pay as physicians' assistants, a job which has usually been held by men.

The nurses are seeking to have their pay increased to the same level as physicians' assistants and are asking for as much as $1 million in back pay. They also are asking that regulations mandating "comparable worth" be adopted in Alaska.

State law already makes it illegal to employ a woman "at a salary or wage rate less than that paid to a male employee for work of comparable character or work in the same operation, business or type of work . . ."

While the cost of implementing a new state job classification and pay system could be heavy, Raye said the alternative is probably for the courts to correct inequities in the present system on a case-by-case basis. That approach, he said, would be the ruin of a consistent personnel policy. And it, too, would be expensive.

"I don't advocate spending money for the heck of it; I think we're going to have to spend money one way or the other. The current request of the nurses to have comparable pay to the physicians' assistants is just one example of what people are demanding these days . . . It's kind of a pay now or pay later thing."

Raye said the state will probably take between now and January to decide the specifics of how the job study should be conducted, and to hire a consultant. The consultant will likely be asked to provide a "single-factor" system for evaluating state jobs, and will then instruct state personnel workers in the use of the system.

A "single-factor" evaluation system uses one set of criteria to evaluate every job in an organization. Jobs would be graded in a numerical point system according to criteria which could include difficulty of work, responsibility, amount of direction received by the employee, difficulty of work, knowledge requirements and work environment, among others.

Such a system, Raye said, is vastly superior to one in which jobs are weighed subjectively, independent of one another.

"The problem with the current system is that it's too easily put out of whack. One way that it's put out of whack is the system of doing position descriptions, where the person who has the most creative writing gets the highest salary. You need something a little more scientific, a little more objective, to evaluate that.

"What I envision for this new classification system is an open system, whereby everyone will know the rules," Raye said.

Another ingredient of the classification study, Raye said, is likely to be a job survey, which would attempt to determine how much an employee could expect to be paid for his services if pay were left to the forces of the open market. By itself, though, market value is not a fair way to set an employee's pay.

"Market value has traditionally played a role in setting salaries. But the market value is often set on the basis of societal prejudices . . . Sometimes the market values only reflect the sexism in the society."

He said government has a moral obligation to set a good example in the way employees are treated.

Last month, the state hired Janet Jaron to oversee the job survey. Jaron, 38, who was installed as the state's chief of classification and pay, had played a critical role in the development of a comparable worth study being conducted by the city of Seattle.

"Salary discrepancies have been illegal since 1963," said Jaron, referring to the Federal Equal Pay Act. "If you've got discrepancies in your system, you certainly want to get them out."

Raye's and Jaron's boss, Deputy Administration Commissioner Eleanor Andrews, said she has been interested in the state's personnel classification system since her days as a union worker — representing state employees. Andrews, 39, also began a job classification study for the city of Anchorage while head of labor relations for the Knowles administration. That study is not yet completed.

Andrews said although a new classification and pay system could be expensive and politically sensitive, it is sorely needed.

"You can't have a merit system based on equality if you don't do these things. You either do it by a plan, and you do it over time, or you do it piecemeal by lawsuits and complaints," Andrews said.

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF ADMINISTRATION

POUCH C (MS 0200)
JUNEAU, ALASKA 99811
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OFFICE OF THE COMMISSIONER

April 19, 1983

Representative John Lindauer
Chairman, House Subcommittee on Dept. of Administration's
Budget
Pouch V
Juneau, Alaska 99811

Re: Classification Study

Dear Rep. Lindauer,

This is in response to an inquiry regarding the need for a classification study. Currently the state sets salary ranges for various job classifications on the traditional system of classification. This means that the goal is to set salaries on the basis of market wages and internal equity by comparing similar classifications.

The Problems

There are many problems with this system. It was established over 40 years ago and is administered manually by classifiers who try to properly match some 13,000 positions to some 1,200 definitions of classifications ("class specifications"). The matching is based on written job descriptions usually prepared by the employees. Our present system is too easily manipulated by the way position descriptions are creatively written and too readily influenced by subjective evaluations and fluctuating market values. The result has been that the state cannot now respond to complaints filed by women and minorities who demand to know for example, why carpenters are paid more than secretaries.

Liability

The traditional system of classification which the state now uses does not have the ability to respond to these questions of "comparable worth". At the present time the Public Health Nurses have a complaint filed against the state with a current liability of approximately one million dollars because they claim they should be paid the same as physicians assistants. We do not even have a classification system which can tell if this claim is justified. Since all physicians assistants are men and the overwhelming majority of public health nurses are women,

Rep. John Lindauer
April 19, 1983
Page Two

the claim is made that the state is intentionally discriminating against women. Other groups of employees stand ready to challenge our present classification system on the same or similar bases. Therefore, we must obtain a new state-of-the-art classification system which can adequately respond to these charges of discrimination and which will allow employees salary ranges to be set on a more objective basis.

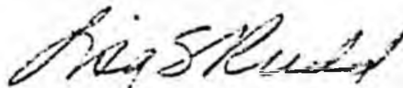
Necessary Legislative Action

What is needed is the necessary funds in order to publish a request for proposals to obtain a modern classification system. Many private companies have such systems which can be implemented by the state. Both unions and management should be involved in the selection process and agree ahead of time on the method to resolve disputes which will result from a new system. All positions in the state must be reevaluated and assigned to appropriate classifications as a result of implementing the new, more objective system. This system would be automated and accessible and the classification process would become an open process.

In order to know the approximate cost of such a large project, three private firms were contacted to obtain an unofficial estimate. The average was approximately $500,000.00. This is a large amount of money and if we could obtain the new system for less, we would lapse the remaining funds. While this figure is high, it is small in comparison to our liability in the face of continuing complaints.

I will be glad to answer any questions you have on this subject.

Sincerely,

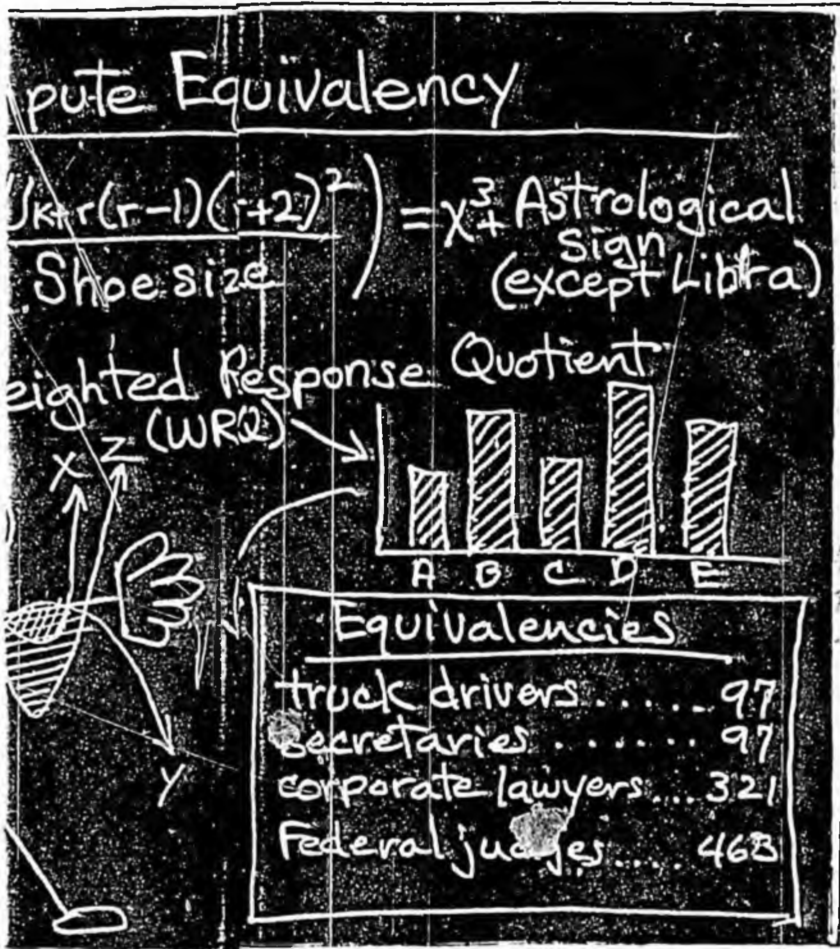


Lisa Rudd
Commissioner

LR/FR/gmw

■ by Geoffrey Cowley

Terrible Idea



Last November, a federal judge in Tacoma, Washington, made national news by ruling that the state had discriminated against women. Sex discrimination lawsuits are hardly new to American life, but the issue in Washington was not whether the state was willing to hire women, or whether it offered equal pay for equal work. Rather, it was whether the 15,000 state workers holding traditionally female jobs—nurses and secretaries, for example—should be paid the same as those holding "comparable," male-dominated jobs in different trades, like plumbing or carpentry. In deciding against the state of Washington, Judge Jack Tanner declared that Title VII of the 1964 Civil Rights Act "was designed to bar not only overt employment discrimination, but also practices that are fair in form but discriminatory in operation," among which he counted the state's failure to grant equal pay for work of comparable worth. Tanner found the state guilty of "pervasive and intentional" discrimination, and promptly awarded the plaintiffs a projected $1 billion in back pay and wages.

No one missed the opportunity to hail the ruling as a major turning point in the battle against sexism. "The state of Washington was the defendant in this case," said a local spokesman for the American Federation of State, County, and Municipal Employees, the union that brought the suit, "but all of society was on trial. This ruling gives us great cause for hope, because it will provide a model for other suits across the country." Dan Evans, the Republican ex-governor recently elected to fill Henry Jackson's Senate seat, proposed that Congress create a commission to "study how the federal government...can root out gender bias" within its own workforce. And Gary Hart, who along with Walter Mondale, John Glenn, and Alan Cranston has jumped on the comparable worth bandwagon, was so over-

Geoffrey Cowley is a staff writer for the Seattle Weekly.

Illustration by Andy Meyer

come with enthusiasm that he hopped a plane to Seattle to hold a press conference where he called Tanner's decision "a national example of how women's organizations and unions can use existing laws to destroy wage discrimination."

Support for the notion of comparable worth has come to be expected of anyone who claims to care about the equality of women in our society. Proponents of the doctrine rightly argue that "equal pay for equal work" is only a partial solution to the problem women face in the workforce. The average working woman earns only 62 cents for every dollar a man earns. Women's groups correctly point out that the real problem isn't that female professionals are paid less than their male counterparts; if half of all lawyers were women who received the same salaries as their male colleagues, a wide income gap would still exist. The real problem, they say, is that secretaries and other women who toil in traditionally "female occupations" are making considerably less than men who possess the same, or lower, levels of skill, intelligence, and responsibility.

The egalitarian appeal of the comparable worth principle is obvious: why *shouldn't* a female secretary with an M.A. in English literature and responsibility for managing the office's accounts get paid the same as a Teamsters truck driver who hauls frozen chickens? But when it comes to larger problems of inequality faced by both women and society at large, comparable worth is a principle that will ultimately prove not merely inadequate, but destructive. Its greatest asset is that it affords politicians a way to demonstrate their solidarity in the battle for sexual equality, while leaving all the necessary little details that the "comparable worth" standard implies—like deciding who is worth what, and exactly how one goes about comparing the job of a deputy assistant to the administrator to that of a cleaning woman—to somebody else. And it isn't hard to figure out who that "someone else" is going to be. When Tanner's decision was handed down, lawyers and consultants everywhere no doubt experienced something akin to the thrill felt by Cortez when he first gazed upon the shimmering Aztec temples of Tenochtitlan.

Take a Number, Please

The state of Washington first began to toy with the idea of comparable worth back in 1973, when then-Governor Dan Evans hired the Seattle consulting firm of Norman D. Willis & Associates to figure out whether the state was paying women as much as it was paying men at "a comparable level" of skill and responsibility. The study found a 20 percent wage gap. For example, laundry workers, who were mostly women, were estimated to be worth the same as low-level truck drivers, who were mostly men, but the laundry workers were making 41 percent less than the truck drivers.

Perhaps you're wondering how to figure out how much a laundry worker is worth. After all, such questions have perplexed philosophers and theologians for centuries. (They have even been known to give personal-injury lawyers some difficulty.) The answer is to develop "point-factor job evaluation systems" to do the job for you.

Each system works on a slightly different conception of "worth," of course, but all share a cheerfully mathematical view of qualities that you would think would be hard to quantify. Let's take a closer look at the Willis scale, which Judge Tanner relied on in making his decision. It assumes that the worth of any job, from circus clown to key-punch operator, varies in relation to the "knowledge and skills," "mental demands," "accountability," and "working conditions" it entails. Each of these components is further broken down into two or three subcomponents, and points are awarded on the basis of each one. Under "accountability," for instance, you can win points for your "freedom to take action" as well as for the nature and size of your "impact." Admittedly, the guidelines the instruction manual for the system offers are somewhat informal; for example, on "impact," the consultants instruct, "The simplest way to look at Size is to say the job most clearly impacts on something BIG, or on something LITTLE, or on something IN-BETWEEN."

The "knowledge and skills" component breaks down into "managerial," "interpersonal," and "technical" dimensions, each of which carries its own rating. To top out on the "managerial" scale, you have to manage "subfunctions that have significantly different natures, or where the end results of the subordinate subfunctions tend to be conflicting or competitive with each other and require special harmonizing." Got that? In English, "you have to know how to do different things and how to play your assistants against one another." There are two kinds of "mental demands"—"judgment" and "problem solving"—and three kinds of "working conditions"—"uncomfortable," "strenuous," and "hazardous."

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Imagine a world where executives knocked back martinis while they fretted about ever making F1Y 380 E4-k 122 E1D 160

To calculate all these factors, Willis assembled a group of people from within the state civil service. These civil servants reviewed job descriptions, interviewed their fellow workers and then, after much solemn mutual consultation, assigned each job a score. Thus a clerk-typist became a "152," or, to be more precise, a "C1N 106 C2-f 23 C1N 23 L1A 0." Broken down, this meant a clerk-typist scored 106 on "knowledge and skills," 23 on "mental demands," 23 on "accountability," and 0 on "working conditions." (A score of 0 on "working conditions" is the Willis method's understated way of saying either that the employee has nothing to complain about or that he or she is working in embarrassingly plush surroundings. Because there are no negative points on the Willis scale, access to excessive perks does not lower anybody's score.) Broken down still further, the clerk-typist rating on "knowledge and skills" is level C on a "technical" scale from A to G, level 1 on a "managerial skills" scale of one to three, and level N on an "interpersonal skills" scale that is too complicated to explain without the aid of an astrolabe and a mood ring.

With the help of Willis's team of metaphysicians, Washington state calculated the worth of every civil service job category on the payroll. These were unveiled in 1974, revealing the awkward 20 percent gap between what women were earning and what their male "comparability" counterparts were earning. True to a long-standing tradition of how to respond to consultants bearing bad tidings, Evans ordered a second, more detailed Willis study. This study, published in 1976, estimated that the wage gap between "comparable" men and women could be closed by paying the women $38 million more a year. (What? Lower the wages for the men instead, you say? You must be kidding.) The $38 million gap struck the legislature as a problem warranting still further study. By July 1982 AFSCME had run out of patience, and filed suit.

The decision that resulted will be a serious blow to the finances of Washington state. The state will now have to cough up not $38 million, as the second Willis study showed, but an estimated $1 billion over the next 18 months. When Winn Newman, the lawyer who argued AFSCME's case, was asked about this he answered, "Congress didn't put a price tag on ending discrimination when it passed the Civil Rights Act. It didn't say to employers, 'Stop underpaying women and minorities when you think it's convenient.' The only ones saying we can't *afford* to stop discrimination are bigots—bigots and people with an interest in perpetuating it."

Surprisingly, the decision was disowned by none other than Norman Willis, who, despite the hubris of his worth-measuring enterprise, recoils at the thought that his or anybody else's scorecard should become law. Even some of those who support the decision seem hard-pressed to find a sound legal basis for Tanner's reasoning. When I asked Gary Hart about this, for example, he said, "I don't think it's appropriate for legislators to run around commenting on judicial rulings," even though that's exactly what he had come to Seattle to do.

Move Over, Max Planck

Hart and Newman have their hearts in the right place; we *do* want to pay people what they deserve, rather than what society's petty prejudices dictate. But if the courts are going to define "discrimination" so broadly that it applies to people who do different things and earn different salaries, they can't just go around measuring it on any scale they like—there will have to be state and federal laws saying there shall always be, say, three kinds of occupational adversity, as opposed to two or 20, and just two kinds of mental demands. Otherwise, employers will start defining worth any way they please. Truck drivers could end up being paid entirely on the basis of their familiarity with *Finnegans Wake*.

Getting the nation to unite behind the Willis or the Hay or the Jones system of worth detection will be tricky, for we all have direct, and conflicting, interests in how the scale is calibrated. A ditchdigger could argue that the Willis system favors mental over physical exertion, a typist that

it doesn't adequately register boredom. And anyone could claim, rightfully, that it gives more weight to meaningless job requirements—for instance, why should a probation officer need a master's degree—than it does to individual initiative and resourcefulness.

But even if we agree on a scale, we'll have to accept the possibility that it will produce widely different results when applied in different environments. Unless we take the next step, which is to treat the whole economy as a single firm and determine the proper salary for every position in it, we'll have no way of knowing that secretaries are keeping up with each other, let alone staying ahead of the nation's janitors.

Imagine the nightmarish society that might result. A waitress down at Uncle Bob's House of Ribs might sue her boss because her sister-in-law was getting twice as much (and better tips) waiting tables at the diner across the street. Executives would knock back martinis after coming home on the five-forty-eight and torment themselves about their prospects for ever making F1Y 380 E4-k 122 E1D 160 L1A O. Children would have new ways to taunt one another in the sandbox:

"My daddy's a 634!"

"Oh yeah? Well, *my* daddy's a 723, and he says if he can harmonize subordinate subfunctions three more times this week we can go to Bermuda!"

AFSCME isn't proposing anything as ambitious as a planned economy, of course; it is simply claiming that individual employers have an obligation to rise above the sexism inherent in the marketplace. Once employers have done away with the wage gap between men's and women's professions, a spokesman for the union says, the problem will have been solved and everything will return to normal.

But will it? Many civil servants in Washington state who hold jobs as "worthy" as other, higher paying jobs are men. But unless they can prove that they're being discriminated against for performing "women's work"—legally defined as any job where women comprise more than 70 percent of the workforce—they won't get the raise that the nurses and the secretaries will get. It isn't hard to imagine the next step: a lawsuit by the men, arguing that they deserve "comparable worth" raises, too.

Then there are the inevitable adjustments that will have to be made to keep the worth scale up-to-date. Maintaining a standard as vague as

> The problem of sexual discrimination is real, but the principle of comparable worth would only enshrine society's larger inequalities.

"worth" could make quantum mechanics look simple. It's fairly easy for the Equal Employment Opportunity Commission to spot a disparity in the wages an employer pays men and women to perform "equal work"; all it takes is a glance at the payroll. But checking out a comparable-worth complaint would be quite another matter. In order to determine whether a Lockheed audit-machine operator II was legally entitled to the same pay as a senior stem-dryer maintainer, the EEOC would have to haul in a committee to perform a company-wide worth analysis.

The courts, too, would have to evaluate the working of an entire industry every time they heard a discrimination suit. Major civil rights battles would turn on such questions as whether error-free typing is a greater corporate asset than leak-free plumbing, or whether sitting at a VDT places greater strain on Betty's eyes than pipefitting places on Jack's back. And does Doris, the floor manager at Sears, "most clearly impact on something IN-BETWEEN" as opposed to "something LITTLE"?

If the administrative and judicial aspects of comparable worth are messy, the economics could be even messier. In the marketplace, people are paid in part according to the availability of labor. At Weyerhaeuser, for example, where a Willis comparable worth survey rated the job of personnel manager at 916 and that of pulp mill superintendent at 760, pulp mill superintendents make more money than personnel managers—because good ones are harder to find. Under a comparable worth standard, Weyerhaeuser could end up with two choices: pay the pulp mill superintendents less, thereby making good ones even harder to find, or give the desk-bound manager a big raise.

Comparable worth also creates problems for labor-management relations. Subjected to the worth standard, many existing collective-

bargaining agreements could be shown to have disparate impacts on men and women in different jobs. And if the unions that negotiated those agreements didn't move fast enough to pin the blame on the employers, as AFSCME did in its claim against Washington state, they could face massive lawsuits from their own members. (In fact, the AFSCME local that brought the suit against Washington pays its own employees not on the basis of comparable worth but by the same allegedly sexist pay scales used by the state.)

Worthier Than Thou

Advocates of the worth standard insist that this is all beside the point; as Newman says, you can't put a price tag on discrimination. But if anyone's putting a price tag on justice, it's the worth proponents themselves. Just take a look at the Willis scale. A beginning licensed practical nurse scores 158 comparable worth points, while an "Information Specialist III"—an experienced PR flack—scores 324. Or look at a janitor, who scores 101, while an "Advisory Sanitarian II"—someone who doesn't actually clean anything himself, but makes sure local hospitals and nursing homes do—scores 395. Why on earth should our society value people who issue press releases or fill out reports all day long more than people who save lives and do the dirty work?

This is the most pernicious aspect of comparable worth—it would do nothing to endanger the larger inefficiencies and inequalities that are built into the present hierarchy. In fact, it would solidify them by giving them the force of law. Whereas today we overpay lawyers regardless of their need, skill, and general value to society, because we are irrationally adversar[illegible] credential-loving snobs who hope someday to behave more sensibly, in a world governed by comparable worth we would do so because it is the law. The purpose of comparable worth is not to balance the earnings of lawyers and secretaries who make equal contributions to the common good, but to make fine distinctions about the "worth" of jobs already accorded roughly the same status within society.

The comparable worth scale reflects the same credentialism that corrupts the society it is designed to mirror. Why is an advisory sanitarian any worthier than a janitor? Because it is suggested that advisory sanitarians have "an M.A. in public health, environmental health, or a closely allied field," and you must be registered as a sanitarian—an affiliation whose only advantage might be that its monthly four-color newsletter, *Sanitarians Today*, advertises cheap charters to Luxembourg. AFSCME doesn't have any problem with unequal arrangements that result from society's obsession with credentialism; to the contrary, one official of the union was quoted a couple of years ago as complaining, "When a person whose job requires a college education makes less than what is basically a common laborer, there's something wrong." Advocates of comparable worth don't want to achieve equality or a system of rewards based on true merit. They want a merit-blind system of inequality.

Willis insists that his scale doesn't pretend to measure a person's contribution to the social good. Instead, it is a "bias-free instrument." But what does this bias-free instrument measure? It measures the biases of society. That's the problem. When a lawyer calls in his secretary to ask her to type up a brief on comparable worth, he isn't demonstrating to her his willingness to flatten the income curve; he's demonstrating to her the inevitability of her inferior status. Even if she's the best secretary in the world, and he the worst lawyer, comparable worth dictates that the lawyer will always be worth more than the secretary.

There are far better ways to fight sexual discrimination in the workplace. Where sexism obviously exists in hiring decisions, an anti-discrimination lawsuit is just one way to apply pressure. Another is to combat the deep-seated cultural prejudices that funnel women into jobs like that of secretary and nurse to begin with. And a final remedy is to fight the rigid rules that exist to keep women—and men—who occupy the lower status rungs in their place. Nurses and midwives, for instance, should have more freedom to perform essential medical services. And legal secretaries ought to have the authority to prepare wills and other documents that they now draw up for their bosses.

Obviously, the problem of sexual discrimination runs deep in our society. At least for a while, there will still be bosses who look upon their underpaid—and more intelligent—secretaries with condescension and perhaps lust. But comparable worth, appealing as the idea might sound, won't help end that inequality. Instead, it will enshrine it, while fine-tuning lesser inequalities through the use of questionably "scientific" means to measure what is ultimately unmeasurable. ■

The column by Tom Fink (February 19) on comparable worth missed the mark on several points. He said 1) a recent court decision in Washington requiring equal pay for comparable work would "destroy our free and productive economy"; 2) once comparable worth plans are established, judges will be deciding what wages should be paid; and 3) eventually all jobs will be paid the same regardless of the type of work.

Every statement is wrong. First, comparable worth plans in Washington and Alaska apply only to government workers - not to the private economy. Those plans recognize that unfair discrimination exists in the private job market and that wages for public jobs should be based upon objective comparisons of job characteristics, not upon private market wages. The private market often merely reflects sexism or racism in the society. Government has a moral obligation to set a good example in the way employees are treated. Although Alaska law does prohibit discrimination in pay by all employers, the private job market will not necessarily change under the comparable worth plan; only the public jobs will. Suggesting that our private economy will be "destroyed" by comparable worth is merely exaggerated rhetoric.

Second, judges are deciding comparable worth issues now. In Alaska and throughout the country, courts will soon recognize that employers are illegally discriminating against women by paying them less than men performing similar work. By acting now to adjust pay scales, we will avoid having judges interfere with our government personnel systems. Implementing a comparable worth plan now will save us a great deal of agony later.

Third, Mr. Fink misstates the effect of comparable worth plans. They will not make all pay equal. They will not make all jobs the same. They simply will use sophisticated personnel techniques to do what the free market has not done - eliminate subjectivity and bias.

There are 13,000 state jobs in Alaska which presently fit into one of 1200 class specifications. These specifications are easily manipulated and influenced by improper biases and cultural ignorance. As a result, jobs which 1) have the same level of responsibility, 2) are equally difficult, 3) have the same type of work environment, and 4) require the same level of training may be paid differently. Studies indicate that, on the whole, female-dominated jobs pay 20% less than male-dominated jobs - even if the jobs are comparable.

In 1983 the Alaska Legislature appropriated $500,000 to reorganize its personnel system to provide equal pay for comparable work. I helped obtain that appropriation. This effort will take two and one-half years. However, we must start to reform our wage-paying system before the courts do it for us.

As Mr. Fink admits, destroying illegal discrimination "ought to be vigorously pursued by government." This is what equal pay for comparable worth is all about.

…IC PERSONNEL MANAGEMENT
… NO 4
…NTER 1983

SPECIAL ISSUE:

Comparable Worth

By NEIL E. REICHENBERG

SPECIAL ISSUE EDITOR

TABLE OF CONTENTS

325 *Comparable Worth: An Overview*

Merrill J. Collett

The author believes that personnel professionals must approach the issue of comparable worth with a knowledge of job evaluation principles and an understanding of both the social dynamics of their jurisdictions and the background of this issue. Implementation of comparable worth in state and local governments has occurred through: (1) litigation; (2) collective bargaining; (3) changes in evaluation factors; and (4) legislation. The author believes the most important aspects of job evaluation concern ensuring that the methodology is understood by both managers and employees and that evaluation and qualification standards are determined through a process which involve employee participation.

2 *A Status Report on the Theory of Comparable Worth: Recent Developments in the Law of Wage Discrimination*

Lawrence Z. Lorber and J. Robert Kirk

This article reviews the relevant statutory provisions and litigation developments both prior to and after the United States Supreme Court's 1981 decision in *County of Washington* v. *Gunther*. The authors contend that no court has ever recognized comparable worth as the basis for recovery under Title VII of the Civil Rights Act of 1964. However, the authors believe that a new theory of comparable worth which depends upon a comparison of the skill, effort and working conditions of different jobs is gaining judicial acceptance. The authors predict that women in jobs which have historically been sex segregated may prevail in lawsuits where they can demonstrate that their work is so similar to that of better compensated males, that the job content factor cannot explain the differential.

5 *Comparable Worth, Job Evaluation and Wage Discrimination: The Employer Approaches Wage Gap Issues of the 1980s*

Daniel E. Leach and Elizabeth L. Werley

The related subjects of wage discrimination, comparable worth and pay equity will be three of the most important employment issues of the 1980s. The authors believe that comparable worth has gained increasing political momentum recently at the federal and state levels but the legal status remains unclear. The authors urge employers to ensure that their wage administration systems are equitable and consistent and that all wagesetting practices are based upon legitimate, business related reasons.

1 *Pandora's Worth: The San José Experience*

Robert L. Farnquist, David R. Armstrong and Russell P. Strausbaugh

The city of San José, California experienced this country's first strike over the issue of comparable worth in 1981. The strike lasted a total of nine days and, as part of the settlement, the city of San José provided funds for extra internal equity adjustments to predominantly female dominated positions. This article examines the issues and events surrounding the strike by municipal employees. The authors detail a study which was undertaken by San José to evaluate the internal value of all jobs in the city and the negotiating process which culminated in the strike by municipal employees.

) *Nurses v. Tree Trimmers*

Maxine Kurtz and E. Clyde Hocking

Courts have determined that the pay-setting system of the city and county of Denver, which is based on a combination of prevailing practice in the community and whole job classification is nondiscriminatory. The Denver Career Service Authority surveys the local labor market using thirty key classes to determine prevailing wage rates. Denver's pay plan bases pay on classes with the relationship among the classes being termed internal pay equity. The authors believe the compensation of women can be increased through (1) the selection of non-traditional jobs; (2) the encouragement of males to work in traditionally female dominated jobs; and (3) collective bargaining.

! *Statement to the Equal Pay Joint Committee, Des Moines, Iowa*

Winn Newman

This article presents the testimony given by the author before the state of Iowa's Equal Pay Joint Committee. The author contends that sex-based wage discrimination is widespread, illegal and will not be tolerated by either workers or employee organizations. The three major defenses to claims of wage discrimination which are raised by employers also are refuted by the author. The author recommends that public employers undertake and implement a joint union-management job evaluation study in order to eliminate wage discrimination.

390 *An Update on Washington State*

Helen Remick

In 1974, the state of Washington undertook the first comparable worth job evaluation study. The study demonstrated that female-dominated jobs are compensated at approximately 20 percent less than male-dominated jobs. The study was updated in 1976 and 1980, but the state did not implement the results of the study. This article provides an update on the December 1981 article published in this journal and reviews the substance and dynamics of the recent comparable worth legislation adopted by the state of Washington.

395 *Pay Equity: An Innovative Public Policy Approach to Eliminating Sex-based Wage Discrimination*

Joy Ann Grune and Nancy Reder

During the past several years, over eighty-five state and local governments have undertaken activities in the area of pay equity. These activities have been focused primarily on: (1) information and data collection; (2) job evaluation studies; (3) pay equity policy and implementation; and (4) enforcement of existing laws. The role of labor unions in furthering this issue is also detailed in this article. The authors believe that closing the wage gap will require direct and deliberate challenges to ' existing system of wagesetting.

404 *Notes on the NAS Study of Equal . ay for Jobs of Equal Value*

Heidi I. Hartmann and Donald J. Treiman

The comparable worth issue has arisen due to the large differential between the earnings of men and women and the segregation of jobs by sex. The authors worked with the Committee on Occupational Classification and Analysis of the National Academy of Sciences which prepared the report entitled *Women, Work and Wages: Equal Pay for Jobs of Equal Value*. The committee found that discrimination was having a significant impact on women's earnings and the pay rate of women's jobs. Job evaluation plans are potentially useful for identifying and correcting wage discrimination but job evaluation procedures need to be improved. The authors conclude that the committee's report will further the comparable worth cause.

418 *Job Evaluation: Its Role in the Comparable Worth Debate*

Alvin O. Bellak, Marsh W. Bates and Daniel M. Glasner

It is necessary to develop a method by which dissimilar jobs can be compared in order to consider implementation of comparable worth for large diverse workforces in the public sector where it has been mandated through legislative action. The authors conclude that current equal opportunity laws provide sufficient remedies for ending wage discrimination by assuring that all jobs are open to all qualified people.

425 *Evaluating Job Evaluation: Emerging Research Issues for Comparable Worth Analysis*

Lorraine D. Eyde

International interest in establishing fair compensation for jobs held predominantly by women has prompted a reexamination of factors contributing to the gap in the earnings of women and men. The U.S. Supreme Court, in *County of Washington* v. *Gunther*, held that Title VII of the 1964 Civil Rights Act, as amended, applies to court cases in which there is intentional sex discrimination in compensation practices. This article examines the role of background contributors and of job evaluation in relation to the differential in the earnings of women and men. It also draws parallels between employment testing practices and law and compensation procedures and the case law identifying emerging research issues.

445 *Equal Pay for Jobs of Comparable Worth: A Quantified Job Content Approach*

David A. Pierson, Karen S. Koziara and Russell E. Johannesson

A quantified job analysis was used to study the emerging issue of whether female-held jobs which are comparable in value to male-held jobs are paid equal wages. One thousand, one hundred twenty-five people in the public sector, divided among thirteen male, female and control jobs, completed the questionnaire. Results were factor analyzed and weights for each factor derived by regressing scale scores for the male sample on two wage measures. The weights were used to compute wages for female-held jobs which would reflect equal pay for comparable jobs. Differences between predicted and actual wages for female jobs varied from −8 percent to 41 percent, indicating holders of these female jobs were generally paid less than comparable male job wages. A reverse analysis predicting male wages from the relationship of female job content to wages produced wholly consistent results.

461 *Valuing Work: Complications—Contradictions—Compensation*

Robert R. Fredlund

Valuing work presents many complications, not the least of which is to decide what is the work to be valued. The system of values, criteria and standards, must be determined in relation to the purpose of the valuation or the goals of the organization to be served. Cultural, institutional, economic, political, bargaining, and labor market conditions sometimes present conflicting or contradictory influences. The organization is best served when the compensation system enables the recruitment, retention and motivation of a well-qualified and productive workforce. The system must be free from sex, ethnic or racial bais. Those whose work is being valued should have a voice in the criteria being used.

10-02-26-01-00 (02-95-2-24-00-00) STATE OF ALASKA -- COMPONENT BUDGET SUMMARY 10:35 4/20/83

AGENCY: DEPARTMENT OF ADMINISTRATION
CATEGORY: GENERAL GOVERNMENT
PROGRAM: PERSONNEL & LABOR RELATIONS
SUB-PROGRAM: PERSONNEL

EXPENDITURES & FUNDING	(01) FY82 ACT	(02) FY83 ATH	(03) FY83 RP	(04) FY83 SUP	(05) CONT.	(06) REQUEST	(07) GOVERNOR	(08) GOV.AMD.	(09) HOUSE	(10) SENATE	(11) F.C.C.	(12) BILLS	(13) LEG.REC.
					FISCAL YEAR 1984								
01 PERS. SERV.	2261.7	2207.8			2348.4	2485.9	2237.4	2237.4	2237.4				
02 TRAVEL	55.5	86.9			90.7	96.0	72.5	72.5	72.5				
03 CONTRACTUAL	828.7	867.6			3757.5	3766.4	3612.8	3612.8	1662.0				
04 COMMODITIES	41.8	73.1			77.5	80.5	70.5	70.5	70.5				
05 EQUIPMENT	65.3												
06 LANDS/BLDGS													
07 GRANTS, CLMS													
08 MISC.													
** TOTAL EXPEND	3253.0	3235.4			6274.1	6428.8	5993.2	5993.2	4042.4				
09 I-A TRANSFER	335.9	863.4			3399.2	3406.7	3399.2	3399.2	948.4				
10 FED. RECEIPT													
11 G. F. MATCH													
12 GENERAL FUND	3253.0	3175.4			6210.5	6330.2	5929.6	5929.6	3978.8				
13 PGM RECEIPTS													
14 OTHER FUNDS		60.0			63.6	98.6	63.6	63.6	63.6				
15 FULL TIME	61.0	62.0			61.0	63.0	61.0	61.0	61.0				
16 PART TIME	11.0	11.0			12.0	11.0	12.0	12.0	12.0				
17 TEMPORARY													
18 STAFF MONTHS	799.2	799.2			793.2	841.8	793.2	793.2	793.2				

NEW POSITIONS...

	TITLE	LOCATION	TYPE	REQ	S&B COST	OTH.COST	TOT.COST	FED.FUND	GEN.FUND	OTH.FUND	GV	HS	SN	FC	FN
1	CLERK TYPIST II	JUNEAU	FULL	1	24.1	4.0	28.1			28.1					
2			TEMP	0											
**	NEW POSITION TOTALS			1	24.1	4.0	28.1			28.1					

AGENCY: DEPARTMENT OF ADMINISTRATION
CATEGORY: GENERAL GOVERNMENT

PROGRAM: PERSONNEL & LABOR RELATIONS
SUB-PROGRAM: PERSONNEL

* * * * * * * * * * GOV.AMD. ANALYSIS * * * * * * * * * *

NO NEW POSITIONS AUTHORIZED.

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OBJECT GROUP	VARIATION		DESCRIPTION: HOUSE ($4,042.4) VERSUS GOV.AMD. ($5,993.2)
03 CONTRACTUAL	-1950.8	-54.0%	REDUCE DATA PROCESSING CHARGEBACK <2450.8>, RECLASSIFICATION STUDY & IMPLEMENTATION 500.0.
** TOTALS	-1950.8	-32.6%	

NO NEW POSITIONS AUTHORIZED.

Career study cites lack of equal pay

by Judy Linscott
New York Daily News

Take 45 men and 45 women. Match their credentials and workforce, all at the same starting point. What happens after 10 years?

The men earn more than the women.

According to the woman who tracked them, discrimination is to blame.

"Male-Female Careers — The First Decade," is a just-published study of 90 Columbia University MBA graduates by Mary Anne Devanna, research coordinator of the Business School's Center for Research in Career Development.

All of the subjects earned degrees between 1969 and 1972. They all started work at salaries of about $14,000. A decade later, the average male earnings were $49,356 while the average female earnings were 20 percent less, or $40,022.

Devanna searched in vain for reasons. What she called the "conventional wisdom explanations" didn't do.

Backgrounds and credentials were similar. Job motivation was equally high. Women did not seek lower-paying jobs nor enter lower-paying fields. Obvious distractions or time out didn't explain it, either: Married women and mothers were as successful as singles.

"What do you have left?" she asked. "You're left with discrimination."

It isn't necessarily the obvious variety, Devanna said, but may be the more subtle kind where those in power (mostly white men) pursue policies that tend to perpetuate the system.

"The fact that most companies don't do very well at performance appraisals," said Devanna. "You have to ask, what criteria are you using to make decisions on advancement? It's quite possible that subjective decisions are being made."

The study found that pay discrepancy was greatest in manufacturing, where pay was the highest. It was lowest in the service sector — where Devanna pointed out there was earlier and heavier government Equal Employment Opportunity activity.

What marked the most successful women in the study? They didn't become bitter, but "accepted the social reality and operated within that context," Devanna said. "They look to make incremental changes for themselves and others."

It was critical to the successful women to have developed their own internal standards of excellence, said Devanna. They were also "far more opportunistic" and "willing to take a chance."

Because the successful women's routes upward tended to be "much less straight-lined" than those of the men, career planning was not important to the more successful women. In fact, said Devanna, too much career planning was a negative factor.

Apparently because women need to weave alternate routes to the top to succeed — and since mentors can help point out not-so-obvious opportunities — the absence of mentors was "far more devastating" for women than for men, said Devanna.

Women can advance, said Devanna, but "it takes them longer to get to any particular level. There's a need to continually prove themselves and the organization of their worth and their ability. Men probably flow through the existing system more easily."