GW

EQUAL PAY ANNOUNCEMENT

Roosevelt Room

2:15pm - 3:00pm, Thursday, April 2, 1998

Briefing prepared by Robin Leeds

EVENT

You are participating in a White House event and press conference to announce the Administration's support for Senator Daschle's and Congresswomen DeLauro's equal pay legislation and to announce new Administration initiatives to enhance enforcement of wage discrimination laws and to encourage equal pay practices in the public and private sector. This event will be attended by approximately 50 people, including equal pay and civil rights advocates; labor leaders; Senators and Congress people; and representatives from the DOL, OPM, and EEOC. You will also be announcing the Administration's nomination of Ida Castro, currently head of the Labor Department's Women's Bureau to serve as Chair of the EEOC. **Note: This event is open to pool press and specialty print reporters.**

LOGISTICS

1:45pm	You are briefed by Susan Liss, Audrey Tayse Haynes, Sally Katzen and Elena Kagan;
2:00pm	You meet program participants for an event pre-brief;
2:15pm	Secretary Herman opens, provides equal pay framework and introduces Senator Daschle and Representative DeLauro;
2:20pm	Senator Daschle highlights his commitment to Equal Pay, share a South Dakota story, and mention his Senate bill;
2:25pm	Congresswoman DeLauro speaks and highlights House bill, and introduces Thompson;
2:30pm	AFL-CIO Vice President Linda Chavez Thompson highlights "Working Women Count" survey and shares a "real story", then introduces Susan Bianchi Sand;
2:35pm	National Committee on Pay Equity Executive Director, Susan Bianchi Sand highlights significance of Equal Pay Day, national organizing efforts, and shares a "real story", then introduces you;
2:40pm	You announce endorsement of Daschle/DeLauro and other new initiatives and announce the nomination of Ida Castro to serve as Chair of the EEOC;
2:55pm	Event closes and you depart.

YOUR ROLE AND CONTRIBUTION

This event will give you the opportunity to highlight the significance of EQUAL PAY DAY and the positive role of women in the economy. The event also gives you the opportunity to:

1. **Announce the Administration's support for legislation, introduced by Senator Daschle and Congresswoman DeLauro, to improve enforcement of wage discrimination against women and to strengthen the remedy provisions in the Equal Pay Act to allow for compensatory and punitive damages.** Highlights of this legislation include: Increased Penalties for the Equal Pay Act; Non-Retaliation Provision; Class Actions; Training, Research, Education, and Outreach; and a Pay Equity Award.

2. **Announce several Administration initiatives aimed at enhancing enforcement of wage discrimination both in the private sector and the federal government:** Annual study by the Bureau of Labor Statistics to analyze the wage gap; MOU between EEOC and DOL to cross train staff and to permit DOL to seek damages as EEOC's agent; DOL publication of federal contractor best practices on the Internet; 10-Step voluntary self-audit for businesses and employees; federal agencies will conduct a self-audit; and OPM Guide to Recruitment and Retention of Women.

PROGRAM NOTES

Said

- April 3 is the day on which American women's wages, added to their previous year's earnings, equal what men make in just one calender year. The President is issuing a proclamation declaring April 3, 1998 as National Equal Pay Day. There are 650 local Equal Pay events planned across the country organized by the AFL-CIO and the National Committee on Pay Equity. Most of these events are being held on Friday, April 3.

- More than three decades after the passage of the Equal Pay Act and Title VII of the Civil Rights Act, women and people of color continue to suffer the consequences of unfair differentials. The average woman works a full year, plus three more months, just to earn the same pay that men earn in one calender year. According to the Department of Labor, the average woman who works full-time earns just 74 cents for each dollar that men earn. For women of color, the gap is even wider. On average, African American women earn only 63 cents, and Hispanic women earn only 53 cents for each dollar earned by white men. Some wage differences exist due to differing levels of experience, education, and skill. However, studies show that even accounting for differences in education, experience, and occupation, there is still a significant wage differential. 10%

- Equal pay is good for the economy. Higher, fairer wages for women will increase their purchasing power. A growing number of businesses support the elimination of wage discrimination as "good business" and believe that pay equity is not inconsistent with staying competitive.

- **On the federal level, The Paycheck Fairness Act, which you are endorsing today, has been introduced in the Senate by Senator Daschle and the House by Congresswoman Rosa DeLauro. The Paycheck Fairness Act would amend the Equal**

Pay Act and the Civil Rights Act of 1964 to provide more effective remedies to women who are not being paid equal wages for doing equal work. The Fair Pay Act has been introduced in the Senate by Senator Tom Harkin and in the House by Congresswoman Eleanor Holmes Norton. The Fair Pay Act addresses the issue of comparable worth by expanding the Equal Pay Act's protections against wage discrimination to workers in equivalent jobs with similar skills and responsibilities, even if the jobs are not identical. The Administration has not endorsed that bill.

ATTACHMENTS

Policy Announcement.
Questions and Answers.
List of Participants.

DRAFT 4-01-98 6:55pm
THE VICE PRESIDENT ANNOUNCES SUPPORT FOR LEGISLATION ON PAY EQUITY AND ADMINISTRATION INITIATIVES TO COMBAT WAGE DISCRIMINATION
April 2, 1998

Today the Vice President will announce the Administration's support for legislation, introduced by Senator Daschle and Congresswoman DeLauro, to strengthen the laws that prohibit wage discrimination against women. The Vice President also will announce several Administration initiatives aimed at reducing wage discrimination in the private sector and the federal government.

Legislation to Improve Enforcement of Wage Discrimination. The Vice President will call on Congress to pass this legislation which strengthens current laws prohibiting wage discrimination and provides training and outreach to help enforce these laws. The highlights of this legislation include:

- Increased Penalties for the Equal Pay Act. The bill amends the EPA to allow for compensatory and punitive damages. Currently, the EPA provides only for liquidated damages and back-pay awards. This proposal would put gender-based wage discrimination on equal footing with wage discrimination based on race or ethnicity, for which uncapped compensatory and punitive damages are available under Section 1981.

- Non-retaliation Provision. Currently, employers can take action against employees who share information on pay. The Daschle bill amends the EPA to prohibit employers from penalizing employees for sharing information about their salaries with co-workers. The ability to share such information makes it easier for women to evaluate whether there is wage discrimination.

- Class Actions. The bill amends the procedures for filing class actions under the EPA to conform with the procedural rules for filing federal class actions in other areas of the law.

- Training, Research, Education, and Outreach. The bill requires the EEOC to provide training for its employees, subject to the availability of funding, on matters involving discrimination in the payment of wages. The bill also requires Department of Labor (DOL) to undertake research in the area of sex-based pay disparities; provide information on means of eradicating such disparities; assist State and local information and educational programs; recognize and promote the achievements of employers that have made strides to eliminate pay disparities; and convene a national summit to discuss and highlight the issue of sex-based pay disparities.

- Pay Equity Award. The bill establishes "The National Award for Pay Equity in the Workplace," to be administered by DOL, to recognize and promote the achievements of employers that have made strides to eliminate pay disparities.

Administration Actions to Provide Data Analysis, Technical Assistance, and Enhanced Enforcement of Wage Discrimination. The Vice President also will announce a number of Administration initiatives including:

- Increased Data Analysis on Pay Equity. Using existing data, DOL will publish an annual report on pay differences by gender. The purpose of this easy-to-access report will be to highlight the important issue of wage disparities.

- Memorandum Of Understanding (MOU) Between EEOC and DOL. EEOC and DOL are developing an MOU to train each other's staff on pay issues, to refer potential violations to the applicable EEOC or DOL office for appropriate action, and to permit the DOL's Office of Federal Contractor Compliance Programs (OFCCP) to serve as the EEOC's agent for purposes of seeking damages that are not otherwise available through OFCCP, including damages for intentional discrimination.

- Federal Contractor Best Practices. DOL will publicize successful programs of federal contractors by placing them on DOL's web site.

- 10-Step Voluntary Self-Audit for Businesses and Employees. To help those employers who would like to improve their pay and hiring practices, DOL will place on the Internet a 10-step package that would give companies guidelines in determining whether they offer equal pay, hiring, and promotional opportunities. A similar checklist for employees, to help them determine if they are being paid equitably, will also be placed on the Internet.

- Self-Audit for Agencies. To make the federal government a "model" employer, federal agencies will conduct a self-audit, similar to the one described above, and use these results to monitor their efforts on equal pay.

- Guide to Recruitment and Retention of Women in the Federal Government. OPM is publishing a new Guide on Recruitment and Retention of Women in the Federal Government, which contains information to make agency managers aware of career opportunities for women and to provide guidance on recruitment and career development for women.

Draft 4-01-98

QUESTIONS AND ANSWERS ON PAY EQUITY
April 2, 1998

Q: What is Equal Pay Day?

A: Organizations around the country will hold events on April 3 as the day on which American women's wages, added to their previous year's earnings, equal what men make in just one calendar year. The President is issuing a proclamation declaring April 3, 1998 as National Equal Pay Day.

Q: What did the Vice President announce today?

A: The Vice President announced the Administration's support for legislation introduced by Senator Daschle to improve the enforcement of wage discrimination against women and to strengthen the remedy provisions in the Equal Pay Act to allow for compensatory and punitive damages. The Vice President also announced several administration initiatives aimed at enhancing enforcement of wage discrimination both in the private sector and within the federal government, including the development of a Memorandum of Understanding between the Equal Employment Opportunity Commission (EEOC) and the Department of Labor to cross-train their staffs to be sensitive to potential violations of the Equal Pay Act, and to help the Department of Labor to collect damages under Title VII of the Civil Rights Act of 1964; a ten-step voluntary self-audit for both private businesses and the federal agencies in order to help them monitor their efforts on equal pay; and a "Guide to Recruitment and Retention of Women" in the federal government, which is designed to assist agency managers hire and retain qualified women.

Q: Why is this legislation necessary?

A: More than three decades after the passage of the Equal Pay Act and Title VII of the Civil Rights Act, women and people of color continue to suffer the consequences of unfair pay differentials. The average women works a full year, plus three more months, just to earn the same pay that men earn in one calendar year. According to the Department of Labor, the average women who works full-time earns just 74 cents for each dollar that men earn. For women of color, the gap is even wider. On average, black women earn only 63 cents, and Hispanic women earn only 53 cents for each dollar earned by white men. Some wage differences exist due to differing levels of experience, education, and skill. However, studies show that even accounting for differences in education, experience, and occupation, there is still a significant wage differential. Women account for 46 percent of the total labor force. More than half of those graduating with bachelors degrees are women, and women earn nearly half of all masters and professional degrees awarded. While women hold over 45 percent of all executive and managerial jobs, their wages are only approximately 70 percent of the average pay of men in these areas. Source: Department of Labor, Bureau of Labor Statistics.

Q: Why isn't the Administration supporting Senator Harkin's bill?

A: The Administration supports the goals of ensuring equal pay for women and minorities, and both bills strive toward the same goals. However, Senator Daschle's bill provides for enhanced penalties under the Equal Pay Act by permitting victims of wage discrimination to seek compensatory and punitive damages. Senator Daschle's and Congresswomen DeLauro's bills seek to strengthen current laws that prohibit wage discrimination, and this legislation is a good first step toward combating the wage gap.

Q: What damages are currently available under the Equal Pay Act?

A: Senator Daschle's bill would amend the EPA to allow for unlimited compensatory and punitive damages. Currently, the EPA only allows for liquidated damages and back-pay awards. Liquidated damages typically are awarded in an amount equal to back pay. And typical recoveries are double back-pay awards. An individual can file suit for wage discrimination under Title VII as well as the EPA. Title VII allows for compensatory and punitive damages, in addition to back pay, as a result of the Civil Rights Act of 1991. Under Title VII, however, these damages are capped -- to no more than between $50,000 and $300,000, depending on the size of the employer -- not the severity of the offense (e.g., for firms with between 15 and 100 employees, combined damages are capped at $50,000). Victims of racial or ethnic discrimination in employment can also sue for wage discrimination under Section l981, which allows unlimited damages.

Q: Why is the Administration supporting uncapped compensatory and punitive damages?

A: The Clinton Administration believes that victims of sex-based wage discrimination should have the same remedies available as those of racial and ethnic discrimination.

Q: What is the Administration doing with respect to data collection?

A: The endorsed legislation contains a Sense of the Senate that the President should take appropriate steps to increase the amount of information available with respect to wage disparities, while maximizing the utility of the data and protecting individuals' privacy and minimizing burdens on reporting entities. In addition, the Vice President announced an annual report on the pay gap by sex to be produced by the Department of Labor. This easy-to-access report will raise the national prominence of wage disparities and will highlight the issue every year in order to spur Americans to achieve increased gender pay equity.

Q: What groups support increasing penalties under the Equal Pay Act?

A: Women's groups generally support increasing penalties under the Equal Pay Act. The following groups have supported efforts to increase penalties under the Equal Pay Act: the AFL-CIO, the National Committee on Pay Equity, the National Partnership for Women and Families, and the National Women's Law Center.

Q: Why is the federal government exempt from punitive and compensatory damages?

A: The federal government is not liable for punitive damages in any of the anti-discrimination statutes. To maintain consistency in the application of these statutes, it was appropriate to exempt the federal government from punitive damages under the Equal Pay Act as well.

Q: Is the Administration's policy on uncapped punitive and compensatory damages consistent with its position in other areas of the law such as tort reform?

A: Yes, this is consistent with Administration's position on tort reform. Our proposals on tort reform have never sought to cap compensatory damages.

Questions of the Federal Work Force

Q: What is the representation of women in the federal work force?

A: Women represented 42.8 percent of the Federal permanent workforce in 1997 compared to 46.4 percent of the Civilian Labor Force, a difference of a -3.6 percentage points.

Q: How is the Federal government doing in terms of women's pay as compared to that of male Federal employees?

A: Because we classify jobs and then hire on merit, the incumbent is paid the same, male or female.

Q: A 1995 GAO Report contended that Federal occupations with high female representation were more likely to be under graded than other jobs. How did OPM address this issue?

A: At several points in the course of the study, OPM expressed its strong disagreement with the scope and methodology used by the GAO contractor. An OPM letter, that is included as an appendix to the GAO Report, explains why OPM believes the GAO conclusions cannot be supported (factors such as misapplication of the Primary Standard in the Factor Evaluation System in the study, use of less rigorous methodology to evaluate a more job evaluation methodology, and disagreements between the study findings and other evidence). On the other hand, OPM continues to improve the Government's classification system and remains firmly committed to protecting the Merit System Principles and eliminating instances of economic discrimination against the dedicated women and minorities who serve our country.

Q: How are women represented in the lower grade levels?

A: Nearly 80 percent of women are employed in the GS-5 through 12.

Q: How are women represented in the upper grade levels?

A: The representation of women at the Senior Pay level of the Federal workforce is 21 percent, compared to less than 10 percent a decade ago.

Q: What is the "Senior Pay" level?

A: The Senior Pay level includes employees in the Senior Executive Service (SES), Executive Schedule, Senior Foreign Service, and other employees earning salaries above grade 15 of the General Schedule (such as Administrative Law Judges).

Q: What percentage of promotions went to women?

A: Women received 51.8 percent of permanent workforce promotions in Fiscal Year 1997.

Q: What is the representation of women compared to the CLF for high growth federal jobs?

A: The following table compares the representation of women in the Federal permanent workforce (FW) to the civilian labor force (CLF) for the top 10 Federal occupational series that had the highest percentage increase in employment from 1993 to 1997:

OCCUPATION	Series	Total Emp. (9/97)	Pct Women (FW)	Pct Women (CLF)	Difference in Percentage Pts
Transportation Specialist	2101	7,356	13.9	77.6	-63.7
Border Patrol	1896	6,818	4.4	12	-7.6
Gen. Inspection, Invest. & Compl.	1801	9,266	36.2	30.5	5.7
Compliance Inspection & Support	1802	6,837	57.3	53.3	4
Correctional Officer	0007	12,601	11.8	18.9	-7.1
Environmental Protection Specialist	0028	5,523	40.5	38.8	1.7
Paralegal Specialist	0950	5,347	79.3	75.9	3.4
Social Insurance Administration	0105	26,291	66.9	45.6	21.3
General Business & Industry	1101	19,267	55.8	69.8	-14
Environmental Engineering	0819	5,387	22.9	9.8	13.1

NOTE: Top growing Federal occupations based on percentage net increase in employment for occupational series (with 5,000+ employees in 1997) due to new hiring or reclassification of existing employees from 1993 to 1997.

Q: In which occupation are women the worst represented?

A: Women are worst represented in occupational series 0301, Miscellaneous Administration and Program Series. Compared to like occupations in the CLF, there is a shortfall of over 11,300 women in this occupation in the Federal Government.

Q: What is the average salary of female political employees versus that of male appointees? How does that average compare to comparable figures in the previous Administration?

A: In 1992, under President Bush, women made up 40 percent of the political ranks, and the average female political appointee's salary was 75 percent of the average male appointee's salary. In 1997, in the Clinton Administration, the percentage of women appointees increased to 45 percent, and the average woman's salary shot up to 85 percent of the average man's.

Number and Average Salary of Political Appointments (by Gender): 1992 (Pres. Bush) Compared to 1997 (Pres. Clinton)

Gender	1992 (Bush) Appts	1997 (Clinton) Appts	1992 (Bush) Avg. Pay ($)	1997 (Clinton) Avg. Pay ($)
Women	1,361	1,331	$61,554	$69,979*
Men	2,055	1,628	$82,490	$82,860*
TOTAL	3,416	2,959	NOTE: Total Political Appointments exclude Ambassadors but include Noncareer SES, Schedule C and Other.	
Pct. Women	39.8%	45.0%		

* Rendered in constant (FY 1992) dollars

Equal Pay Event
April 2, 1998 Roosevelt Room
Attendees List

Senator John Breaux (D-LA)

Senator Tom Daschle (D-SD)

Senator Dianne Feinstein (D-CA)

Senator Bob Kerrey (D-NE)

Senator Ted Kennedy (D-MA)

Senator Carol Moseley-Braun (D-IL)

Senator Harry Reid (D-NV)

Senator Chuck Robb (D-VA)

Rep. Rose DeLauro (D-CT)

Rep. Eleanor Holmes Norton (D-DC)

Rep. Jim Maloney (D-CT)

Rep. David Obey (D-WI)

Rep. Robert Underwood (D-Guam)

Janice Lachance
Director, OPM

Leigh Shein
Chief of Staff, OPM

Commisioner Paul Igasaki
EEOC

Ellen Vargyas
Legal Council, EEOC

Shirley Wilcher
Deputy Assistant Secretary, DOL

Bernard Anderson
Assistant Secretary for Employment Standards. DOL

Susan King
DOL

Lisa Ross
Public Liaison Director. DOL

Ida Castro
Director of the Women's Bureau. DOL

Kelly Jenkins-Pultz
DOL

Susanna Valdez
DOL

John Sweeney
President, AFL-CIO

Linda Chavez-Thompson
Exec. Vice President, AFL-CIO

Karen Nussbaum
Working Women's Dept., AFL-CIO

Naomi Walker
AFL-CIO

Carmen Perez
Special Assistant to Exec. VP, AFL-CIO

Pat Friend
President , Association of Flight Attendants

Crystal Bridgeforth
President, Coalition of Labor Union Women (CLUW)

Cathy Collette
Director, Women's Rights Dept., American Federation of State, County and Municpal Employees (AFSCME)

Royetta Sanford
Director, Human Services Department, International Brotherhood of Electrical Workers (IBEW)

Lela Foreman
Women's Activities and Community Services, Communications Workers of America (CWA)

Carolyn Jacobson
BC&T

Anna Padia
Human Rights Director, The Newspaper Guild

Holly Fechner
AFL-CIO

Ann Hoffman
Legislative Director, UNITE

Molly Beth Perdue
Director, Men's and Women's Athletics, Provincetown Highschool

Jennifer Freeman
Partner, Freeman Forrest & Chenetz LLP

Linda Tarr-Whelan
Center for Policy Alternatives (CPA)

Laura Fortman
Executive Director, Maine Women's Lobby

Barbara Davis Blum
Chair, CPA Board of Directors and President, Adams National Bank

Kathryn Rodgers
Executivce Director, NOW Legal Defense Fund

Karetta Hubbard
Principal, Hubbard and Revo-Cohen, Inc

Lynne Revo-Cohen
Principal, Hubbard and Revo-Cohen Inc.

Roger Stephon
National Education Association

Marcia Greenburger
National Womens's Law Center

Susan Bianchi-Sand
National Committee on Pay Equity

Gail Schaffer
Executive Director, Business and Professional Women/USA

Suzanne Stokes
Policy Director, Business and Professional Women/USA

Martha Burk
Center for the Advancement of Public Policy

Heidi Hartmann
Institute for Women's Policy Research

Carolyn Lauer
Service Employees International Union

Norman Hill
A. Philip Randolph Institute

Constance Cordivilla
American Federation of Teachers

Albert Schmidt
President, National Federation of Federal Employees

Steve Hantzis
National Federation of Federal Employees

Gerry Shea
Assistant to the President for Govt. Affairs, AFL-CIO

Evelyn Knolle
National Committee on Pay Equity

Sanya Juanita Tyler
Girls Basketball Coach, Howard University

Afrika Bell
Law Offices of Robert Bell

Mary L. Smith
03/05/98 05:48:47 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Thomas L. Freedman/OPD/EOP

cc:

Subject: Equal Pay Update

Attached is an outline of our workplan with OPL and NEC on equal pay. Our goal is to have announcement prepared for April 3 (which is Equal Pay Day).

We want to try to come up with a package that contains the following elements:

1. **Data Collection** (also contained in Daschle bill): We have thought about amending the EEO-1 form to collect wage data every year, but also are exploring options for collecting this data every other year.

2. **Enforcement.** We are exploring a couple of options including:
   a) Increase funding by $5 million to increase enforcement of the Equal Pay Act and the Civil Rights Act for the EEOC.
   b) Increase penalities for the Equal Pay Act like adding compensatory damages (this is also in Daschle bill)
   c) Non-retaliation provision to amend the Equal Pay Act to prohibit employers from penalizing employees for sharing information about their salaries with coworker (also in Daschle bill)
   d) Other types of whistleblower provisions
   e) Exploring creating an OSHA-type model where the government could do compliance checks at companies and give them a window of opportunity to correct any violations. This definitely could not be done by April 3, because there appears to be certain statutory hurdles -- it is still worth exploring, however.

3. **Federal Government:** We are reaching out to OPM to see what, if anything, we could do in the federal workplace such as a directive.

4. **Technical Assistance**
   a) 10-step voluntary self-audit for businesses: DOL would put this up on the Internet, and businesses could rate themselves.
   b) $2 million for technical assistance team at DOI to reach out to 1000 companies. The technical assistance would include analysis of hiring, promotion, compensation and evaluation data to ensure fairness and consistency for women at all levels within the company.

Timeline:

1. **Week of March 9:**
   a) Early in the week: Meet with the agencies (DOL, EEOC, and OPM) to try to solidify some proposals
   b) Middle of week: Internal meeting with DPC/NEC

c) End of week: DPC and NEC will draft options memo

2. **Week of March 16**

a) Early in week: Deputies and/or principals meeting to discuss options

b) End of week: possibly draft decision memo for President (before he goes on travel)

3. **End of March**

a) Prepare for event

MEMORANDUM

TO: TOM FREEDMAN, MARY SMITH

FROM: JULIE MIKUTA

RE: FOLLOW-UP TO WAGE GAP

DATE: JULY 23, 1997

Rep DeLauro has introduced a bill which is almost identical to Sen Daschle's bill (S 71). Attached is a copy of Rep DeLauro's version. The sections that are different from S 71 are marked. These are the differences:

1. Under Section 6, "Research, Education and Outreach":
   A seventh point is included: issuing to employers voluntary pay guidelines for the relative pay ranges of a selection of male- and female-dominated widely held occupations.

2. Under Section 8, "Increased Resources for Enforcement and Education":
   Ten and a half million dollars is appropriated to the Office of Federal Contract Compliance Programs (which receives no additional funding under S 71.

There are 6 co-sponsors of the bill, including Rep. Gephardt. It was introduced on 6/24 and is now in committee.

[illegible]

Blank | [illegible]

POTENTIAL OPTIONS FOR DATA COLLECTION AND ANALYSIS ON DISCRIMINATION

I. New Data Collection

- Federal Contractors: AAP Summaries, Including Summary Wage/Salary Information

Options include: expand summaries

1) Proposed revision to 60-2: Would require all contractors to submit full AAP summaries each year;

2) Alternatives: Some contractors would be required to submit some or all AAP Summary information, depending on preliminary analysis of information from EEO-1 forms, etc.

These options are currently under discussion at the Department of Labor.

- Contractors and Large Non-Contractors: Revisions of EEO-1 Forms

Options include:

1) Revision of occupational categories: Greater emphasis on white-collar and service occupations; and greater occupational detail within these categories.

2) Revision of racial categories for minorities.

3) Making these data more publicly accessible - to company employees or the public more broadly.

- Small Non-Contractors: Audit Studies and other Investigations

Options include:

1) Regular use of "audit studies" of employers with matched applicant pairs, targetted specifically towards small establishments not covered by EEO-1 data;

2) Analysis of real applicants and the outcomes of their search behavior at such establishments.

EEOC says purchase data - race, gender, [illegible] enforcement

purchase
(1) private data
(2) ECI = no gender
(3) BLS - data
(1) EEO-1

II. Use of EEO-1 Data for Enforcement

- Contractors: Revise Process of Choosing Companies for Compliance Checks/Reviews

Options include:

1) Revision of calculations performed on current EEO-1 data to trigger compliance checks/reviews;

2) Revision of calculations to incorporate potential revisions to EEO-1 data;

3) Revision of how these calculations are used to generate a multi-tiered review process of contractors;

4) Expansion of actions taken with regards to companies that have clear underrepresentations of women or minorities but that are not chosen for compliance checks/reviews in any particular year (e.g., letters informing them of their relative performance, as currently done by OSHA).

These options are under discussion at the Department of Labor.

- Large Non-Contractors: Calculations and Other Actions

Options include:

1) Generating calculations on minority/female employment at companies that are comparable to those performed on contractors;

2) Actions aimed at companies with low representation, which could range from letters informing them of relative performance to partial or full investigations of EEO violations.

Calculations could be performed by Department of Labor while any actions taken on the basis of these calculations would have to be undertaken by EEOC.

III. Research/Publications

- New BLS Publications
- New Summaries of EEO-1 Findings
- New Audit Studies
- Annual Studies of Wage Gaps using Micro Data from CPS or NLS

The latter three activities would be conducted as part of the Administration's new "Tracking Discrimination" Initiative.

EEOC notes it can't [illegible] change EEO-1 form

Who? BLS, EEOC

I. Where data collected

II. What's needed

Sperling

THE WHITE HOUSE

Office of Legislative Affairs, Senate Liaison

Telephone: (202) 456-6493 Fax: (202) 456-6468

Fax Cover Sheet

To: Tom Freedman & Mary Smith

From:
- ___ Tracey Thornton
- X Caroline Fredrickson
- ___ Roger Ballentine
- ___ Joel Wiginton
- ___ Virginia Rustique
- ___ Janelle Erickson
- ___ Marty Hoffmann
- ___ Matt Bianco

Fax: 6-7431 Phone: ______

Date: 2-12-99 Pages including cover sheet: 3

Message: ______

Memorandum

To: Caroline Fredrickson
From: Silvia
Date: February 12, 1999
Re: Fair Pay Prep: Conference Call 02/12/99

The AFL-CIO has suggested the following changes to the Paycheck Fairness Act. In preparation for today's conference call on fair pay legislation, I have summarized two suggestions that Andrea and I agree are acceptable changes to the bill.

1. Amending EPA to limit the "catch all" fourth affirmative defense

Once a prima facie case of EPA violation is established, a defendant may still avoid liability if his/her conduct falls within one of the four affirmative defenses built into the statute. The broadest defense, which allows employers to differentiate wages between men and women as long as the rationale for the disparity is based on "any other factor other than sex," has proven the most contentious in litigation and the most pliable for clever defendants.

A. Result: Forbid Market-based defenses

Market defenses are, in essence, a justification for wage disparity based on the "market value" of a woman within a particular field.. The EPA included non-statutory language suggesting that market based defenses by defendants in wage disparity cases should be completely prohibited. However, it was not Congress, but the Supreme Court, in its one and only consideration of a purely EPA claim, that interpreted the EPA to prevent market defenses under the "any other factor other than sex" exception.

Case law reveals that district courts have accepted "back door" market based defenses to justify unequal pay. Various federal courts have accepted several "factors other than sex" – namely, "prior salary," "economic benefit," 'head of household," and "red-circle rate" – despite their distinctive market qualities. (Red circle rates refer to the higher than normal wage rates paid to an employee who has been transferred temporarily from a higher skilled to a lower skilled position to suit her employee's staffing needs.)

Because numerous federal courts have not spotted many of the market defenses offered under the "any other factor" exception since the 1974 Corning Glass Works decision, some commentators have urged that the meaning of the general exception should be clarified and given some definite limits. Congress, they urge, should specifically recognize that this exception does not include any factor, but only those factors which are related to individual job performance.

The leniency of the exception has impaired the claims of aggrieved plaintiffs whose employers appeal to the necessities of a gender-biased market to justify their wage discrimination.. By continuing to allow these defenses, courts are disregarding the gendered notions underlying many employers' market-based wage policies and are quickly setting precedents recognizing otherwise forbidden market defenses.

Legislative Option:

- Amend 29 USC 206(d)(1)(iv) adding limiting language forbidding market based defenses and only allowing job performance related defenses

2. Eliminating Establishment Requirement

The Paycheck Fairness Act will allow any cause of action brought to enforce section 6(d) to be maintained as a class action. However, the EPA only covers workers in the same "establishment." Eliminating the establishment requirement would make larger – even nation-wide – suits possible.

DRAFT MEMORANDUM ON PAY EQUITY

Fair Pay

Fair Pay Act - Harkin S.232

Last year, Senator Harkin introduced a comparable worth bill called the "Fair Pay Act of 1997." (It doesn't appear that he has reintroduced the bill this year.)

Harkin's bill amends the Fair Labors Standards Act to prohibit the paying of unequal wages for work on "equivalent jobs" dominated by employees of a particular sex, race, or national origin and those dominated by a different sex, race, or national origin. The legislation defines "equivalent jobs" as "jobs that may be dissimilar, but whose requirements are equivalent, when viewed as a composite of skills, effort, responsibility, and working conditions." It exempts from this provision wage differences on the basis of seniority, a merit system, or an quality/quantity system.

The other major provision of Harkin's bill is the requiring of employers to submit wage data to the EEOC. Employers must submit data not only with respect to job category but also with respect to sex, race, and national origin. Furthermore, the EEOC is authorized to publish this data and is authorized to provide specific employer's reports to the public. This provision also is very controversial.

The EEOC currently collects annual data regarding the demographic breakdown of the workforces of private employers with 100 or more employees and of federal contractors with 50 or more employees on the EEO-1 form. The EEOC does not currently collect salary data with respect to private employers.

The EEO-1 form has remained virtually unchanged for the past 30 years, despite its review every 3 years for OMB paperwork clearance (most recently in 1997). Since the 1960s, the occupation and racial categories have become outdated; what was once confusing is now potentially misleading. As a result, many in the business community perceive the EEO-1 form as a waste of time and money. (OMB estimates suggest that it takes each firm 10 hours to fill out the form; adding wage data would likely increase the compliance costs dramatically -- possibly by several hundred-fold -- although creating a supplement to the form or limiting it to a subset of the reporting universe could mitigate some of these costs.)

Nonetheless, the EEOC believes that collecting wage data on the EEO-1 form would greatly improve its ability to target and prioritize discrimination cases. It also would assist the Department of Labor (DOL) in targeting its enforcement efforts and monitoring affirmative action programs. Because DOL thought that the EEO form would not be amended to include wage information, it has been working on a proposed rule to gather such data from federal contractors though an OFCCP form. That work has been in process for almost three years; we now understand that it may be ready to be sent to OMB during this fiscal year.

THIS SEARCH
Next Hit
Prev Hit
Hit List

THIS DOCUMENT
Forward
Back
Best Sections
Doc Contents

GO TO
New Bills Search
HomePage
Help

S.232

Fair Pay Act of 1997 (Introduced in the Senate)

SEC. 3. EQUAL PAY FOR EQUIVALENT JOBS.

(a) AMENDMENT- Section 6 (29 U.S.C. 206) is amended by adding at the end the following:

`(h)(1)(A)(i) Except as provided in clause (ii), no employer having employees subject to any provision of this section shall discriminate, within any establishment in which such employees are employed, between employees on the basis of sex, race, or national origin by paying wages to employees in such establishment in a job that is dominated by employees of a particular sex, race, or national origin at a rate less than the rate at which the employer pays wages to employees in such establishment in another job that is dominated by employees of the opposite sex or of a different race or national origin, respectively, for work on equivalent jobs.

`(ii) Nothing in clause (i) shall prohibit the payment of different wage rates to employees where such payment is made pursuant to--

`(I) a seniority system;

`(II) a merit system; or

`(III) a system that measures earnings by quantity or quality of production.

`(iii) The Equal Employment Opportunity Commission shall issue guidelines specifying criteria for determining whether a job is dominated by employees of a particular sex, race, or national origin. Such guidelines shall not include a list of such jobs.

`(B) An employer who is paying a wage rate differential in violation of subparagraph (A) shall not, in order to comply with the provisions of such subparagraph, reduce the wage rate of any employee.

`(2) No labor organization or its agents representing employees of an employer having employees subject to any provision of this section shall cause or attempt to cause such an employer to discriminate against an employee in violation of paragraph (1)(A).

`(3) For purposes of administration and enforcement of this subsection, any amounts owing to any employee that have been withheld in violation of paragraph (1)(A) shall be deemed to be unpaid

Bill Summary & Status for the 105th Congress

Item 3 of 92

PREVIOUS BILL | NEXT BILL
PREVIOUS BILL:ALL | NEXT BILL:ALL
NEW SEARCH | HOME | HELP

S.232
SPONSOR: **Sen Harkin** (introduced 01/29/97)

Jump to: Titles, Status, Committees, Amendments, Cosponsors, Summary

TITLE(S):

- SHORT TITLE(S) AS INTRODUCED:
  Fair Pay Act of 1997

- OFFICIAL TITLE AS INTRODUCED:
  A bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes.

STATUS: Floor Actions

NONE

STATUS: Detailed Legislative Status

Senate Actions

Jan 29, 97:
Read twice and referred to the Committee on Labor and Human Resources.

STATUS: Congressional Record Page References

01/29/97 Introductory remarks on Measure (CR 815-816)

COMMITTEE(S):

- COMMITTEE(S) OF REFERRAL:
  Senate Labor and Human Resources

AMENDMENT(S):

NONE

8 COSPONSORS:

Sen Leahy - 01/29/97	Sen Boxer - 01/29/97
Sen Murray - 01/29/97	Sen Inouye - 01/29/97
Sen Mikulski - 01/29/97	Sen Kerry - 01/29/97
Sen Kennedy - 06/03/97	Sen Torricelli - 09/18/97

SUMMARY:

(AS INTRODUCED)

Fair Pay Act of 1997 - Amends the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin. (Allows payment of different wages under seniority systems, merit systems, or systems that measure earnings by quantity or quality of production.)

Directs the Equal Employment Opportunity Commission (EEOC) to issue guidelines specifying criteria for determining whether a job is dominated by employees of a particular sex, race, or national origin. Prohibits such regulations from including a list of such jobs.

Directs courts, in any action brought under this Act for violation of such prohibition, to allow expert fees as part of the costs awarded to prevailing plaintiffs. Allows any such action to be maintained as a class action.

Requires employers subject to such prohibition to: (1) preserve records which document and support the method, system, calculations, and other bases used by the employer in establishing, adjusting, and determining the wages paid to their employees, for periods of time prescribed by the EEOC; and (2) make reports to the EEOC. Sets forth certain exemptions for small businesses and provisions for protection of confidentiality with respect to such records.

Directs the EEOC to: (1) undertake studies and provide information and technical assistance to employers, labor organizations, and the general public concerning effective means available to implement this Act; (2) carry on a continuing program of research, education, and technical assistance with specified components related to the purposes of this Act; and (3) include a separate evaluation and appraisal regarding the implementation of this Act in its annual report to the Congress.

Makes conforming amendments to the Congressional Accountability Act of 1995 and specified Federal law relating to congressional and executive branch employees.

There is consensus that any attempts to add wage data to the EEO-1 form will draw immediate fire from the Republicans and the business community. Indeed, any announcement of a process to determine the best way to gather this data would likely provoke a rider and risk the increase in funds requested for the EEOC in our FY2000 budget.

Since the EEO-1 form is up for revision in the year 2000, as part of the Paperwork Reduction Act, the consensus among the working group is that we should work to remove the data collection provision from the Daschle bill and should work quietly to evaluate the options for addressing the existing problems with the form (e.g., the outdated occupational and racial categories, and the lack of wage data).

Harkin's bill also contains a non-retaliation provision and a provision to permit the awarding of expert fees. The bill also provides for research, education, and technical assistance.

THE PRESIDENT ANNOUNCES EQUAL PAY INITIATIVE AND URGES PASSAGE OF PAYCHECK FAIRNESS ACT

In his weekly radio address, the President will announce a new $14 million Equal Pay Initiative in his Fiscal Year 2000 budget and urge prompt passage of the Paycheck Fairness Act. The Initiative includes $10 million for the Equal Employment Opportunity Commission (EEOC) to increase compliance with equal pay laws by providing training to EEOC employees to identify and respond to wage discrimination, increasing technical assistance to businesses on how to meet legal requirements, and launching an equal pay public service announcement campaign to inform employers and employees alike of their rights and responsibilities. The Initiative also includes $4 million for the Department of Labor, primarily for a program to assist contractors in recruiting and retaining qualified women in non-traditional occupations. The President also will call on Congress again to pass the Paycheck Fairness Act, which would strengthen wage discrimination laws and provide for additional research, training, and public education efforts on this important subject.

Equal Pay Initiative

The President's FY2000 budget includes funding for a $14 million equal pay initiative for the EEOC and the DOL's Office of Federal Contractor Compliance (OFCCP):

Equal Employment Opportunity Commission
The President's FY2000 budget includes $10 million for the EEOC to:

- triple the number of EEOC enforcement staff who receive training in identifying and responding to wage discrimination;

- provide, for the first time ever, training and technical assistance to employers (about 3,000 in total) on how to comply with equal pay requirements; and

- develop public service announcements to educate employees and employers on their rights and responsibilities under equal pay laws.

The Department of Labor
The President's FY 2000 budget includes $4 million for the Labor Department's OFCCP to:

- help women obtain and retain employment in non-traditional jobs by identifying and disseminating model employer practices and assisting contractors to finding qualified women employees, including through the new nationwide network of One-Stop Career Centers established by last year's Workforce Investment Act; and

- increase outreach, education, and technical assistance to federal contractors on equal pay issues, by providing legal guidelines and industry best practices.

Paycheck Fairness Act

The President again will urge Congress to pass legislation called the "The Paycheck Fairness Act," introduced by Senator Daschle and Congressman DeLauro, to strengthen laws prohibiting wage discrimination. The highlights of this legislation include:

- Increased Penalties for the Equal Pay Act (EPA). The legislation would provide full compensatory and punitive damages as remedies for equal pay violations, in addition to the liquidated damages and back pay awards currently available under the EPA. This proposal would put gender-based wage discrimination on equal footing with wage discrimination based on race or ethnicity, for which uncapped compensatory and punitive damages are already available.

- Non-retaliation provision. The bill would prohibit employers from punishing employees for sharing salary information with their co-workers. Many employers are currently free to take action against employees who share wage information. Without the ability to learn about wage disparities, it is difficult for employees to evaluate whether there is wage discrimination.

- Training, Research, and Pay Equity Award. The bill would provide for increased training for Equal Employment Opportunity Commission employees to identify and respond to wage discrimination claims; research on discrimination in the payment of wages; and the establishment of an award to recognize and promote the achievements of employers in eliminating pay disparities.

Jordan Tamagni
01/29/99 12:22:38 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:
Subject: Revised Final -- 12:15pm

Revised Final 1/29/99 12:15pm

PRESIDENT WILLIAM J. CLINTON
RADIO ADDRESS ON EQUAL PAY
THE WHITE HOUSE
January 30, 1999

Good morning. Americans have always believed that people who work hard should be able to provide for themselves and their families. That is a fundamental part of America's basic bargain. Today, I want to talk to you about what we are doing to make sure that bargain works for all of our people, by ensuring that women and men earn equal pay for equal work.

We are living in a time of remarkable promise. Our economy is the strongest in a generation -- with nearly 18 million new jobs, the lowest unemployment in 29 years, family incomes rising by $3,500, and the greatest real wage growth in over two decades. We have an opportunity -- and an obligation -- to make sure that every American can benefit from this moment of prosperity.

One of the best ways to meet this challenge is by putting an end to wage discrimination. When President Kennedy signed the Equal Pay Act 35 years ago, women were joining the workforce in ever-increasing numbers -- but their work was undervalued. At the time, for every dollar a man brought home in his paycheck, a woman doing the same work earned only 58 cents.

We have made a lot of progress since those days. Last June, my Council of Economic Advisors reported that the gender gap has narrowed considerably -- in fact, we have nearly cut it in half. Today, women earn about 75 cents for every dollar a man earns.

We should be proud of this progress -- but 75 cents on the dollar is only three quarters of the way there. Americans cannot be satisfied until we are all the way there.

One big reason why the pay gap persists -- despite women's gains in education and experience -- is the demeaning practice of wage discrimination in our workplaces. Too many employers still undervalue -- and underpay -- work done by women.

Make no mistake: When a woman is denied equal pay, it doesn't just hurt her -- it hurts her family, and that hurts America. Between 1995 and 1996 alone, the number of families with two working parents increased by nearly two million. And in over ten million families, the mother is the only breadwinner.

Just think what a 25 percent wage gap means in real terms. Over the course of a working year, it means hundreds, even thousands of bags of groceries ... visits to the doctor ... rent and mortgage payments. Over the course of a working life, it can mean hundreds of thousands of dollars ... smaller pensions ... and less to put aside for retirement.

To prepare our nation to meet the challenges of the 21st Century, we must do more to ensure equal pay, equal opportunity, and equal dignity for working women.

Today, I am pleased to announce a new $14 million Equal Pay Initiative, included in my balanced budget, to help the Department of Labor and the Equal Employment Opportunity Commission expand opportunities in the workplace for women and end wage discrimination once and for all. With more resources to identify wage discrimination, to educate employers and workers about their rights and responsibilities, and to bring more women into better-paying jobs, we will be closer than ever to making equal pay a reality for every American.

In my State of the Union address, I called on Congress to ensure equal pay for equal work -- and it brought members of both parties to their feet in an unanimous show of support. We know that equal pay is not a political issue -- it is a matter of principle, a question of what kind of country we want American to be today, and in the 21st Century, when our daughters grow up and enter the workplace.

There has been strong leadership on fair pay from members in both houses of Congress, including Senator Harkin and Representative Norton. Today, I call on the Congress to pass the Paycheck Fairness Act, sponsored by Senator Daschle and Representative DeLauro -- legislation that strengthens enforcement of our equal pay laws, expands opportunity for women, and helps working families to thrive. This should be one of Congress' first orders of business.

If we meet this challenge, if we value the contributions of <u>all</u> America's workers, then we will be a more productive, prosperous and proud nation in the 21st century.

Thanks for listening.

Message Sent To:

Sara M. Latham/WHO/EOP
Michael Waldman/WHO/EOP
Ann F. Lewis/WHO/EOP
Elena Kagan/OPD/EOP
Jennifer M. Luray/WHO/EOP
Thomas L. Freedman/OPD/EOP
Caroline R. Fredrickson/WHO/EOP
Mary L. Smith/OPD/EOP
Robin Leeds/WHO/EOP

THE PRESIDENT ANNOUNCES EQUAL PAY INITIATIVE AND URGES PASSAGE OF PAYCHECK FAIRNESS ACT

In his weekly radio address, the President will announce a new $14 million Equal Pay Initiative in his Fiscal Year 2000 budget and urge prompt passage of the Paycheck Fairness Act. The Initiative includes $10 million for the Equal Employment Opportunity Commission (EEOC) to increase compliance with equal pay laws by providing training to EEOC employees to identify and respond to wage discrimination, increasing technical assistance to businesses on how to meet legal requirements, and launching an equal pay public service announcement campaign to inform employers and employees alike of their rights and responsibilities. The Initiative also includes $4 million for the Department of Labor, primarily for a program to assist contractors in recruiting and retaining qualified women in non-traditional occupations. The President also will call on Congress again to pass the Paycheck Fairness Act, which would strengthen wage discrimination laws and provide for additional research, training, and public education efforts on this important subject.

Equal Pay Initiative

The President's FY2000 budget includes funding for a $14 million equal pay initiative for the EEOC and the DOL's Office of Federal Contractor Compliance (OFCCP):

Equal Employment Opportunity Commission
The President's FY2000 budget includes $10 million for the EEOC to:

- triple the number of EEOC enforcement staff who receive training in identifying and responding to wage discrimination;
- provide, for the first time ever, training and technical assistance to employers (about 3,000 in total) on how to comply with equal pay requirements; and
- develop public service announcements to educate employees and employers on their rights and responsibilities under equal pay laws.

The Department of Labor
The President's FY 2000 budget includes $4 million for the Labor Department's OFCCP to:

- help women obtain and retain employment in non-traditional jobs by identifying and disseminating model employer practices and assisting contractors to finding qualified women employees, including through the new nationwide network of One-Stop Career Centers established by last year's Workforce Investment Act; and
- increase outreach, education, and technical assistance to federal contractors on equal pay

issues, by providing legal guidelines and industry best practices.

Paycheck Fairness Act

The President again will urge Congress to pass legislation called the "The Paycheck Fairness Act," introduced by Senator Daschle and Congressman DeLauro, to strengthen laws prohibiting wage discrimination. The highlights of this legislation include:

- Increased Penalties for the Equal Pay Act (EPA). The legislation would provide full compensatory and punitive damages as remedies for equal pay violations, in addition to the liquidated damages and back pay awards currently available under the EPA. This proposal would put gender-based wage discrimination on equal footing with wage discrimination based on race or ethnicity, for which uncapped compensatory and punitive damages are already available.

- Non-retaliation provision. The bill would prohibit employers from punishing employees for sharing salary information with their co-workers. Many employers are currently free to take action against employees who share wage information. Without the ability to learn about wage disparities, it is difficult for employees to evaluate whether there is wage discrimination.

- Training, Research, and Pay Equity Award. The bill would provide for increased training for Equal Employment Opportunity Commission employees to identify and respond to wage discrimination claims; research on discrimination in the payment of wages; and the establishment of an award to recognize and promote the achievements of employers in eliminating pay disparities.

Questions And Answers on Equal Pay
January 29, 1999

Q: What did the President announce today?

A: In his weekly radio address, the President will announce a new $14 million Equal Pay Initiative in his Fiscal Year 2000 budget and urge prompt passage of the Paycheck Fairness Act. The Initiative includes $10 million for the Equal Employment Opportunity Commission (EEOC) to increase compliance with equal pay laws by providing training to EEOC employees to identify and respond to wage discrimination, increasing technical assistance to businesses on how to meet legal requirements, and launching an equal pay public service announcement campaign to inform employers and employees alike of their rights and responsibilities. The Initiative also includes $4 million for the Department of Labor, primarily for a program to assist contractors in recruiting and retaining qualified women in non-traditional occupations. The President also will call on Congress again to pass the Paycheck Fairness Act, which would strengthen wage discrimination laws and provide for additional research, training, and public education efforts on this important subject.

Q: How large is the wage gap?

A: According to the Department of the Labor, in 1997 the average woman who worked full-time earned just 74 cents for each dollar that men earned based on annual earnings. For women of color, the gap was even wider. On average, black women earned only 60 cents, and Hispanic women earned only 52 cents for each dollar earned by non-Hispanic white men. Some wage differences exist due to differing levels of experience, education, and skill. However, studies show that even accounting for differences in education, experience, and occupation, there is still a significant wage differential for women.

Q: What will the EEOC and Department of Labor do with the new funding the President announced today?

A: The EEOC will (1) triple the number of EEOC enforcement staff who receive training in identifying and responding to wage discrimination; (2) provide, for the first time ever, training and technical assistance to employers (about 3,000 in total) on how to comply with equal pay requirements; and (3) develop public service announcements to educate employees and employers on their rights and responsibilities under equal pay laws. The Department of Labor will (1) help women obtain and retain employment in non-traditional jobs by identifying and disseminating model employer practices and assisting contractors to finding qualified women employees, including through the new nationwide network of One-Stop Career Centers established by last year's Workforce Investment Act; and (2) increase outreach, education, and technical assistance to federal contractors on equal pay issues, by providing legal guidelines and industry best practices.

Q: What roles do OFCCP and EEOC play in the enforcement of wage discrimination laws?

A: OFCCP enforces the anti-discrimination and affirmative action executive order that requires employers doing business with the government to apply their compensation practices in a non-discriminatory manner. The EEOC investigates equal pay claims in the private sector and brings charges against those found to violate the Equal Pay Act.

Q: What does the Paycheck Fairness Act do?

A: The legislation, sponsored by Senator Daschle, seeks to improve the enforcement of wage discrimination laws and to strengthen the remedy provisions in the Equal Pay Act by permitting victims of wage discrimination to seek compensatory and punitive damages. Currently, women who are the victims of wage discrimination receive only backpay and liquidated damages, which may not fully compensate them for their loss. This change will mean that the penalties for sex-based wage discrimination will be the same as those for race-based wage discrimination. In addition, the legislation contains a non-retaliation provision that prohibits employers from penalizing employees for sharing information about their salaries with co-workers. Finally, the bill provides for training for EEOC employees on matters involving the discrimination of wages, research on discrimination in the payment of wages, and the establishment of an award to recognize and promote the achievements of employers that have made strides to eliminate pay disparities.

Q: What's wrong with the current scheme for collecting damages under the Equal Pay Act?

A: Currently, the Equal Pay Act allows only for liquidated damages and backpay awards. Liquidated damages usually are awarded in an amount equal to backpay. Such awards may not fully compensate a woman for real losses, such as damages for pain and suffering. In addition, employees bringing a claim under the Equal Pay Act cannot receive punitive damages for wage discrimination, no matter how intentional and egregious the employer's conduct. The legislation the Administration is endorsing will ensure that women are fully compensated when an employer discriminates against them in setting wages.

Questions on the Federal Work Force

Q: What are some of the specific accomplishments of the Clinton Administration with respect to women appointees?

A: Here are some specific accomplishments:

- **Appointed More Women than Any Other President** --40 percent of Administration appointees are women.
- **Women Hold 29 Percent of the Top Positions** --29 percent of the positions requiring Senate confirmation (PAS) are held by women. Additionally,
  - 35 percent of Presidential appointments, including boards and commissions, are held by women.
  - 40 percent of non-career Senior Executive Service positions are held by women.
  - 56 percent of Schedule C positions are held by women.
- **Appointed the First Women Ever to Serve as Attorney General, Janet Reno, and Secretary of State, Madeleine Albright.** Including the Attorney General and Secretary of State, women make up 32 percent of the Clinton Cabinet: Alexis Herman, Secretary of Labor; Donna Shalala, Secretary of Health and Human Services; Carol Browner, Administrator of the Environmental Protection Agency; Janet Yellen, Chair of the Council of Economic Advisors; and Charlene Barshefsky, United States Trade Representative all serve in the President's Cabinet.
- **30 Percent of All of the President's Judicial Nominees Are Women.**
- **Nominated the Second Woman to Serve on the Supreme Court.** During his first year in office, President Clinton nominated Ruth Bader Ginsburg to the United States Supreme Court. Justice Ginsburg is only the second woman to serve on the nation's highest court.

Q: What is the representation of women in the federal work force?

A: Women represented 42.9 percent of the Federal permanent workforce in 1998 compared to 46.3 percent of the Civilian Labor Force, a difference of a -3.4 percentage points.

Q: What is the average salary of female political employees versus that of male appointees? How does that average compare to comparable figures in the previous Administration?

A: In 1992, under President Bush, women made up 40 percent of the political ranks, and the average female political appointee's salary was 75 percent of the average male appointee's salary. In 1998, in the Clinton Administration, the percentage of women appointees increased to 44 percent, and the average woman's salary increased to 86 percent of the average man's.

Number and Average Salary of Political Appointments (by Gender):
1992 (Pres. Bush) Compared to 1998 (Pres. Clinton)

Gender	1992 (Bush) Appts	1998 (Clinton) Appts	1992 (Bush) Avg. Pay ($)	1998 (Clinton) Avg. Pay ($)
Women	1,361	1,282	$61,554	$71,859*
Men	2,055	1,611	$82,490	$83,799*
TOTAL	3,416	2,893	NOTE: Total Political Appointments exclude Ambassadors but include Noncareer SES, Schedule C and Other.	
Pct. Women	39.8%	44.3%		

* Rendered in constant (FY 1992) dollars
Source: Office of Personnel Management

Figure 12

Effects on burley prices