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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. list	Equal Pay Event attendee list re: [Personally Identifiable Information] [partial] (1 page)	04/01/1998	b(6)

COLLECTION:
Clinton Presidential Records
Domestic Policy Council
Tom Freedman
OA/Box Number: 17551

FOLDER TITLE:
Wage Gap [Folder 8] [2]

2015-0274-S
rc1884

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

- C. Closed in accordance with restrictions contained in donor's deed of gift.
- PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).
- RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

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Equal Pay
MB

THE WHITE HOUSE
WASHINGTON

OFFICE FOR WOMEN'S INITIATIVES AND OUTREACH

TO: Mary

FAX: 6-7431

DATE: 4-1-98

NUMBER OF PAGES (INCLUDING COVER SHEET): 9

FROM:
- ✓ **Audrey Tayse Haynes, Director**
- ____ **Sondra Seba, Agency Representative**
- ____ **Robin Leeds, Agency Representative**
- ____ **Tania Lopez, Special Assistant to the Director**
- ____ **Other**

NOTES: (1) Program
(2) List of Participants
(3) Susan Bianchi Sand draft remarks
(4) AFL-CIO Press Release + Linda's draft remarks

THE WHITE HOUSE
OFFICE FOR WOMEN'S INITIATIVES AND OUTREACH
OLD EXECUTIVE OFFICE BUILDING, ROOM 15
WASHINGTON, DC 20502
PH: (202) 456-7300
FAX: (202) 456-7311

Robin Leeds 04/01/98 10:23:07 AM

Record Type: Record

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

cc: Audrey T. Haynes/WHO/EOP, Sondra L. Seba/WHO/EOP
Subject: DRAFT PROGRAM

Let me know what you think. Thanks.
April 2 Equal Pay Draft Event Program

FYI - John Sweeney will be in attendance, but has requested that Thompson present for the AFL. He will be standing with group.

2:15p Secretary Herman opens, provides equal pay framework and introduces Daschle and DeLauro;

2: 20p Senator Daschle highlights his commitment to Equal Pay in general and will share a South Dakota story then will mention his Senate bill;

2:25p Congresswoman DeLauro speaks and highlights House bill, and introduces Thompson

2:30p AFL-CIO Vice President Linda Chavez Thompson highlights working women count survey and shares a "real story", then introduces Susan Bianchi Sands

2:35p National Committee on Pay Equity Executive Director, Susan Bianchi Sands highlights significance of Equal Pay Day, national organizing efforts, and shares a "real story" then introduces VP

2:40p Vice President announces endorsement of Daschle/DeLauro and new Administration initiatives

2:55p Event Close

Message Sent To:

Susan M. Liss/OVP @ OVP
Lucia F. Gilliland/OVP @ OVP
Lawrence J. Haas/OVP @ OVP
Patricia M. Ewing/OVP @ OVP
Mary L. Smith/OPD/EOP
Thomas L. Freedman/OPD/EOP
Jodi R. Sakol/OVP @ OVP

Equal Pay Event
April 2, 1998 Roosevelt Room
Attendees List

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. 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

Carmen Perez
AFL-CIO

Molly Beth Perdue

Jennifer Freeman

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ATTENDEES

EVENT: Equal Pay Event
DATE: April 2, 1998
TIME: 1:45 PM
SPONSORING OFFICE: Womens Office

32

[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
BianchiSand	Susan	[redacted]		Y	US
Blum	Barbara			Y	US
Bridegforth	Crystal			Y	US
Burk	Martha			Y	US
ChavezThompson	Linda			Y	US
Collette	Cathy			Y	US
Cordovilla	Constance			Y	US
Fechner	Holly			Y	US
Foreman	Lela			Y	US
Fortman	Laura			Y	US
Friend	Pat			Y	US
Gold	MariaFernandez			Y	US
Greenberger	Marcia			Y	US
Hill	Norman			Y	US
Hoffman	Ann			Y	US
Hubbard	Karetta			Y	US
Jacobsen	Carolyn	(b)(6)		Y	US
Lauer	Carolyn			Y	US
Nussbaum	Karen			Y	US
Padia	Anna			Y	US
RevoCohen	Lynne			Y	US
Rodgers	Kathryn			Y	US
Sanford	Royetta			Y	US
Schaffer	Gail			Y	US
Shea	Gerry			Y	US
Smith	Mia			Y	US
Stephon	Roger			Y	US
Stokes	Suzanne			Y	US
Sweeney	John			Y	US
TarrWhelan	Linda			Y	US
Vu	Cuc			Y	US
Walker	Naomi			Y	US

[001]

Heidi Hartman
(2) STEVEN Hantzis

Susan Bianchi-Sand
Draft Remarks

~~1. Open with~~ quotes from women who have experienced discrimination, such as, "As one working mother told us, 'Your entry point on the wage scale is your legacy.'" and "As a clerical worker who helped support a family of seven put it, 'Women's work is invisible'" (If others are using names, we won't).

That's why thousands of women are mobilizing around Equal Pay Day. In every corner in America women will demand, "Where's My 26¢?" Mention a few events in small and large towns. It's the #1 issue for working women.

2. It's been 35 years since the Equal Pay Act was passed. Yet, progress has been painfully slow -- we've been closing the gap at a rate of less than a penny a year. Today, women lose about $8,500 annually due to the wage gap. If nothing changes, a woman will lose $523,000 over her career. The impact is felt in her pension, promotional opportunities and bonuses.

3. The wage gap touches women at all economic and educational levels -- from the factory floor to the executive suite. Specifics.

4. That's why the initiatives announced today are so important -- they will help women at every level. It's not only about fairness but also about common sense. Equal pay means her children will have a better quality of life and her retirement will be more secure. And it makes good business sense.

5. Intro of VP -- awaiting recommendations.

American Federation of Labor and Congress of Industrial Organizations

815 Sixteenth Street, N.W.
Washington, D.C. 20006
(202) 637-5000

For More Information: Naomi Walker, 202/637-5093
Press attendance must be cleared in advance

MEDIA ADVISORY FOR THURSDAY, APRIL 2

White House to Announce New Policy to Secure Equal Pay for Women

AFL-CIO Officers, National Committee on Pay Equity to Join Vice President Gore, Secretary Herman, Senator Daschle, and Representative DeLauro in Speaking Out for Equal Pay

On Thursday, April 2, AFL-CIO President John Sweeney and Executive Vice President Linda Chavez-Thompson, along with NCPE Executive Director Susan Bianchi-Sand, will join Vice President Al Gore, Senator Tom Daschle, Representative Rosa DeLauro, and Secretary of Labor Alexis Herman as the White House announces new policies to close the wage gap between women and men.

April 3 marks Equal Pay Day, the date when women's earnings finally catch up to men's 1997 earnings. On average, women are paid 74 cents for every dollar men earn — forcing women to work for 15 months to earn what men earn in 12 months. African-American women earn 65 cents, Latinas earn 57 cents, and Asian-Pacific American women earn 80 cents to a man's dollar. Over a 30-year career, a woman loses over a quarter of a million dollars in wages, with a powerful impact on family incomes.

Working women want equal pay. According to a recent survey by the AFL-CIO, equal pay is the top concern of women in the workforce. Legislators are beginning to listen and respond as women ask, "Where's My 26 cents?" In addition to the national initiatives being announced Thursday, the state legislatures in Alabama, Connecticut, New York and West Virginia have passed or introduced equal pay legislation.

What: **Press Conference**
When: **Thursday, April 2 at 2:15 p.m.**
Where: **Roosevelt Room, the West Wing of the White House**

More than 650 Equal Pay Day activities will be held across the country. Working women are organizing rallies for equal pay in **Chicago, Little Rock,** and **Santa Fe.** In **California**, women will carry red purses to show that women's pay is "in the red." In **New York**, Staten Island Ferry workers will distribute equal pay stickers. In **Denver**, a local restaurant will offer women a 26 cents on the dollar discount to all working women. In **Texas**, women will hold a rally at the state Capitol with elected officials. **Interviews with women who have fought for equal pay and information on other events are available from Naomi Walker at 202/637-5093.**

###

Draft of Linda Chavez-Thompson's Remarks for Equal Pay Day April 2, 1998

Last September, the AFL-CIO asked working women in every kind of work -- in every part of the country -- to tell us about the biggest problem they face at work.

99 percent said their top concern is equal pay.

And most women told us that despite the economic recovery, it is just as hard now as it was five years ago to make ends meet......or it's become even harder.

The truth is that working women need and deserve equal pay.

Yet it is also true that for millions of women, their pay is unequal.

The wage gap between women and men is huge.

If it is not changed, the average 25-year-old working woman can expect to lose $523,000 over the course of her work life.

That's enough to make a world of difference for most working families.

It can mean decent health care...
a college education for the kids...
a secure retirement...
and simply being able to pay the monthly bills on time.

That is what the wage gap now takes from working women.

It's the price of unequal pay.

Candace Gates knows what that's about.

She is an administrative coordinator at Clermont College in Cincinnati.
She has the highest office support title at the college, and she has an associate's degree.
Yet she makes seven dollars an hour less than a man in a male-dominated field at the college, where the only hiring requirement is a valid driver's license.

The tragedy is that there are millions of women who are experiencing the very same injustice.

Is this a women's issue?

It is -- but it's also a family issue, because women's wages are essential to their families.

Most working women contribute half or more of their household's income.
So when working women lose out, working families lose out.

The good news is that working women are joining together to fight for equal pay.

I've been able to meet many of them.

One is Maria Olivas. She's a clerical worker at Columbia University.

Maria worked with her union to make sure that her employer disclosed how much it paid men and women for the same job.

There are lots more like her.

Women employees filed a discrimination suit against Home Depot and the Publix Supermarkets...

and they won more than $80 million in back pay.

But no woman should have to fight by herself for equal pay.

That's why the AFL-CIO has launched a nationwide grassroots campaign to fight for women's wages.

That's why the union movement is making equal pay one of the main goals of our 1998 Agenda for Working Families.

And that's why the AFL-CIO is delighted to support the legislation being introduced by Senator Tom Daschle and Representative Rosa DeLauro.

This legislation will give women an important weapon to battle wage discrimination and to help close the wage gap.

Now, I am pleased to introduce Susan Bianchi-Sand, the President of the National Committee on Pay Equity. Susan has long been an advocate for equal pay, and we are pleased to be working with her to promote Equal Pay Day.

THE WHITE HOUSE
WASHINGTON

OFFICE FOR WOMEN'S INITIATIVES AND OUTREACH

TO: Mary

FAX: 6-7431

DATE: 4-1-98

NUMBER OF PAGES (INCLUDING COVER SHEET): ~~9~~ 3

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Fact Sheet VIII

Supporting Women as Partners in Decision Making

"Women are beginning to participate more fully throughout this country in the life of America. As far as I know, the sky is not falling anywhere."

President Clinton
August 26, 1995

> ***The Baltimore Sun noted that President Clinton has delivered on his promise to make diverse appointments: "No Administration has ever produced such diversity."***

Appointing Women throughout the Administration

More than 40 percent of the President's appointees are women, by far the highest percentage of any Administration.

- Six women hold Cabinet-level posts, the highest ever.
- The President has appointed the first woman to serve as deputy chief of staff.
- The President has appointed women for the first time to such positions as: Attorney General, Chair of the Council of Economic Advisors, Secretary of Energy and Office of Management and Budget Director.
- The President has appointed women to positions held traditionally by men: Chief Scientist at the National Aeronautics and Space Administration; and Deputy Director at the National Science Foundation.
- Nearly 60 percent of the President's judicial nominees are women and minorities, the highest proportion ever.
- The President nominated a woman to the Supreme Court, only the second president to have done so.
- Two out of the three policy-making councils in the White House are headed by women.

Providing Expanded Opportunities for Women in the Military

The Clinton Administration has opened nearly 260,000 positions previously not open to women who wish to serve in the military.

Convened White House Conference on Aging

President Clinton convened a White House Conference on Aging which provided specific recommendations for improving the lives of older women. These recommendations will be incorporated into the final report of the Conference which will be presented to the President and Congress for legislative and administrative action.

Created Interagency Council on Women

The President established an intragovernmental body to bring home the agreements reached at the United Nations Fourth World Conference on Women to benefit American women and their families. Housed at the White House, the President's Interagency Council is charged with coordinating the implementation of the Conference Platform for Action and reaching out to America's non-governmental organizations to work for successful implementation.

THE WHITE HOUSE OFFICE FOR WOMEN'S INITIATIVES AND OUTREACH. 708 JACKSON PLACE. WASHINGTON, D.C. 20503
202-456-7300. FAX 202-456-7311
JANUARY 1996

- The President fought hard for a **Crime Bill** to put more officers on the streets, as well as for the **assault weapons ban** and **Brady Bill** to keep handguns out of the reach of criminals.

- The President is fighting to protect **Clean Air and Clean Water** for our children and our neighborhoods.

FIRSTS FOR WOMEN UNDER PRESIDENT CLINTON

- The first bill President Clinton signed into law was the **Family & Medical Leave Act**, which guarantees Americans' jobs while they take unpaid leave to care for a sick family member or new child.

- The President also signed into law other bills to help women, including the **inclusion of women and minorities in all clinical research** by the NIH and guidelines to encourage women in drug development studies at the FDA.

- The President has opened doors for women across America: He **created several offices to serve women:**
  - The first-ever **Violence Against Women Office** at the Justice Department to lead the national effort against domestic violence. The President also created a **National Domestic Violence Hotline.**
  - The first-ever **Women's Health Office** at the Department of Health & Human Services.
  - The first-ever **Child Care Bureau** at the Department of Health & Human Services.
  - The **Office for Women's Initiatives & Outreach** at the White House.
  - **Interagency Committee on Women's Business Enterprise**
  - President's **Interagency Council on post-Beijing.**
  - **Some of the women holding jobs traditionally held by men** -- Jolene Molitoris, Federal Railroad Administrator; Shelia Widnall, Secretary of the Air Force; Margie Sullivan, Chief of Staff at Defense.

- The President is committed to breaking the **Glass Ceiling**. He has **appointed women to positions of power** in his Administration, including:
  - Six women hold **Cabinet-level** posts, the highest number ever.
  - The first woman ever to hold the office of **Deputy Chief of Staff** to the President (Evelyn Lieberman).

- Women for the first time ever hold the positions of: **Attorney General, Chair of the Council of Economic Advisors, Secretary of Energy and Director of OMB.**

- Women are in jobs traditionally held by men: **Chief Scientist at NASA, the Federal Railroad Administrator and the Deputy Director of the National Science Foundation.**

- **Some recent promotions** -- Ida Castro who now runs the Women's Bureau at the Labor Department; Ginger Lew, the new Deputy Administrator at SBA; and Janice LaChance, the new chief of staff at OPM.

WOMEN'S VOTE IS CRUCIAL

- o Since 1964, women voters have outnumbered male voters. In 1992, **7.2 million more women voted than men -- electing President Clinton.**

- o When women voted in 1992, we elected a Democratic President. Women constituted 54 percent of the vote that year. **But in 1994 -- when women stayed home -- we lost. In 1994, only 43 percent of eligible women voted.**

- o In the past, Democrats have won elections by generating strong support among women and by narrowly losing men or by winning men. In 1994, Democrats failed on both scores, and saw an erosion of support among both men and women, particularly white men and women. **In 1994, Democrats solidly lost both white men (37% - 63%) and white women (47% - 53%). Democrats will come back in 1996 only by putting together a message and strategy that excites the base of women and rebuilds support among men.**

- o **In 1994, women represented more than half (59%) of the drop-off voters** (those who voted in 1992 but stayed home in 1994).

- o Women without college education appear the most disenfranchised: Nearly half of all the stay-at-home voters in 1994 were women without college education. We need to empower these women.

WOMEN IN THE FEDERAL GOVERNMENT

A Guide to Recruiting and Retaining

United States
Office of
Personnel
Management

April 1998

Supporting Women and Families

President Clinton's Accomplishments and Agenda

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

April 2, 1998

NATIONAL EQUAL PAY DAY, 1998

- - - - - - -

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Americans have always believed in the value of work and that, if you work hard, you should be able to provide for yourself and your family with dignity. Today, with more jobs, low unemployment, and real wages rising, America's workers are prospering. Yet, there are many women in the workforce whose work is not being fully valued.

This year, National Equal Pay Day falls on April 3, the day on which the typical woman's 1998 earnings, when added to her 1997 wages, will finally equal what the typical man earned in 1997 alone. In other words, the typical woman who works full-time earns just 74 cents for each dollar that the typical man earns. For women of color, the wage gap is even wider -- African American women earn only 63 cents for each dollar earned by white men, and Hispanic women earn only 53 cents. While women now hold almost half of all executive and managerial jobs, their wages are only 70 percent of the average pay of their male counterparts. And, according to the Department of Labor's Glass Ceiling Commission report, women in management jobs generally remain at entry-level and mid-level positions. In part, these differences in treatment exist because of differing levels of experience, education, and skill. But study after study shows that, even after legitimate differences are accounted for, a significant pay gap still persists between men and women in similar jobs.

Equal pay not only treats women fairly, it benefits us all -- particularly our Nation's families. It empowers women to become more self-sufficient, reducing the dependence of many families on government assistance. It also raises women's purchasing power, increases their pensions, and improves their capacity to save, all of which help to strengthen our economy.

During the past three decades, our Nation has made a strong commitment to ensuring that every American is treated with dignity and equality in the workplace. Legislation such as the Equal Pay Act and Title VII of the Civil Rights Act has helped us make progress in correcting discriminatory practices. But we still have a long way to go before the wage gap between men and women is eliminated. This year, I proposed an additional $43 million for the Equal Employment Opportunity Commission (EEOC) and the Department of Labor in order to strengthen enforcement of the laws that prohibit discrimination, including wage discrimination; to encourage mediation; and to help the EEOC reduce the average time it takes to resolve private sector complaints. This additional funding will help all victims of discrimination, including wage discrimination, obtain relief in a more timely manner. And the Women's Bureau at the Department of Labor will continue to make resources available through the Fair Pay Clearinghouse to highlight model pay practices and educate employers about the practical benefits of assuring equal pay for their employees.

more

(OVER)

As we observe National Equal Pay Day, I urge businesses and State and local governments across our Nation to make a solemn commitment to recognize the value of women's contributions to the workplace and to reward them appropriately. By doing so, we will help provide opportunity and promote equality and justice for all.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States of America, do hereby proclaim April 3, 1998, as National Equal Pay Day. I call upon Government officials, law enforcement agencies, business leaders, educators, and the American people to recognize the full value of the skills and contributions of women in the labor force. I urge all employers to review their wage practices and to ensure that all their employees, including women, are paid equitably for their work.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of April, in the year of our Lord nineteen hundred and ninety-eight, and of the Independence of the United States of America the two hundred and twenty-second.

WILLIAM J. CLINTON

# # #

News Release

U.S. Department of Labor

Office of Public Affairs
Washington, D.C.

WOMEN'S BUREAU

CONTACT: Grier Mendel
PHONE: (202) 219-6611

USDL: 98-128
FOR RELEASE: Immediate
Thursday, April 2, 1998

U.S. DEPARTMENT OF LABOR WOMEN'S BUREAU OFFERS NEW EQUAL PAY RESOURCES FOR EMPLOYERS AND WORKING WOMEN

The U.S. Department of Labor Women's Bureau will offer two new "user friendly" Internet resources to help employer's and working women understand important issues relative to pay practices in the workplace. These two practical step-by-step guidelines explore pay issues from an employer's and a working woman's perspective and will be available on the Internet for free.

Ten Steps to An Equal Pay Self-Audit for Employers is designed to assist employers in understanding pay issues. The tool is a voluntary guide that was developed with working women's input. The tool will assist employers in analyzing their own wage-setting policies and establishing consistent and fair pay practices.

"Businesses have a great stake in equal pay issues as well" said Secretary of Labor Alexis M. Herman. "In our global economy, we must all work together to ensure recruitment and retention of the best talent available. Equal pay is an important step in strengthening the competitive edge of American business at home and abroad."

The ***Working Women's Equal Pay Checklist*** is designed to provide working women a useful guide for furthering their career opportunities and improving their earning power.

-more-

"Wages are a top concern of America's working women and a top priority for the Women's Bureau. The Ten Step Self-Audit will help employers identify pay issues and provide guidance on how to address these concerns voluntarily" said Acting Women's Bureau Director Ida L. Castro.

Secretary Herman asked the Women's Bureau to develop the two new resources in response to the needs of women and business. The two informational tools were announced by Vice President Albert Gore at a White House ceremony opening "Equal Pay Day." These tools are now available through the Women's Bureau's Fair Pay Clearinghouse of the Department of Labor. The website address for these new resources is **http://www.dol.gov/dol/wb. Information can also be obtained by calling 1-800- 347-3741.**

# # #

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 Laws. The Vice President will call on Congress to pass legislation to strengthen laws prohibiting wage discrimination. The highlights of this legislation include:

- Increased Penalties for the Equal Pay Act (EPA). The bill amends the EPA to allow for full 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.

- 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.

- 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 the 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; 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 Enhance Compliance with Equal Pay Laws. The Vice President also will announce a number of Administration initiatives including:

- 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 for wage discrimination.

- 10-Step Voluntary Self-Audit for Businesses and Employees. To help employers who would like to improve their pay and hiring practices, DOL will place on the Internet a 10-step package that gives 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.

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

- 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.

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

THE WHITE HOUSE
WASHINGTON

PRESIDENT CLINTON AND VICE PRESIDENT GORE:
Supporting Women and Families

EXPANDING ECONOMIC OPPORTUNITIES:

- **Passed the Family & Medical Leave Act (FMLA).** Family and Medical Leave enables workers to take up to 12 weeks unpaid leave to care for a new baby or ailing family member without jeopardizing their job. Approximately fifteen million workers have already benefited from FMLA since its enactment. And the President proposed expanding the Family & Medical Leave Act to allow workers up to 24 hours per year of unpaid leave for parent-teacher conferences or routine medical care for a child.
- **Cut taxes for 15 million working families** by extending the Earned Income Tax Credit.
- **Increased the Minimum Wage from $4.25 to $5.15**, giving 6 million women a raise.
- **Narrowed the wage gap.** Last year, the median earnings of women working full-time increased 2.4%. In 1996, the median earnings of women represented 74% of the median earnings for men, the narrowest gap ever.
- **Highest home ownership rate in history**. There are 67.1 million American families, including 15.2 million households headed by women, who own homes, nearly 6 million new homeowners since the President took office.

MAKING OUR HOMES AND COMMUNITIES SAFER:

- **Putting 100,000 more police on the streets.** Because of President Clinton's Crime Bill, over 70,000 officers are already keeping our neighborhoods and communities safe, on the way to 100,000. And violent crime has dropped five years in a row--the longest period of decline in 25 years.
- **Signed the Assault Weapons Ban** into law as well as **the Brady Bill**, which has already kept guns out of the hands of 300,000 felons, fugitives and individuals under restraining orders related to domestic harassment. The President also signed into law an extension of the Brady Law, which prohibits anyone convicted of a domestic violence offense--misdemeanor or felony--from owning or possessing a firearm.
- **Signed Megan's Law** allowing community-notification of sex offenders.
- **Championed the Violence Against Women Act**, the cornerstone of the President's efforts to fight domestic violence, and created an office at the Department of Justice dedicated to combating violence against women.
- **More than tripled funding to domestic violence shelters** and instituted new penalties against men who stalk, threaten or abuse women across state lines.

- **Established nationwide 24-hour domestic violence hotline.** The hotline (1-800-797-SAFE) provides immediate crisis intervention, counseling and referrals for those in need. Since the hotline opened, there have been over 140,000 calls from all 50 States, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands.

INVESTING IN EDUCATION AND TRAINING:

- **Largest investment in education in 30 years.** Maintaining his longtime commitment to education, the President enacted the largest investment in education in 30 years--and the largest investment in higher education since the G.I. Bill--by signing the 1997 Balanced Budget Act.
- **Providing early education to more than 830,000 children with Head Start**. 200,000 more children are enrolled in Head Start today than in 1992.
- **Promoted national service** and educational opportunities through AmeriCorps.
- **Striving for excellence with national education standards** and **signed Goals 2000** establishing world-class educational standards.
- **Fought for passage of education tax breaks to promote lifelong learning.** Representing the largest single increase in higher education since the G.I. Bill, the Balanced Budget includes a $1,500 Hope Scholarship to make the first two years of college universally available, and a 20% tuition tax credit for college juniors, seniors, graduate students, and working Americans pursuing lifelong learning.

CARING FOR OUR CHILDREN:

- **Imposed strict measures to keep cigarettes out of the hands of our children** by restricting youth-targeted advertising; and the FDA made 18 the minimum age to purchase tobacco products nationwide, requiring photo I.D.s for anyone under the age of 27.
- **Took steps to ensure children have safe medications.** Unveiled an FDA regulation that protects children by requiring manufacturers to study appropriate dosage levels of drugs for pediatric populations.
- **Held First-Ever White House Conference on Child Care and White House Conference on Early Child Development and Learning**. In April 1997, the President and First Lady held the White House Conference on Early Child Development and Learning to highlight the benefits of early nurturing by parents. And in October 1997, the White House Conference on Child Care began a dialogue on the child care challenges facing parents today--availability, affordability, and assuring safety and quality.
- **Proposed the largest single investment in child care in the nation's history**. Between FY'93 and FY'97, federal funding for child care has increased by nearly 79%, providing child care services for over one million children. The President's new $20 billion child care proposal will double the number of children receiving child care subsidies to more than two million and increases tax credits for three million working families to help them pay for child care.
- **Extended health care to millions of children with the Children's Health Initiative**, the single largest investment in Health Care for children since 1965. The President fought to ensure that the Balanced Budget included $24 billion to provide meaningful health care coverage to millions of uninsured children.

- **Fought for and won $500 child tax credit for 27 million families with 45 million children under age 17.** Thirteen million children from families with income below $30,000 will receive the child tax credit as a result of the President's efforts.
- **Signed Landmark Adoption and Safe Families Act.** This law will help thousands of children waiting in foster care move more quickly into safe and permanent homes.
- **Signed the Comprehensive Childhood Immunization Initiative.** Thanks to President Clinton, immunization rates among two-year-olds have reached historic highs.
- **Launched new strategies to reduce the high rate of teen pregnancies.** Teen births have fallen six years in a row, by 7.4% from 1991 to 1996.

IMPROVING OUR NATION'S HEALTH:

- **Protected and Strengthened Medicare.** The Balanced Budget Act extended the life of the Medicare Trust Fund until at least 2010; expanded choices in health plans; and provided beneficiaries new preventive benefits, including more affordable annual mammograms for all beneficiaries, cervical cancer screening, and tests to help detect osteoporosis. And the President has put forth a new proposal that will help older women. The new options will help Americans ages 55 to 65 to access health insurance, including buying into Medicare.
- **Increased funding for breast cancer research.** Since the President took office, funding for breast cancer research, prevention and treatment has nearly doubled, from about $276 million in FY'93 to $513 million in the President's FY'98 budget. Implemented the Mammography Quality Standards Act to ensure the quality of mammograms; women can find a certified mammography facility by calling 1-800-4-CANCER.
- **Fought for greater health security for America's families.** The President signed into law the Health Insurance Portability and Accountability Act which helps millions of Americans who move from one job to another, who are self-employed, or who have pre-existing medical conditions keep their health insurance.
- **Protecting patients through a Health Care Consumer Bill of Rights.** Called on Congress to pass Federally enforceable consumer health care protections that should contain a range of protections, including: guaranteed access to needed health care specialists -- including access to specialists for women's health services -- to ensure that patients are provided appropriate high quality care; access to emergency room services when and where the need arises, an assurance that medical records are confidential; and access to a meaningful internal and external appeals process for consumers to resolve their differences with their health plans and health care providers.
- **Preventing discrimination based on genetic information both by health plans and employers.** Urged Congress to pass bipartisan legislation to prohibit health plans from inappropriately using genetic screening information to deny coverage, set premiums, or to distribute confidential information. The President also has supported legislation that ensures that employers do use genetic information to discriminate against employees.
- **Endorsed legislation that would ban drive-thru mastectomies**, allowing women to stay in the hospital at least 48 hours following a mastectomy.
- **Ended drive-thru deliveries.** Proposed and signed into law legislation requiring insurers to cover at least 48 hours of a post-natal hospital stay (72 hours for a Cesarean).

PROMOTING REPRODUCTIVE HEALTH SERVICES FOR WOMEN:

- **Reversed the "Gag Rule"** limiting the information federally funded family planning clinics could give to women.
- **Increased Funding for Title X.** The President's FY'99 proposal will increase Title X Family Planning grants by $15 million -- a 46% increase since FY'92.
- **Signed the Freedom of Access to Clinic Entrances Act**, establishing a safety-zone around women's health clinics.

GENERATING MORE BUSINESS OPPORTUNITIES FOR WOMEN:

- **Women are starting businesses at twice the rate of all businesses.** There are nearly 8 million women-owned businesses in the U.S., generating nearly $2.3 trillion in sales. The Small Business Administration's Office of Women's Business Ownership is working to foster this growth.
- **Tripled the Number of Small Business Loans to Women Entrepreneurs**. Between 1993 and 1997 the SBA approved nearly 50,000 loans to women entrepreneurs under the 7(a) and 504 loan programs. Last year alone, the Small Business Administration granted more than 10,000 loans, worth $1.67 billion, to women small business owners, triple the number of loans granted in 1992.
- **Conducted a survey over 250,000 working women** to learn more about their workplace experiences.

WOMEN AS PARTNERS IN DECISION MAKING:

- **41% of Administration appointees are women**, by far the highest percentage appointed by any previous President. And women hold 29% of the top positions requiring Senate confirmation (PAS).
- **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 27 %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 Barchevsky, United States Trade Representative.
- **A third of all judicial nominees are women**, the highest proportion ever.
- **Nominate the second woman to serve on the Supreme Court.** During his first year in office, President Clinton nominated Ruth Bader Ginsberg to the United States Supreme Court. Justice Ginsburg is only the second woman to serve on the nation's highest court.

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WOMEN IN THE FEDERAL GOVERNMENT

A Guide to Recruiting and Retaining

United States
Office of
Personnel
Management

April 1998

News Release

U.S. Department of Labor

Office of Public Affairs
Washington, D.C.

EMPLOYMENT STANDARDS ADMINISTRATION
OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS

USDL: 98-129
FOR RELEASE: Immediate
Thursday, April 2, 1998

CONTACT: AL BELSKY
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LABOR DEPARTMENT ANNOUNCES PROPOSED CHANGES TO REINFORCE EQUAL PAY BETWEEN WOMEN AND MEN

Today, the U.S. Department of Labor's Employment Standards Administration (ESA) announces plans to expand its Memorandum of Understanding (MOU) with the Equal Employment Opportunity Commission (EEOC) to address pay discrimination issues. The announcement was made by Vice President Al Gore during a White House ceremony to observe "Equal Pay Day."

Secretary Alexis M. Herman, who noted that "today women still earn 26 percent less, on average, than men," added that "The proposed changes to the Memorandum of Understanding will help ensure that the pay gap between women and men is eliminated."

Under the proposed changes which the two agencies intend to implement by the end of this fiscal year, there would be a sharing of data and cross-training of staff regarding sensitivity to potential violations of the statutes, including the Equal Pay Act, federal child labor laws and anti-discrimination and affirmative provisions of Executive Order 11246.

Also, EEOC and the Department's Office of Federal Contract Compliance Programs (OFCCP) announced their commitment to coordinate an arrangement whereby OFCCP would serve as EEOC's agent for purposes of seeking damages that are not otherwise available through OFCCP, including those for intentional discrimination.

-more-

Additionally, as part of its technical assistance outreach, OFCCP will publicize Federal contractor best practices tips and guidance on analyzing compensation data on the agency's web site.

"It is imperative that as our nation enters the 21st century, we do so in a spirit of equal pay for women and men. We in the Labor Department are committed to be leaders in this area," Secretary Herman added.

Deputy Assistant Secretary Shirley J. Wilcher, who heads OFCCP, commended Vice President Al Gore and Secretary Alexis M. Herman for the Department's pay initiatives. She added, "Providing more accessible wage information and sharing the best practices tips should encourage awareness and greater voluntary compliance, especially for the small federal contractor."

OFCCP is part of the Department of Labor's Employment Standards Administration. It enforces Executive Order 11246 and other statutes requiring federal contractors to ensure equal employment opportunity in the workplace without regard to race, color, religion, sex, national origin, disability or veteran status.

# # #

U.S. Department news releases are accessible on the Internet at http://www.dol.gov/dol. The information in this news release will be made available to sensory impaired individuals upon request. TDD Message Referral Phone: 1-800-326-2577, Voice phone: (202) 219-7316.

Working Women's Equal Pay Checklist
From the U.S. Department of Labor's Women's Bureau

Working women are entitled to equal employment opportunity on the job, including the right to equal pay for equal work and to earn a paycheck that is free from unlawful bias. Yet working women continue to tell the U.S. Department of Labor that pay is one of their biggest workplace concerns. They tell us that they are not fairly compensated for their work.

President Clinton has called on employers, government officials, community educators and workers to recognize and reward the full value of the skills and contributions of women and people of color. Secretary of Labor Alexis Herman has directed the Women's Bureau to develop this Equal Pay Checklist as a guide to issues that affect pay. We hope this career development tool will provide a useful framework for women interested in furthering their opportunities and improving their earning power.

When was the last time you...

1. Thought about what you do on the job, the skills you use, your contributions, and the value you bring to your employer?

2. Compared your skills and responsibilities to those of others in your workplace and industry?

3. Consulted trade journals, career publications, or Department of Labor wage information to get a sense of salary ranges for someone of your qualifications within your industry, or in similar jobs in other industries?

4. Had a performance review and used it as an opportunity to discuss your responsibilities and the ***value of your skills*** to the company?

5. Asked for a raise if you feel you are being underpaid based on your duties and responsibilities?

6. Gathered information from supervisors and colleagues about the kinds of skills and training needed to move into better paying jobs in your company?

7. Networked with other people outside your company to broaden your knowledge of your occupation and trends in your industry including information about salaries, essential skills and training opportunities?

8. Sought training, special projects or other skills building opportunities that could lead to a better paying job?

9. Pursued opportunities at your current place of employment or with other firms?

10. Shared ideas and concerns about compensation issues with other employees in your workplace?

As a complement to this checklist, the Women's Bureau has also developed *Ten Steps to an Equal Pay Self Audit for Employers.*

This checklist is designed as a general tool to provoke thought and open dialogue. Women who feel that their legal rights to equal pay are not being met should contact the Office of Federal Contract Compliance Programs and the Equal Employment Opportunity Commission.

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Ten Steps to An Equal Pay Self-Audit for Employers
From the U.S. Department of Labor's Women's Bureau

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*W*omen continue to tell the U.S. Department of Labor that pay is one of their biggest workplace concerns. They tell us they need better pay and they need fair pay. A look at earnings data indicates a continuing wage gap between women and men. Although the wage gap has narrowed over the years, in 1997, working women still earned only 74 percent of men's weekly earnings on average. The average woman would have to work from January of 1997 to April 3 of 1998 to earn what the average man earned in 1997 alone. For women of color, the gap is even greater compared to white men.

Businesses have a great stake in equal pay issues as well. The wage gap and the glass ceiling reflect the undervaluation of an important sector of the workforce. Global competitiveness places greater demands on business. It means that as a nation, we must band together to ensure recruitment and retention of the best talent available. In our competitive economy, we do not have a person to spare.

President Clinton is calling on all Americans to recognize and reward the full value of the skills and contributions of women and people of color. Secretary of Labor Alexis M. Herman has responded to the President's call to action by expanding the Fair Pay Clearinghouse in the Women's Bureau and making additional resources available that highlight model pay practices and help employers ensure equal pay. The following ten-step guide was developed -- with input from a variety of stakeholders -- to assist employers in analyzing their own wage-setting policies and establishing consistent and fair pay practices for all.

Employers vary greatly by industry, gross sales and number of employees, yet very few are exempt from the **laws that require equal pay and equal employment opportunity**. We are providing the following information which we believe will be helpful to you in developing a general framework for policies that will ensure equal pay, regardless of an individual employer's characteristics. Small businesses may decide they do not need the formalized processes that are often essential for employers of larger workforces, yet may still find it useful to apply all or some of these concepts in assessing compensation programs for their employees. The results of this self-audit will not be collected by the Federal Government or used for compliance purposes, and equal pay policies that may be developed from the audit will not ensure compliance with Federal civil rights laws.

1. Conduct a Recruitment Self-Audit

- Does your hiring process seek diversity in the qualified applicant pool for positions?

2. Evaluate Your Compensation System for Internal Equity

- Do you have a method to determine salaries and benefits?
- Do you write position descriptions, seek employee input and develop consensus for position descriptions? In unionized workplaces, do you involve union leaders?
- Do you have a consistent job evaluation system? Are jobs scored or assigned grades? Are positions where women and minorities work scored or graded according to the same standards as jobs where men or non-minorities work?
- Could a method be used for ensuring consistent pay for people with substantially similar levels of experience and education who hold jobs calling for substantially similar degrees of skill, effort, responsibility and working conditions, even though job titles may be different?

3. Evaluate Your Compensation System for Industry Competitiveness

- Do you have a method to determine the market rate for any given job? Do you ensure that market rates are applied consistently? (i.e., Can you be confident that men are not being compensated *at or above* market rates while women are compensated *at or below* market rates? Can you be confident that non-minority workers are not compensated *at or above* market rates while minority workers' compensation *is at or below* the market rates?)
- Would your company benefit from a fresh approach that updates position descriptions; assesses skill, effort, responsibility and working conditions of various jobs; assigns grades or scores; and ensures consistent application of market rates and external competitiveness?

4. Conduct a New Job Evaluation System if Needed

- Do you have up-to-date position descriptions for all occupations?
- Do you establish criteria for assigning values to skill, effort, responsibility and working conditions of jobs? Do you challenge basic assumptions about the value of skills before assigning points or grades? (i.e., -- Do you consider how caring for sick people, small muscle dexterity in typing, and other such skills may have been undervalued in jobs that have been traditionally held by women?)
- Do you ensure agreement among worker representatives and management on criteria to evaluate jobs?
- Do you assign scores or grades to jobs and allow worker input?
- Do you compare your system with market rates and other external competitiveness factors? Do you consider whether the market has undercompensated certain occupations or professions before making adjustments?
- Do you assign consistent compensation to jobs within similar grades or scores, and do you use market rates and other external competitiveness factors consistently?

5. Examine Your Compensation System and Compare Job Grades/Scores

- How does pay compare for positions with similar grades or scores within your company? On average, are women and minorities paid similarly to men and non- minorities within the same grade or job score? Are there legitimate reasons for any disparities in pay between jobs with similar grades or scores? Can corrections be made to ensure consistency in assigning grades or scores?

- How long do men, women and minorities stay within job grades or scores before moving up? Do men or non-minority workers move up faster? What are the reasons that some workers move up faster? Can you take action to ensure that all workers have equal opportunity for advancement?

6. Review Data for Personnel Entering Your Company

- At what grades or positions do men, women and minorities typically enter your company? Within those grades and positions, are salaries consistent, or do men, women and minorities enter at different pay levels?
- How does negotiation affect entry-level salaries? Are men able to negotiate higher starting salaries than women or minorities?
- How do new hires compare in salary to those already working in the company in the same grades or positions? Do men, women and minorities entering the company get paid higher or lower than those who already hold the same positions or grades? Are there differences by gender or race?
- Are changes needed to ensure that new hires are treated consistently and incorporated into existing compensation systems on a compatible basis?

7. Assess Opportunity for Employees to Win Commissions and Bonuses

- Are men, women and minorities assigned projects or clients with high commission potential on a consistent basis?
- Are men, women and minorities with similar levels of performance awarded bonuses on a consistent basis? Do they receive bonuses of similar monetary values?

8. Assess How Raises are Awarded

- Is there a consistent method of evaluating performance for all workers? Do men, women and minorities receive consistent raises based on similar performance standards? (i.e., are all workers with outstanding evaluations awarded the same percentage increases? If not, what are the reasons for the difference?)
- Are men, women and minorities with similar levels of performance awarded bonuses on a consistent basis? Do they receive bonuses of similar monetary values?

9. Evaluate Employee Training, Development and Promotion Opportunities

- How are workers selected for participation in training opportunities or special projects that lead to advancement? Are there differences by race or gender? If so, what can be done to widen the pool to reflect equal opportunity?

10. Implement Changes Where Needed, Maintain Equity and Share Your Success

- Have you made changes to ensure consistency in evaluation of jobs, assignment of grades or scores, advancement within the system, performance evaluation, compensation levels, raises, bonuses, commissions and training? Have you evaluated your compensation system periodically to ensure that it meets equal employment opportunity goals?

- Do you maintain openness about compensation with your workforce? Do you regularly post job openings and salary ranges within the workplace? Do you allow employees to discuss compensation issues on their own time?
- Are you reaping the rewards of a productive, loyal workforce, and using your success as a competitive tool to attract the best and brightest workers?

Now it's time to grade yourself, how did you score on the audit?

Were these issues you had considered before, or did you immediately think of an equal pay program already in place? Were there many questions you had not considered before? You may find the answers to these questions to be informative and useful to begin work on implementing some of these policies.

The Women's Bureau is interested in highlighting innovative and successful practices that benefit working women. If you would like more information on this program please contact the Women's Bureau at the following address:

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EXECUTIVE SUMMARY

- Although the gap between women and men's wages has narrowed substantially since the signing of the Equal Pay Act in 1963, there still exists a significant wage gap that cannot be explained by differences between male and female workers in labor market experience and in the characteristics of jobs they hold.

- After hovering at about 60 percent since the mid-1950s, the ratio of women's to men's median pay began to rise in the late 1970s and reached about 70 percent by 1990. The gender pay ratio is currently on the rise again, surpassing 75 percent in 1997.

- The gender gap has narrowed faster among younger women and among married women with children. The data that permit disaggregation by demographic groups show the overall gender pay ratio rising from 57 percent in 1969 to 68 percent in 1996 (the last year for which these data are available). In contrast, among women under 40, the gender pay ratio rose from 58 percent in 1969 to 74 percent in 1996. Among married women with children, the gender pay ratio (relative to all male workers) rose from 53 percent in 1969 to 68 percent in 1996. Relative to all male workers, wage gains have been faster for non-Hispanic black and non-Hispanic white women than for Hispanic women.

- The most recent detailed longitudinal study found that in the late 1980s about one-third of the gender pay gap was explained by differences in the skills and experience that women bring to the labor market and about 28 percent was due to differences in industry, occupation, and union status among men and women. Accounting for these differences raised the female/male pay ratio in the late 1980s from about 72 percent to about 88 percent, leaving around 12 percent as an "unexplained" difference.

- Over the last twenty years, increases in women's accumulated labor market experience and their movement into higher-paying occupations have played a major role in increasing women's wages relative to men's. Changes in family status, in industry structure and in unionization also worked to narrow the gender pay gap, while increasing economic benefits from skills and increasing wage inequality would have, by themselves, widened the pay gap. In addition, the decrease in the pay gap that remains "unexplained" after controlling for measured differences between men and women has been a large contributor to the narrowing of the pay gap.

- The evidence is that labor market discrimination against women persists, although it is difficult to determine precisely how much of the difference in female/male pay is due to discrimination and how much is due to differences in choices or preferences between women and men. One indirect and rough measure of the extent of discrimination remaining in the labor market is the "unexplained" difference in pay. Some studies have tried to measure discrimination directly by looking at pay differences among men and women in very similar jobs or by comparing pay to specific measures of productivity. These studies consistently find evidence of ongoing discrimination in the labor market and support the conclusion that women still face differential treatment on the job.

I. INTRODUCTION

Thirty five years ago, President Kennedy signed the Equal Pay Act into law, making it illegal to pay men and women employed in the same establishment different wages for "substantially equal" work[1]. At that time, the ratio of women's to men's average pay was about 58 percent.[2] Although the gap in average pay between men and women has decreased since then, the "gender gap" in pay persists. Decreases in labor market discrimination towards women may be partly responsible for these improvements, but continued discrimination may also contribute to the remaining earnings gap.

The long-standing differences in the average pay of men and women in the labor market are the result of many forces, including differences in the characteristics (such as average labor market experience) that men and women bring to their jobs, differences in the characteristics of the jobs in which men and women work, and differential and discriminatory treatment of women by employers and co-workers.

All of these factors interact in complex ways. Hence it is difficult to determine precisely how much of the difference in female/male pay is due to discrimination and how much is due to differential choices and preferences by female workers. For example, if women have less experience than men, they may choose occupations where extensive experience is less necessary. If women consistently choose different occupations than men, stereotypes about women's abilities may be reinforced and discriminatory behavior by employers may be perpetuated. If employers make it difficult for women to enter certain occupations, women's incentives to invest in training for those occupations may be reduced.

Women and men differ, both in terms of the jobs in which they work and in their responsibilities for children (which affect work at home and in the market). Nevertheless, over time, women's skills have become more similar to men's. The occupations and industries in which men and women work have also become more similar. But, as of the late 1980s, the date of the most recent detailed study, there were still large differences between men and women in personal and job characteristics that influenced their relative wages. And even when all of these differences were taken into account, a significant gender wage gap remained. As we discuss below, this suggests that there is continuing discrimination against women in the labor market.

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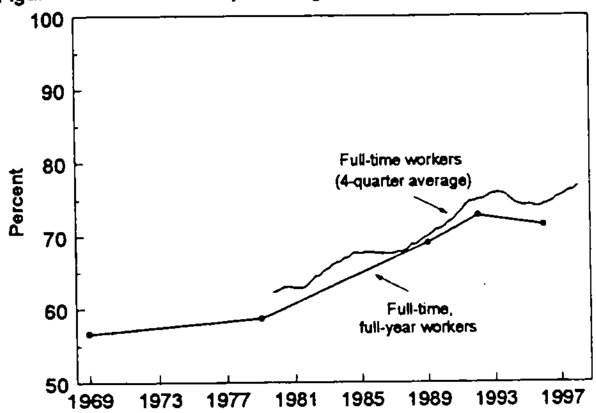
[1] *Schultz v. Wheaton Glass Co.*, 421 F.2d 259 (3rd Cir. 1970).

[2] Based on calculations from the March 1964 Current Population Survey (Bureau of the Census). Data are for weekly wages of full-time, year-round workers aged 25-64.

II. TRENDS IN THE GENDER WAGE GAP

Trends in the overall gap

Figure 1. Median Weekly Earnings of Females Relative to Males

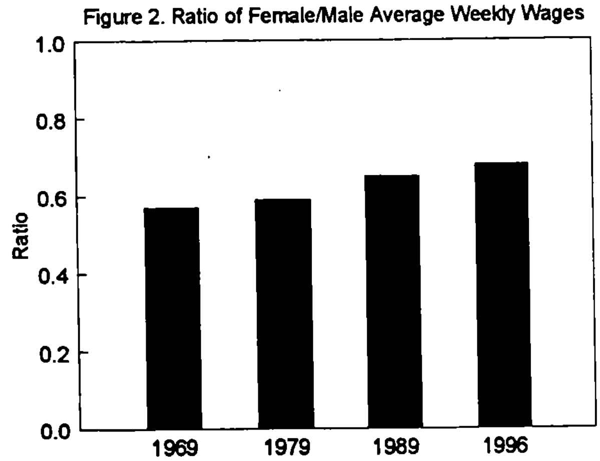


Sources: Bureau of Labor Statistics (top line) and March Current Population Survey (bottom line).

After hovering around 60 percent since the mid-1950s[3], the ratio of women's to men's pay began to rise in the late 1970s, surpassing 70 percent by 1990 (see bottom line of figure 1). After a pause in the mid-1990s, the gender pay ratio has begun to rise again, reaching more than 75 percent in 1997 (see top line of Figure 1).[4] Although the size of the gender pay gap varies across countries, many industrial economies have seen a narrowing of the gap over the last two decades.[5]

Trends in the gender gap by demographic characteristics

Figure 2. Ratio of Female/Male Average Weekly Wages



Source: March Current Population Survey, various years.

In order to compare trends in the gender pay ratio across different demographic groups, a data series is needed that permits such disaggregation. Figure 2 shows the aggregate gender pay ratio in this data series, based on a

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[3]Goldin, Claudia. 1990. *Understanding the Gender Gap*. New York: Oxford University Press.

[4]The data shown in the top line of the figure are ratios of median weekly wages for full-time workers aged 25 to 54, published quarterly by the Bureau of Labor Statistics since 1979. The bottom line shows the ratios of median weekly wages of full-time, year-round workers aged 25 to 54, calculated from the March Current Population Survey data files. Unfortunately, the former series is not available before 1979, and the latter series is not currently available after 1996.

[5]Waldfogel, Jane. 1998. "Understanding the 'Family Gap' in Pay for Women with Children." *Journal of Economic Perspectives* 12(1):137-56.

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

In his weekly radio address, the President announced that he will include a new $14 million Equal Pay Initiative as part of his Fiscal Year 2000 budget, and urged prompt passage of the Paycheck Fairness Act. The Initiative includes $10 million for the Equal Employment Opportunity Commission (EEOC) to improve training for EEOC employees to better identify wage discrimination issues, increase technical assistance to businesses, and launch an equal pay public service announcement campaign. The Department of Labor will receive $4 million, including funds for a program to assist contractors in recruiting and retaining qualified women in non-traditional occupations. The President also again called on Congress to pass the Paycheck Fairness Act which would improve the enforcement of wage discrimination laws and provide for research, training of EEOC staff, 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):

<u>Equal Employment Opportunity Commission</u>
The President's FY2000 budget includes $10 million for the EEOC which will:

- provide training for EEOC enforcement staff in identifying wage discrimination cases;
  for the first time will
- provide training and technical assistance to approximately 3,000 employers; and
- develop public service announcements to educate employees and employers on the importance of this issue as well as their rights and responsibilities.

<u>The Department of Labor</u>
The President's FY2000 budget includes $4 million for the Labor Department's Office of Federal Contract Compliance Programs which will:

- help women obtain and retain employment in non-traditional jobs by identifying model employer practices and assisting contractors in identifying resources, including linking them with the new Workforce Investment Act system; and
  one stop Career Centers
- increase outreach, education, and technical assistance to employers on equal pay issues, by providing guidelines and industry best practices via the Internet. 2 mill.

Paycheck Fairness Act

The President again urged Congress to pass legislation called the "The Paycheck Fairness Act," introduced by Senator Daschle, to strengthen laws prohibiting wage discrimination. The highlights of this legislation inc~~lude:~~ date (3) 1/14/98

- <u>Increased Penalties for the Equal Pay Act (EPA).</u> The legislation adds full compensatory and punitive damages as remedies, 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. Currently, many employers are free to take action against employees who share wage information. Without the ability to learn about wage disparities, it is difficult for women to evaluate whether there is wage discrimination.

- Training, Research, and Pay Equity Award. This bill provides for increased training for Equal Employment Opportunity Commission employees to identify wage discrimination claims; research on discrimination in the payment of wages; and the establishment of an award which will recognize and promote the achievements of employers that have made strides to eliminate pay disparities.

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WORKFORCE INVESTMENT ACT

QUESTION: What is the Workforce Investment Act, and how will it advance the President's Equal Pay initiative?

ANSWER: The Workforce Act (WIA) of 1998 is legislation that reforms America's job training system so that it works better for today's workers and is more responsive to the rapidly changing economy. For over three years, the President pressed Congress to pass job training reform legislation based on his G.I. Bill for America's Workers proposal. Signed by the President in August 1998, the Workforce Investment Act incorporates the President's G.I. Bill principles by empowering individuals, streamlining services, enhancing accountability, and increasing State and local flexibility. WIA will be implemented by July 1, 2000. The legislation changes the job training system by:

- **Streamlining services**. WIA streamlines job training services by consolidating a tangle of individual programs into a simple system and creating a nationwide network of One-Stop Career Centers. These One-Stop Centers will provide universal access to job training, employment service activities, unemployment insurance, vocational rehabilitation, adult education, and other assistance. WIA requires each local area to have at least one One-Stop Career Center.

- **Empowering individuals**. Through "individual training accounts" or skill grants, performance reports to inform customers' training choices, and universal access to core services like job search assistance, WIA empowers individual workers. Core labor market services will be available with no eligibility requirement, providing job placement assistance, career counseling, labor market information identifying job vacancies, and follow-up services to assist in job retention.

- **Ensuring a strong role for local boards and the private sector**. Under WIA, local boards will become business-led "boards of directors" for each local area. The Act ensures they will carry out strategic planning, policy development, and oversight of the local workforce system.

Under the President's Equal Pay initiative, OFCCP will work to link contractors with WIA's new workforce investment system, including the local boards and One-Stop Career Centers, to secure high quality labor market information and job referrals to improve women's access to non-traditional occupations.

1998 Clinton Administration Accomplishments on Equal Pay

The President's announcement builds on a strong record of fighting to end wage discrimination. Last year, the Administration supported legislation to strengthen penalties for wage discrimination, provided technical assistance to employers, and released two new studies documenting the scope of the problem.

- Council of Economic Advisors (CEA) Report on the Wage Gap. The President announced a report by the CEA that shows that a significant gap between the wages of women and men remains today although it has narrowed substantially since the signing of the Equal Pay Act. In 1963, the year that the Equal Pay Act was signed, women earned 58 cents for every dollar men earned. Today, women earn about 75 cents for every dollar men earn --a 29-percent increase over the 1963 levels. The gender gap has narrowed faster among younger women and among married women with children. And relative to all male workers, wage gains have been faster for black and white women than for Hispanic women.

- Department of Labor Report With a Historical Perspective on the Wage Gap. The Department of Labor produced a report that provides a thirty-five year perspective on the wage gap. This report focuses on three periods since the signing of the Equal Pay Act --1960-1975, 1975-1985, and 1985-1997 --and highlights the increased participation of women in the labor force, the changing occupations of women, and the emergence of more women-owned businesses.

- 10-Step Voluntary Self-Audit for Businesses and Employees. To help employers who would like to improve their pay and hiring practices, DOL put on its website a 10-step package that gives 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, is also on DOL's website.

- Guide to Recruitment and Retention of Women in the Federal Government. OPM published 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.

- Federal Contractor Best Practices. DOL publicized successful steps that employers have used to promote best practices in compensation on DOL's web site.

Wage Discrimination Initiative

Enforcement Activities:

$1.8 m Training. Fund EEOC's full request of $1.8 m for training. Fund contractors to provide the training. Training would be Commission-wide and include 850 investigators, 250 litigation attorneys and 150 supervisors and managers.

$0.0 m 24 FTE for enforcement. Do not fund EEOC's requested $3 m for additional enforcement staff. On-board staff would be better trained with the training funds to identify wage discrimination cases. No specialist staff is necessary.

Outreach, education, and technical assistance:

$3.0 m Fund contractors (maybe through EEOC's revolving fund) to provide specialist technical assistance, education, and outreach activities to employers, unions, and advocacy groups. Do not hire 24 permanent FTE to provide this service.

Up to
$4.5 m Public Service Announcements (psa's). Hire a public relations firm to develop psa's to educate employers, unions, advocacy groups, and the public on the importance of this issue. At $350,000 each, up to 12 psa's could be developed to target audiences in different regions. (This would be the first area that would be reduced to fund an initiative at less than $10 m.)

Staffing and Technology (these are the only permanent costs to EEOC):

$0.4 m Fund 4 full-time FTE at $100,000 to manage the program, hire the contracting staff, respond to audience requests for pamphlets and brochures, etc.

$0.3 m Fund $300,00 for associated technology needs.

Research:

$0.0 m Do not fund the $8 m request for research.

$10.0 m

456-
7431

TO: Mary Smith

FROM: Ida L. Castro

RE: Statements Requested

DATE: January 26, 1999

Q: What is EEOC's current gender wage discrimination activity?

Currently, EEOC investigates just over a thousand charges that are filed with it each year claiming that equal pay laws have been violated and brings legal charges against severe violators of the law.

Q: What will your y2k Outreach efforts accomplish with Small Businesses.

EEOC will be able to reach out to 3000 employers and provide them with direct technical assistance. Outreach programs will be designed to reach out to thousands more and the broadest outreach efforts through PSA's will reach tens of thousands of employers throughout the nation.

Mary L. Smith
01/28/99 12:26:58 PM

Record Type: Record

To: Thomas L. Freedman/OPD/EOP

cc:
Subject: Equal Pay Info as requested

---------------------- Forwarded by Mary L. Smith/OPD/EOP on 01/28/99 12:28 PM ---------------------------

toohey-elizabeth @ dol.gov
01/27/99 03:34:00 PM

Record Type: Record

To: Mary L. Smith

cc:
Subject: Equal Pay Info as requested

Mary:

Find attached and below the Q&As you requested (I have asked for something a bit stronger re: use of new money and enforcement capabilities). Also attached is: detailed list of pay equity cases and accomplishments prior to 1998.

We may have some changes on this -- I'll let you know ASAP.

Let me know your thoughts, what needs clarification, mor info you need from Labor.

Thanks, Liz

<<Radio01.99>>
What is the female-to-wage pay ratio?

There are two main ways to measure the pay ratio, first with annual earnings and second with usual weekly earnings.

Data from the annual earnings series (of full-time, year-round workers 14 or 15 and over) show a gap in female-to-male earnings, with the ratio being 59 cents in 1977 and, most recently, in 1997 being 74 cents. (The "pay gap" would, therefore, be 41 cents in 1977 down to 26 cents in 1997.)

Alternatively, usual weekly earnings (of full-time wage and salary workers

25 years and older) in 1998 data showed a female-to-male earnings ratio of 76 cents, up from 62 cents in 1979, the first year the data were available.

What does OFCCP currently do regarding the enforcement of wage discrimination?

OFCCP enforces the anti-discrimination and affirmative action laws that require employers doing business with the government to apply their compensation practices in a discrimination-free manner. OFCCP conducts glass ceiling reviews, compliance evaluations and complaint investigations. OFCCP also provides compliance assistance to federal contractors.

What is the estimate of the number of companies OFCCP will reach with new money ($4 million), and how many companies we currently reach?

OFCCP is unable to tell at this point how many companies it will reach. The OFCCP laws cover a approximately 200,000 contractor establishments (92,500 supply and service contractors and 100,000 construction contractors).

During Fiscal year 1998, OFCCP conducted 36 corporate management reviews (glass ceiling reviews). These reviews at the corporate level are nationwide in scope. In addition to glass ceiling reviews, OFCCP also conducts the more limited, establishment -level, compliance reviews. Checking for pay discrimination is a part of all OFCCP reviews. OFCCP conducted 3,774 compliance reviews during Fiscal Year 1998.

What are some recent compliance/enforcement actions DOL has settled?

In terms of pay settlements, Texaco, Inc. (1/6/99) was the largest pay settlement obtained by OFCCP to date. Last year, OFCCP settled a pay action with Core States in Philadelphia that provided $1.5 million in relief. OFCCP also has a number of pay actions in 1998 in the $500,000 range. The largest dollar recoveries were the Harris Bank case for which the Department obtained $14 million and Honeywell (1994) for which the Department recovered $6.5 million. Both of these, however, were the result of protracted litigation.

What is Glass Ceiling Audit?

A glass ceiling review is a corporate level EEO review conducted by OFCCP to ascertain whether federal contractors are carrying out their contract obligations to maintain non-discriminatory workplaces. These reviews are specifically designed to focus on the identification and removal of artificial barriers to the advancement of qualified women and minorities in Federal contractor workplaces. However, special attention is given to developmental and selection processes and practices for advancement into mid and upper level corporate management positions and treatment in such positions. DOL is interested in identifying barriers within the company as well as what efforts the company has taken to eliminate the barriers that often impede advancement and salary for minorities and females.

Detailed List of Pay Cases

Texaco, New York, NY will pay $3.1 million to 186 women who worked at corporate offices across the country. As a result of a glass ceiling review, the OFCCP found that women in professional and executive positions were consistently paid less than their male counterparts in similar positions. This settlement includes $2.2 million in back pay and interest, $816,000 in raises already given and another $84,000 in salary increases. (Jan 6, 1999)

CoreStates Financial Institution, Philadelphia, PA entered into an agreement with OFCCP to pay $1.5 million dollars to women and minorities to address past practices of pay discrimination. The agreement calls for $1,150,434 in back pay, and $334,115 in salary adjustments to be awarded to 76 women and 66 minorities. OFCCP concluded that CoreStates did not apply its compensation policies and procedures uniformly, thus, leading to a pattern of discriminatory treatment. (April 17, 1998)

Allison Engine Company, Indianapolis, IN agreed to pay $499,999 in back pay and salary increases to 54 female professionals and managers who were believed to be victims of pay inequities at its corporate in headquarters in Indianapolis. (March 19, 1998)

R.R. Donnelley & Sons, Chicago, IL will pay $425,000 to resolve wage disparities within its professional and management staff. As a result of a corporate management review, OFCCP found inconsistencies in wages among men and women. The company agreed to pay $252,832 in back pay and salary adjustments to the 29 women and minorities, as well as analyze its compensation systems in 1998 and 1999, at a cost of $57,418. (Sept. 30, 1998)

U.S. Airways Corporation, Arlington, VA agreed to pay nearly $400,000 to 30 women in management and professional positions. The agreement follows a glass ceiling review that revealed pay discrepancy between men and women in executive level positions. The OFCCP specifies that U.S. Airways will pay $306,066 in back pay to 30 women and an additional $83,984 in base salary adjustments to 26 of the women. (December 2, 1998)

I-Net, Bethesda, MD agreed to pay $400,00 in back wages to resolve allegations of equal pay against women, of whom 27 are minorities. OFCCP found that the women were paid less than their male counterparts within the same grade levels despite the fact that there was no difference in qualifications or seniority. (January 21, 1998)

Blue Cross Blue Shield of Maryland, Owings Mill, MD agreed to pay $338,000 in back pay to 57 female employees and $162,000 in salary increases to 46 of those same women. The investigation also found that women with equal or higher qualifications than men in the same career band were compensated at the known market rate for their jobs; but men were compensated above the known market value for their jobs. (Sept. 23, 1996)

Owens and Minor, Inc., Richmond, VA agreed to pay $300,000 in salary disparities for minority and female employees in managerial and professional positions. Owens and Minor paid $216,000 in back pay and interest and made salary adjustments of $84,000. (June 25, 1996)

Trigon Blue Cross Blue Shield, Richmond, VA agreed to pay $264,901 in back pay to 34 women managers, who were paid less than male managers of equal qualifications and seniority. They also received salary adjustment in the amount of $108,971. (Jan. 17, 1996)

American University, Washington, DC entered into a conciliation agreement with the OFCCP to resolve allegations of discrimination against 26 non-teaching a female staff members who were paid less than their male counterparts. American University agrees to pay the women $244,600 in back pay and $80,710 in salary adjustments. (Feb. 5, 1997)

Fairfax Hospital, Fairfax, VA agreed to pay $425,586 in back pay to 52 women employed in the top six grades of the hospital's personnel structure. In addition, 44 of the women who are still employed by Fairfax received $178,357 in salary increases. (1993)

Other Cases

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50 women
($160,025
back pay
$35,589
salary adjustments)

Aug. 21, 1997 H.J. Heinz Co., Pittsburgh $120,000
(back pay) 22 women

Sept. 9, 1997 Battelle Memorial Institute, $182,113
56 women and Columbus, Ohio (salary
increases) minorities
Accomplishments prior to 1998

1994 The Working Women Count Survey identified pay and benefits as one of the three top concerns of working women; 65 percent of respondents said that "improving pay scales was a high priority for change."

1995 The Working Women Count! Recommendations to the President were accepted and the President directed the Women's Bureau to establish the Fair Pay Clearinghouse. The Clearinghouse provides educational resources to employers and working women's to further their understanding of equal pay laws and policies at the federal, state and local levels.

1996 The Women's Bureau continued outreach to women and employers with a series of regional summits across the country on issues of concern to women, including a summit in Philadelphia on fair pay for women. The Bureau worked with the White House on the first ever Pay Inequity

Awareness Day, at which the President issued a proclamation urging employers to recognize the value of women's work and ensure that women are paid fairly.

1997 Secretary of Labor Alexis Herman and the Women's Bureau's convened the national Working Women's Summit at which the issue of equal pay came up repeatedly. The Bureau and OFCCP also participated in the second annual Pay Inequity Awareness Day, presenting information about DOL's Corporate Management Review Program in a national press conference and Senate staff briefing. Another proclamation was issued by the President.

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- ***Other Cases***

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US Department of Labor 200 Constitution Avenue, NW Washington, DC 20210

FAX

Equal pay

Date: Sept 17, 1998

Number of pages including cover sheet:

To:

Tom Freedman

Phone: 456-5587

Fax phone: 456-7431

CC:

From:

Shirley J Wilcher

OFCCP OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS

Phone: 202-219-9475

Fax phone: 202-219-6195

REMARKS: ☐ Urgent ☑ For your review ☐ Reply ASAP ☐ Please comment ☑ Per your request ☐ Per our conversation

The First document ($13,795,000) is our agency decision paper which includes $3,000,000 for pay equity –
The second is a "cross cutting" initiative for $6.8 million to "Women in non-traditional jobs" which also deals with pay equity initiatives.

U.S. Department of Labor
Employment Standards Administration
Federal Contractor Equal Employment Opportunity Standards Enforcement

Decision Paper: Compliance Assistance Initiative[1]

Proposal: To provide $13,795,000 and 44 FTE to continue the Office of Federal Contract Compliance Programs' (OFCCP) compliance strategy that addresses pay equity and workplace discrimination, expanding efforts to end systemic occupational segregation, and challenge discrimination in nontraditional jobs. OFCCP will evaluate program effectiveness and efficiency and strengthen inter and intra agency coordination as a way of furthering the effort. This strategy is designed to encourage compliance among federal contractors through self-certification, compliance evaluations, education and technical assistance as well as interactive use of technology. The strategic goal is to achieve equal employment opportunity and to prevent discrimination on the basis of race, religion, national origin, gender, disability or veterans' status. When successful, this proposal will contribute to a better quality workplace based on merit - one of the three strategic goals for the Department of Labor.

Rationale: The OFCCP provides protection from discrimination for 22 million workers at 200,000 federal contractor establishments. This proposal is designed to increase compliance by improving efficiency and customer service in the National Office and in each of the Regional Offices. The resources will give added impetus to the technical assistance effort to assist Federal contractors in understanding the regulatory requirements. Specific emphasis will continue the support and assistance to smaller companies that may not have the expertise to develop Affirmative Action Programs, enhance compliance in glass ceiling and pay equity issues as well as eliminating systemic discrimination in nontraditional jobs. Moreover, OFCCP will maintain reduced reporting requirements for small companies. The staff will provide grassroots seminars and technical assistance training sessions for contractors, contracting agencies, government agencies, and constituency groups through continued development and use of existing information technology.

---

[1] This approach includes $6.8 mil and 22 FTE for women in nontraditional areas; and 447K and 3 FTE for Alternative Dispute Resolution (Innovative Enforcement).

This compliance strategy will allow:

- continued monitoring of pay equity to reduce occupational segregation and to assure that appropriate criteria are used for setting salaries for women, minorities, or employees with disabilities. OFCCP, in conjunction with the Women's Bureau and the Employment Training Administration, and other governmental contracting agencies, will develop and provide guidelines via the Internet and will conduct internal and external awareness seminars. This will reduce the wage gap by the year 2002.[2] OFCCP will continue to educate employers to make employment decisions without regard to differences and to enforce merit-based employment practices.

- increased monitoring of contractor compliance in equal employment opportunities for women in non-traditional occupations. The resources will give added impetus in assisting Federal contractors in understanding their regulatory requirements relating to women working in non-traditional occupations. Specific emphasis will continue the support and assistance to smaller companies that may not have the expertise to develop Affirmative Action Programs, enhance compliance in glass ceiling issues as well as eliminating systemic discrimination in non-traditional jobs. Moreover, OFCCP will maintain reduced reporting requirements for small companies. OFCCP will become more actively involved in the strategic planning and recruitment for female nontraditional employment areas ~~by identifying~~ and pursuing a wide range of recruitment sources and publishing a recruitment directory. The staff will provide grassroots seminars and technical assistance ~~training sessions~~ for contractors, ~~contracting agencies,~~ government agencies, and constituency groups through continued development and use of existing information technology.

- interactive technical assistance through technology on regulatory requirements (E-laws) relating to Vietnam era veterans, disability, gender, race, national origin and religious discrimination. Contractors may use this interactive model to train employees in affirmative action. We will conduct disability and Vietnam era veteran availability research by geographic area to strengthen enforcement efforts.

---

[2]President Clinton supports pay equity legislation which will heighten awareness and the need to intensify efforts to identify and rectify compensation related discrimination.

U.S. Department of Labor
Employment Standards Administration
Federal Contractor Equal Employment Opportunity Standards Enforcement

Decision Paper: Women in Non-Traditional Occupations Initiative

Proposal:

To provide $6.8 million and 22 FTE to continue the Office of Federal Contract Compliance Programs' (OFCCP) compliance strategy that addresses workplace discrimination, expanding efforts to end systemic occupational discrimination, interactive technical assistance and recognizing best practices initiatives for women in non-traditional careers. OFCCP, working in concert with the Employment and Training Administration (ETA) and the Women's Bureau (WB) will build on partnerships with employers, industry associations, labor unions, educational institutions, and with other organizations to create employment linkages to remove workplace barriers. This will identify and develop model projects which will improve women's access to and experiences in non-traditional occupations. This initiative will stimulate the provision of employment career breakthroughs to raise women's interest in and reinforce expectations that they can succeed in nontraditional employment.

OFCCP plans to initiate an estimated twelve projects to identify best practices and models, emphasize anti-discrimination and anti-harassment activities, and explore incentives to improve access to and acceptance of women into glass ceiling and nontraditional opportunities - high growth, high pay, high skill careers.

Rationale:

The OFCCP provides protection from discrimination for all workers, including women in non-traditional careers at federal contractor establishments. This proposal is designed to achieve contractor compliance in the arena of equal employment opportunities. The resources will give added impetus in assisting Federal contractors in understanding their regulatory requirements relating to women working in non-traditional occupations. Specific emphasis will continue the support and assistance to smaller companies that may not have the expertise to develop Affirmative Action Programs, enhance glass ceiling and compliance as well as eliminating systemic discrimination in nontraditional jobs.

Moreover, OFCCP will maintain reduced reporting requirements for small companies. The staff will provide grassroots seminars and technical assistance training sessions for contractors, contracting agencies, government agencies, and constituency groups through continued development and use of existing information technology.

This approach will allow for:

- expanded use of the mega-project strategy in construction, "high tech" and scientific, manufacturing, and service industries, to increase the presence of women in non-traditional jobs through the formation of contractor linkages. An example of this DOL cross cutting initiative is the Transportation Equity Act for the 21st Century legislation (TEA-21). This legislation not only includes the ½ of 1 percent funding for training support services, but also includes mega-construction projects. By developing model projects in collaboration with several DOL agencies such as ETA and WB, and other governmental contracting agencies such as the Department of Transportation, federal contractors, community based organizations and unions, early identification and coordination of these mega-projects through pre-bid seminars will greatly assist contractors in identifying resources for recruiting (welfare to work participants) and developing qualified women for non-traditional jobs. Enhance the mega construction MIS system to track the female participation and retention rates in nontraditional jobs;

- providing existing Compliance Officers (Cos) enhanced skills training in identifying high impact systemic and occupational discrimination and developing enforcement packages. Due to the complexity of enforcement actions, more expert witnesses will be required to solidify enforcement cases involved in litigation. Evaluation of the role of expert witnesses and the efficiency of Alternative Dispute Resolution (ADR)will be necessary to determine future program mediation direction;

- implementing an electronic Affirmative Action Program Summary. This summary will facilitate the electronic submission of compliance related data by federal contractors and allow OFCCP to electronically verify the data, thereby increasing OFCCP's efficiency and effectiveness to monitor Federal contractors efforts to increase opportunities for women in non-traditional occupations. This will improve OFCCP's targeting of contractors for evaluation, as it allows database analysis of information. The results of that analysis will be the basis for OFCCP's new tiered review compliance process including compliance checks, off-site record reviews, focused reviews, and compliance reviews;

- interactive technical assistance through technology on regulatory requirements (E-laws) relating to non-traditional occupational discrimination. Contractors may use this interactive model to train employees in affirmative action. OFCCP will analyze participation rates, review results, and expand the concept of welfare to work which has resulted in placing women in nontraditional areas. OFCCP will invest resources to develop and track the referral, selection, and retention rates in nontraditional employment areas, including corporate management reviews (glass ceiling), and share results with ETA, BLS, Women's Bureau, and other appropriate agencies and constituent groups;

- enhanced "Best Practices" which cross all mission and functional areas will be used to document the existence of non-traditional occupational discrimination in the workplace and help determine the industries and geographic locations where OFCCP's technical assistance is most needed. Early case intervention, focused accountability reviews, and developing MIS systems will assist OFCCP to investigate multiple discrimination issues and measure program effectiveness to eradicate discrimination. This information will be made available to employers and employer associations through a variety of means, including the use of WEB technology, OFCCP publication, and sharing with other DOL agencies for utilization in their awareness and community outreach projects; and

- enhance outreach efforts, such as research and public education grants on gender on mega construction projects, corporate management reviews (glass ceiling), and welfare to work participation; as well as technical and educational brochures that will keep the public informed about the various OFCCP requirements. These efforts will also be used to inform the contracting community of the programs' accomplishments and provide candidates for employment. Also, the effort will be used to develop models in partnership with community based organizations (CBO) and Regional Industry Liaison Groups (ILG) to deliver technical assistance to CBO and ILG members and employees.

Budget Discussion/Implications: The "Women in Non-Traditional Occupations Initiative" increases OFCCP's allocation by 22 FTE and $6,800,000. Incorporated within the requested level is; $3.817M and 15 FTE for construction contractor compliance to advance representation of women in non-traditional jobs; $200K for strategic litigation;

$200K for Alternative Dispute Resolution; $200K for the AAP Summary report; $600K for interactive technical assistance; $1.4M and 7 FTE for best practices; and $383K for outreach and education grants.

Impact on Agency Strategic Goals:
This initiative will strengthen the agency's, and DOL related agencies, activities in providing technical assistance to contractors in the formulation of Affirmative Action Plans, reducing the pay gap, eliminating occupational segregation, improving work benefits, and enhancing employees skills. This is especially true for small and emerging contractors unfamiliar with their responsibilities; identifying and resolving systemic discrimination; assisting contractors in identifying resources for recruiting and developing qualified individuals into non-traditional and glass ceiling jobs; through the wide spread and varied "best practices" guidelines and determining the industries and geographic locations needing technical assistance; through our working with ETA and WB, educating employers and constituency groups on non-discriminatory employment practices through outreach; and continuing the development of partnerships with community based organizations.

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Equal Pay

106TH CONGRESS
1ST SESSION

S. 74

IN THE SENATE OF THE UNITED STATES

Mr. DASCHLE introduced the following bill; which was read twice and referred to the Committee on ____________________

A BILL

To amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Paycheck Fairness Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Women have entered the workforce in record numbers.

(2) Even in the 1990s, women earn significantly lower pay than men for work on jobs that require equal skill, effort, and responsibility and that are performed under similar working conditions. These pay disparities exist in both the private and governmental sectors. In many instances, the pay disparities can only be due to continued intentional discrimination or the lingering effects of past discrimination.

(3) The existence of such pay disparities—

(A) depresses the wages of working families who rely on the wages of all members of the family to make ends meet;

(B) prevents the optimum utilization of available labor resources;

(C) has been spread and perpetuated, through commerce and the channels and instrumentalities of commerce, among the workers of the several States;

(D) burdens commerce and the free flow of goods in commerce;

(E) constitutes an unfair method of competition in commerce;

(F) leads to labor disputes burdening and obstructing commerce and the free flow of goods in commerce;

(G) interferes with the orderly and fair marketing of goods in commerce; and

(H) in many instances, may deprive workers of equal protection on the basis of sex in violation of the fifth and 14th amendments.

(4)(A) Artificial barriers to the elimination of discrimination in the payment of wages on the basis of sex continue to exist more than 3 decades after the enactment of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) and the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.).

(B) Elimination of such barriers would have positive effects, including—

(i) providing a solution to problems in the economy created by unfair pay disparities;

(ii) substantially reducing the number of working women earning unfairly low wages, thereby reducing the dependence on public assistance; and

(iii) promoting stable families by enabling all family members to earn a fair rate of pay;

(iv) remedying the effects of past discrimination on the basis of sex and ensuring that in the future workers are afforded equal protection on the basis of sex; and

(v) in the private sector, ensuring equal protection pursuant to Congress' power to enforce the fifth and 14th amendments.

(5) With increased information about the provisions added by the Equal Pay Act of 1963 and generalized wage data, along with more effective remedies, women will be better able to recognize and enforce their rights to equal pay for work on jobs that require equal skill, effort, and responsibility and that are performed under similar working conditions.

(6) Certain employers have already made great strides in eradicating unfair pay disparities in the workplace and their achievements should be recognized.

SEC. 3. ENHANCED ENFORCEMENT OF EQUAL PAY REQUIREMENTS.

(a) NONRETALIATION PROVISION.—Section 15(a)(3) of the Fair Labor Standards Act of 1938 (29 U.S.C. 215(a)(3)) is amended—

(1) by striking "or has" each place it appears and inserting "has"; and

(2) by inserting before the semicolon the following: ", or has inquired about, discussed, or otherwise disclosed the wages of the employee or another employee".

(b) ENHANCED PENALTIES.—Section 16(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(b)) is amended—

(1) by inserting after the first sentence the following: "Any employer who violates section 6(d) shall additionally be liable for such compensatory or punitive damages as may be appropriate, except that the United States shall not be liable for punitive damages.";

(2) in the sentence beginning "An action to", by striking "either of the preceding sentences" and inserting "any of the preceding sentences of this subsection";

(3) in the sentence beginning "No employees shall", by striking "No employees" and inserting "Except with respect to class actions brought to enforce section 6(d), no employee";

(4) by inserting after the sentence referred to in paragraph (3), the following: "Notwithstanding any other provision of Federal law, any action brought to enforce section 6(d) may be maintained

as a class action as provided by the Federal Rules of Civil Procedure."; and

(5) in the sentence beginning "The court in"—

(A) by striking "in such action" and inserting "in any action brought to recover the liability prescribed in any of the preceding sentences of this subsection"; and

(B) by inserting before the period the following: ", including expert fees".

(c) ACTION BY SECRETARY.—Section 16(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(c)) is amended—

(1) in the first sentence—

(A) by inserting "or, in the case of a violation of section 6(d), additional compensatory or punitive damages," before "and the agreement"; and

(B) by inserting before the period the following: ", or such compensatory or punitive damages, as appropriate";

(2) in the second sentence, by inserting before the period the following: " and, in the case of a violation of section 6(d), additional compensatory or punitive damages";

(3) in the third sentence, by striking "the first sentence" and inserting "the first or second sentence"; and

(4) in the last sentence, by inserting after "in the complaint" the following: "or becomes a party plaintiff in a class action brought to enforce section 6(d)".

SEC. 4. TRAINING.

The Equal Employment Opportunity Commission and the Office of Federal Contract Compliance Programs, subject to the availability of funds appropriated under section 9(b), shall provide training to Commission employees and affected individuals and entities on matters involving discrimination in the payment of wages.

SEC. 5. RESEARCH, EDUCATION, AND OUTREACH.

The Secretary of Labor shall conduct studies and provide information to employers, labor organizations, and the general public concerning the means available to eliminate pay disparities between men and women, including—

(1) conducting and promoting research to develop the means to correct expeditiously the conditions leading to the pay disparities;

(2) publishing and otherwise making available to employers, labor organizations, professional associations, educational institutions, the media, and the

general public the findings resulting from studies and other materials, relating to eliminating the pay disparities;

(3) sponsoring and assisting State and community informational and educational programs;

(4) providing information to employers, labor organizations, professional associations, and other interested persons on the means of eliminating the pay disparities;

(5) recognizing and promoting the achievements of employers, labor organizations, and professional associations that have worked to eliminate the pay disparities; and

(6) convening a national summit to discuss, and consider approaches for rectifying, the pay disparities.

SEC. 6. TECHNICAL ASSISTANCE AND EMPLOYER RECOGNITION PROGRAM.

(a) GUIDELINES.—

(1) IN GENERAL.—The Secretary of Labor shall develop guidelines to enable employers to evaluate job categories based on objective criteria such as educational requirements, skill requirements, independence, working conditions, and responsibility, in-

cluding decisionmaking responsibility and de facto supervisory responsibility.

(2) USE.—The guidelines developed under paragraph (1) shall be designed to enable employers voluntarily to compare wages paid for different jobs to determine if the pay scales involved adequately and fairly reflect the educational requirements, skill requirements, independence, working conditions, and responsibility for each such job with the goal of eliminating unfair pay disparities between occupations traditionally dominated by men or women.

(3) PUBLICATION.—The guidelines shall be developed under paragraph (1) and published in the Federal Register not later than 180 days after the date of enactment of this Act.

(b) EMPLOYER RECOGNITION.—

(1) PURPOSE.—It is the purpose of this subsection to emphasize the importance of, encourage the improvement of, and recognize the excellence of employer efforts to pay wages to women that reflect the real value of the contributions of such women to the workplace.

(2) IN GENERAL.—To carry out the purpose of this subsection, the Secretary of Labor shall establish a program under which the Secretary shall pro-

vide for the recognition of employers who, pursuant to a voluntary job evaluation conducted by the employer, adjust their wage scales (such adjustments shall not include the lowering of wages paid to men) using the guidelines developed under subsection (a) to ensure that women are paid fairly in comparison to men.

(3) TECHNICAL ASSISTANCE.—The Secretary of Labor may provide technical assistance to assist an employer in carrying out an evaluation under paragraph (2).

(c) REGULATIONS.—The Secretary of Labor shall promulgate such rules and regulations as may be necessary to carry out this section.

SEC. 7. ESTABLISHMENT OF THE NATIONAL AWARD FOR PAY EQUITY IN THE WORKPLACE.

(a) IN GENERAL.—There is established the Robert Reich National Award for Pay Equity in the Workplace, which shall be evidenced by a medal bearing the inscription "Robert Reich National Award for Pay Equity in the Workplace". The medal shall be of such design and materials, and bear such additional inscriptions, as the Secretary of Labor may prescribe.

(b) CRITERIA FOR QUALIFICATION.—To qualify to receive an award under this section a business shall—

(1) submit a written application to the Secretary of Labor, at such time, in such manner, and containing such information as the Secretary may require, including at a minimum information that demonstrates that the business has made substantial effort to eliminate pay disparities between men and women, and deserves special recognition as a consequence; and

(2) meet such additional requirements and specifications as the Secretary of Labor determines to be appropriate.

(c) MAKING AND PRESENTATION OF AWARD.—

(1) AWARD.—After receiving recommendations from the Secretary of Labor, the President or the designated representative of the President shall annually present the award described in subsection (a) to businesses that meet the qualifications described in subsection (b).

(2) PRESENTATION.—The President or the designated representative of the President shall present the award under this section with such ceremonies as the President or the designated representative of the President may determine to be appropriate.

(d) BUSINESS.—In this section, the term "business" includes—

(1)(A) a corporation, including a nonprofit corporation;

(B) a partnership;

(C) a professional association;

(D) a labor organization; and

(E) a business entity similar to an entity described in any of subparagraphs (A) through (D);

(2) an entity carrying out an education referral program, a training program, such as an apprenticeship or management training program, or a similar program; and

(3) an entity carrying out a joint program, formed by a combination of any entities described in paragraph (1) or (2).

SEC. 8. SENSE OF THE SENATE REGARDING INCREASED INFORMATION ON PAY DISPARITIES.

It is the sense of the Senate that the President should take appropriate steps to increase the amount of information available with respect to wage disparities. In so doing, the President, or the designees of the President, should consider ways of collecting this data that—

(1) maximize the utility of the information for both the government and the public; while

(2) protecting individuals' privacy and minimizing the burdens on reporting entities.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

Jnited States
Office of
Personnel
Management

FAX TRANSMITTAL SHEET

Equal Pay

Date: 3-9
Number of Pages 16

OFFICE OF THE DIRECTOR
1900 E STREET, NW., ROOM 5H09
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Please Deliver To:

Name: Mary Smith	
Office: DPC	Room:
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From:

Name: **Mary Strand**	
Office: **OPM**	Room:
Telephone: **(202) 606-1000**	FAX Number: **(202) 606-2183**

Remarks

Good Article on Comparable Worth in States from the International Personnel Management Associations publication: Public Personnel Management.

Mary S.

OPM Form 1615(WP)

May 1994

Implementing Comparable Worth/Pay Equity:
Experiences of Cutting-Edge States

Susan E. Gardner
Christopher Daniel

This article focuses on the experiences of eight states that have implemented comparable worth statutes: Connecticut, Iowa, Minnesota, Montana, New York, Oregon, Washington, and Wisconsin. Montana did not find any gender-related disparities between its job classes, but each of the other seven states uncovered disparities and remedied them by expending amounts ranging from 1% to 4% of total payroll. Public employee unions are comparable worth/pay equity's most influential political supporters, but union support usually diminishes in the wake of pay equity adjustments. Implementation has produced unanticipated consequences: in Iowa, for example, pay adjustments generally did not benefit more senior employees but rather, in many cases, raised individual employees' salaries above those of their supervisors. Each state analyzed job classes systematically, but several states modified the consultant-provided systems due to a belief that widely-used methods undervalued female predominant job classes. As comparable worth/pay equity implementation has both technical and political dimensions, important value choices must be made throughout the process.

During the early 1980s national comparable worth legislation was proposed while litigation was simultaneously pursued in federal court. Congress, however, did not embrace the concept and most courts declined to mandate it, as exemplified by the Ninth Circuit's reversal of a district court's pro-comparable worth ruling.[1] Despite these setbacks, comparable worth/pay equity has made progress within particular state and local jurisdictions across the country. Much has been accomplished through collective bargaining and, in some state governments, through enactment of comparable worth laws. To be implemented successfully comparable worth/pay equity initiatives must address technical issues while simultaneously maintaining political support. This article examines political, technical, and financial issues facing comparable worth/pay equity by focusing on the experiences of eight states that have implemented relevant statutes.

Several overlapping definitions of comparable worth exist. Moore and Abraham[2] clarify matters by distinguishing comparable worth from several related concepts. Acknowledging that the terms "comparable worth" and "pay equity" have often been used interchangeably, they propose four categories under which claims of compensation inequality can fall. The first two categories, "equal pay for equal work" and "equal pay for similar work," are the least debated because court interpretations of the Pay Equity Act of 1963 and Title VII of the Civil Rights Act of 1964 have established parameters within which such claims can be adjudicated. Moore and Abraham view the third category, "pay parity," as extremely controversial because it calls for the average earnings for women to be aggregated on a national basis and made equal to the average earnings for men. Moore and Abraham describe the fourth category as "equal pay for equal worth," or "comparable worth." Hotly debated, "comparable worth" means that dissimilar jobs that are equal in terms of value or worth to the employer should be paid the same.[3] Similarly, Gray and Brown[4] define comparable worth as "the process of comparing dissimilar jobs to determine their relative values to the employer and then basing job pay on that derived value." Parallel definitions have been proposed by Remick,[5] Weiler,[6] and Rothchild and Watkins.[7]

This study presumes comparable worth to consist of two related ideas: (1) jobs, although dissimilar in content, may be similar in their value to the employer; (2) when jobs are similar in value they should be paid the same. Although comparable worth began as a remedy for sex discrimination in pay practices against women, members of both sexes employed in traditionally female-dominated jobs can benefit. Pay equity is often said to mean "comparable worth," but the former term has also been used to designate all efforts "used to ensure that wages are set objectively and equitably."[8] Race National Origin (RNO) dimensions of pay equity have been examined by several jurisdictions (National Committee on Pay Equity, 1989) but this paper focuses exclusively on gender-related comparable worth initiatives.

Comparable worth is important because gender-related wage differentials persist in the U.S. economy. Studies conducted over the past several decades have consistently shown that men earn more money than women in both the public and private sector and the wage gap has not changed very rapidly. For example, in 1994 the average female in the United States working full-time earned approximately 29% less than the average male.[9] While it is encouraging news for women that the wage gap has narrowed by ten percentage points since 1978, it is discouraging that thirty years after passage of the Equal Pay Act compensation issues still top the list of problems women encounter in the work place.

Despite experiencing setbacks in Congress and the courts, comparable worth has made progress in selected jurisdictions. Comparable worth claims are being settled outside the court system through collective bargaining and some states have enacted legislation. Female participation in state collective bargaining has increased in recent years, leading newly 'engendered' unions to espouse female causes, such as comparable worth.[10] Labor has often contributed to passage of comparable worth laws, but union reactions to particular initiatives often reflect concerns other than gender equity.

Public employees in twenty states received collective bargaining related equity adjustments during the 1980s.[11] State employees in Michigan, for example, received $21 million in comparable worth adjustments; in Pennsylvania, $16 million; and in Washington, $442 million. Ohio pledged $4.5 million in pay equity adjustments for women in response to a two-year job evaluation study. At the local level, the nation's first strike on the issue of sex-based wage discrimination began on July 4, 1981, when employees of the City of San Jose, California walked off their jobs for nine days. Eventually labor and management agreed on a two-year contract incorporating $1.4 million in pay equity adjustments. Similarly, the City of Los Angeles, California agreed to a $12 million settlement with AFSCME to increase salaries for female dominated jobs.

Employees have continued to reap the benefits of pay equity adjustments during the 1990s. In the summer of 1994, for example, state workers in Connecticut reached a $22 million pay equity settlement that will give nearly half of that state's workforce an average of $1,000 per year. In Los Angeles County, social workers recently won a 20% pay equity wage increase, which includes across-the-board pay equity raises for approximately 2,300 employees and step increases for senior-level workers. Previously there had been a 34% wage differential between the female-dominated social worker class and the male-dominated probation officer class, despite similarity of skills, responsibilities, and working conditions.[12]

Methodology

As many written sources as possible were obtained concerning comparable worth in the states. Telephone interviews were conducted with human resource administrators representing all eight states, which have enacted comparable worth statutes. Care was taken to ensure that these respondents were all very knowledgeable about their state's comparable worth initiatives; numerous calls were sometimes required to locate those individuals. Frequently respondents were individuals in charge of implementing particular states' comparable worth activities. At least one, and sometimes as many as three respondents were interviewed from each of the eight states. An interview guide was used to elicit responses to focused questions concerning state experiences with legislative enactment, pay equity studies, collective bargaining , oversight, political environment, budget impacts, classification systems, and outcomes.

The eight states were selected for examination based on information previously collected by the National Committee on Pay Equity.[13] The National Committee used data from the 1979-89 period to identify four levels of pay equity activity in the fifty states and the District of Columbia: (1) Research/Data Collection; (2) Pay Equity (Comparable

Worth) Study; (3) Pay Equity Adjustments; and (4) Pay Equity Implementation. These activities often, but not always occur in sequence. For example, Research/Collection, which involves collecting general information about wage gaps, usually preceeds both Pay Equity Study (examining compensation of job classes), and payments to employees (Adjustments). The most advanced stage, Pay Equity Implementation, consists of passage and execution of comparable worth statutes.

Table 1, in the following section, is based upon the National Committee on Pay Equity's 1990 findings, updated in light of recent information obtained from several states. This framework provides a useful perspective even though Table 1's content changes over time and no categorization can capture all variations between states.

State Activity Overview

As shown in Table 1, all but five states (Alaska, Arkansas, Delaware, Georgia, and Idaho) have been involved in some level of pay equity activity. Oklahoma, Pennsylvania, and South Dakota bypassed the research/data collection level and have either conducted pay equity studies and/or made pay equity adjustments. The 42 remaining states and the District of Columbia have completed initial Research/Data Collection activities, often preliminary to further activities. Twenty-three states and the District of Columbia have followed through with detailed Pay Equity Studies seeking to locate sex-based bias within their classification/compensation systems and determine its magnitude. New York, New Jersey, Wisconsin, and the District of Columbia also searched for race- and sex-bias in their initial studies, and Connecticut appears to have begun doing so recently. Results of pay equity studies have prompted pay adjustments in twenty states. Eight states—Connecticut, Iowa, Minnesota, Montana, New York, Oregon, Washington, and Wisconsin—have reached the highest level of pay equity activity by implementing comparable worth/pay equity laws covering state government employees.

Statutory Implementation—Eight State Experiences

Of the eight states that have enacted comparable worth laws, only two, Minnesota and Washington, have reached full implementation. Consequently, these two are the only states that have conducted a comprehensive follow-up evaluation of their comparable worth policies. With the exception of Wisconsin, the other states reported that their comparable worth programs were being monitored and that program evaluations were ongoing. A Wisconsin official reported that after the initial implementation period (1986-88), they had "stopped keeping track of it

Table 1 State Government Pay Equity Activity

State	Research/Data Collection	Pay Equity Study	Pay Equity Adjustment	Pay Equity Implementation
Alabama	X			
Alaska				
Arizona	X			
Arkansas				
California	X		X	
Colorado	X			
Connecticut	X	X	X	X
Delaware				
D.C.	X	X		
Florida	X	X	X	
Georgia				
Hawaii	X	X	X	
Idaho				
Illinois	X		X	
Indiana	X			
Iowa	X	X	X	X
Kansas	X			
Kentucky	X			
Louisiana	X			
Maine	X	X	X	
Maryland	X	X		
Massachusetts	X	X	X	
Michigan	X	X	X	
Minnesota	X	X	X	X
Mississippi	X			
Missouri	X			
Montana	X	X		X
Nebraska	X			
Nevada	X			
New Hampshire	X			
New Jersey	X	X	X	
New Mexico	X	X	X	
New York	X	X	X	X
North Carolina	X			
North Dakota	X	X		
Ohio	X	X		
Oklahoma		X		
Oregon	X	X	X	X
Pennsylvania			X	
Rhode Island	X		X	
South Carolina	X			
South Dakota		X	X	
Tennessee	X			
Texas	X			
Utah	X			
Vermont	X	X	X	
Virginia	X			
Washington	X	X	X	X
West Virginia	X	X		
Wisconsin	X	X	X	X
Wyoming	X	X		
TOTALS	43	24	20	8

Source: National Committee on Pay Equity; Institute for Women's Policy Research; 1994; and author's telephone interviews.

1992 by the United States General Accounting Office (GAO) and the other was published in December 1992 by the State of Washington, Legislative Budget Committee (LBC). Officials implementing the plan concurred with the GAO's major findings:

- Early studies found that comparably valued female-dominated jobs were paid approximately 20% less than male-dominated jobs.
- Plaintiffs agreed not to assert any claims upon the state through 1993.
- Eligibility for comparable worth was not determined by gender.

Both state officials and the GAO believe the State of Washington made steady progress toward compliance during the implementation period. The report found, for example, that before 1986, 64 of the 109 benchmark jobs were above the target salary line. Of the 44 benchmark jobs below the line, 17 were female dominated, 13 were mixed, 7 were male dominated, and 7 indeterminate. By December 1991, out of those same 109 benchmark jobs, 90 were on or above the target salary line and 19 were below the line. Of the 19 benchmark jobs remaining below the target salary line, 8 were female dominated, 9 were mixed, and 2 were male dominated. No additional studies have been done since December 1992, but officials are satisfied that the legal requirement of 95% compliance has been achieved.[16]

Implementing comparable worth in Washington was not cheap. The state appropriated $115 million for adjustments for fiscal years 1986 through 1993, which, when compounded over the eight-year implementation period, amounted to approximately $571 million,[17] or 2.6% of the state's budget for salaries and benefits. $93 - $95 million was added annually to the state's $3.5 billion salary base.

Connecticut:

Connecticut has pursued pay equity since the late 1970s when an outside consultant examined the state's executive branch and found negative impact on some female predominate job classes, prompting personnel/civil service reforms. Funding began in 1984 when the legislature appropriated approximately $50 million. Connecticut's implementation plan was to have occurred over a six to seven year period; however, budget restraints in the late 1980s postponed complete implementation. By 1990, however, an estimated 79% of the female workers in Connecticut had received pay equity increases averaging $1,279 per worker. Employee unions continued to push for pay equity and obtained a $22 million settlement in 1994, giving nearly half of the state's workforce an additional salary increase of approximately $1,000 per year. An additional $19 million was later appropriated for Connecticut's final pay equity adjustments. Both unions representing clerical workers and women's groups provided impetus for Connecticut's legislation.

Connecticut's pay equity efforts initially focused entirely on gender, but during the 1993-95 period the state also began to confront race-based wage inequities. No formal follow-up studies have been conducted in Connecticut, but the two agencies jointly responsible for oversight of the law, the Office of Labor Relations and the Bureau of Human Resources, ensure that the program stays on track and is implemented properly. Job evaluations are done by the Bureau of Human Resources using a point factor evaluation system based on the Willis and Associates system used in the initial comparable worth study.

Iowa:

Iowa's comparable worth law was enacted in 1983 and became effective on July 1, 1984. As is the case elsewhere, unions provided important support for Iowa's comparable worth efforts. Arthur Young & Associates conducted Iowa's pay equity study but modified the weights of its point factor job evaluation system, tailoring them to "fit Iowa."[18] This occurred because the state's implementation committee believed the consultant's system did not adequately measure job characteristics typical of female predominate jobs. Between 1986 and 1995 Iowa completely overhauled its classification/compensation system, reducing the number of job classifications from approximately 1,350 to approximately 850. Iowa has basically implemented its pay equity program through its job evaluation system, but also applies some market factors in setting wages.

Officials report that Iowa's comparable worth law has neither produced the results some employees had anticipated, nor has it generated all of the benefits union leaders originally promised to their followers. Salaries in two or three classifications, "patient care workers" and "nurses" for example, were catapulted 30-35% higher than they had been, but this produced considerable ill will among other employees. Resentments developed when front-line workers' salaries rose above those of their supervisors. In Iowa the point factor job evaluation system helped new hires and those who had not worked for the state very long; however, long-term employees did not benefit much from pay equity adjustments.

Montana:

Montana's pay equity study was done by Bernett & Associates in conjunction with a task force comprised of government employees. State officials report that Montana's study was relatively easy to conduct because the state had not had a classification system of any kind until 1975. The personnel study, which was done in 1981, found "no significant gender bias."[19] This Montana finding paralleled North Dakota's earlier experience. North Dakota had not passed a formal comparable worth/pay equity statute. But, in 1987 funding was appropriated for pay adjustments, if necessary, and the state hired Booz, Allen, and Hamilton to conduct a pay equity study. That funding was not used because an audit appeared to confirm the unbiased character of the state's point factor job evaluation system.

Despite finding no classification bias in Montana, Bernett & Associates suggested that the state convert to a more rigorously quantified system. Montana uses a point-factor classification/specification system with periodic re-evaluations required by statute. The Personnel Division, Department of Administration administers the law. In 1995 Montana was in the process of converting to a benchmark factor method, which was developed in-house with the help of an outside consultant. Following election of a Republican governor, Montana personnel officials ceased preparing bi-annual status reports about comparable worth.

New York:

New York's pay equity "law" is incorporated in its Civil Service Article 14 dealing with labor union agreements. Implementation of pay equity began in New York with employee contracts negotiated in 1982 for the 1983-85 biennium. Although Arthur M. Young and Associates have been given credit for the pay equity study, it was actually a joint effort of in-house staff and a group from the Center for Women in Government at the University of New York at Albany, working with the outside consultants. New York's pay equity program was implemented through reclassifications and compensation changes, primarily during the 1987-89 period. An Implementation Project Team comprised of representatives from labor, management, and the legislature monitored the development of the quantitative job evaluation system; however, continued oversight and administration of the program has been a function of the Division of Classification and Compensation. Feminist interests and union pressure[20] were the impetus for enacting the legislation Interest in comparable worth reportedly diminished after a Republican governor took office.[21] Costing 1.0% of payroll, New York's equity efforts produced adjustments averaging $685 annually per affected worker.

Oregon:

Oregon's comparable worth law was enacted primarily as a result of the controversy surrounding the *Gunther v. Washington County* lawsuit.[22] The legislature passed a comparable worth measure in 1985, but it was vetoed by Republican Governor Atiyeh. Legislation was passed again in 1987 and signed into law by Democratic Governor Goldschmidt.

Oregon conducted its original pay equity study in the mid-1970s using Hay and Associates consultants to develop a modified point factor job evaluation system. Like Minnesota's task force, Oregon's pay equity team modified the Hay system to more accurately reflect characteristics of public sector work performed by women. Oregon implemented its pay equity program through a series of reclassification, job evaluation, and compensation policies. Values were assigned to jobs using the point factor method of evaluation. Legally established job evaluation teams included management, bargaining unit employees, and unrepresented employees from each branch of government.

Oregon officials disagreed with a recent report issued by the Institute for Women's Policy Research in Washington, D.C., which claimed that Oregon had spent 9.8% of its personnel payroll on comparable worth adjustments. Actually, the legislature allocated $20 million for pay equity adjustments, which amounted to only about 1% of the state's $2.4 billion annual payroll.[23]

A 1993 legislative mandate required Oregon officials to simplify the state's classification system. More recently Oregon's legislature has considered adopting language which would eliminate the state's comparable worth language. Unions in Oregon reportedly now look at the market when bargaining for wages, leading one official to suspect that, "over time, comparable worth and collective bargaining don't get along. The unions used comparable worth to get so-called equity raises for certain classes and then argued market factors during the bargaining process for everyone else."[24] As a result, all employees' salaries have risen, and the public is questioning whether tax dollars are being spent efficiently.

Wisconsin:

Wisconsin's 1987 pay equity law was subject to partial expiration and repeal during the 1991-92 period. Apparently, employee unions in Wisconsin bargain for wages based on the market. The state has a comparable worth law but the collective bargaining statute supersedes it. Ninety percent of the state's workforce belong to unions, the largest being AFSCME, so union negotiations invariably set wages. Wisconsin's pay equity study was done by a quasi-governmental task force working with the consulting firm Hallcrest/Craver, whose job evaluation system is similar to the Federal Factor Evaluation System. The task force examined 600 job classes each of which contained at least five employees and pay ranges were raised for approximately 95% of those classes. Most recipients of adjustments were in female-dominated classes; however, long-term, career employees, even when in female-dominated classes, did not benefit. Because of longevity, those employees earned too much to qualify for adjustments.

Trends

Women's groups have promoted enactment of comparable worth/pay equity in several states, including Connecticut and New York, but public employee unions have usually been the most influential political supporters. Officials in each of the eight states with comparable worth laws

Table 2 Statute, Implementation Date, Type of Pay Equity Study Used, Total Classes, Pay Equity Classes, Initial Allocation, and Percent of Payroll

State	Statute No.	Implementation Started	Pay Equity Study	Total Classes	Pay Equity Classes	Initial Allocation	Percent of Payroll
CONNECTICUT	5.67.520A	1979-80	Willis	2,700	1,600	$ 50 M	3.0%
IOWA	70.A	1984-85	A. Young	1,350	300	28 M	3.6%
MINNESOTA	1:840	1983-85	Hay	1,800	200	$ 26 M	3.7%
MONTANA	2.18.208	1983-85	Bernett	N/A	N/A	N/A	N/A
NEW YORK	14*	1985-87	A. Young	4,000	631	$ 75 M	1.0%
OREGON	292.951-.971	1987-89	Hay	N/A	N/A	$ 20 M	1.0%
WASHINGTON	41.06.155	1985-86	Willis	2,400	853	$ 115 M	4.0%
WISCONSIN	230.09-.10	1986-88	Hallcrest/Craver	700/cs	70/cs	$ 28 M	3.5%

Source: Telephone Interviews (April 1995)

*Article 14 contains laws pertaining to civil service employees, but does not contain comparable worth law per se. Comparable worth is negotiated in union contracts. Funds are appropriated via legislation.

report that labor support contributed to enactment. However, union support provided at the time of enactment does not necessarily persist. Republican successors to Democratic governors have tended to oppose or de-emphasize comparable worth/pay equity initiatives. Minnesota has apparently been the only state where a Republican administration actively supported comparable worth/pay equity implementation. After pay adjustments are made, union support for comparable worth sometimes diminishes. Employees with extensive seniority form the backbones of public employee unions, but those individuals do not necessarily benefit as much as others from comparable worth/pay equity adjustments. Indeed, more senior employees apparently did not get comparable worth raises at all in either Iowa or Wisconsin. Unions in Hawaii and Oregon have sometimes "sacrificed" comparable worth at the bargaining table in order to make demands on behalf of all of their members,[25] while union representatives bargaining with the city of San Francisco have reduced support for comparable worth in order to more effectively advocate regular salary adjustments.[26]

Table 3 Union Representation, Program Type, Gubernatorial Party Affiliation

State	Union Rep.	Type of Program	Governor
CONNECTICUT	Yes, 80%	Reclass., Job Eval., Comp.	Democrat
IOWA	Yes, 65%	Job Eval., Compensation	Republican
MINNESOTA	Yes, 90%	Targeted Occupations	Democrat
MONTANA	Yes, 50%	Reclass., Job Eval.	Democrat
NEW YORK	Yes, 90%	Reclass., Job Eval.	Democrat
OREGON	Yes, 80%	Reclass., Job Eval., Compen.	Democrat
WASHINGTON*	Yes, 63%	Job Eval., Compensation	Democrat
WISCONSIN	Yes, 90%	Job Eval., Compensation	Democrat

Source: Telephone Interviews (April, 1995)
*Washington employees cannot bargain for wages or benefits.

Each of the eight states employed a consulting firm to help analyze job classes systematically, as indicated in Table 2. Implementation of these systems can produce unanticipated results. For example, equity adjustments in Iowa raised some employees' salaries above those of their supervisors. Whether such changes are problematic or not is debatable. Some, perhaps most, public service professionals expect hierarchy to be valued, so raising subordinate pay relative to managerial pay can be disconcerting. In Iowa this produced enough resentment to trouble those implementing pay equity/comparable worth. The supervisory pay issue also arose in Oregon[27] where Hay Associates consultants disagreed with feminists who sought to broaden the definition of the Hay system subfactor Human Relations Know-How (HRKH). The consultants expressed concern that reducing point spreads between managerial and non-managerial jobs could make it harder for Oregon to recruit and retain effective managers. However, the Hay HRKH definition may undervalue important client-relations skills. Ronnie Steinberg points out that the contested definition "arbitrarily defines supervisory skills as more complex than client-oriented skills" and "defines supervision in ways that differently exclude the forms of supervision typical of female-dominated work."[28] Hierarchical ideals may need to be challenged, to ensure that women are treated equally and to recognize the importance of complex, non-managerial knowledge in an information and service oriented society.

Steinberg critiques bias against female predominant jobs in the entire Hay system, a model which has influenced point factor systems used by other consultants. Steinberg specifically asserts that Hay's definitions of the Human Relations Know-How (HRKH), Freedom to Act (FTA), and Technical Know-How (TKH) sub-factors depend too heavily on jobs' positions within organizational hierarchies, while THK underrates professional knowledge obtained through means other than college degree programs.[29] Not surprisingly, comparable worth/pay equity implementers in at least three states (Minnesota, Iowa, Oregon) modified the point factor systems brought to them by consultants. Important value choices must be made at each step of comparable worth/pay equity implementation; it is both a technical and a political process. So, it may be valuable to ensure that a diverse body oversees implementation. Rather than entrusting implementation entirely to consultants and human resources personnel, Minnesota and New York set up oversight bodies with management, legislative, and labor representation.

Pay equity efforts are affordable, but they do not single-handedly produce parity within state civil services. Within the eight states passing and implementing comparable worth laws, aggregate pay gaps between male and female employees ranged from 14% to 31%. In each of those eight states compensation levels of male predominate and female-predominate job classifications have been systematically compared. In Montana no gender-related disparity was found between job classes, but in the other seven states, disparities found were remedied by expending amounts ranging from 1% to 4% of total payroll. Aggregate pay gaps which remain after pay equity has been implemented apparently stem from causes other than biased classification/compensation systems. Pay equity/comparable worth successes do not reduce the importance of "family friendly" workplace initiatives, such as child care assistance, telecommuting, flextime, and career paths not requiring relocation. Similarly, pay equity initiatives can complement, but not replace, other types of anti-discrimination measures.

Notes

[1] *AFSME v. State of Washington*, 1985. 770 Fnd 1401.

[2] Mary Virginia Moore and Yohannan T. Abraham, "Comparable Worth: Is it a Moot Issue? Part I" *Public Personnel Management*, Vol. 23, No. 2 (Winter 1992), pp. 455-471.

[3] Moore and Abraham, 455.

[4] George R. Gray and Daniel R. Brown, "Comparable Worth Updated," *Compensation and Benefits Management*, Vol, 8, No. 1 (Winter 1991), pp. 1-7.

[5] Helen Remick (ed.), *Comparable Worth and Wage Discrimination: Technical Possibilities and Political Realities*, Philadelphia, Pa.: Temple University Press (1984).

[6] Paul Weller, "The Wages of Sex: The Uses and Limits of Comparable Worth," *Harvard Law Review*, Vol. 99 (1986), pp. 1728-1730.

[7] Nina Rothchild and Bonnie Watkins, "Pay Equity in Minnesota: The Facts are In," *Review of Public Personnel Management*, Vol 7, No. 3, (Summer 1987), p. 19.

[8] Linda A. Carroll and Keon S. Chi, "Implementing Comparable Worth in the Public Sector," *Public Personnel Administration — Policies for Personnel Service*, Paramus, N.J.: Prentice-Hall, (1987) p. 254.

[9] U.S. Department of Labor, Women's Bureau, *Working Women C ount! A Report to the Nation*, (1994) p. 1-44.

[10] Randy Albelda, "Engendering Unions," *Dollars and Sense, (September/October, 1993, p. 10.*

[11] May Virginia Moore and Yohannan T. Abraham, "Comparable Worth: Is It a Moot Issue? Part II: The Legal and Juridical Posture", *Public Personnel Management*, Vol. 23, No. 2, (Summer 1994), pp. 280-281.

[12] National Committee on Pay Equity, "State and Local Action," *Newsnotes*, (Summer 1994) p. 3-4.

[13] National Committee on Pay Equity, *Survey of State-Government Level Pay Equity Activity*, Washington, D.C., (October, 1990).

[14] Phone interview with this article's principal author, April 1995.

[15] Phone interview with principal author, April 1995.

[16] Phone interview with principal author, April 1995.

[17] The Legislative Budget Committee reported that the state will have spent closer to $442 million between 1986 and 1993.

[18] Phone Interview with principal author, April 1995.

[19] Phone interview with principal author, April 1995.

[20] New York's state government workforce is 90% unionized.

[21] Phone interview with principal author, April 1995.

[22] *County of Washington v. Gunther*, 456 U.S. 161 (1981).

[23] Phone Interview with principal author, April 1995.

[24] Phone interview with the principal author, April 1995.

[25] Larry S. Lutton and Marsha L. Reilly, 1995, "Comparable Worth and Pay Equity: From Legal Principal to Negotiating Point", in Jack Rabin, Thomas Vocino, W. Bartley Hildreth, and Gerald J. Miller (eds.), *Handbook of Public Personnel Administration*. New York: Marcel Dekker, p. 443.

[26] Cook, A. H., 1991. "Pay Equity: Theory and Implementation", in Carolyn Ban and Norma Riccuci (eds.), *Public Personnel Management; Current Concerns—Future Challenges*. New York: Longman, pp. 100-113.

[27] Acker, J., 1987. "Sex Bias in Job Evaluation: A Comparable Worth Issue" in C. Bose and G. Spitze (eds.), *Ingredients for Women's Employment Policy*. Albany: State University of New York Press, pp. 183-196.

[28] Steinberg, Ronnie J., 1995. "Gendered Instructions; Cultural Lag and Gender Bias in the Hay System of Evaluation", in Jerry A. Adams (ed.), *Gendered Inequality at Work*. Thousand Oaks, CA: Sage, pp. 57-92. This article also appeared in *Work and Occupations*, Vol. 19, No. 4, (November, 1992).

[29] Steinberg, p. 85.

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