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Comparable Worth in the North Dakota State Public Sector

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COMPARABLE WORTH IN THE NORTH DAKOTA
STATE PUBLIC SECTOR

by

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B.S.S.W., University of North Dakota, May 1979

An Independent Study

Submitted to

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TABLE OF CONTENTS

Chapter		
I.	Literature Review	1
II.	Methodology	26 ²⁷
III.	Findings	33
IV.	Conclusion	42
	References	48

CHAPTER I

LITERATURE REVIEW

Introduction

Many studies nationwide as well as in specific organizations and firms have documented the existence of a wage gap and the resulting pay inequities between men and women in the labor force. It is the purpose of this study to analyze pay equity within the North Dakota state personnel system. The concept of comparable worth as a means of achieving pay equity will also be looked at. There are three reasons for focusing in the public sector.

According to the U.S. Bureau of Labor statistics 51 percent of public sector jobs are held by women and only 43.5 percent of private sector jobs are held by women (Bureau of Labor). An additional reason for studying the public sector is that most government goods and services are not marketed, making the value of the marginal product of workers difficult if not impossible to accurately measure by traditional market standards (Aaron and Lougy, 1986). A third reason is that the goals of representation and equity are generally accepted as inherent to employment practices in the public sector. And finally information about the public sector is more readily accessible than information

about the private sector. There are four main goals in this research project.

The first goal is to review the literature pertaining to comparable worth and the underlying issues concerning women in the labor force.

The second goal is to provide a detailed picture of the wage structure and job classification system used by the state personnel system. Differences between men and women will be documented with particular attention to male dominated job classes and female dominated job classes. The extent of the wage gap between men and women will be identified overall as well as between male and female dominated job classes.

Thirdly, the current state policy governing the state personnel system will be analyzed and evaluated in the context of pay equity and comparable worth and whether either can be achieved within the existing system.

Finally, areas needing further study will be suggested as well as possible ways of accomplishing pay equity in the North Dakota public work force.

Comparable worth may be the most important and controversial employment issue of this decade. Since the Equal Pay Act of 1963 great strides have been made in areas where women were being paid less for doing the same work as men. Today there is little disagreement over whether or not women should receive equal pay for doing the same work as men. But despite gains made in equal

pay for the same work, studies continue to show that women in the labor force earn 60 to 65 percent of what men earn.

Comparable worth deserves study because it is an issue of social justice and fairness. Our belief in equality goes beyond theory and is rooted in a long standing commitment to action. When confronted with evidence of inequality the American people, through our government, have a long tradition of acting to redress perceived inequities. Abolishing slavery, extending suffrage to minorities and women, ending racial segregation are just a few examples of times when we have acted to deal with problems of equality.

Comparable worth also deserves study because of the potential effects it has on the well being of millions of United States' households, many at or below the poverty line, and because it represents a gray area in the traditional approaches to setting wages in business and in public service. While established job evaluation and classification methods provide a basis for new comparable worth research, such tools are not yet widely applied in this area. This project is an attempt to open new avenues of pay equity guidelines, by looking at the North Dakota state classification system. This project is an attempt to break ground in a public employee system affecting about 15,000 workers.

The basic premise of comparable worth is compensation free of sex bias. The premise conflicts with the way wages often are determined. Comparable worth may be defined as equal pay for

work of comparable value. To deal with this issue, joint efforts are needed in research, public education, political activity, labor, law, and, finally, formation of public policy (Remick).

The focus of this research is on the economic condition of women compared to men in the North Dakota state public sector. The current wage structure and job classification system will be looked at in-depth. The wage gap between men and women in the public employee system will be researched. The extent of sex segregation in the state public employee system will be documented. The valuation of women's work and its effect on the wage gap will be explored. The issue of comparable worth will be evaluated and existing state policy analyzed. How can public policy be used to address the concerns of women in the labor force?

The Wage Gap

In 1870, Virginia Penny, wrote about the wage differences between jobs dominated by women and jobs dominated by men. Ms. Penny concluded that there existed a substantial discrepancy between the labor done by women and the compensation they received for that labor (Steinberg). More than a century later the National Research Council of the National Academy of Sciences (NRC/NAS) reached the same conclusion, stating that,

Not only do women do different work than men, but the work women do is paid less, and the more an occupation is dominated by women the less it pays (Treiman and Hartmann, p. 22).

The wage gap is one of the oldest and most persistent symptoms of sexual inequality in the United States. None of the major economic, demographic, and political changes of the past twenty years has had any impact on the wage gap. Contrary to the popular belief that the situation of employed women has improved considerably--especially with the movement of women into traditionally male jobs--the facts indicate otherwise. For fifty years the wage gap between men and women has remained fairly constant with women currently earning about sixty-five cents for every dollar earned by their male counterparts (Bureau of Labor). The Equal Pay Act of 1963 had virtually no impact on reducing the wage gap because of the segregation of the labor market--that is, women generally do different work than men and get paid less because women's work is undervalued relative to men's work. The growth of white collar industry and the ensuing demand for female labor, the massive entry of women into the labor force, and the development of anti-discrimination laws have not made a dent in the wage gap between men and women (Grune and Reder, 1984).

According to the NRC/NAS study

only a small part of the earnings differences between men and women can be accounted for by differences in education, labor force experience, labor force commitment, or other human capital factors believed to contribute to productivity differences among workers (Treiman and Hartmann, p. 121).

According to Remick (1984)

Recent research by sociologists and economists indicates that the wage difference between men and women is only partly explained by worker or job characteristics. The remaining wage difference, about half of the total, is associated with the sex of the

people doing the work. In fact, the sex of the workers performing a job is the best single predictor of the compensation for that job, surpassing in importance education, experience, or unionization (p. 12).

Why is there a wage gap between men and women in the labor force? There is a growing body of literature, based on strong empirical evidence, that points to two primary reasons for the wage gap between men and women.

Sex Segregation

Firstly, the documentation points to the existence of industrial and occupational segregation. In July, 1982, 37 percent of all women worked in industries in which at least 65 percent of the employees were women (Bureau of Labor). Occupational segregation is even more striking. According to a study done by the National Committee on Pay Equity and National Women's Political Caucus, among the 427 occupations listed by the Dictionary of Occupational Titles, 80 percent of women work in occupations in which at least 75 percent of the employees are women. Sex segregation in the labor market has a long and consistent history. Whether you examine the labor force at the turn of the century, at the present, or any time in between, two-thirds of the work force would have to change jobs to eliminate sex segregation in the work force (Hartmann and Reskin 1983).

Valuation of Women's Work

Another cause of the wage gap, documented in the literature, is the systemic undervaluation of women's work. Systemic undervaluation refers to the artificial depression of wages paid

to women and men in jobs that have been historically considered women's work as compared to what wages would be if these jobs were performed by white males (Steinberg, 1984). All cultures, without any known exception, value male activity more than female activity. Regardless of whether an activity performed by men is performed by women in another culture it is valued more when it is performed by men. Shepela and Vivano (1984) reviewed numerous studies dealing with the pervasiveness of sex bias in our society and their review clearly indicates that

women earn less money because they are in women's jobs, because the attributions made about women in general are extended to what they do on their jobs, and, finally, because anything associated with women is worth less in our society than things associated with men (p. 54).

Proponents of comparable worth argue that the Equal Pay Act of 1963 did not reduce the wage gap between men and women because of the sex segregation of the work force and the undervaluation of work done primarily by women. Sex discrimination exists when "the sex composition of jobs influences what employers are willing to pay those who do the jobs, whether this influence is conscious or unconscious" (England, p. 31). Sex-based wage discrimination occurs when differences between wages for male dominated jobs and female dominated jobs are higher than what can be accounted for by differences in education, labor force commitment and experience, or other factors believed to contribute to legitimate pay differentials (Remick, 1984).

According to Blumrosen (1979) there is general agreement among economists that women are concentrated in few occupations,

and that they tend to be bunched into the lowest paying jobs within those occupations, and most of the wage differentials between men and women is due to this concentration.

Economic Theory

Economic theories have been used to support and refute comparable worth policies. Opponents of comparable worth generally base their arguments on neoclassical theory and argue that existing markets distribute resources better than any other method available. In a free and fair market wages are determined automatically and accurately based on the laws of supply and demand (Lindsay, 1980). The idea is that wages are flexible and labor markets adjust to equalize supply and demand. Wages supposedly match productivity because employers will not pay workers less than their productivity is worth because other employers would lure them away by offering them wages equal to their productivity. Neither would employers pay a worker more than his or her productivity is worth because that would reduce net income and thus the power of the employer to compete in the free market. In theory, the laws of supply and demand ensure that wages are set objectively and impersonally by forces beyond the control of individuals.

Consequently, income differentials are calibrated not by a person who could conceivably be a misogynist, racist, homophobe, or ignoramus, but by forces that work mysteriously and automatically to make appropriate monetary distinctions (Browne, p. 479).

According to neoclassical theory the market ensures equal treatment of all workers because market participants receive income based on their productivity not on the basis of sex, race, or social status (Lindsay, 1980).

Critics of neoclassical theory argue that its view of the labor market is simplistic and based on assumptions that do not necessarily hold true in real life. There are four key assumptions underlying neoclassical theory. They are:

1. All product and factor markets are fully competitive and free.
2. There is extensive sharing of information among all buyers and sellers of labor.
3. The factors of production, that is, labor and materials, are perfectly mobile.
4. The productivity of every individual can be operationally measured (Browne, p. 478).

These assumptions are hypothetical and cannot necessarily be empirically observed. Critics argue that this model reflects 'pure' competitive factors and is not adequate to explain the complexities of the wage setting process. While critics praise the logical qualities of neoclassical labor market theory they also criticize it as artificial and not applicable to most labor market decisions (Treiman and Hartmann, 1981).

The comparable worth argument is consistent with the institutional school of economics, which includes the theories of segmented and internal labor markets (Blau and Jusenius, 1976). According to institutional theory, women have a long history of doing essential household work in exchange for sustenance rather

than market wages. Because of this tradition women are seen as less deserving of financial remuneration and as having less economic need (Greenwood, 1984). According to institutional theorists a segmented, dual labor market is characterized by primary and secondary jobs. Primary jobs are characterized by good pay, good working conditions, stability, and opportunity for upward mobility. Secondary jobs are generally low-paying with virtually no opportunity for advancement and high turnover rates (Almquist, 1979). A key difference between primary and secondary jobs is the attachment of primary jobs to an upward mobility ladder. Women who enter the work force in a secondary job are highly unlikely to have the opportunity to move up to a primary job--in other words most women are in dead-end jobs (Doeringer and Piore, 1976). One of the most important contributions of institutional theories has been to focus attention on structures

such as the clustering of jobs into ladders and the nonattachment of some jobs to ladders. When female entry-level jobs are not on mobility ladders or are on short, sex segregated ones, it becomes obvious how sex segregation at entry is perpetuated over time without the need for further overt discrimination (England, p. 32).

Non-neoclassical theorists say that neoclassical theory does not adequately explain wage differentials. They argue that power plays an important part in determining wages and they question the legitimacy of initial power distributions. Non-neoclassical theorists believe that the existing income distribution is unfair and suggest the need for collective, non-market participation in wage setting. These theorists have based their theory on

observable facts rather than the deductive method used in neoclassical theory (Browne, 1984). According to Greenwood (1984)

There is much to criticize in neoclassical value theory and much to criticize in the neoclassical analysis of women in labor markets. Mainstream analysis has often been content to rely on market outcomes without sufficient attention to the complexities behind the supply and demand for labor. The simple elimination of the sorts of barriers to entry that existed in the past ... is certainly not enough to cause substantive change in female incomes. The factors behind the female supply of labor in the various fields, and the demand for that labor, are deeply imbedded in the habits and socialization of men, women, and children, and a far more assertive strategy must be followed to achieve real change (Greenwood, 1984).

Wage setting is an economic transaction, but more importantly it is a social and political act based on tradition, status, convention, and habit (Aaron and Lougy, 1986). Generally wages are not determined by any direct measure of output on the job, but rather by the prevailing wage scale for the particular job description and skill level. Under this view, wages are more than just measures of actual economic contributions--they are symbols of power and social standing (Frank, 1984).

Sociological and anthropological studies have established that:

(1) a division of labor between the sexes exists in every known society; (2) in every society the value put on the work reflects the status of those traditionally allocated to that particular work; and (3) that work identified with women is always considered less valuable than that done by men, regardless of its difficulty or its contribution. Psychologists support these conclusions, finding that the socialization process works so well that both women and men tend to perceive work associated with women to be of less value than that associated with men (Blumrosen, 1979).

Thus a powerful argument can be made that there is a subjective judgment inherent in the wage setting process and it is likely to incorporate sex stereotypes, resulting in an undervaluation of work traditionally considered as women's work.

If the preceding argument is right what can be done to eliminate inequities within the existing wage structure and thus achieve pay equity? Comparable worth has been proposed as one answer to correcting wage-based sex discrimination.

Currently there is no absolute measure for accurately determining the value of jobs nor would there be under comparable worth. As the NRC/NAS study stated:

Acceptance of a comparable worth approach--the attempt to measure the worth of jobs directly on the basis of their content--does not require an absolute standard by which the value or worth of all jobs can be measured. In the judgment of the committee, no such standard exists, nor, in our society, is likely to exist. The relative worth of jobs reflects value judgments as to what features of jobs ought to be compensated, and such judgments vary from industry to industry, even from firm to firm. Paying jobs according to their worth requires only that whatever characteristics of jobs are regarded as worthy of compensation by an employer should be equally so regarded irrespective of the sex, race, or ethnicity of job incumbents (Treiman and Hartmann, 1981).

Proponents of comparable worth believe pay equity can be achieved through the development and implementation of bias-free job evaluation systems that can measure the comparable worth of dissimilar jobs.

Job Evaluation Techniques

Job evaluation techniques have been around for a hundred years. Many private businesses and government organizations have

been using job evaluation both to establish which jobs are comparable and hence should be paid the same and to identify differences among jobs that could be used for establishing pay scales (Aaron and Lougy, 1986). An attempt was made in the 1930's and 1940's to use job evaluation systems to replace the "rule of thumb" method and rationalize the wage setting process (Jaussaud, 1984). During this time there was no equal opportunity legislation and employers were often openly discriminatory in the setting of wages for women's work. The electrical industry was particularly notorious in this area. In 1939, Westinghouse, in its Industrial Relations Manual, described a gender-neutral job-rating system that awarded points to each job, even though the jobs were sex-segregated, and then intentionally set lower wage rates for jobs occupied by women than for male dominated jobs with equal points. According to the manual the wage curve was lower for women

because of the more transient character of the service of the former, the relative shortness of their activity in industry, the differences in environment required, the extra services that must be provided, overtime limitations, extra help needed for the occasional heavy work, and the general sociological factors not requiring discussion herein (Heen, 1984).

Widespread acceptance of these rules led to the development of a wage structure based on inequities that have become institutionalized and pervade the market wage we have today (Jaussaud, 1984).

The War Labor Board (WLB) was established during World War II to settle labor disputes that threatened to interfere with war

production. Job evaluation techniques were commonly used by WLB to settle labor disputes. WLB established some precedent-setting rules, including General Order No.16, which established the principle of equal pay for equal worth as board policy in 1942 (WLB Reports). A later decision supported the broader concept of comparable worth, concluding that, "the jobs customarily performed by women are paid less, on a comparative job content basis, than the jobs customarily performed by men," and "that this relative underpayment constitutes a sex discrimination" (WLB Reports).

Although comparable worth was abandoned after the war, the use of job evaluation to set wages continued. Employers discovered that job evaluations could be used to stabilize and control wage structure (Northrup, 1981). The use of job evaluations gave management an extra bargaining chip in negotiations with unions over setting wages for new jobs and in settling grievances. Unions didn't feel they could effectively fight the use of job evaluations even though they had become a tool for management to use against them. In order to defend their own interests, unions agreed to work with management in the development and use of job evaluation systems (Jaussaud, 1984).

Agreements between employers and unions allowed the application of different rating scales for men's and women's jobs and consequently less pay for women. According to Jaussaud, management supported job evaluation techniques as long as they could be used to maintain the desired wage structure. With the

passage of the Equal Pay Act and Title VII of the Civil Rights Act, the practice of segregating the labor force with the intention to discriminate became illegal. Jaussaud states that:

A management tool against unions has become a union tool against management; an instrument of discrimination has been turned into an instrument against discrimination (p. 574).

The two major classes of job evaluation techniques are qualitative and quantitative. Qualitative job evaluation techniques focus on an overall assessment of content relative to other jobs. Quantitative methods analyze job content on a factor by factor basis (Beatty and Beatty, 1984).

According to Treiman (1979) most job evaluation techniques involve the following three steps: 1) carefully describe each job within the unit being evaluated (the unit can be a firm, organization, plant, division, etc.) in terms of skill, responsibility, effort, and working conditions; 2) evaluate the worth of the job to the unit and rank all jobs hierarchically; 3) use the results of the job evaluation to set wages or salary rates. Sometimes the evaluation results translate automatically into wages or salary levels and sometimes they are just one part of a process involving other factors such as area wages rates for similar jobs, organization policy, union demands, or traditional wage rates (Beatty and Beatty, 1984).

Job evaluation systems are not fail safe and as Hagglund (1981) claims

to avoid charges of sex discrimination, some employers are changing job evaluation systems, redesigning jobs and redrafting job descriptions to avoid the economic

costs of righting past wrongs. Job worth analysis can provide an aura of rationalism and respectability for whatever anyone wants to do (p. 101).

David Thomsen, director of the Compensation Institute in Los Angeles, has stated that, "Job evaluation is the single most effective device by which organizations retain and create discriminatory pay practices." On the other hand job evaluation techniques can be a useful tool in establishing comparable worth. Even critics of job evaluation systems believe they can be useful in documenting the extent of wage depression for women (Remick, 1984).

Job evaluation techniques have been used to successfully implement comparable worth policies in other democracies and at the state and local level as the next section demonstrates.

Comparable Worth Activities

Other Western Democracies

Australia is the only example to be found where comparable worth has been instituted across the board. In 1969, Australia passed equal pay for equal work legislation and in 1972 amended it to include equal pay for comparable work. Women's wages were increased substantially and quickly through an already existing, complex system of administrative commissions and quasi-judicial proceedings. According to Australia's centralized wage-setting Conciliation and Arbitration Commission the base pay of women rose from 74 percent of that of men in 1970 to 94 percent by the end of the decade. These changes in relative wages cannot be

traced to changes in occupational structure or other economic factors (Aaron and Lougy, 1986). According to Mitchell (1984), who studied the Australian experience:

Economists are prone to believe that significant changes in relative prices or wages will lead to important changes in resource allocation, and they have struggled to find symptoms of such effects after the equal pay decisions. Yet the gross numbers show that the proportion of women in Australia's labor force and in total employment kept rising in the late 1970's, and that the ratio between unemployment rates for women and those for men did not rise (it fell). Researchers have had to 'tease' the data to come up with any signs that the demand for women relative to men was reduced (p. 134).

According to Aaron and Lougy (1986) even opponents of comparable worth are surprised at the lack of negative impact on labor demand and the economy in general in Australia.

Canada has also been active in the area of comparable worth. In 1977 parliament passed the Canadian Human Rights Act which included a provision for equal pay for work of equal value. Canada has been actively supporting comparable worth within the public sector since the passage of the Human Rights Act. This legislation applies to the federal public service, federally regulated companies, and federal Crown corporations (Cadieux, 1984).

The United States

Legislation

Within the United States comparable worth activity has taken place primarily at the state and local level. Despite the

introduction of 16 bills on Pay equity at the federal level between 1983 and 1985 none of them have passed both houses.

Comparable worth bills were introduced in 38 state legislatures between 1981 and 1985 and 16 of them agreed to study the issue. Eight of the states funded the implementation of comparable worth policies and 13 states defeated or tabled the bills.

At least ten states have conducted comparable worth studies initiated by the executive branch, but generally comparable worth policy needs legislative support to be implemented.

Litigation

Sex discrimination suits have been filed against several state and local governments, including California, Delaware, Connecticut, Hawaii, Michigan, Illinois, Missouri, Rhode Island, Washington, Wisconsin, City and County of Denver, Washington County, New York, and Nassau. The following four legal cases highlight some of the main judicial issues concerning pay equity.

Christenson v. State of Iowa--In 1977 the Eighth Circuit Court of Appeals ruled that the University of Northern Iowa did not discriminate when it paid secretaries and plant services workers different wages even though the University's own internal evaluation system rated them equally on a point value system and put both jobs in the same labor grade. The difference was that the secretaries were women and the plant workers men. The court maintained that under Title VII of the Civil Rights Act Congress had not intended to "abrogate the laws of supply and demand or

other economic principles that determine wage rates for various kinds of work" (Heen, 1984).

International Union of Electrical Radio and Machine Workers (IUE) v. Westinghouse Electric Corporation--The union and a group of past and present female employees of Westinghouse brought suit against Westinghouse alleging that the present wage structure was a direct result of past wage structures that were based on overt discrimination practices. The basic question was whether the Bennett Amendment to Title VII of the Civil Rights Act would limit sex based wage discrimination suits to action that would also be acceptable under the Equal Pay Act of 1963. The district court initially ruled against the plaintiffs and in favor of Westinghouse. The decision was appealed to the Third Circuit Court of Appeals and the case was returned to the district court so the plaintiffs could present their claims as intentional discrimination under Title VII of the Civil Rights Act of 1964. The Bennett Amendment was added to the Civil Rights Act right before it was passed and states

It shall not be an unlawful employment practice under this subchapter for any employer to differentiate upon the basis of sex in determining the amount of wages or compensation paid or to be paid to employees of such employer if such differentiation is authorized by the provisions of the Equal Pay Act X.

Before the case could be heard the plaintiffs reached an out-of-court settlement with Westinghouse. The settlement included back pay for the plaintiffs and an upgrading of the female jobs.

Gunther v. The County of Washington--Four female jail matrons sued the county under Title VII alleging that they were

denied equal pay for substantially equal work as compared to male guards. The plaintiffs claimed that even if the jobs were not substantially equal a substantial portion of the wage difference was. The plaintiffs lost their case in district court but appealed to the Ninth Circuit Court of Appeals where the decision of the lower court was reversed. The appeals court ordered the district court to consider evidence that "a portion of the discrepancy between their salaries and those of the male guards could only be ascribed to sex discrimination." The appeals court ruled that a wage discrimination claim can be brought under Title VII even if it did not satisfy the equal work standard. The Supreme Court upheld the decision of the appeals court.

AFSCME v. State of Washington--In December, 1983, a district court ruled that the state had discriminated against women employees on the basis of sex. The judge ordered back pay for 15,500 employees in female dominated jobs. In December, 1985, the Ninth Circuit Court of Appeals reversed the lower court's decision saying that Title VII did not require the state to eliminate the wage gap between men and women. An out of court settlement was reached and the Washington legislature set aside \$41.4 million to provide comparable worth adjustments for classified employees. The state expects to fully implement comparable worth by 1992.

Litigation efforts concerning comparable worth have had limited success and at this time there is no clear cut victory for either opponents or proponents of comparable worth. Future

cases need to be chosen with care so that the progress made thus far will not be lost. A comparison can be drawn with the civil rights litigation that ultimately led to Brown v. Board of Education (1956). A series of carefully chosen cases led up to the final Supreme Court decision to declare segregation unconstitutional. The final decision was the culmination of years of work aimed at achieving judicial reform. This seems to be the most logical path to follow in the area of comparable worth litigation.

CHAPTER II

METHODOLOGY

State Personnel System

The North Dakota state public employee system is coordinated through the Central Personnel Division which is a branch of the Office of Management and Budget. According to North Dakota Century Code 54-44.3-12 the duty of the director of the central personnel division is to:

establish general policies, rules, and regulations, subject to the approval of the board, which shall be binding on the agencies affected. These rules shall include the establishing and maintenance of classification and compensation plans....

According to section 3-3 of the North Dakota Personnel Policies manual:

all procedures affecting classified employees shall provide for fair treatment without regard to an individual's sex, race, age, color, religion, national origin, handicapped condition, political affiliation, or other non-merit factors.... The Director, Central Personnel Division, shall develop and implement a process whereby work assigned to the positions within the classified service will be evaluated and assigned an appropriate pay grade. Complete segments of work associated with similar levels of complexity, knowledge and skill requirements, and accountability shall be evaluated through a process which utilizes approved factors common to all positions within the classified service. The evaluation process will be titled the North Dakota Class Evaluation System (NDSCES) and will be published as a separate document to interested parties. The evaluation process will be subject to approval of the State Personnel Board.... The

evaluation of pay grades associated with classes within the classification plan shall be conducted as needed as a procedure for maintenance of the compensation plan.

The bottom line is that the personnel system for the state of North Dakota is required to use a point factor method to determine the value of jobs and rank order them according to pay grade--this is comparable worth. This system has been in use since approximately 1982. The system uses market wages in addition to the point factor method of determining what wages should be. Thus any existing bias in the market wage for particular jobs are likely to be carried into the wage structure for state classified jobs despite the use of a "comparable worth" method for assigning value to dissimilar job with comparable levels of skill, knowledge, accountability, and complexity.

Under North Dakota Century Code 54-44.3-07 the State Personnel Board is an independent body created by the state legislature to:

foster and assure a system of personnel administration in the classified service of state government...It shall: Review and hear comments from any concerned individuals, departments, agencies, or their representative, on any rules or modifications thereof adopted by the personnel division...Review any personnel action relating to pay ranges or job classification. The Board as a body, may invite and hear witnesses, and request the production of books and papers or any other physical evidence pertinent to any investigation or hearing authorized by this chapter.

The State Personnel Board has five members who meet at least every other month. The members are chosen as follows: One member is chosen by all elected state officials; one member is chosen by the State Board of Higher Education and one by the

governor; the other two members are chosen by classified employees. The board plays an active role in the personnel system. By statute the board can overturn any policy formulated by central personnel if the board feels it is improper. In practice central personnel submits policy proposals to the board for approval prior to implementation. The board is the deciding body for appeals within the personnel system and hears approximately two to five grievance appeals every other month.

Some tensions exist between the board and central personnel. The personnel board is generally made up of lay people who may have little or no experience in personnel administration so some of the conflict follows the lines of administrative values versus democratic values. On one hand the board is responsible for ensuring such democratic values as responsiveness to the public and perceived public wants, equal representation and other issues of equity and fairness. On the other hand is central personnel trying to maintain administrative values such as efficiency and effectiveness and adhering to professional values. What will work best and be most efficient may not be what the board or the public wants. Central personnel is more politically neutral than the state board. Membership on the board is acquired at least partly through political appointments. Central personnel employees are hired under a merit system. This system was designed to ensure fairness and objectivity so that public sector jobs would be awarded according to merit, not the spoils system.

Procedure

This research project will analyze employees who are classified under the Central Personnel Division of North Dakota. All state agencies use the central personnel classification system to determine job classes as well as compensation levels for classified state employees. Job Service of North Dakota, the Bank of North Dakota, and Institutions of Higher Education have their own personnel departments and those employees are not included in this study because there is no centralization of these employees. However, since the same job classes and wage structure are used for them the framework of this study could be applied to each of them separately. It was not within the scope of this research project to do each institution separately. By far the largest and most diverse group of classified employees is under the state Central Personnel Division so it was chosen as the focus of study. Because the wage structure and job classification structure is the same for all state classified employees many of the general findings may apply to other institutions as well. Faculty at higher education institutions are not covered under the state classification system and will not be addressed in this study.

Only full time, year around salaries will be looked at because one of the arguments used to justify the wage gap between men and women is that many women only work part time and thus their labor commitment will be less than their male counterparts.

Entry level annual salaries and entry level job requirements will be used consistently to control for individual differences in labor force experience. Entry level job requirements are defined according to the job descriptions used by central personnel. Central personnel assigns each job class to a pay grade and each pay grade has minimum and maximum salaries. New workers generally start at the entry level pay grade for the job class they have been hired in.

Overall differences between men and women will be looked at and detailed. Job classes that are male or female dominated will be compared in terms of compensation and minimum requirements. After controlling for gender these job classes will be compared using minimum education and experience requirements as the independent variables and minimum annual salary as the dependent variable.

Concept Definitions

Pay Equity -- rewarding people fairly for their work, regardless of sex or race. This concept covers a board range of activities concerned with raising the wages of women and minorities.

Comparable Worth -- requiring comparable compensation for dissimilar jobs requiring similar overall levels of skill, effort, responsibility, and working conditions as measured by a single bias free job evaluation system within an organization or firm.

Gender dominant job classes -- job classes will be identified as being dominated by gender if at least 80 percent of class occupants are either male or female. Generally accepted standards are at least 70 percent incumbency by one sex.

This research project studied 584 job classifications under the Central Personnel Division. There are a total of 5,773 classified employees in these job classes. Of these job classes 57 percent are male dominated, 26.7 percent are female dominated, and 16.3 percent are mixed gender classes. Just over half (51.5%) of the job classes have no female incumbents while 20.4 percent have no male incumbents. Women make up 50.7 percent of the labor force and men the remaining 49.3 percent.

The analysis will consider the job classification and wage structure to determine if men are treated differently than women. Differences between gender dominant jobs will be documented by comparing the minimum education and experience requirements and compensation for all jobs. Entry level salaries will be used consistently to control for the length of labor force commitment. The minimum requirements for each job will be determined by the official job descriptions used by the Central Personnel Division.

CHAPTER 3

FINDINGS

Men and women are equally represented in the Central Personnel Division as can be seen in Table 1. However, they are not equally dispersed among the jobs. Women are clustered in fewer jobs than men and there are substantially more gender dominated jobs than mixed gender jobs. Even though there are slightly fewer men in the labor force the majority of jobs are male dominated.

TABLE 1
GENERAL CHARACTERISTICS OF WORK FORCE

<u>Jobs</u>	<u>Number</u>	<u>Percentage</u>
Male dominated	333	57.0%
Female dominated	156	26.7%
Mixed gender	<u>95</u>	<u>16.3%</u>
Total	584	100.0%
No male incumbents	119	20.4%
No female incumbents	301	51.5%
Male incumbents	2,847	49.3%
Female incumbents	<u>2,926</u>	<u>50.7%</u>
Total incumbents	5,773	100.0%

The average starting salary for male dominated jobs is \$22,095 and for female dominated jobs it is \$15,970. A difference of \$6,125. The average starting salary for all jobs is \$19,680 which is approximately \$3,710 higher than the average

for female dominated jobs (See Table 2). The average starting salary for men is \$17,898 and for women it IS \$13,522, a difference of \$4,376 (Table 2).

TABLE 2
AVERAGE STARTING SALARIES BY JOBS

<u>Jobs</u>	<u>Salary</u>
Male dominant	\$22,095
Female dominant	15,970
Mixed gender	17,680
All jobs	19,680
All male incumbents	17,898
All female incumbents	13,522

TABLE 3
AVERAGE STARTING SALARIES BY JOB INCUMBENTS

<u>Annual Salaries</u>	<u>Men</u>	<u>Women</u>
Less than \$11,000	13.5%	34.8%
Less than \$15,000	36.6%	73.8%
Less than \$20,000	64.2%	92.0%
More than \$20,000	35.8%	8.0%
More than \$25,000	10.1%	1.1%
More than \$30,000	3.9%	.4%

Although 35.8 percent of the men are in jobs where the starting salary is \$20,000 or higher only 8 percent of the women are in such jobs (table 3). At the lower end of the spectrum the percentages practically reverse with 34.8 percent of women in jobs where the starting salary is less than \$11,000 per year while only 13.5 percent of the men are in such jobs (table 3).

Jobs with average starting salaries of less than \$15,000 per year are held by 73.8 percent of the women and by 36.6 percent of the men.

Comparing the salaries of women in female dominated jobs and men in male dominated jobs the differences are striking. Only .5 percent of men in male dominated jobs earn less than \$11,000 per year while 24.8 percent of women in female dominated jobs earn less than \$11,000 per year (see table 4). Of the men in male dominant jobs, 27.9 percent are in jobs where the starting salary is less than \$15,000 and 80.4 percent of the women in female dominant jobs are in jobs where the starting salary is less than \$15,000 per year. Just over 42 percent of the men are in male dominated jobs where the starting salary is more than \$20,000 per year compared to 4.4 percent of women in female dominated jobs where the starting salary is more than \$20,000 per year (table 4). In jobs where the starting salary is more than \$25,000 there are 12.9 percent of men in male dominated jobs and .5 percent of women in female dominated jobs. Overall women come out worse than men in male dominated jobs as well as in female dominated jobs.

In mixed gender jobs--where neither gender is dominant--the difference between men and women aren't quite as startling but they are still there. For instance, 43.7 percent of the men are in jobs where the starting salary is less than \$11,000 and 53 percent of the women are in such jobs (see table 4).

TABLE 4

Incumbents in Male Dominant Jobs

<u>Annual Starting Salary</u>	<u>Men</u>	<u>Women</u>
Less than \$11,000	.5%	0
Less than \$15,000	28.0%	62.0%
Less than \$20,000	57.5%	72.0%
More than \$20,000	42.5%	28.0%
More than \$25,000	12.9%	14.6%
More than \$30,000	4.9%	2.6%
Number of male incumbents	1,890 or 96.2% of total	
Number of female incumbents	75 or 3.8% of total	
Total job incumbents	1,965	

Incumbents in Female Dominant Jobs

<u>Annual Salary</u>	<u>Men</u>	<u>Women</u>
Less than \$11,000	20.7%	24.8%
Less than \$15,000	62.0%	80.4%
Less than \$20,000	81.5%	95.6%
More than \$20,000	18.5%	4.4%
More than \$25,000	6.5%	.5%
More than \$30,000	0	.2%
Number of male incumbents	92 or 5% of total	
Number of female incumbents	1,744 or 95% of total	
Total incumbents	1,836	

Incumbents in Mixed Gender Jobs

<u>Annual Salary</u>	<u>Men</u>	<u>Women</u>
Less than \$11,000	43.7%	53.0%
Less than \$15,000	54.5%	65.6%
Less than \$20,000	78.3%	87.6%
More than \$20,000	21.7%	12.4%
More than \$25,000	3.7%	1.0%
More than \$30,000	1.8%	.5%
Number of male incumbents	791 or 41.7% of total	
Number of female incumbents	1,105 or 58.3% of total	
Total incumbents	1,896	

Among mixed gender jobs starting at less than \$15,000 per year the percentage is 54.5 percent for men and 65.6 percent for

women. Looking at these same jobs, one percent of the women are in jobs starting at more than \$25,000 per year and 3.7 percent of the men are in such jobs (table 4). Overall salaries in mixed gender jobs are less than salaries in male dominant jobs and more than salaries in female dominant jobs.

Even women in male dominated jobs don't fair as well as men do in those jobs. Among male dominated jobs 41.3 percent of the women are in jobs with starting salaries less than \$15,000 per year, and only 27.9 percent of men in male dominated jobs are in such jobs (table 4). Seventy-two percent of the women in male dominated jobs are in jobs that start at less than \$20,000 per year as compared to 57.5 percent of men in male dominated jobs. At the top of the spectrum women do slightly better with 14.6 percent of women in male dominated jobs earning more than \$25,000 per year as compared to 12.9 percent of men. However, women only account for 3.8 percent of the incumbents in male dominated jobs.

Comparing men and women incumbents in female dominated jobs shows that men still have a slight advantage (see table 4). Among jobs starting at less than \$11,000 per year are 20.7 percent of male incumbents and 24.8 percent of female incumbents. Looking at jobs starting at less than \$15,000 per year, the difference is larger, with 62 percent of male incumbents and 80.4 percent of female incumbents in these jobs. Female dominated jobs starting at more than \$25,000 per year are held by 4.4 percent of the women incumbents and 18.5 percent of male

incumbents. Men make up 5 percent of the incumbents in female dominated jobs (table 4).

All jobs are classed into eight broad skill areas (see table 5). Of those jobs classed as 'officials and administrators', 82.7 percent of them are male dominated and 10.8 percent are female dominated. Among those jobs classed as 'office and clerical workers', 87.5 percent are female dominated and 4.2 percent are male dominated. Jobs classed as 'skilled craft workers' are 93.3 percent male dominated and only 3.3 percent are female dominated jobs.

Table 5

<u>Jobs by Skill Code</u>				
<u>Skill code</u>	<u>Number jobs</u>	<u>Mixed jobs</u>	<u>Male jobs</u>	<u>Female jobs</u>
Administrators	139	6.5%	82.7%	10.8%
Professionals	218	24.8%	47.2%	28.0%
Technicians	83	14.5%	55.4%	30.1%
Protective Service	26	19.2%	76.9%	3.8%
Paraprofessionals	24	16.7%	8.3%	75.0%
Office & clerical	24	8.3%	4.2%	87.5%
Skilled craft	30	3.3%	93.3%	3.3%
Service & Maintenance	40	20.0%	45.0%	35.0%

When jobs are divided according to minimum educational requirements while controlling for sex, women still end up with a substantial disadvantage (see table 6). The differences in starting salaries for male dominated and female dominated jobs ranges from \$2,290--for jobs requiring 14 years of education, to \$5,100--for jobs requiring 17 years or more of education. On the average, male dominant jobs and female dominant jobs requiring equal levels of education and entry level experience still have

substantial differences in compensation levels. Starting annual salaries for male dominated jobs average \$6,125 more than female dominated jobs and after controlling for education as well as experience male dominated jobs still average \$4,042 more than female dominated jobs. Differences in education and experience may account for one third of the wage gap between men and women in the North Dakota state labor force. The average years of education required for male dominated jobs is 14.86 years and the average starting salary for these jobs is \$22,041. For female dominated jobs the average educational requirement is 14.10 years and the average starting salary for these jobs is \$15,936. Among mixed gender jobs the average educational requirement is 14.55 years and the average starting salary for these jobs is \$17,551. Overall, male dominated jobs that require .76 or three-quarters of a year more education than female jobs and .31 or one-third more education than mixed gender jobs pay substantially more than female dominated jobs or mixed gender jobs.

TABLE 6

Jobs by Education Requirements with Average Salaries8 years of education

<u>Jobs</u>	<u>Incumbents</u>	<u>Men</u>	<u>Women</u>	<u>Salary</u>
Male (n=6)	n=356	97.2%	2.8%	\$13,561
Female (n=3)	n=23	8.7%	91.3%	\$ 8,464
Mixed (n=5)	n=198	46.0%	54.0%	\$ 9,962

10 years of education

<u>Jobs</u>	<u>Incumbents</u>	<u>Men</u>	<u>Women</u>	<u>Salary</u>
Male (n=9)	n=63	96.8%	3.2%	\$11,947
Female (n=3)	n=32	12.5%	87.5%	\$ 9,354
Mixed (n=1)	n=4	50.0%	50.0%	\$10,632

12 years of education

<u>Jobs</u>	<u>Incumbents</u>	<u>Men</u>	<u>Women</u>	<u>Salary</u>
Male (n=65)	n=420	94.5%	5.5%	\$16,671
Female (n=57)	n=1153	4.8%	95.2%	\$11,791
Mixed (n=22)	n=1007	37.5%	62.5%	\$12,596

14 years of education

<u>Jobs</u>	<u>Incumbents</u>	<u>Men</u>	<u>Women</u>	<u>Salary</u>
Male (n=28)	n=126	90.5%	9.5%	\$17,356
Female (n=18)	n=264	5.7%	94.3%	\$15,481
Mixed (n=6)	n=40	60.0%	40.0%	\$15,481

16 years of education

<u>Jobs</u>	<u>Incumbents</u>	<u>Men</u>	<u>Women</u>	<u>Salary</u>
Male (n=155)	n=764	97.4%	2.6%	\$23,634
Female (n=62)	n=346	11.6%	88.4%	\$19,345
Mixed (n=49)	n=575	48.7%	51.3%	\$19,860

17 or more years of education

<u>Jobs</u>	<u>Incumbents</u>	<u>Men</u>	<u>Women</u>	<u>Salary</u>
Male (n=60)	n=147	95.2%	4.8%	\$28,787
Female (n=11)	n=36	2.8%	97.2%	\$23,687
Mixed (n=11)	n=107	48.6%	51.4%	\$22,876

CHAPTER IV

CONCLUSION

The evidence in this research project indicates that pay equity does not exist between men and women in the North Dakota public sector. On the average women earn about \$6,100 less than their male counterparts in the state work force. Only about one-third of that difference can be accounted for by level of education and experience. It appears that the wage structure and the job classification system for the state of North Dakota may discriminate against women. Women constitute half of the state labor force. The laws and policies governing the state personnel system require that classified employees be treated fairly without regard to "an individual's sex, race, age, color, religion, national origin, handicapped condition, political affiliation, or other non-merit factors..." If these laws and policies are an accurate reflection of the values and beliefs held by the people of North Dakota it would seem some adjustments are in order to eliminate sex based wage discrimination in the state personnel system. How can this be done?

Implementation Strategy

The key actors in achieving pay equity in the North Dakota public sector would be: The State Personnel Board, especially the chair; the Governor's Commission on the Status of Women; the Legislative Council; the state legislature; the governor; N.D.

Legislative Council; the state legislature; the governor; N.D. public employees; the Central Personnel Division; and the attentive public.

The state legislature passed a study resolution to study comparable worth in the state employee system (SCR 4016). The Commission on the Status of Women has identified it as a major item on their agenda and are committed to achieving pay equity in North Dakota.

One of the first steps needed is to redefine the issue. The focus should be on pay equity not comparable worth. Comparable worth is a tool for achieving pay equity and as such can be used for good or ill. Comparable worth has aroused considerable controversy and emotional rhetoric on both sides of the issue. It has hidden the problem of pay inequity that exists within the labor market. Public education on the economic status of women in North Dakota and the ensuing impact on women, men, and families will go a long way toward increasing public support for pay equity. It must be framed as an issue of social justice and economic efficiency. Workers should be awarded on the basis of productivity and value to the firm, not on the basis of gender.

The North Dakota Commission on the Status of Women is currently looking at ways to increase public awareness through workshops, media campaigns, and coalitions of interest groups concerned about this issue. This is an area where the Governor and other key elected officials could be very helpful. Key interest groups include the North Dakota State Employee

Association, the Business and Professional Women's organization, the women's caucus in both political parties, state and local AFSCME chapters and others.

Setting the Agenda

Pay equity is a matter of fairness, justice, and equality. Comparable worth is a tool that can help achieve pay equity. Most people have a mother, daughter, sister, grandmother, or granddaughter in the labor force. Pay equity is a family issue--it is a people issue--not just women get hurt. If women's work in our society is undervalued and underpaid than families are hurting--children are hurting. The cost of this discrimination to families and society is enormous.

One out of every six families in the United States has a women head of household who is the sole wage earner (Mazur, 1984). One in three families with a female-headed household are below the poverty line in contrast with one in eighteen for families with male-headed households. Half of these female headed families would be brought above the poverty level if women were paid for the real value of their jobs (Grune and Reder, 1984).

The undervaluation of women in our society may at first seem to benefit society due to the lower cost of wages, but one must also consider the increase in welfare costs, the lost taxes, and the lower purchasing power of women. Welfare recipients are 93 percent women and children, 70 percent of people on food stamps are women, and two thirds of all medicaid and legal aid

recipients are women (Philosophy and Public Policy, 1983).
Clearly there are social costs for sex based wage discrimination.

Comparable worth may reduce the wage gap between men and women substantially but it will not eliminate occupational segregation. However, it could act as a catalyst to break down the sex-segregated structure of the labor market. According to Lenhoff:

If women are paid as much as men for comparable jobs, men are likely to be attracted to jobs that were formerly relegated to women, contributing to the demise of rigid sex-work roles. If women are paid as much as men, their attachment to the workforce may no longer be seen as marginal, and parents' needs for flexible work schedules, childcare provisions, and the like would have to be taken more seriously by employers and unions (p.134).

Women perform vital jobs in our society, such as nursing, teaching, clerical work, etc. and these jobs are indispensable. "Although individual women may profit personally and professionally there is no net gain for society when people who might be nurses feel they must become doctors." (Philosophy and Public Policy, 1983).

Whether from technical, legal, or political viewpoints, comparable worth challenges existing norms. The notion that compensation should be free of sex bias is a matter of justice and equality. It is in direct conflict with the way wages are currently determined. Change will not happen quickly or easily but it has started to happen all over the country. Joint efforts are needed in research, public education, politics, labor, law, and finally, in the formation of public policy. (Remick, 1984)

Pay equity is no longer a well kept secret. More and more information is becoming available to the public and sooner or later women are going to act on that information. North Dakota can wait for pay equity to come bashing at the door in the shape of costly litigation or a concerted effort to enact pay equity across the board--public sector as well as private sector--as happened in Australia. On the other hand, state government leaders could seize the issue now and get women on their side. Working together voluntarily has many advantages as compared to all out war. In the state of Washington where costly legal battles have been fought over comparable worth the costs have been about 25 percent of their payroll budget. In Minnesota where the state implemented comparable worth voluntarily, mainly through collective bargaining, the cost has been four percent of their payroll budget (Minnesota Commission on the Status of Women, 1985). Depending on the degree of inequity implementation costs for comparable worth generally run from one to five percent of the total payroll budget (Remick, 1984). Foresight may not be better than hindsight but it is cheaper.

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