
The State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

201 North, State Capitol
Madison, Wisconsin 53702

Telephone Area Code 608

Reference: 266-0341

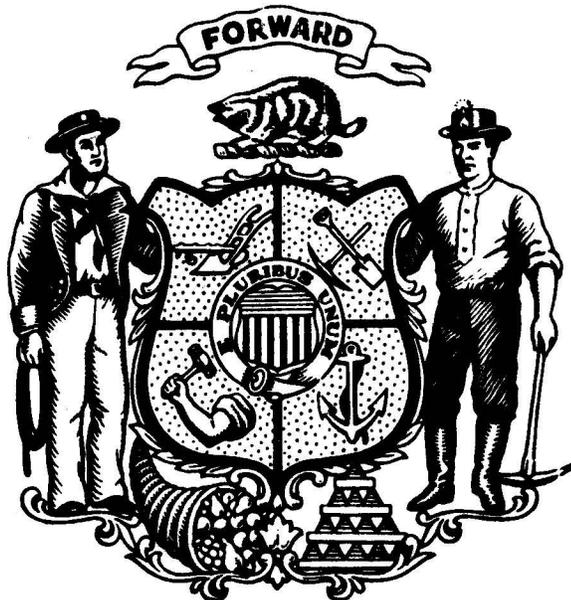
Bill Drafting: 266-3561

Dr. H. Rupert Theobald, Chief

COMPARABLE WORTH: THE PAY EQUITY ISSUE

Informational Bulletin 84-IB-2

June 1984



COMPARABLE WORTH: THE PAY EQUITY ISSUE

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COMPARABLE WORTH: THE PAY EQUITY ISSUE

I. INTRODUCTION

The recent creation by Governor Anthony Earl of a state comparable worth task force signals that Wisconsin will be grappling with this controversial pay equity concept in the coming months. It is likely that legislation will eventually result. Wisconsin is not alone. For most states, it seems that comparable worth is an issue whose time has arrived, as efforts to establish this principle in practice shift from the private to the public sector. Various labor unions, through the collective bargaining process and lawsuits, have been working for well over a decade — with mixed results — to introduce the comparable worth idea in private sector employment. This new focus of attention at all levels of government is attributed to the combined forces of court suits, complaints to the federal Equal Employment Opportunity Commission, labor-management negotiations and growing political pressures. Although movement toward comparable worth has been evolving for many years, impetus for the most recent surge of attention is a 1983 federal court decision in the State of Washington. If upheld on appeal, it will have profound legal and financial implications for all the states.

This bulletin will survey briefly the status of the comparable worth issue, beginning with 2 basic questions: Just what is meant by comparable worth, and why has it become such an issue?

II. WHAT IS COMPARABLE WORTH?

As a practical matter, the relative worth of jobs must have been evaluated and compared in some manner for as long as labor has been available for hire. The expression "comparable worth", as it is now being used, has a more specific meaning.

Comparable worth is an approach to achieving pay equity. Until recently, the legal battle for pay equity has been fought in terms of equal pay for equal work — a proposition considered somewhat radical in its day, but now embodied in federal and state laws, including Wisconsin. The idea that people engaged in essentially the same work should receive the same pay is easy to understand. Since few jobs are identical in all respects, the main difficulty with the "equal" approach is deciding what jobs are substantially the same.

Comparable worth is an extension of equal pay for equal work which broadens the concept to embrace equal pay for *comparable work*; that is, dissimilar jobs that have the same relative value to an organization are entitled to the same pay. Jobs are compared in terms of factors such as knowledge and skills, education, responsibility, demands and working conditions.

Comparable worth is implemented through a system of job evaluation. It is based on the controversial premise that the character and content of dissimilar jobs can be measured and quantified by a common system of objective criteria, with the results used to set compensation. Persons working at comparable jobs could still have different earnings because of seniority, merit pay, incentives or bonuses, piecework or commissions, night shift differentials and similar variables.

In terms of how we define it today, comparable worth is a fairly new concept that takes some getting used to. What has brought it to the fore as an issue now?

III. WHY COMPARABLE WORTH?

Comparable worth has been made an issue by those who have the most to gain from institutionalizing a method of achieving pay equity, namely, women workers. Although implementing comparable worth would benefit some men directly or indirectly, so far it is primarily a women's issue. It is at the top of the action agenda of women's rights advocates, labor unions that

represent large numbers of women employes and groups like the Committee on Pay Equity (a national coalition of organizations interested in raising wages for women).

Advocates of comparable worth see the issue as comprised of both philosophical and practical dimensions. In the abstract, it is said to be about fairness and social justice, while in the "real world" it involves basic economic necessity.

Their efforts are fueled by 2 interrelated concerns: 1) the concentration of women workers in certain occupations, and 2) the persistent gap between what men earn and what women earn. Proponents of comparable worth contend that twofold discrimination takes place when women are relegated to certain jobs and when the pay in those jobs is low because women hold them. A more detailed rendering of their position regarding these concerns follows.

Occupational Concentration

It seems the expression "women's work" also applies to women who are employed outside the home. The labor market is highly segregated by sex. Eighty percent of the women in the work force are concentrated in 20 of the job categories established by the U.S. Department of Labor. This crowding of women into a small number of job classifications that by long-standing tradition are predominantly female is called occupational concentration. Comparable worth advocates call it occupational "segregation", resulting in separate, but unequal, female job ghettos. They feel this clustering is due in large part to discriminatory practices stemming from historical social and economic forces perpetuated since women first entered the work force.

In the beginning, "proper" jobs for women evolved in relation to the work they performed in the home: teaching children, cleaning, food preparation, caring for the sick and similar domestic tasks. Their range of choice was severely limited. Over the years, certain jobs became well defined as women's jobs and others as men's, with little or no crossover. This tradition has continued until quite recently.

Job domination is generally thought to exist when 70 percent or more of the workers in that category is of one sex, although concentrations commonly range upwards into the 80 to 90 percentile for both men and women. Examples of occupations that are female dominated easily come to mind (a similar list could just as easily be compiled for men). Among the more professional occupations are nurse, health care technician, librarian and teacher (elementary and secondary schools). Others include secretary, clerk-typist, food service worker, child care provider, telephone operator, cosmetologist, factory assembler, retail clerk, waitress, household worker, commercial cleaning employe and bank teller. Generally speaking, these occupations are characterized by the common denominator of being relatively low-paid and low-status jobs, with little chance for advancement. Another generalization: the more a job category is dominated by women, the less it seems to pay.

Pay Gap

The historical division of labor into jobs that were predominantly male or female has been directly coupled with lower pay for women. Documentation showing the labor of women being valued less than the labor of men is available from biblical times to the present. Until quite recently, private sector and government employers, labor unions and women seem to have accepted as normal the presumption that jobs traditionally performed by women have less value than positions held by men and deserve less pay. According to comparable worth advocates, this attitude has been so pervasive over the years that it is difficult to get people to think of so commonplace an occurrence as discriminatory.

Statistically, the earnings of women have been, and continue to be, substantially less than men. Women working full time earn an average of about 60 cents for every dollar men earn. This disparity has persisted virtually unchanged for over 20 years, in spite of the enactment of federal and state laws mandating equal pay and prohibiting discrimination because of sex and in spite of social changes that have significantly affected the status of women in other ways. It has been popularized

as the "pay gap". The gap can be demonstrated as crossing the whole spectrum of jobs from the lowest clerical post up to executive ranks. It also manifests itself between men and women with the same level of education.

This pay gap has an obvious immediate impact. The cost of living does not recognize sex differences. It also has life-long implications. Not only does the incremental pay differential add to a very large total in a lifetime, but lower pay also affects fringe benefits such as group life insurance coverage and retirement annuities.

Over one-half of all adult women work outside the home. Most of these women probably seek employment out of economic necessity, rather than for liberation or fulfillment. The income is needed to support themselves, children, dependent parents and sometimes husbands. In marriages where both spouses work full time, women contribute about 40 percent of family income. Such families have an important stake in the goals of comparable worth.

Causes of Concentration and the Gap

The pattern of traditionally female jobs which led to occupational concentration and the pay gap is attributed to a variety of causes arising mainly from labor market dynamics, plus inherent worker and job characteristics. Persons favoring comparable worth recognize these as contributing factors, but emphasize sexual discrimination as a basic element. It is a controversial point.

A 1981 study by the National Academy of Sciences (commissioned by the U.S. Equal Employment Opportunity Commission) which examined the issues involved in the comparable worth concept of job compensation concluded that at least half of the circumstances working women find themselves in can be explained by factors other than sex discrimination, but the other half cannot.

Of the causes usually named, the most common relate to married women placing their domestic responsibilities to home, spouse and family before their job, resulting in turnover and absenteeism. This is said to be reflected in a preference for jobs that offer easy entry and exit, proximity to home, flexible or part-time hours and no overtime. Women in general are seen as more apt to interrupt their employment for marriage, pregnancy or caring for children or aged parents. These job interruptions often occur in the critical early years, hindering advancement and accrual of seniority.

Other causes — real or perceived — frequently mentioned include the following:

Women have a preference for sacrificing higher pay and opportunities for clean, indoor, hazard-free work. They also are not always career oriented, not anticipating working all their lives at a particular job or returning to work later on.

Women are generally less prepared from the standpoint of education and experience. Even college-trained women lack degrees in the more demanding academic disciplines (mathematics, physical sciences, economics or business). Women also face barriers to acceptance in professional schools, craft union apprenticeships, on-the-job training and management trainee programs.

Ironically, laws enacted to protect women (relating to hours, physical demands, facilities, working conditions and so on) also serve to impose artificial limitations on what they can be employed to do.

Women are less able to handle heavy, physical labor (employers must provide extra help).

Women tend to be committed, undemanding workers who are more willing to accept low pay, shorter career ladders and limited opportunities for advancement. They lack the male breadwinner's motivation to pursue higher earnings aggressively.

Traditional women's jobs are less likely to be unionized, or have been organized for shorter periods of time than male occupations.

A great deal of women's work is in less noticeable back-room or supporting roles, whereas the value-added component of men's work tends to be more obvious.

Employers of women in jobs that are essentially the equivalent of jobs assigned to men have been known to create different job classification titles (based on gender) and pay the women less.

Women are discouraged from pioneering into nontraditional (that is, male) occupations because they must often overcome peer pressure and family expectations, face possible on-the-job harassment, lack information about higher paying jobs, and have few role models.

Women have been entering the work force in ever greater numbers, mostly in occupational areas of traditional female concentration. This continued growth results in: 1) proportionally more women at the lowest-paid entry level positions; and 2) more competition for jobs, which holds down pay and opportunities.

It is clear that some of the reasons listed above are not as valid as they once might have been. The situation has been altered. Because of legislation and great changes in society, women now have far more choices in setting their educational and occupational goals. A complete sexual integration of the work force would eliminate the twin problems of occupational concentration and the male-female wage gap. There is movement in that direction. Statistics show that with better education, affirmative action programs and a new assertiveness, women are taking advantage of their possibilities. The younger women, particularly, are rapidly moving into what were once male-dominated occupations in order to gain more satisfying careers and improved compensation. There has been far less reverse movement — males into traditionally female jobs.

Dismantling the barriers to education and jobs which adversely affected women in the past and raising the consciousness of a new generation of women, however, is not seen as a panacea by the advocates of comparable worth. In their view, most women now employed will continue to work at traditionally female jobs, and these jobs will continue to be undervalued for the foreseeable future. Progress in moving women into men's jobs is viewed as having only a marginal impact. For older women, historic cultural patterns of job stereotyping are hard to overcome. They are not likely to follow the younger pathfinders into formerly male jobs. While attrition will eventually negate this element, the fact remains that jobs traditionally performed by women will still need to be done. Men will not be attracted to these jobs as long as low pay and the "women's work" social stigma is perpetuated.

Comparable worth is put forward as the answer. Its proponents insist that a woman entering a traditionally man's field will likely be benefited as an individual, but not society as a whole, except possibly in the very long term. Working women need relief now. The point is made that it should not be necessary for a woman to abandon her investment of time, training and experience in a job she may like to seek a predominantly male job in order to get equitable pay. The contention is that parity has to be achieved by revaluing the jobs where most women work now, and will likely continue to work.

IV. JOB EVALUATION: KEY TO COMPARABLE WORTH

Job evaluation relates to the various methods used by employers for ordering jobs within a given organization. Job classification and pay levels are constantly being evaluated for hiring, promotions, reorganizations, collective bargaining, and so on. It is a familiar process and one in which the public sector has been a leader.

Employee pay is established by evaluators on the basis of job content, relative value to the organization, and the prevailing labor market. Adjustments are accommodated for intervening factors such as negotiated labor contracts, and — in the private sector — the need to remain competitive and profitable.

A basic tenet of the comparable worth approach is the assumption that an equitable, practical mechanism for comparing dissimilar jobs is possible. Since most existing job evaluation systems were conceived by men and reflect traditional labor market values, proponents of comparable worth feel they will need to be purged of built-in gender bias before they can be used. Revising the

evaluation process, in their view, entails making it as consistently objective and as sex-neutral as possible. The goal is a standardized system of pure job measurement, rating the work, not the worker.

Of the many job evaluation schemes, the one which seems most applicable to comparable worth implementation is the point-factor system. This is a method of employing a numerical rating system which assigns point values for each of a series of important characteristics common to all jobs. The total point value of a job profiled in this manner is its relative "worth" when compared to other jobs of different content. Based on this measure, any job can — in theory — be compared with any other job. Under comparable worth, jobs with the same point value are judged equal, and should be paid the same.

All evaluation methods, of course, are judgmental, and first among the several problems associated with the point-factor approach is its inherent subjectivity concerning: 1) what factors are selected for rating, and 2) how the relative weight of each factor is assessed. Troublesome questions are raised. Would 2 experts — or groups of experts — working independently come up with similar values for particular jobs? Even more basic, can a system be devised to measure fairly and compare the worth of the unique contributions a secretary and a truck driver make to an organization? Those who support comparable worth think it can be done.

Formal position descriptions, personal interviews and job observations are utilized in the point-factor evaluation process. While the terminology may differ, jobs are usually evaluated on the basis of 4 general components considered legitimate items for pay differentials: knowledge and skills, mental demands, accountability, and working conditions.

Job knowledge and skills refers to factors such as formal training and education, experience, and ability. Mental demands relate to judgment, problem solving, decision making, communicating, coordinating, work pace, pressure and interruptions, job complexity, and stress. Accountability includes degree of supervision, supervisory duties exercised, freedom to act, impact of errors, importance of job (nature and size) and responsibilities. Working conditions are the environmental factors: surroundings, hazards, risks, cleanliness, noise, discomfort level, physical effort and similar elements.

Consulting firms that specialize in employe evaluation say the techniques and technology exist to implement comparable worth. Comparing "apples and oranges" is said to be a difficult, but not an impossible, task if confined to a single organization. Attempting to adapt to a more universal application at this time would present problems because of the great diversity of jobs (they are becoming more complex, interrelated and hard to quantify), the variety of employers involved in producing goods and services, and regional differences.

In spite of reservations and serious practical difficulties, the point-factor system is considered by its advocates as the best available tool for measuring comparable worth. The need for a method to quantify and compare jobs systematically compels making the best use of a less than perfect evaluation procedure.

V. PUBLIC VERSUS PRIVATE SECTOR

Several reasons have been advanced to explain why the comparable worth battleground seems to be shifting from the private to the public sector.

Governmental units employ large numbers of women. Action toward pay equity for public employes based on comparable worth would immediately benefit these workers as well as provide an example for the private sector to follow in its pay practices.

Historically, government played a leading role in the tradition of creating women's jobs and paying them less. Being in the vanguard of efforts to change the situation is viewed as entirely appropriate.

Information on job classifications, evaluation procedures and pay plans for public employes is easier to obtain than similar data on private sector employes.

The cost consequences of comparable worth are not considered as big a factor in the public sector as they would be in the private sector. Government can deviate from labor market forces with less difficulty because it does not have to worry about competition or making a profit. It can raise taxes, reduce the number of employes, or cut programs and services to accommodate added costs.

Government offers a vulnerable target as the issue of comparable worth becomes increasingly politicized. The private sector is regarded as more resistant to outside pressures for change and more insulated from public opinion. Elected public officeholders are particularly sensitive to these elements.

VI. LEGAL CONTEXT — FEDERAL

What is the current status of comparable worth in the federal legal context? Federal law prohibits discrimination in compensation on the basis of sex, but does not mandate any particular approach to accomplish this end. Any type of pay system that does not discriminate is acceptable. Comparable worth is the system now being advanced most frequently.

The only occurrence of language approximating the comparable worth concept in federal law appears to be in the section on merit system principles in federal government personnel management found in the Civil Rights Reform Act of 1978 (5 U.S.C. 2301 (b)(3)): "Equal pay should be provided for work of equal value...."

The language of the 2 major federal laws of general application which apply explicitly to employment pay discrimination based on sex is even more uncertain (although arguments as to the intent of Congress abound). These 2 primary laws, both of which were enacted by the 88th Congress, are the Equal Pay Act of 1963 and Title VII of the Civil Rights Act of 1964. There have also been 2 significant federal court decisions relevant to comparable worth. The first was a 1981 U.S. Supreme Court case, and the second, a 1983 U.S. District Court case in the State of Washington.

Equal Pay Act of 1963

The Equal Pay Act of 1963 (E.P.A.) was an amendment to the Fair Labor Standards Act providing for equal pay for men and women doing equal work. Equal work is defined as jobs requiring equal skill, effort and responsibility, and which are performed under similar working conditions. Pay differences are not discriminatory if they exist because of seniority, merit, piece work or other factors apart from sex. It should be noted that the law also forbids an employer from reducing the pay of any employe in order to achieve compliance.

The courts have interpreted the E.P.A. narrowly, having held that, while jobs need not be identical to be equal (few are in all respects), they did have to be substantially equal in work content. Although the legislative intent is still subject to heated debate, it appears as though the Congress deliberately chose to use the word "equal", rather than "comparable", when describing the kinds of work to which the law would apply. That is the view the courts have taken.

Proponents of comparable worth contend that in the 20 years the E.P.A. has existed, it has worked in only the most blatant cases where it could be proved that a woman was paid less than a man in substantially the same job. It has not served to protect or bring relief to the great majority of working women in essentially segregated occupations.

The pertinent text of the Equal Pay Act (29 U.S.C. Section 206 (d)(1)) provides:

"(d) Prohibition of sex discrimination

(1) No employer having employees subject to any provisions of this section shall discriminate, within any establishment in which such employees are employed, between employees on the basis of sex by paying wages to employees in such establishment at a rate less

than the rate at which he pays wages to employees of the opposite sex in such establishment for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to (i) a seniority system; (ii) a merit system; (iii) a system which measures earnings by quantity or quality of production; or (iv) a differential based on any other factor other than sex: Provided, That an employer who is paying a wage rate differential in violation of this subsection shall not, in order to comply with the provisions of this subsection, reduce the wage rate of any employee."

Civil Rights Act of 1964, Title VII

Title VII of the federal Civil Rights Act of 1964 (C.R.A.), "Equal Employment Opportunities", is the section which relates to prohibiting various unlawful employment practices, including discrimination in compensation on the basis of sex. Enforcement is the responsibility of the federal Equal Employment Opportunity Commission, a 5-member panel appointed by the President. The commission also administers the Equal Pay Act. Incidentally, while the EEOC has no formal position on the comparable worth issue at this time, it has scheduled a series of hearings to begin in June 1984 to form a basis for a commission position. It was reported (in May 1984) that the commission had a backlog of 266 complaints relating to sex discrimination in wages, most of which raise the comparable worth issue.

Most legal actions to remedy pay inequities are now utilizing Title VII of the C.R.A. because it is seen as providing a much broader statutory right to equity than the equal pay for equal work standards of the Equal Pay Act. It is asserted that under Title VII compensating jobs of comparable worth differently is discriminatory and therefore illegal.

The pertinent text of the Civil Rights Act (42 U.S.C. Section 2000e-2 (a)) provides:

"(a) Employer practices

It shall be an unlawful employment practice for an employer —

(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's sex; or

(2) to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's sex"

Major Court Cases

There have been 2 important federal court cases that need to be mentioned. One resulted when Congress added the so-called "Bennett Amendment" to the Civil Rights Act in an attempt to reconcile conflicts with the previously enacted Equal Pay Act (codified at 42 U.S.C. Section 2000e-2 (h)). Differing interpretations of this amendment led to the first — and, thus far, only — U.S. Supreme Court decision examining the issue of pay equity suits brought under Title VII of the Civil Rights Act.

The case, *County of Washington, Oregon v. Gunther* (452 U.S. 161), decided in June 1981, concerned female jail guards who were being paid less than male guards in the same institution for jobs that were similar, but not identical. Previously, most federal courts had applied the E.P.A. equal work standard to the C.R.A. under the disputed language of the Bennett Amendment, thus restricting wage discrimination suits to jobs that were virtually identical. In a split (5 to 4) decision, the Bennett Amendment to the C.R.A. was interpreted by the Supreme Court majority as incorporating only the defenses for pay differentials available to employers enumerated in the E.P.A., but did not limit sex discrimination claims to the E.P.A. standard of equal work. The court

ruled that women paid less than men can bring suit against their employer for alleged discrimination under Title VII even if the jobs performed by both sexes were not the same.

In deciding the case, however, the Supreme Court specifically declined to rule on the legal validity of the comparable worth concept or whether Title VII is broad enough to permit sex-based wage discrimination lawsuits under comparable worth. The court took the narrow view of the questions raised by the case, stressing that the "... respondents' claim is not based on the controversial concept of 'comparable worth'"

Nevertheless, comparable worth advocates feel encouraged by the decision. They view it as a major, ground-breaking step in the development of the law which advances their cause. They say the court could have killed the comparable worth concept, yet it did not do so; and the decision did substantially broaden the ability of women to challenge sex discrimination. An increase in the number of lawsuits founded on comparable worth is predicted.

While the Supreme Court chose to avoid a direct confrontation with the comparable worth issue for the time being, leaving it unresolved virtually assures that it will be back before the high court before very long.

American Federation of State, County and Municipal Employees (AFSCME) v. State of Washington, 578 F. Supp. 846 (W.D. Wash. 1983), is the second important federal court case pertaining to comparable worth. The U.S. District Court for the Western District of Washington, in a lengthy 1983 case that was split into several phases, found the State of Washington guilty of practicing wage discrimination against women state employees in violation of Title VII of the Federal Civil Rights Act. AFSCME initiated the class action suit, based on the comparable worth concept, on behalf of Washington state employees working in job categories that were 70% or more female, and which the state's own surveys found were being paid an average of 20% less than comparable jobs held predominately by men. The language of the decision in the liability phase, concluded in September 1983, speaks for itself:

"... this Court is of the opinion that the evidence is overwhelming there has been past historical discrimination against women in employment in the State of Washington and that discrimination has been manifested, according to the evidence, by direct, overt and institutionalized discrimination"

"This Court is convinced that the evidence shows that the discrimination because of sex is continuing until the present time. That that discrimination is pervasive and is intentional."

As a remedy, in December 1983, the Judge ordered the state to take immediate steps to increase the pay of 15,000 employees — 90 percent of whom are women — retroactive to September 1979 (4 years of back pay).

A local attorney was appointed as special master, charged with monitoring state compliance and working out the details of a new salary plan that would correct inequities. The eventual true price tag for the decision will probably not be known for some time. One reason is that it will depend in part on the determinations made by the special master. Early state cost estimates prepared for the court ranged from around \$400 million to over twice that amount. The union said the figures were deliberately overstated as a scare tactic. The court did not appear to be overly concerned about the economics of the situation, dismissing a state plea of poverty because of a depressed economy by noting that it had done nothing to remedy the situation when there was a budget surplus.

According to the Council of State Government's *State Government News* (April 1984), the Washington State Office of Financial Management has informed the Legislature's Joint Select Committee on Comparable Worth Implementation that the cost will be \$377 million.

In 1974, the Governor of Washington initiated what is said to be the first state study with the explicit goal of documenting the extent of discrimination in the pay of women workers and utilizing

the comparable worth approach. An outside management consulting firm was employed to make the evaluations.

Job classifications that were 70 percent or more male were compared to those that were at least 70 percent female. Questionnaires and interviews were used to assess point values for each job based on 4 components: knowledge and skills, mental demands, accountability, and working conditions. Several follow-up studies updated the original.

The basic conclusion was that women employees doing comparable work were paid about 20 percent less than men. This differential was attributed to traditional pay relationships found in the labor market. Washington added comparable worth language to its statutes in 1977, but did not implement the idea. AFSCME filed a complaint with the EEOC in 1981. Inaction by the state and the commission led the union to bring suit in federal court.

In June 1983 — prior to the Judge's decision in the case — an initial \$1.5 million was appropriated to the state salary schedule to start the process of making comparable worth adjustments. A 10-year plan was to fully equalize salaries by 1993.

In court, the state contended it had been paying its employees on the basis of prevailing wage rates, and that Title VII of the federal Civil Rights Act did not compel employers to base compensation on comparable worth. The Judge did not accept this argument, nor did he find the 10-year plan to equalize wages acceptable. Failure of the state to make a good faith effort to rectify pay inequities subsequent to their documentation was a point of great concern to the court. The court, however, did not make its own independent judgment on the comparability of jobs, but relied on the state's evaluation.

Several significant aspects of the Washington case are worth mentioning. The plaintiffs did not rely entirely on the state's own studies to prove discrimination. For instance, state classified advertisements specifying male- or female-only job openings — with the jobs employing mostly women always paying less — were introduced in evidence.

Also, the plaintiffs did not have to prove state intent to discriminate, only that it did result.

The plaintiffs specifically requested, and were granted in the judgment, a provision that pay inequities would be corrected through pay increases, not through lowering any employee's pay.

Finally, not all the employees directly benefitting by the decision were women. Job classifications that have a concentration of at least 70 percent female still include up to 30 percent male employees.

The significance of the Washington state case is that a federal judge has expanded the narrow 1981 U.S. Supreme Court decision on sex-based pay discrimination to give legal validity to the application of the comparable worth concept.

An appeal of the case was filed in January 1984. It is expected that comparable worth is an issue that will ultimately be decided by the U.S. Supreme Court, if not in the Washington case, then one similar to it.

VII. THE WISCONSIN SITUATION

In the section on women's rights in his 1984 state-of-the-state message to the Legislature, Governor Anthony Earl linked the issues of marital property reform and comparable worth, saying the 2 combined would establish equity for unpaid homemakers as well as for women who work outside the home. The Marital Property Act became law in April 1984.

Comparable Worth Task Force

On January 25, 1984, the Governor created the Task Force on Comparable Worth by Executive Order No. 44 (see Appendix A for text). A diverse group of 14 members and 4 technical advisory members were appointed to serve, including representatives from the Legislature, state and local government and private sector employers, unions, women's organizations and experts from the fields of personnel and law (see Appendix B for listing).

The basic charge given the task force was to:

(1) Determine whether or not gender segregation and pay inequity on the basis of sex exists in state government employment, and, if it does, where and to what extent. It generally seems to be expected a thorough investigation will document that problems do exist.

(2) Oversee the development of a system to evaluate job classifications in state government using the principle of equal pay for comparable work. Recommendations on budgeting and staffing such a study were to be provided to the Governor by May 31, 1984.

(3) Recommend to the Governor a timetable, budget and legislation necessary to implement a plan to redress any inequities that may exist. A preliminary cost estimate is to be submitted no later than December 14, 1984, for consideration in developing the 1985-87 state budget.

The task force's final conclusions and recommendations are due no later than December 31, 1985.

Governor Earl has stated that he does not expect the complex work of the task force to be accomplished by the time the 1985-87 state budget is prepared for introduction. In order that funds to begin implementing comparable worth be included in the budget, however, the Governor instructed the task force to bring in recommendations in a serial fashion, rather than wait for a finished product.

Dennis Dresang, Director of the La Follette Institute of Public Affairs at the University of Wisconsin-Madison and a political scientist with expertise in public personnel management, was appointed task force chairperson. At its first meeting (on May 14, 1984), Professor Dresang indicated that determining if pay discrimination exists would be the easy part of their charge in contrast to providing solutions. The idea is not only to solve the immediate problem, but to establish policies and programs that will prevent inequities from reoccurring in the long term. Fundamental to the work of the task force is: 1) to review existing research on comparable worth, to get a clear understanding of its purpose and philosophy; 2) to find out what can be learned from activity in other states relating to comparable worth; and 3) to understand Wisconsin's personnel system, particularly the classification and compensation aspects.

Meanwhile, 1983 Wisconsin Act 187 was enacted appropriating \$300,000 to fund the task force. The bill (1983 Assembly Bill 954, introduced by request of Governor Earl) was signed into law on April 4, 1984, after having passed both houses of the Legislature with almost unanimous support (Assembly 94 to 4, Senate 30 to 1).

Opponents of the appropriation funding the task force voiced several concerns:

(1) The idea of acting "under the gun", with a threat of court action producing rapid movement on the issue, is objectionable.

(2) It is easier to support comparable worth in the abstract and vote for a study than it will be to implement it as a practical matter. The state ought not begin the process unless fully prepared to act later and follow through upon the study results. To do otherwise is really asking for trouble.

(3) Conducting a study would provide no real protection for the state in case of a lawsuit. Moreover, the study results would be used as ammunition against the state by the union in a sex discrimination action.

(4) Study findings will have implications for local government and private sector employers, and their unions.

The response was that the threat of legal action is real. The state should take the initiative in trying to head off trouble by getting control of the situation. If a study finds evidence of discrimination, the state would want to do the right thing by moving to correct the situation. The alternative is to be forced into lengthy, expensive litigation, which could result in a costly, court-mandated remedy that included retroactive pay and excluded a gradual phase-in of comparable worth. It would be far better if the state could design an agreeable settlement tailored to Wisconsin's individual circumstances.

Based on the experience of other states that have made similar studies, \$300,000 is the estimated cost of accomplishing an extensive study, as adjusted for the size of Wisconsin's work force. It will be spent for outside consultants, computer data processing, professional surveys and questionnaires, project staff and miscellaneous costs (travel, supplies, services). Before any funds are released to the task force, spending plans are subject to review by the Governor and the Legislature's Joint Committee on Finance.

Employers in the private sector are interested in the work of the task force because they are affected by its existence and the issues being addressed. At a May 1 meeting of the Joint Committee on Finance, called to approve task force expenditure plans and release appropriated funds, motions seeking to have the Governor expand the task force membership by 4 additional private employer representatives and one Republican Senator were defeated. A motion was made at the June 4 meeting of the task force designed to reassure private employers that, in accordance with the scope of the charge in Executive Order No. 44, the task force's focus is specifically on state employees. The motion was tabled.

As of July 1982, women in Wisconsin's classified service earned an average of \$8.38 per hour, while men earned an average of \$10.76 per hour, a difference of 22%. According to Howard Fuller, Secretary of the Department of Employment Relations, the state currently has no system to determine if this gap can be attributed to discrimination. The department has endorsed the task force study and will be heavily involved in developing a system that will attempt to make that determination and rectify any problems.

Conventional wisdom has it that women employees will be found: 1) concentrated in a small proportion of the total number of job classifications in state service, 2) underrepresented in higher level (professional and administrative) positions, and 3) in jobs equivalent to those of men, but paid less. The state employees union certainly believes this to be the case, and has lodged a formal complaint with the EEOC. A previous state study appears to support their contention.

Union Complaint

The Wisconsin State Employees Union (AFSCME) is considering a lawsuit in federal court charging the state with discriminatory pay practices against clerical and other employees on the basis of sex. As a precursor to such an action, in April 1982 the union filed a formal complaint with the Federal Equal Employment Opportunity Commission, alleging the state has failed to act to rectify pay differentials ranging up to 37% between male- and female-dominated jobs. A 1978 state-sponsored survey of Wisconsin clerical and blue collar employees by a private consulting firm was used as evidence in the EEOC complaint.

Hay Associates Study

The study cited by the union in its EEOC complaint was the controversial product of outside management consultants (Hay Associates) hired by the Department of Employment Relations' Division of Personnel. A point system was used to equate jobs.

While a disparity in pay between mostly female clerical positions and the mostly male blue collar positions was found, the state was "strongly urged" to continue maintaining pay rates for clerical, secretarial and related office classes on the basis of relevant competitive prevailing rates for similar occupations in the private sector. The study concluded that modifying this approach was not warranted or required by economic necessity, legal or policy reasons, and pointed out that: 1) the state is a competitive employer, 2) it would be expensive to change current practices, and 3) any change would have an impact on other public and private employers.

The union faulted the study because it linked the pay ranges in question to going market rates, rather than the pay other state employees received for jobs of similar content. Responding to criticism for not using the collective bargaining process to correct inequities, the union points out that negotiation in this area is not an option available to it. State law excludes job evaluation,

including position classifications and assignment of classifications to pay ranges, from subjects of bargaining (statute Section 111.91).

Legal Context — Wisconsin

A solid legal foundation for comparable worth in Wisconsin has yet to be established, even though state law on pay equity is considered to be among the best in the nation. New legislation will probably be required if basic changes in the way salaries are determined and assigned go forward.

Subchapter II of Chapter 111 of the Wisconsin Statutes, "Employment Relations: Fair Employment" (Sections 111.31 et seq), is the prohibition of general applicability against discrimination in employment on the basis of sex.

Statute Chapter 230, "Employment Relations Department", contains a provision pertaining to classification and compensation that is as close as Wisconsin law gets to requiring comparable worth in state employment. Section 230.09 (2) (b) reads (in part): "The administrator shall apply the principle of equal pay for work of *equivalent skills and responsibilities* when assigning a classification to a pay range" (emphasis added). This provision, however, has been interpreted by the Division of Personnel and the Wisconsin Attorney General as not requiring the state to provide equal pay for comparable jobs of different content.

An April 1979 memorandum from Verne Knoll, then Deputy Administrator of the Division of Personnel, to the Chairperson of the State Personnel Board, relating to the Hay Associates survey, states:

"The Division does not feel that it can ignore the economic principles of supply and demand when assigning job classifications to pay ranges. Consequently, the Division feels that it is a reasonable interpretation of ss. 230.09 (2) (b), Wis. Stats., that the application of the principle of equal pay for work of equivalent skills and responsibilities relates to substantially equal skills and responsibilities which would be found *within* an occupational group, and not to the different skills and responsibilities which would be found *between* occupational groups."

Statute Section 230.09 was created as part of the Civil Service Reform Act (Chapter 196, Laws of 1977), which followed the work of the Employment Relations Study Commission. Popularly known as the "Offner Commission" (after its cochairperson, Senator Paul Offner), the commission was established by then Governor Patrick Lucey to study and recommend changes in the state civil service system.

Page 34 of the commission's final report ("Wisconsin Civil Service", June 1977) discussed compensation equity between similar classifications, concluding with the following recommendation:

"The state should provide similar compensation for job classifications of comparable levels of skill and responsibility, regardless of whether those job classifications have traditionally been filled by members of one sex or race."

In an August 1979 opinion requested by the State Personnel Board interpreting statute Section 230.09 (2) (b), Attorney General Bronson La Follette traced the legislative history of the federal Equal Pay Act of 1963 and the enactment of Wisconsin's 1977 Civil Service Reform Act, including the work of the "Offner Commission" (68 O.A.G. 190). He concluded (on page 199):

"In any event, when one considers (1) that Congress purposely chose the language equal pay for 'equal' rather than 'comparable' work when it enacted the Equal Pay Act, (2) that courts uniformly have interpreted the Equal Pay Act as not requiring equal pay for jobs of different content, and (3) that sec. 230.09 (2) (b), Stats., refers to 'the principle of equal pay for work of *equivalent* skills' and does not contain the language '*comparable* levels of skill and responsibility' recommended by the Employment Relations Study Commission, it is my opinion that the equal pay principle referred to in sec. 230.09 (2) (b), Stats, is the same as that

contained in the federal Equal Pay Act. I cannot construe sec. 230.09 (2) (b), Stats, as a drastic departure from traditional equal pay principles absent more express legislative direction."

Another statutory provision in the Department of Employment Relations chapter to be noted in the context of comparable worth is Section 230.12, "Compensation". It stipulates that labor market data on compensation prevalent in other public and private employment be considered in setting equitable pay schedule rates and ranges for state employees (Subsections (1) (b) and (3) (a)).

"230.12 Compensation. (1) COMPENSATION PLAN.

(b) *Separate schedules.* The several separate pay schedules may incorporate different pay structures and wage and salary administration features. Each schedule shall provide for pay ranges or pay rates and applicable methods and frequency of within range pay adjustments based on such considerations as competitive practice, appropriate principles and techniques of wage and salary administration and determination and the needs of the service. Not limited by enumeration, such considerations for establishment of pay rates and ranges and applicable within range pay adjustments may include provisions prevalent in schedules used in other public and private employment, professional or advanced training, recognized expertise, or any other criteria which assures state employe compensation is set on an equitable basis.

(3) COMPENSATION PLAN; ESTABLISHMENT AND REVISION. (a) *Submission to the joint committee on employment relations.* The secretary shall submit to the joint committee on employment relations a proposal for any required changes in the compensation plan which may include across the board pay adjustments for positions in the classified service....The proposal shall be based upon experience in recruiting for the service, data collected as to rates of pay for comparable work in other public services and in commercial and industrial establishments, recommendations of agencies and any special studies carried on as to the need for any changes in the compensation plan to cover each year of the biennium. The proposal shall also take proper account of prevailing pay rates, costs and standards of living and the state's employment policies."

Although lacking the prominence it has today, it is clear the concept of comparable worth has to some extent been an issue in Wisconsin for more years than most people realize. Events of the last decade attest to that. There have been consultants, a commission, legislation, union activity and an attorney general's opinion. While some pay equity improvements through alterations in pay ranges and job classifications have occurred during the period, the comparable worth issue is still unresolved.

The 15-member Wisconsin Women's Council, created to identify barriers to women in society and to work for equality, is a strong advocate for comparable worth in Wisconsin. Originally established as a special committee by Governor Earl (Executive Order No. 5, February 1983), and subsequently made a statutory agency by 1983 Act 27 (statute Sections 15.107 and 16.01), the council has given the pay equity issue high priority.

VIII. ACTIVITIES IN OTHER STATES

It appears as though the executive or legislative branches of over half the states have now taken positive steps of some kind regarding comparable worth — initiating a study or enacting legislation. There are difficulties in trying to be precise about comparable worth activities in other states. One problem is that several states have had statutory language for some years that seems to require pay equity for comparable work, but may not in reality have that practical effect. Wisconsin's statute Section 230.09 (2) (b) is an example of this situation.

Another problem is that the pace of events produces a moving target to be tracked. Employee union demands, possible legal actions and growing political pressures have all produced a rapidly increasing interest among the states in comparable worth.

Formal sex discrimination pay charges have been made against at least 5 states by their employees' unions. In Connecticut and Washington, lawsuits were brought; in Hawaii, New Jersey and Wisconsin, administrative complaints filed with the EEOC are pending (a precursor to bringing suit).

At least 6 states have enacted comparable worth laws pertaining to state employees, thus institutionalizing the concept as official state policy: California, Hawaii, Iowa, Minnesota, Montana and Washington. These actions have generally been preceded by a state study of the issue, often utilizing outside consultants. Hiring a consultant has 2 advantages: 1) it secures needed expertise and experience for this type of job evaluation, and 2) because the review is by a disinterested third party, it helps insure that any bias perceived to be present in the existing system is not continued.

An article, "Comparable Worth: Closing A Wage Gap", appearing in the April 1984 STATE LEGISLATURES magazine (published by the National Conference of State Legislatures), reported briefly on pay equity actions for state employees in several states. Legislation was found to fall into 2 broad categories: 1) language establishing comparable worth principles in law, and 2) authorization and funding for job evaluation studies. The report indicates, however, that states can act without one or the other, or even both. Idaho and Pennsylvania are said to have instituted a system of pay equity years ago without specific comparable worth language. California and New Mexico have proceeded without a special state job evaluation study. Several sources have cited the Minnesota experience as the model approach.

Minnesota. Minnesota's comparable worth provisions for state employees, enacted in March 1982, are found in statute Chapter 43A, "Department of Employee Relations". Comparability of work is defined as the value of the work measured by the composite of the skill, effort, responsibility and working conditions normally required in the performance of the work (Section 14A.01 — Subdivision 14a). Policy statements as to what constitutes equitable compensation relationships are provided (Sections 14A.01 — Subdivision 3 and Section 14A.18 — Subdivision 8 (e)).

This legislation became law following an independent study by a management consulting firm and a task force on pay equity which involved all interested parties in what is described as a nonadversarial process.

In 1983, almost \$22 million was allocated in the budget appropriations to begin the process of eliminating pay inequities among state employees. If a similar amount is earmarked for the same purpose in the 1985 budget, Minnesota believes that full equity will be achieved by the end of the second 2-year cycle. Cost of the adjustment over the 4-year period amounts to about one percent per year of the total state payroll. Increases to affected workers are distributed via decisions negotiated through the collective bargaining process. In the first 2 years some 9,000 employees received equity increases of \$1,600.

Iowa. Iowa, another one of Wisconsin's neighboring states, established compensation based on comparable worth as state policy in May 1983 (effective July 1, 1984), and commissioned a study, which reported in April 1984 that women state employees have been systematically underpaid. One estimate is that it will require \$30 to \$40 million to equalize salaries. The Iowa Legislature is considering legislation to implement corrective measures, bearing an initial price tag of \$10 million. Section 79.18 of the 1983 Iowa Code reads:

"78.18 Compensation based on comparable worth. It is the policy of this state that a state department, board, commission, or agency shall not discriminate in compensation for work of comparable worth between jobs held predominantly by women and jobs held predominantly by men. 'Comparable worth' means the value of work as measured by the composite of the skill, effort, responsibility, and working conditions normally required in the performance of work."

National Legislation. Bills relating to pay equity for women have also been introduced in the 98th Congress. The first of a series of public hearings on the comparable worth issue was held in April 1984. The bills concern congressional monitoring of what the Equal Employment Opportunity Commission and other federal agencies are doing to encourage and enforce pay equity, and a comparable worth study regarding federal government employees' pay to see if inequities exist in female-dominated categories.

IX. THE COMPARABLE WORTH DEBATE

In providing background information concerning a rather new and unfamiliar idea like comparable worth, it is only natural that the material generally reflects the position of those who are working to get the idea adopted at all levels of government and in the private sector. That does not mean the concept is unopposed. There is a large body of thoughtful opinion declaring comparable worth to be unnecessary, unworkable and a threat to our economy.

This section will set forth some of the main arguments surrounding the idea. These revolve around the role of the marketplace, justice, economic and social costs, and the efficacy of comparable worth evaluation.

The Position of the Antagonists

Opponents of comparable worth are appalled at what they feel it would do to the free market principles for setting pay now operating as one of the economic cornerstones of our society. Comparable worth is a radical idea, they say, that declares apples the equal of oranges, and prices them the same.

In their view, a job has no inherent value of its own. Operation of the marketplace dictates its economic worth. Labor is a commodity, worth only what somebody is willing to pay. How much an employer will voluntarily pay for the performance of an activity, and how little somebody will do it for, is fairly determined by a free market in terms of such factors as worker supply and demand, qualifications required, value to the organization, pay in similar jobs in the same geographical area, level of competition, and labor contracts. The comparable worth approach would result in unwarranted intrusions by government bureaucracies and the courts in the marketplace system for pricing labor, interfering in the pay structure of every employer. Market constraints will continue to apply to other costs. Because it involves the imposition of arbitrary and subjective wage scales outside free market values, comparable worth is regarded as unworkable as price fixing.

Drastic consequences are predicted:

Chaos will be created in the labor market. Long established, individual business practices will be upset. Our entire economic system will be disrupted and altered. Higher pay without added productivity under comparable worth will increase costs, cut profits, drive jobs overseas, increase foreign competition and hurt the balance of payments. Inflation and fewer jobs will ultimately result. Governmental units will have a large, new budget item to deal with, through either increased taxes or lowered services. Economic development plans will be thwarted. In the private sector, everyone will pay through higher costs of consumer goods and services.

Opponents say that comparable worth really is expensive, special interest legislation masked by talk of fundamental rights and justice. Many women working in so-called women's jobs have gravitated to those jobs because of personal preference and skills, and will continue to do so in large numbers even though far greater opportunities are now available to them than once was the case. These women — via comparable worth — want protection from the consequences of their choice in the form of higher pay. Unless a great deal more money is pumped into the system, comparable worth is simply an income redistribution scheme. If the size of the economic pie is basically unchanged, slicing it differently will produce losers for every gainer. That being the case, chances are a great deal more money will have to be found somewhere and introduced into the system.

Furthermore, improved pay under comparable worth would remove the incentive for women to upgrade themselves and their jobs. They will be encouraged to remain where they are, perpetuating the concentration and oversupply of women in certain jobs.

Opponents grant that some inequities exist, but do not regard comparable worth as an appropriate remedy. They feel we are already on the right track to solving these problems, without abrupt dislocations, with legislation that has cleared the way for men and women to have access to equal opportunities in education and employment. Upward mobility is seen as the key to better pay.

Great progress has already been made with this approach and will undoubtedly continue. They feel there are ample reasons why a so-called pay gap need not have anything to do with sex discrimination. Now that opportunities to better themselves are available, if women do not take advantage of them, they ask: where is the discrimination?

Women simply want more money for what they do. That is natural enough. How many people feel they are paid what they are worth? Workplace arguments about who works hardest and what jobs are more important have always taken place and are not limited by sex. The marketplace sometimes makes odd judgments that often seem unfair concerning what labor society values most. Compare, for instance, the salary of an entertainment personality or professional athlete to that of a president of a great university. It is a natural by-product of living in a free society where government does not control every aspect of the economy.

The comparable worth job evaluation issue essentially boils down to a difference of opinion as to whether or not it can be done. Opponents feel the comparable worth approach to judging the relative value of different jobs presents formidable difficulties and cannot be done in a fair manner. Where it has been attempted (as in the State of Washington), the results have differed widely from free market practices in determining wage assignments. Taxpayers and consumers should not be forced to pay for an artificial inflation of pay based on questionable, subjective job evaluations.

The Position of the Protagonists

Advocates say the arguments of the opposition about how comparable worth would devastate individual employers and the economy cut 2 ways. If the cure for undervaluing the labor of women would be so disagreeable, it points out how serious the present situation is for most women. Pay equity is badly needed; however, the effects of implementing comparable worth have been grossly exaggerated by its opponents.

Proponents of comparable worth do not deny there will be unavoidable costs connected with its implementation, but say that opponents overstate them as a scare tactic. There is ample historical precedence for overestimating costs whenever economic arguments against legislation to provide for the fair treatment of labor are advanced. Comparable worth will probably not go into effect everywhere at once; and where it does, it can be done on a gradual basis that will not be abrupt or disruptive. For most employers, pay equity adjustments will be small in comparison with total payroll costs.

The economic and social consequences of continuing to undervalue the work of women are also very costly. One hears a great deal about the feminization of poverty, as increasing numbers of women are officially classified as poor by the government. Welfare loads, health costs, crime rates and other social problems are directly related to what women can earn. When comparable worth allows women to increase the earnings by which they support themselves and their families, all society will benefit. The number of families ranked below the poverty level will decrease, removing them from dependency on public support services. Instead of being tax consumers, they become tax payers. Working women will have increased purchasing power that will boost consumer spending. The tax base will be strengthened. These offsetting considerations put the net "cost" of comparable worth into quite a different perspective.

The charge that comparable worth will bring governmental interference implies the employers will not still be setting wages. Proponents claim that is not true. Employers will be interfered with only if the wages they pay are shown to be discriminatory. Numerous examples of similar government "interference" in the marketplace for a greater social good exist (child labor laws, minimum wage, OSHA and the Chrysler Corporation bail-out).

More fundamentally, advocates contend that costs should not be an issue when the subject is ending discrimination. Justice does not have a price tag. It is a rights issue when a labor market, distorted with built-in bias, continues to discriminate against women. Employers who have been

using women as a source of cheap labor for decades have no basis for complaint about the expense now that the time to end this exploitation has arrived. From an economic standpoint, the continuing sacrifices of most women have been subsidizing everyone else.

Advocates point out the value of the free market in labor pricing is highly questionable to women for whom it has not worked well. Rather than being the even-handed arbiter it is made out to be, they say, it has institutionalized discriminatory practices which resulted from historical social and economic forces. The long-standing bias it perpetuates values men's work higher than women's and results in exclusions and crowding of women into a second-class segment of the labor market, where women must compete mainly with other women. The situation in nursing is used as an example of how the market fails women. Supply and demand forces seem to have little impact in that female-dominated field where low pay in spite of shortages has been documented over a long period of time.

Further evidence that historic job patterns are not the result of a truly free market operating is that the recent enactment of laws removing some of the barriers regarding equal access to educational and job opportunities has resulted in rapid movement by younger women into nontraditional occupations.

Comparable worth may appear to be strictly a women's issue, but pay equity is in the best interest of all workers. Comparable worth is not a question of being paid "enough", or what someone thinks they are "worth", but being paid equitably relative to what others receive for work of comparable value. Lowering or freezing the pay of higher paid employes in order to rectify inequalities under comparable worth is unlikely in the face of the legal, political and practical difficulties that would entail. The assumption is that lower paid employes' pay will be increased.

Comparable worth, it is maintained, would accomplish a great deal toward curing our imbalanced work force by providing more freedom in job choice for men and women. Better pay in traditionally women's jobs will attract male applicants, and women will be free to change jobs — or remain — as they choose. Employers will have more and better people to select from in all work categories. A key element is that women will not be forced to change jobs in order to obtain equitable pay.

As to job evaluation under comparable worth, protagonists maintain, jobs may not have intrinsic worth but they do have relative worth in comparison to other jobs that can be determined. It has been demonstrated that a properly designed job evaluation system can be devised to accomplish this end.

X. SOURCES

Of the various sources used in preparing this publication, the following were found to be most helpful.

Arthur Young and Company, *Study to Establish an Evaluation System for State of Iowa Merit Employment System Classifications on the Basis of Comparable Worth*, April 1984 (331.24/Yo8).

Conference on Alternative State and Local Policies, Committee on Pay Equity, *Manual on Pay Equity: Raising Wages for Women's Work*, November 1981 (331.24/C761).

Connecticut Office of Legislative Research, *Equal Pay for Jobs of Comparable Worth*, March 1979 (331.24/C76).

Council of State Governments, *Overcoming the Pink Collar Blues: Comparable Worth*, November 1983 (331.24/C83).

Gold, Michael Even, *A Dialogue on Comparable Worth*, 1983 (331.24/G56).

Kentucky Legislative Research Commission, *Salary Differentials Between Men and Women in Kentucky State Government*, March 1983 (331.24/K4).

- Minnesota Council on the Economic Status of Women, Task Force on Pay Equity, *Pay Equity and Public Employment*, March 1982 (331.24/M6).
- National Research Council, *Women, Work and Wages: Equal Pay for Jobs of Equal Value*, 1981 (331.24/N21).
- New Jersey Commission on Sex Discrimination in the Statutes, *An Analysis of Wage Discrimination in New Jersey State Service*, March 1983 (331.24/N46).
- U.S. Department of Labor, *Equal Pay*, 1971 (331.24/X2).
- U.S. Department of Labor, Bureau of Labor Statistics, *The Female-Male Earnings Gap: A Review of Employment and Earnings Issues*, September 1982 (331.24/X10).
- University of Wisconsin-Madison, Institute for Research on Poverty, *Sexual Inequality in the Workplace: An Employer-Specific Analysis of Pay Differences*, 1978 (331.24/W7a).
- Washington State Department of Personnel, *Comparable Worth Study Report*, January 1983 (331.24/W2).
- Wisconsin Department of Employment Relations, Division of Personnel, Materials relating to clerical survey by consulting firm of Hay Associates, 1978-79 (State Document collection: Emp Per j — 2 pts.).
- Wisconsin Employment Relations Study Commission, *Wisconsin Civil Service*, June 1977 (351.2/W7b).
- Wisconsin Legislative Reference Bureau, *Clippings: WAGES — PUBLIC EMPLOYEES* (331.21/Z and W7z); and *WAGES — WOMEN* (331.24/Z and W7z).
- Wisconsin Legislature, Assembly Committee on Government Operations, *Comparable Worth Task Force Funding* (material submitted to committee hearing), February 1984 (331.24/W7c).
- Wisconsin Women's Council, *What is Comparable Worth?*, 1984.

APPENDIX A

Executive Order No. 44

January 25, 1984

WHEREAS, ss. 111.322 and 111.36, Stats., provide that the State of Wisconsin shall not discriminate on the basis of sex in compensation; and

WHEREAS, the State of Wisconsin needs to develop a system for analyzing its compensation system on the basis of comparable worth to determine if pay inequality on the basis of sex in state service exists; and

WHEREAS, this administration is absolutely committed to improving the status of women in this state;

NOW, THEREFORE, I, ANTHONY S. EARL, Governor of the State of Wisconsin; pursuant to section 14.019, Wis. Stats., and by virtue of the authority vested in me by the Constitution of this state, do hereby order and direct that:

1. There is created a committee which shall be known as the Task Force on Comparable Worth.
2. The Task Force on Comparable Worth shall:
 - a. Review and analyze existing research on comparable worth.
 - b. Research data and programs from other states relating to comparable worth.
 - c. Review the state civil service classification and compensation system.
 - d. Determine and document the extent to which classification and occupational group gender segregation and a disparity between wages paid to men and women exists in state service.

- e. Develop and recommend to the Governor by May 31, 1984, a budget and staffing plan for a study to develop a system by which state civil service and unclassified academic staff may be evaluated using the principle of equal pay for comparable worth.
 - f. Oversee a study as listed under 2.e. above.
 - g. Oversee the testing of a study as listed under 2.e. above.
 - h. Recommend a timeline, cost estimate and legislation for implementing the system developed under 2.e. above.
 - i. Submit to the Governor and the Legislature a preliminary cost estimate for implementing the system developed under 2.e. above no later than December 14, 1984, and final results and recommendations no later than December 31, 1985.
3. The Task Force on Comparable Worth shall include: legislators representing both major political parties and both Houses of the Legislature; public and private employers; labor; the Wisconsin Women's Council; personnel and legal experts. The Governor shall designate the chair from among the members of the Task Force.
 4. The Department of Employment Relations and the Department of Administration shall serve as non-voting advisory members of the Task Force.
 5. All state agencies shall give full cooperation, information and personnel assistance to the Comparable Worth Task Force, to assist the state in studying the principle of comparable worth.
 6. The Department of Employment Relations and the Wisconsin Women's Council shall provide such administrative support as may be needed by the Task Force.

APPENDIX B

Members — Task Force on Comparable Worth

Prof. Dennis Dresang, Chair, 440 Virginia Terrace, Madison; Director of the La Follette Institute of Public Affairs; Professor of Political Science, UW-Madison.

Roberta Gassman, Governor's Designee, 613 Rogers Street, Madison; Governor's Policy Advisor on Women's Issues.

Prof. Carin Clauss, Priscilla Lane, Madison; Professor of Law, UW-Madison.

Jeremiah Stone, 1209 Gilbert St., Wausau; Director of Human Resources and Personnel, City of Wausau and Marathon County.

Rose Kordick, 928 South 32nd Street, Milwaukee; Company Officer, Northwestern Mutual Life Insurance Company.

Rep. Lolita Schneiders, N89 W17151 Highland Ct., Menomonee Falls; Member, Wisconsin Women's Council.

Sen. Joe Czarnecki, 7004 West Van Beck Ave., Milwaukee.

Peggy Lee, 2106 54th St., Kenosha; Program Assistant, UW-Parkside; President, AFSCME, Local 2180, Wisconsin State Employees Union.

Anna Biermier, 1505 Windfield Way, Middleton; Vice-Chair, Wisconsin Women's Network; Affirmative Action Director, Department of Health and Social Services.

Prof. James Jones, 5042 La Crosse Lane, Madison; Professor of Law, UW-Madison.

Rep. Louise Tesmer, 2314 East Rusk Ave., Milwaukee.

Barbara Meyer, 730 Wedgewood Way, Madison; Librarian, UW-Madison; Member, The Association of Faculty Women and University Community Women.

Filippa Weber, 9806 West Morgan Ave., Milwaukee; Compensation Manager, Harley Davidson Corp.; President-Elect, Wisconsin Federation of Business and Professional Women.

Carol Gainer, 405 North Sherman Ave., Madison; Educational Loan Collector, Higher Educational Aids Board; Member, Executive Board, AFSCME, Council 24, Wisconsin State Employees Union.

Technical Advisory Members

Barbara Horton, Director of Classification and Compensation, Department of Employment Relations.

Howard Bellman, Secretary, Department of Industry, Labor and Human Relations.

Doris Hanson, Secretary, Department of Administration.

Wallace Lemon, Associate Vice-President, UW-System Personnel Relations.