Equal pay for work of comparable worth and the case of Montana state government.

Tewolde Habtemicael

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EQUAL PAY FOR WORK OF
COMPARABLE WORTH AND THE CASE
OF MONTANA STATE GOVERNMENT

By
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Presented in partial fulfillment of the
requirements for the degree of
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Approved by:

[Signatures]
Chairman, Board of Examiners
Dean, Graduate School

Date June 3, 1985
The Lord spoke to Moses and said,

"Speak to the Israelites in these words: 'When a man makes a special vow to the Lord which requires your valuation of living persons, a male between 20 and 60 years old shall be valued at 50 shekels, that is, shekels by the sacred standard. If it is a female, she shall be valued at 30 shekels'"

Leviticus 27:1-4
New English Bible
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Tewolde Habtemicael
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CHAPTER I

INTRODUCTION

This paper addresses the issue of comparable worth, how it has evolved, and how it is producing change at the national level as well as in Montana. Comparable worth is defined as "the provision of similar salaries for positions that require or impose similar responsibilities, judgments, knowledge, skills and working conditions."\(^1\) Under this definition, dissimilar jobs should be paid at the same rate if their content is similar. Comparable worth, therefore, is a process of determining the value of work to an employer without consideration of the sex of the worker.

The issue of comparable worth continues to arouse much controversy. This controversy has involved policy makers, courts, employers, labor unions, women, and personnel specialists. In the words of Eleanor Holmes Norton, former Equal Employment Opportunity Commission Chairwoman, "Comparable worth is the issue of the eighties for women."\(^2\) Currently, some eighty-five state and local governments are said to be studying or implementing comparable worth pay adjustments, including Montana state government.
The existence of a wage gap between men and women in the United States is one of the most persistent symptoms of sexual inequality. While many people believe that the situation of employed women in the nation has improved markedly, particularly with the influx of women into nontraditional jobs, the facts indicate otherwise. Study after study conducted by different agencies and specialists indicate that, overall, women earn fifty-nine cents for every dollar paid to men in the U.S. (figures for year round, full-time workers). When broken down by sector, Grune and Reder found that in state and local governments, women earn seventy-one cents for every dollar earned by men. Among state government employees in Montana, women earn 74 cents for every dollar paid to men, for an average salary difference of $5,744. In the federal government, the ratio is sixty-three cents to one dollar, while in the private sector, employed women earn fifty-six cents for each dollar men earn. This was further confirmed by the U.S. Department of Commerce, Bureau of Census' report of 1978 which concluded that, "The average female, white, full-time worker in America earns only 56 percent as much as the average male, white, full-time worker. This problem of pay equity and failure to close the wage gap is due to a combination of occupational segregation by sex and sexually discriminatory pay setting procedures.

The earnings gap between men and women employed by the state government of Montana is similar to that found in other
states and at the national level. In Montana, as in the
rest of the nation, the vast majority of women do not work
at the same jobs as men. This job segregation by sex is
found not only among occupations but is also common within
occupations. The crowding of women into a narrow range of
overwhelmingly female dominated jobs is the single most
important cause of the wage gap. Put differently, not only
do women do different work than men, but also the work women
do is paid less, and the more an occupation is dominated by
women, the less it pays. In short, pay has a direct relation­
ship with sex.

All legislation that has so far been enacted has not,
and will not, close the wage gap existing between men and
women. To be specific, the Equal Pay Act of 1963, Title VII
of the 1964 Civil Rights Act, and the Montana Classification
and Pay Act of 1973 have all failed to close the wage gap.

Since focusing on equal job opportunities and equal pay
for equal work fails to insure that current wage differen­
tials among jobs and across occupations are nondiscriminatory,
the implementation of equal pay for work of comparable value
to the employer becomes necessary if the wage gap between
men and women is to be closed. The concept of equal pay for
jobs of comparable value calls for the development of a
universal taxonomy of job content/skill requirements capable
of being applied across all occupations and all jobs within
occupations. By applying a single bias-free job evaluation
system, particularly the factor point method, it is possible to compensate employees equally on the basis of the value of the job regardless of the gender of the employee or what the compensation of those jobs may be in the labor market.

In addressing the above issues the professional paper is divided into two parts. The first part focuses on the issue of how wage discrimination against women has developed, including the methods institutionalized to perpetuate it and the impact of job segregation by sex on the earnings of women. In analyzing these issues, the paper heavily depends on the various studies conducted by prominent job classification analysts and compensation specialists.

In addition, it examines the relevant laws regarding pay and how they have failed to close the earnings gap between men and women. It will also refer to some of the court cases filed by working women against employers regarding their unfair and discriminatory pay practices and how the courts have decided the cases.

The second part evaluates the Montana state government's efforts to achieve wage determination on the basis of the comparable work concept. The information gathered and the analysis provided in this part of the paper is based upon:

- government documents;
- results of various studies conducted by others;
oral interviews with those who participated in the study, and also with leaders of interest groups; and

my experience on the comparable worth study while working with the Montana State Personnel Division in the summer of 1984 as a management intern.

The paper is divided into six chapters. Chapter II begins by reviewing the history of wage setting for working women during the nineteenth century and early twentieth century. It critically examines in detail the Equal Pay Act of 1963 and Title VII of the Civil Rights Act of 1964 and their failure to close the wage gap that presently exists between men and women. Moreover, it looks into some of the court cases and the decisions handed down by the courts concerning equal pay issues.

Chapter III analyses the extent of job segregation by sex, and the principle factors contributing to this segregation. It also analyzes the relationship between job segregation and salary discrimination. In addition, it discusses the possible role of job evaluation in general, and the factor point method in particular, in achieving the goal of comparable worth.

Chapter IV delves into the controversy surrounding the concept of comparable worth, including the use of job evaluation methods for determining the intrinsic worth of jobs,
the issue of what role market forces should have in determining wages, and the problem of cost in implementing comparable worth strategies. It will also look into some of the experiences of other countries that have implemented the comparable worth concept.

Chapter V starts by briefly examining the weaknesses of the current classification system in Montana and how it is not an appropriate means for achieving pay equity between men and women in the government. It discusses the main reasons as to why a new job classification study based on a quantitative point factor method of job evaluation, which is currently underway, became necessary. Next, a detailed examination of existing job segregation by sex and its impact on the salary of women is made. Finally, an evaluation is made as to how the comparable worth concept has been introduced in the Montana state government, how the study has been conducted, the way job factors were selected, and how the weights have been assigned to them.

Finally, Chapter VI, which is the conclusion, makes clear the exact position taken by the paper in terms of implementing comparable worth of jobs by applying job evaluation techniques. It will also provide some general as well as specific recommendations as to how job evaluation methods should be administered.
The purpose of this paper, ultimately, is to add to our knowledge of the extent of gender-based wage inequities and what is being done at the state level, particularly through the improvement of job evaluation methods, to rectify such pay inequities.
CHAPTER II

EFFECTS OF THE EQUAL PAY ACT OF 1963 AND
THE CIVIL RIGHTS ACT OF 1964 ON THE WAGE GAP

The existence of a wage gap between men and women in the United States is not new. Struggles waged by industrial working-class women and labor unions to address wage inequalities go back to the early 1800s. During the 1830s industrial working-class women of the New England textile mills fought for equal wages with their male co-workers and for protective legislation.7

During these early days working-class women were not alone in their struggle to secure equal pay for equal work. Some labor unions stood on the side of working-class women. The Knights Labor, according to Sacks, saw women and black people as an important part of the working class, and on this basis supported equality within the organization and demanded it of employers. At its first national convention in 1879, members of the Knights Labor endorsed the concept of equal pay for equal work, and began from the outset to have both exclusively women locals as well as male-female locals.8
By the 1870s the issue of wage inequities was being addressed not only in terms of equal pay for equal work but also in terms of equal pay for jobs of comparable worth. Miss Virginia Penny, who wrote _How Women Make Money: Married or Single_ (1870), advised her readers that, "We think, in the different departments of women's labor, both physical and mental, there exists a want of harmony of labor done and the compensation."\(^9\) Penny offered this comparable worth comparison:

A gilder [typically male] in a book bindery gets $6 a week . . . which is equal to ten cents an hour. A girl at most mechanical employments, receives for her sixty hours' labor, $3 a week . . . [or] five cents an hour.\(^10\)

The "want of harmony" remains. Over a century later, the National Research Council of the National Academy of Sciences concluded 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."\(^11\)

During the Second World War the concept of equal pay for equal work began to gain general acceptance. Before that period, in the words of Armen, "Employers who hired men and women to perform the same jobs commonly set two pay scales, one for men and a lower one for women."\(^12\)

However, during the war, women filled the factory and defense jobs left behind by men who had joined the armed forces. It was during this period that Congress created the War Labor Board whose function was to inspect plants
and to make sure that women workers were given fair pay for work comparable to that of men. The Board was much resented by employers and labor organizations and this resulted in its abandonment soon after the war.

The Equal Pay Act of 1963

Prior to 1963 there was no law protecting women in the general work force from receiving lower pay for the same or for comparable work done by men. Nevertheless, the idea of equal pay for comparable work remained on the nation's agenda and equal pay bills were introduced in every session of Congress between 1945 and 1962. The term "equal work" was substituted for "comparable work" in a bill that reached the floor of the House during the eighty-seventh Congress. The House removed the term "comparable" because it considered it to be overly broad and would give too much latitude to fact finders in pay disputes. After amendment by the Senate, the bill was returned to the House where Representative Charles Goodell contributed the following statement to the legislative history of comparable worth:

I think it is important that we have clear legislative history at this point. Last year when the House changed the word "comparable" to "equal" the clear intention was to narrow the whole concept. We went from "comparable" to equal meaning that the job[s] involved should be virtually identical, that is, they would be very much alike or closely related to each other. [emphasis mine].
We do not expect the Labor Department to go into establishments and attempt to rate jobs that are not equal. We do not want to hear the Department say, "Well, they amount to the same skill or point. We expect this to apply only to jobs that are substantially identical or equal."14

The ability to achieve equal pay without creating a new enforcement bureaucracy was just the push needed for passage.15

The Equal Pay Act (EPA), passed in 1963, reads in part as follows:

No employer, having employees subject to [the Fair Labor Standard Act] shall discriminate within any establishment in which such employees are employed, between 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 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.16

Before the Act passed, Congress was well acquainted with the theory of comparable worth, and in the words of Armen, "... considerable debate had taken place over whether the equal pay standard to be established should be applied to 'equal' or 'comparable' work."17 More than half of those who addressed the issue in Congress argued that "equal work" was too restrictive a standard and that its adoption would handicap the effort to achieve economic equality for women workers. On the other hand many Congressmen still feared an intrusive enforcement bureaucracy, so they quickly supported the proposal for "equal work" because it allowed virtually no judgment to be exercised in enforcement,
and it permitted employers to continue to set such wage rates as they found to be necessary and economical. The more restrictive version was accepted.  

Consequently, it seems that when Congress enacted the EPA in 1963, the use of the words "equal work" reflected the legislature's hostility to government involvement in wage structures. Congress recognized that the use of the term "equal" rather than "comparable" could allow some wage discrimination to go unremedied.

The existing equal pay legislation provides protection only where women are doing exactly the same work as men. This narrow standard provides protection only to a few women. For example, under the Act, female and male telephone operators have a statutory right to equal pay. But telephone operators do not have statutory right under the EPA to the same compensation received by elevator operators, even if the two jobs require comparable skill, responsibility, and effort, because the two jobs are not "equal."

Since the Supreme Court did not enunciate its own standard, no fully reliable guidelines have ever been developed by which to determine whether similar work is in fact "equal work." *Schultz v. Wheaton Glass Co.* demonstrates the extent to which the Act is narrow and restrictive and lacks clear standard.

In *Schultz v. Wheaton Glass Co.*, the employer argued that it female "selector packers" working on the same duties
as male "selector packers" were justifiably paid more for selector packer work because the men were also available for unskilled, lower paid utility work in the packing room. All the men were paid approximately $15 a week more than any of the women whether they actually did any utility work or not. The company agreed that only a few men actually performed any utility work, and those that did spent less than 20 per cent of their time at it, but the company argued that the flexibility of the male selector packers made their jobs worth more. This wage differential was legal, the company contended, because the possibility of being assigned to do utility work in the packing room made the men's and women's jobs unequal.21

Wheaton won its case in District Court on the basis that men and women were not performing equal work. On appeal, the 3d Circuit reversed the opinion saying that minor differences in work duties did not make very similar jobs unequal. Eventually, the Supreme Court allowed the 3d Circuit's decision to stand. The outcome in Schultz v. Wheaton Glass Co. was that it took the Department of Labor seven years of litigation to win equal pay for female selector packers,22 and it demonstrated the difficulty of defining what is and what is not equal work.

Paul A. Katz, one of the foremost federal authorities on job classification, points out that,
... before the passage of the EPA in 1963, it was not illegal to pay women less than men for doing comparable, or even the exact same work. Many employers did, in fact explicitly pay women less than men for performing the exact same work. Employers did not automatically raise the wages for these traditionally female jobs or integrate their work force after the passage of the EPA... The effect of this discrimination is still felt today.23

Katz's statement is well substantiated by a report released by the Department of Labor, Employment Standards Administration, which states that from June 1964 through the end of fiscal 1977 there were 7,878 compliance actions involving equal pay, and more than $147 million was found to be owed to more than 253,000 employees. Almost $16 million was found to be owed to 19,382 employees in 1977 alone, and nearly 13,000 employees benefited from $7 million in restored income.24

As indicated earlier, it is not an easy matter for the plaintiff to win an equal pay case. Until challenged, employers often continue their existing wage practices whether "equal" or not. When challenged, the narrow standards and their uncertain interpretation encourage the defending employer to litigate rather than to conciliate. First, the fact that the employer is able to postpone raising female employees' wages (for seven years as in Wheaton) represents a savings which partially balances the costs of litigation. Second, because employers have often defended themselves successfully in the courts in the past, other
employers may be encouraged to take their chances in court rather than voluntarily comply with the Equal Pay Act.

Finally, as a result of the narrowness of the "equal work" language, the overwhelming majority of women workers do not benefit from the Equal Pay Act. The reason is clearly stated by Grune and Reder:

The vast majority of women do not work at the same jobs as men. And this is the main reason [why] enforcement of EPA, which mandates equal pay for equal work, has not reduced the wage gap.25

**Title VII of the 1964 Civil Rights Act**

One year after passing the Equal Pay Act, Congress outlawed employment discrimination based on race, color, religion, national origin, and sex. This section of the paper will examine the extent to which the Civil Rights Act has helped to close the long existing pay gap between men and women. Furthermore, the relationship between the Civil Rights Act and the Equal Pay Act will be examined.

Title VII of the 1964 Civil Rights Act, Section 703(a) states that:

It shall be unlawful employment practice for an employer -- (1) to fail to refuse to hire or discharge any individual, with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; 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 race, color, sex, or national origin.26
According to the above act, today employers can neither refuse to hire or discharge an applicant on the basis of prohibited factors, nor can they set wage rates based on them. With respect to women's wages, however, Congress added an amendment which made it unclear whether or not gender-based wage discrimination is prohibited where dissimilar jobs are involved.

This amendment, introduced by Senator Bennett, states:

It shall not be unlawful employment practice under Title VII for any employer to differentiate upon the basis of sex in wages of compensation paid or to be paid to employees of such employer if such differentiation is authorized by the provisions of Equal Pay Amendment.27

In trying to elaborate the objective of the amendment a year following its passage, Senator Bennett indicated that, "The purpose of the amendment is to provide that in the event of conflicts, the provisions of the Equal Pay Act shall not be nullified."28

The language of the Bennett Amendment is imprecise. The amendment addresses sex-based differentiation in wages "authorized" by the EPA. The EPA, however, does not authorize sex-based differentiation. Instead, it prohibits a specific type of sex discrimination -- unequal pay for equal work where the inequality is not the result of a seniority system, a merit system, a system that pays on the basis of quantity or quality of production, or a factor other than sex. The language of the amendment provides no certain guide to its purpose.29
For many years this amendment was thought to incorporate the entire Equal Pay Act into Title VII; meaning that wage differentials between men and women were legal as long as the two sexes were not performing "equal work". Given the vicissitudes of the "equal work" standard discussed earlier, such an interpretation severely hampered progress toward economic equality for women. Although the Equal Pay Act prohibits an employer from paying men more than women for doing equal work, the overwhelming majority of working women are in a situation where they cannot claim the protection of the Equal Pay Act because most organizations have sex-segregated job structures in which women do work quite different from men.

The question litigated in recent years is whether Title VII is broad enough to reach a segregated job structure where women are paid less for work that is different from that of male employees but is of comparable value to the employer. Defendants typically take the position that unless the situation challenged fits within the narrow Equal Pay Act framework, that is, where a woman is doing virtually the same work as a man for less money, Title VII does not apply. Plaintiffs typically argue that Title VII is much broader than the EPA and covers any form of sex-based discrimination in wages.
Court cases that are particularly relevant in this legal debate are LeMons v. City and County of Denver, Christensen v. State of Iowa, and Gunther v. County of Washington.

In LeMons v. City and County of Denver, nurses challenged a wage system that paid them less than tree trimmers, sign painters, tire servicemen, and traffic-signal mechanic trainees. The Tenth Circuit held that the plaintiffs had not proved a violation of Title VII because they were not receiving unequal pay for equal work. Although the plaintiffs based their complaint on a broad comparable worth theory rather than a comparable work theory, the court based its rejection of their claim directly on the Bennett Amendment's incorporation of the equal work standard into Title VII. The federal district judge in ruling against them, proclaimed the case "pregnant with the possibility of disrupting the entire economic system of the United States of America."

Similarly, in Christensen v. State of Iowa, the plaintiffs sought to prove sex-based wage discrimination under Title VII. The Eighth Circuit found that the University of Northern Iowa did not discriminate when it paid secretaries less than physical plant employees, even though the University's own internal study had placed the two categories of jobs in the same labor grade. The court rejected the plaintiff's attempt to prove discrimination merely by showing unequal pay for comparable work. Although the court did not reach the Bennett Amendment issue, it accepted the University's
justification that a higher pay scale for physical plant workers reflected the greater difficulties of recruitment:

We find nothing in the text and history of Title VII suggesting that Congress intended to abrogate the laws of supply and demand or other economic principles that determine wage rates for various kinds of work. We do not interpret Title VII as requiring an employer to ignore the market in setting wage rates for genuinely different work classifications.35

In 1981, however, the Supreme Court arrived at a different interpretation of the Bennett Amendment. According to labor unions, women's groups and many compensation specialists, the court's ruling may open the door to implementing comparable worth or other theories aimed at equalizing earnings by using Title VII.

In County of Washington v. Gunther,36 male prison guards at the county jail were assigned to male prisoners while female prisoners were supervised by female guards. Female guards were responsible for fewer prisoners and also performed some clerical duties and, therefore, were not performing equal work. The County's own job evaluation of male and female guard positions and its local wage survey showed that the female guards' services were "worth" approximately 95 per cent of the male guards' services. The County, however, ignored its own study and set women's starting wages at 74 per cent of the starting pay for men. It also adjusted the pay scale so that the highest paid woman received 10 per cent less than the lowest paid man.
The women argued that because the County's own survey indicated a higher value for the female guards' position, some of the pay differential must have been attributable to intentional sex discrimination. The claims were brought under Title VII. The District Court, however, refused to accept any evidence of sex discrimination once the County demonstrated that the men and women were not performing equal work. The District Court held that the Bennett Amendment precluded any sex-based wage discrimination claim under Title VII, unless the claim also showed a violation of the EPA.

With regards to the first claim, the appellate court upheld the lower court's finding that under EPA standards, the matrons' work was not substantially equal to the guards' work. Unlike the District Court, however, the Ninth Circuit did not hold that this finding governed the outcome of the case. Rather, the court concluded that Title VII reached conduct outside the scope of the EPA, and that with regard to their second claim, the matrons should be permitted an opportunity to prove that some of the pay differential was attributable to sex. The Gunther court's decision that Title VII can be applied to challenge pay inequity in a comparable worth situation where there is evidence of intentional discrimination is a major step in the development of the law.37
Earlier it was noted that only about 20 per cent of the working women could benefit from the Equal Pay Act because the overwhelming majority of women do different work than men. From the above indicated court cases, it is also clear that under Title VII evidence of pay disparities based on market rates is not sufficient to win a case. Courts have required proof of intentional discrimination. Because discriminatory biases in wage setting tend to be built into market rates, rather than in the discrete actions of employers who consciously intend to discriminate, Title VII has not offered a significant means for closing the wage gap. Consequently, the policy of equal pay for equal work by the EPA, and more general employment policy mandated by Title VII of the 1964 Civil Rights Act, have all been insufficient to break down the barrier in order to close the wage gap between men and women.
CHAPTER III

ACHIEVING PAY EQUITY THROUGH JOB EVALUATION

What is Comparable Worth?

It is clear that elimination of discrimination in the distribution of jobs, coupled with the provision of equal pay for similar work, would reduce inequities in earnings. It should also be clear from the foregoing discussions that the focus on equal job opportunities and equal pay for equal work fail to insure that current wage differentials among jobs and across occupations are nondiscriminatory. It is because of this failure that the idea of equal pay for work of comparable value has emerged as one of the most innovative policy approaches to the problem of continuing wage discrimination against people in female-dominated jobs.

"Comparable worth," according to Milkovich, "is the idea that job functions and their value to the employer ought to determine compensation without consideration of the gender of the job seeker or job holder."38 In other words, it is the provision of similar salaries for positions that require or impose similar responsibilities, judgment, knowledge, skill and working conditions.
Consequently, accomplishing comparable worth requires the development of universal taxonomy of job content/skill requirements capable of being applied across all occupations and all jobs within occupations. As Alice Cook defines it:

Comparable worth is a concept calling for measuring the relative values to the employer of disparate jobs, specifically of those done primarily by men and those done primarily by women through the application of job evaluation and other systems that so far as possible eliminate sex bias by attaching objective weights consistently across job families to factors inherent in the determination of gradations of skill, effort, responsibility, and working conditions.\(^3\)

**Job Segregation by Sex**

An important fact in analyzing the sources of wage disparities is the fact that most women are still segregated into only a few job categories. According to Grune and Reder,

Although there have been some changes in the types of jobs men and women hold, the degree of job segregation has remained essentially the same since the beginning of the century. The entry of new women workers into traditionally female jobs has simply not been matched by the movement of women into male jobs.\(^4\)

If we look at the kinds of jobs women are doing in the 1970s we would find that more than 40 per cent of all women workers were employed in ten occupational categories: secretaries, retail trade salesworkers, bookkeepers, private household workers, elementary school teachers, waitresses, typists, cashiers, sewers and stitchers, and registered nurses. In 1982, more than 50 per cent of all female employees
were found in only twenty of a total of 427 occupations.\textsuperscript{41} A statement prepared by the Legislative Subcommittee on Human Resources in December 1982 reveals that,\footnote{80 percent of all women work in 25 occupations out of the 420 total listed by the U.S. Department of Labor: secretaries are 99.1 per cent female; registered nurses are 85.5 per cent female; elementary school teachers are 84.5 per cent female; librarians are 82 per cent female; cleaning and household service workers are 98.3 per cent female; and clerks are 86.3 per cent female.42}

Job segregation by sex is not limited only among occupations but is also within occupations. According to the U.S. Bureau of Census,\footnote{Within the clerical category, for example, mail carriers are mainly (92 per cent) men while stenographers are mainly (92 per cent) women. Similarly among craft workers, construction trade workers are virtually entirely (98 per cent) men, while a majority of bookbinders, decorators, and window dressers are women.43}

As Treiman and Hartmann indicated, there are 553 occupations with wage and salary earners included in the most disaggregated level of the 1970 U.S. Census classification: 310 of them (more than half) have at least 80 per cent male incumbents, and another 50 (9 per cent) have at least 80 per cent female incumbents. Moreover, 70 per cent of the men and 54 per cent of the women in the labor forces are concentrated in occupations dominated by their own sex.\textsuperscript{44}
Wage Discrimination

The extent of job segregation based on sex has been indicated above. This part of the chapter will examine how job segregation results in wage discrimination.

The central fact indicating a relationship between job segregation and wage discrimination is that male-dominated jobs pay more than female-dominated jobs. A study based on 1970 census data showed that each additional percentage point of women in an occupation resulted in a drop in median compensation for that occupation of forty-two dollars a year. Overall, "women's work" pays about $4,000 less per year on the average than "men's work." Various studies suggest that sex is the main cause of the wage disparities. A study conducted by the National Academy of Sciences, for example, shows that when predictions of median earnings were based on seven variables (including schooling, experience in the labor force, job requirements, and sex), the six variables other than sex had almost no effect on the outcomes; but the sex composition of occupations nearly replicate the ratio of male income to female income. Other studies, which I will discuss later in detail, have also shown that more than 70 per cent of the earnings gap is attributable to the sex of the incumbents.

Even if an occupation is integrated by sex, job segregation by sex within the occupations costs women money. This can easily be corroborated by a 1971 study done by
the Bureau of Labor Statistics which showed that in the clerical occupations, 92 per cent of all letter carriers were men, while 93 per cent of stenographers were women. In the craft occupations, 98 per cent of construction workers were men, while most bookbinders, decorators, and window dressers were women. According to Buckley, in the occupations examined

... men had 18 per cent higher earnings than women. ... the male advantage fell to 11 per cent in firms that employed both men and women, but rose to 22 per cent in firms that were totally segregated by sex.

In other words, women's labor has been, and continues to be, undervalued.

It is apparent that women's labor has been historically undervalued. On this point, the late anthropologist, Margaret Mead, observed that:

One aspect of the social valuation of different types of labor is the differential prestige of men's activities and women's activities. Whatever men do -- even if it is dressing dolls for religious ceremonies -- is more prestigious than what women do and is treated as a higher achievement.

While comparing the overvaluation of men's jobs and undervaluation of women's jobs in different societies, Millet has this to say:

In some societies ... men fish and women weave, and fishing is considered more important than weaving. In other societies, men weave and women fish, and weaving is considered more important than fishing.
This phenomenon of undervaluation of women's work crosses cultural lines. A good example is the Soviet Union where more than 75 per cent of doctors are women:

[In the Soviet Union] . . . the medical profession is held in low esteem, and wages are so low that the government has had difficulty in getting men to enroll in medical school.51

This is in sharp contrast to the United States, where medicine, until recently an almost exclusively male preserve, is one of the most prestigious and well-paid professions. The conclusion is obvious. Women's work is undervalued everywhere, and America is not an exception.

In the U.S. undervaluation of women's work has been institutionalized since the appearance of job evaluation methods which serve to institutionalize discrimination against workers in predominantly female jobs.52 Katz believes that job evaluation plans did not (and largely do not) compare white and blue collar jobs. His contention is that since most predominantly female jobs are considered white collar, separate job evaluation plans had the effect of institutionalizing job segregation and wage discrimination. Furthermore, clerical jobs, which were and are predominantly female, were not evaluated with other white collar jobs causing further segregation and discrimination.53

Although it is believed that women's work is undervalued in comparison to men's work both in the private and public sectors, most of the studies recently done to
find out the extent of undervaluation of women's work were conducted in the public sector. The results of these studies clearly indicate that women's jobs are deliberately under-valued. Kurtz, testifying at Congressional hearings on the comparable worth issue, flatly stated that public sector classification plans discriminate against minority and female employees.54

Furthermore, job evaluation studies of public employees around the country have found a consistent wage disparity of 15-25 per cent between predominantly male and predominantly female jobs. Studies conducted in Connecticut, Washington, and Wisconsin have found an average wage differential of 20 per cent between male and female jobs requiring equivalent skill, effort and responsibility. These job studies have found shocking disparities between predominantly male and predominantly female jobs that defy economic theory and plain common sense. For example in San Jose, California, a joint study by AFSCME and the City of San Jose in 1981 found that:

- Librarians, a primarily female job classification, were paid less than predominantly male job classifications requiring less than an eighth grade education;
- Female employees with masters and doctors degrees, supervising as many as twenty-five people, earned less than street sweepers, a predominantly male job classification; and
- Nurses, a predominantly female job classification earned less than tree trimmers, painters, tire servicemen and parking lot attendants, which are predominantly male classifications.55
Job evaluations have uncovered a consistent pattern of undervaluation of women's work in every workplace examined. Further examples are shown in the table below.

<table>
<thead>
<tr>
<th>Table 1</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Job Title</strong></td>
</tr>
<tr>
<td>Minnesota</td>
</tr>
<tr>
<td>Registered Nurse (F)*</td>
</tr>
<tr>
<td>Vocational Ed. Teacher (M)*</td>
</tr>
<tr>
<td>Typing Pool Supervisor (F)</td>
</tr>
<tr>
<td>Painter (M)</td>
</tr>
<tr>
<td>San Jose, California</td>
</tr>
<tr>
<td>Senior Legal Secretary (F)</td>
</tr>
<tr>
<td>Senior Carpenter (M)</td>
</tr>
<tr>
<td>Senior Librarian (F)</td>
</tr>
<tr>
<td>Senior Chemist (M)</td>
</tr>
<tr>
<td>Washington State</td>
</tr>
<tr>
<td>Licensed Practical Nurse(F)</td>
</tr>
<tr>
<td>State Correctional Officer (M)</td>
</tr>
<tr>
<td>Secretary (F)</td>
</tr>
<tr>
<td>Maintenance Carpenter (M)</td>
</tr>
</tbody>
</table>

* (M) denotes a male-dominated position; (F) denotes a female-dominated position.

Source: Joy Ann Grune and Nancy Reder, Table I, p. 399.

In summary, the concentration of women in a narrow range of overwhelmingly female-dominated jobs which, not incidentally pay low wages, is the single most important cause of the wage gap. Whether intentionally so or not, segregating women into a narrow range of jobs provides
employers with an opportunity for paying women lower wages than men.

Professor Blumrosen, Graduate School of Management, Rutgers University, contends that:

The litmus test for the end of discrimination in segregated jobs is when the jobs attract and retain white men in sufficient numbers to overcome the former stigma and identification.

Job Evaluation

Comparable worth as defined earlier is the idea that an employer should pay men and women equally for jobs that are equally valuable to an organization. One can say that comparable worth exists when the empirical relationship between job content and wages is the same for male- and female-held jobs.

The idea of comparable worth can be implemented through job evaluation, which is a way of measuring the value of a job to an employer. In other words, job evaluation can be employed to reform an unfair, uncompetitive market and to put women in the same position as men in a free market. For example, if two jobs are assigned the same value, employees holding those jobs are entitled to receive the same compensation -- seniority and other legitimate factors being equal -- regardless of what the compensation for those jobs may be in the labor market.

There is, however, no single accepted form of job evaluation. There are many ways an organization can set
the compensation of its employees, and there are many forms of job evaluation plans in use. The one considered to be the most fully developed and the most easily adopted to bias-free implementation is the factor point method.

The factor point method begins by identifying a set of compensable factors, which are elements considered to represent legitimate bases for pay differentials among jobs. For each factor a scale is devised representing increasing levels of "worth" and each level is assigned a given number of points. Each job is rated on each factor separately, then assigned the corresponding number of points for the rated level on each factor. The points are totaled to yield the job worth score.57

In establishing a new job evaluation system, factors and weights may be selected so as to replicate the organization's existing pay structure. This method is called policy-capturing because it makes explicit the unarticulated system actually in use. In other words, with the policy capturing method, one knows in advance that the highest paid job will receive the highest score, the lowest paid job will receive the lowest score, and jobs in between will follow suit. That is why Gold concluded that, "The policy-capturing method tends to etch on stone the inequities that already exist."58

The other principal method of selecting and weighting compensable factors is based on beliefs regarding the legitimate basis of compensation. This method is called "a priori"
because the factors and their weights are determined before jobs are scored. With this method, one does not know in advance what the final job hierarchy will look like. A low-paying job might set a fairly high score, and that would be a signal the job was underpaid.

The application of a job evaluation system which is acceptable to all the different groups — employers, labor unions, women's groups, — is not as simple as it sounds and various authors on job evaluation believe that there are several problems that should be taken seriously. The first problem is the source of job descriptions and their accuracy. An inaccurate or incomplete job description will lead to a wrongly valued job every time. The second problem concerns compensable factors and it has three aspects: One aspect is that if the factors are not well fitted to the jobs to which the factors are applied, the scores on the jobs will be misleading.59

Another aspect is the question of how compensable factors are implemented,60 and a third aspect of the problem is the weight assigned to the factors.61 An example of such a problem as pointed out by Steinberg and Haignere is that,

... most of the evaluation systems measure responsibility by the amount of money over which a person has control -- an easily obtainable numerical weight -- but they have no measure for evaluating life and death decisions over which a worker has control.62

A fourth problem with job evaluation is that it requires judgment, and judgment can be biased. Judgment is involved
in describing the tasks and responsibilities of jobs and in rating a job against the compensable factors. Gold believes that, "...there is considerable evidence that sex bias infects judgments about the worth of women's jobs. Some of the evidence is experimental, and some of it is empirical."63

In this connection, Helen Remick in a paper prepared for an Industrial Relations Counselors Colloquium on "Job Evaluation and EEO" takes the example of light versus heavy weight jobs. She believes that most job evaluation schemes assign more points to male-dominated jobs that require lifting heavy weights. Instead Remick suggests using a different standard for assigning points such as the total weight lifted per workday or the total caloric output. This does not eliminate value judgments, Remick contends, but it may decrease implicit sex bias. Moreover, Remick goes on to argue that one way to judge whether a system is bias-free is to look at the results of the job analysis and evaluation. If the final stage of the analysis involves generating a curve or line of best fit to the wages paid for most jobs, as is the case for many job evaluation systems, then "women's jobs should be distributed around the curve or line of best fit in the same pattern as are the men's."64

Although the problems in judgment are significant in the process of job evaluation many job evaluation specialists believe that there are problems which have solutions when using a factor point method of job evaluation. They support
their argument by saying that antibias safeguards can be built into the factor point method, and it should be substituted for other methods as widely as possible. Moreover, jobs can be accurately described, especially if employees are involved in the process, and compensable factors can be fitted to jobs and implemented in appropriate ways of validating the factors in the same way selection criteria are validated to avoid discrimination in hiring and promoting. Finally, compensable factors can be weighted fairly by using regression analysis that predicts the pay of white males, who are not victims of discrimination in the labor market, and applying the resulting equations to jobs held by women. Biases could be avoided in judgment by utilizing several persons of both sexes to describe jobs and rate jobs against compensable factors.65

The science of job evaluation remains inexact. Nevertheless, state-of-the-art job evaluation systems do provide the means for making judgments about the comparable worth of jobs. Lauter, in referring to the comparable worth study done in the State of Washington, concludes that, "The power of the method [factor point method] lies in its ability to make comparisons across job lines."66 Finally, Helen Remick believes that, "No matter how weird they look, job evaluation studies like the one conducted by Washington State do work."67
CHAPTER IV

THE CONTROVERSY OVER COMPARABLE WORK

While supporters of comparable worth argue that it is possible to evaluate fairly the knowledge, skills, and efforts required to perform various jobs and to compare diverse jobs on the basis of these and other relevant factors for the job, critics on the other hand reject the whole idea of comparable worth as subjective, arbitrary, and even according to some, socialistic.68 Because of these two opposing views, the idea of comparable worth has been extremely controversial and as a result has been the subject of considerable discussion and debate in recent years.

Much of the debate generated by critics center on the following arguments:

- Comparable worth is unworkable because it involves assigning relative values to jobs, is arbitrary and subjective, and makes comparisons between jobs which is like comparing apples and oranges.

- It is costly. States could go bankrupt by the implementation of comparable worth.
- Many variables, such as supply and demand, affect wages. Comparable worth would be difficult to legislate and would interfere with the free market.

- Comparable worth legislation invites unwarranted governmental intrusion through federal wage controls into the private sector.

- Women choose the kinds of jobs they do. They are not forced to go into low paying jobs.

- Women traditionally have accepted less pay for better working conditions. It is a logical trade-off.

Although it is beyond the ambit of this paper to exhaustively discuss these issues, this paper will analyze briefly the arguments presented above and how proponents of comparable worth respond to such arguments.

The "Apples and Oranges" Argument

Critics of comparable worth argue that it is not possible to determine objectively the intrinsic value of two different jobs. Any attempt to objectively quantify two different jobs through job evaluation can never be free of subjectivity and is not worth the trial. In fact, according to former Washington State Governor Dixie Lee Ray, imposing a comparable worth system would be like "comparing apples and pumpkins and a can of worms."
Advocates of comparable worth, however, believe that while it is true that determining the value of a job is not an exact science, the fact is that employers regularly compare — as it were — "apples and oranges" and come up with an evaluation for each job based on the internal relationship of the different jobs.

At present, virtually every large employer uses some method to evaluate the relative worth or grade level of each job classification. Higher paid jobs are expected to reflect a greater degree of skill, effort and responsibility. In fact, the federal government and almost all state governments require a uniform classification system for all employees. Newmann strongly believes that,

If employers, including public employers, were to evaluate the worth of all job classifications without regard to sex there would be no violation of Title VII. Comparable worth requires nothing more than removing sex (and race) from the job rating system.70

Men and women, indeed, do different types of jobs. But this does not mean that these jobs cannot be compared to determine their internal worth. In fact, Steinberg and Haignere, in defending the idea of comparing different types of jobs, argue that

... apples and oranges have been compared by any number of empirical standards. For example, they can be systematically assessed in terms of number of calories, vitamin content or mineral content. A nutritionist could then establish equivalencies among fruits for a person needing to follow a special diet.71
In the court opinion in Thompson v. Boyle, one gets the impression that nearly every job that has been historically sex-segregated could be successfully compared and evaluated by breaking it down into its component elements and fitting the job into the overall scheme of a particular employer.  

**Market Forces**

The issue of market forces, i.e., the role of demand and supply in wage-setting, has been one of the most controversial issues in the comparable worth debate. Even those who admit the existence of job segregation by sex and salary discrimination against women do not accept implementing comparable worth as a solution to overcome the prevailing salary discrimination.

The market argument is that wages are established principally by supply and demand, not discrimination. This argument when subjected to serious investigation is full of flaws. First, supply and demand appears to have little effect on the wages of female-dominated professions. An example cited by Newmann to this effect is that, 

... at St. Luke's Hospital in Milwaukee, Wisconsin, a severe shortage of nurses did not inspire any increase in wages. Instead, the hospital appropriated a large sum of money for recruitment of nurses from overseas.  

Second, a great deal of wage discrimination is a product of "initial assignment discrimination," that is, the assigning of employees to different types of jobs on the basis of sex. The logical result of such a situation is that where male and
female jobs are segregated, relying on labor markets to assign value to jobs will result in consistently depressed wages across employers for women employees.

Moreover, the value of labor may be its price in a free market, but women are not part of a free market. For women, the labor market is segmented, and they are relegated to the secondary segment. Women may participate in a competitive labor market, but their competitors are other women and the jobs for which women compete are artificially limited. Consequently, female employees are artificially paid less. In other words, the price of women's labor is not the result of supply and demand.

As Armen puts it eloquently:

Market rates reflect the endemic sex-based wage discrimination that began before Rosie the Riveter's time and continued despite the E.P.A. and Civil Rights Act of 1964. When market rates are used to determine wages in jobs held predominately by women, the result is the continuation of historic underevaluation of women's work.

Differences in occupational distribution results from labor market discrimination against women. Because of this discrimination, women have been crowded into a few occupations, and wages paid for these jobs reflect labor market crowding. In other words, wages in female-dominated occupations are depressed because of traditional biases and lingering effects of past discrimination and not because of demand and supply in a free market economy.
Government Regulation Issue

Another argument raised by comparable worth critics is that implementation of comparable worth invites government involvement in determining wages of all employees which interferes with market laws and demand and supply. The response of comparable worth proponents to this argument according to Steinberg and Haignere is that interference with the free market is very common in the United States. Sometimes the government interferes for economic reasons to protect employers. It bails out Lockheed or protects the auto industry from the import of Japanese cars. Sometimes it interferes to protect employees, as with child labor and other wage and hour laws. It also has laws that prohibit paying women, blacks and other protected classes less than white males just because they will accept lower wages.76

In short, the market defense is no more legitimate in sex discrimination cases77 than in race discrimination cases. Newmann, Special Counsel for Minority and Women's Rights of AFSCME, in his statement to the Equal Pay Joint Committee of the Iowa state legislature said that:

Only a bigot would publicly state that because of the "market" Blacks and Hispanics should be hired for less money, or that because of the tragic unemployment rate of Black workers, they should be hired for less money. Similarly, the over-crowding of traditionally female occupations does not justify paying them a discriminatory wage.78
Cost

Cost has been a significant issue when the question of implementing comparable worth is raised. In an extensive survey conducted by Mahoney et al. while investigating various aspects of male-female earnings gap they discovered that,

... a majority of respondents (wage and salary administrators) anticipated that any upgrading of women's wages could increase the costs of doing business. Increases in women's wages were also feared because foreign competition could threaten industries largely staffed by women.79

These and similar kinds of hypothetical assumptions are constantly raised by comparable worth critics.

The "cost" argument asserts that we must perpetuate wage discrimination because the "cost" of correcting it would destroy the economy. The simple answer to this argument is that cost is not a defense for unlawful discrimination. In the words of Newmann,

In passing Title VII to the Civil Rights Act of 1964, Congress did not put a price tag on the cost of correcting discrimination, nor did Congress authorize employers or even the courts to conduct a cost/benefit analysis in remedying discrimination.80

A parallel example is that an employer who discriminates in compensation on the basis of sex owes the worker the back pay as clearly as a thief owes money wrongfully taken. Congress rightfully imposed the cost of discrimination on the wrongdoer and not the victims.
In order to understand better that the comparable worth concept is workable without at the same time disrupting the economic system of a country, it is worthwhile to look into the experiences of other countries, particularly those capitalist system's that have implemented comparable worth. According to Tillett, "It [comparable worth] has been in operation for several years in other countries, including Australia, Canada, France, and England."\textsuperscript{81}

A 1972 decision of the Australian Federal Tribunal (effective in 1975) established and enforced a policy of equal pay for work of equal value that covers most workers. As a result of this policy, equal pay decisions increased the average earnings of a full-time female worker by 30 per cent relative to the average earnings of a male employed full-time. The study found that these increases in wages for women did not result in a decline in the rate of female employment; nor were they responsible for changes in the rate of female unemployment. These were more profoundly affected by "market factors" that have stimulated the growth of female occupations and industries. In short, the pay policy was not disruptive of the nation's economy.\textsuperscript{82}

Similarly, in Canada, according to Rita Cadieux, Deputy Chief of the Canadian Human Rights Commission,

When Parliament adopted the Canadian Human Rights Act in 1977, it introduced a bold new element into the long struggle of Canadian women for equality in the work force -- a provision of equal pay for work of comparable value, or, as it is usually
termed in the United States, "comparable worth." 83

Section 11(2) of the Canadian Human Rights Act specifies that:

In assessing the value of work performed by employees employed in the same establishment, the criterion to be applied is the composite of the skill, effort and responsibility required in the performance of the work and the conditions under which the work is performed. 84

According to Ratner, the Canadian Human Rights Commission, contend that non-biased techniques can be established. That Commission has established a set of guidelines that it will use in assembling job evaluation system about which complaints have been lodged. 85 Cadieux maintains that employers in Canada could no longer get away with paying women less by hiring them off, deliberately or not, in different classifications from men doing essentially the same work. Now women could be entitled to the same rewards as men wherever their jobs involved equal skill, effort, responsibility, and conditions. 86
CHAPTER V

COMPARABLE WORTH ISSUE IN THE
MONTANA STATE GOVERNMENT

The Need for a Quantitative Job Evaluation System

This section of the chapter discusses, first, the historical development of the job classification system that is currently in use in Montana state government. Second, it looks at why that system, since inception, has failed to achieve wide acceptance among employees and managers. Finally, it reviews why it is desirable to replace the current system with a quantified job evaluation system.

Historical Development of the Current Classification System

A uniform statewide personnel system in Montana state government did not exist until the middle of the 1970s. Because of nationwide policies and laws pertaining to employment discrimination, affirmative action, and equal pay it became necessary for the state government to ensure equal and uniform treatment to all its employees. The state of Montana was obliged, among other things, to develop a uniform classification system that would insure equal pay for equal work.87

44
It was in 1973 that for the first time the Montana Legislature passed the Classification and Pay Act. Two years later, in accordance with the requirements of the Act, the first uniform centralized classification plan went into effect. The plan covered about 12,500 positions in 1,500 job classes where each class is described by a class specification. The new pay plan established 25 grades and 13 steps per grade. Until the passage of this Act, 

... each state agency was on its own in operating classification and pay plans, 
... as result, the state as the employer was paying different salaries for the same jobs, ... 88

Following passage of the Act, the state evaluated all jobs quantitatively in terms of skills, effort, responsibility and working conditions in order to assure equal pay for equal work. The Personnel Division of the Department of Administration utilized a quantitative method of job evaluation believing that the method would be fairer and easier to explain to employees. To use McEwen's word, it looked "scientific." 89

However, the method failed to attain its objectives. As soon as it was made public in late 1974, it was only a matter of a few days before the Personnel Division was flooded with employees' own versions of how their job should have been factored. 90

Because of a lack of clear documentation as to how to use the factors and what the factors meant, the Division found them difficult to use in explaining to employees how their
jobs were classified. Moreover, due to errors made by the classification staff in implementing the plan, inadequacies in the original design of the system, and special interest pressures of collective bargaining, the quantitative job evaluation method was abandoned and a less "scientific" non-quantitative method was adopted in 1977.91

Although the state abandoned the quantitative method of job evaluation and replaced it with a qualitative one, it was unable to restore employee confidence. Because the current classification criteria are vague and subjective and because employees do not have enough knowledge of how their jobs are classified, dissatisfaction has mounted. Indeed, the Classification Bureau chief has admitted that, "Change is needed in the state's classification plan. The evidence is overwhelming that some basic mistakes were made when the plan was developed in 1974."92

Occupational Sex Segregation in the State Government of Montana

One major area of dissatisfaction with the current job classification pertains to job segregation by sex in state government. This job segregation by sex is found not only among occupations but is also common within occupations.

According to the 1984 Montana Annual Planning Information Report prepared by the Department of Labor and Industry, women now comprise 42.6 per cent of Montana's labor force.93 Their
overall representation in the state government, however, is 44.8 per cent.

Table 2 displays the distribution of women in the labor force by job category and compares it with their representation in the state government. This table reveals two things. First, although women comprise 42.6 per cent of the state's labor force, their representation in the traditional male jobs (management/administration, protective and skilled crafts) is much lower than their availability. Second, women are concentrated primarily in just two job categories -- clerical and technical. In fact, almost 60 percent of the permanent full-time women who work for the state government are concentrated in these two categories.

The Personnel Division chose to define a job as sex segregated if at least 70 per cent of the incumbents are of the same sex. The state's classification system contains 326 classes with six or more employees. Of these, 33 per cent of them are female-dominated while 46 per cent are male-dominated classes. In other words, only 21 per cent of the classes are not dominated by either sex. Table 3 shows that most men and women work in different classes. Moreover, while all classes in the lower grades are dominated by women, all the classes in the higher grades are dominated by men.
Table 2

Representation of Women in the Montana Labor Force Compared to Montana State Government

<table>
<thead>
<tr>
<th>Job Category</th>
<th>% Female in Labor Force</th>
<th>% Female in State Government</th>
</tr>
</thead>
<tbody>
<tr>
<td>Managers &amp; Administrators</td>
<td>30.6</td>
<td>18.0</td>
</tr>
<tr>
<td>Professionals</td>
<td>49.1</td>
<td>33.9</td>
</tr>
<tr>
<td>Clerical</td>
<td>81.8</td>
<td>89.5</td>
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<tr>
<td>Protective Services</td>
<td>11.3</td>
<td>7.0</td>
</tr>
<tr>
<td>Technicals</td>
<td>49.3</td>
<td>50.0</td>
</tr>
<tr>
<td>Skilled Crafts</td>
<td>5.2</td>
<td>1.9</td>
</tr>
<tr>
<td>Others</td>
<td>34.6</td>
<td>42.1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>42.6</strong></td>
<td><strong>44.8</strong></td>
</tr>
</tbody>
</table>

Source: State Personnel Division, Annual Report to the Governor on the Montana E.E.O. and Affirmative Action Program, June 30, 1984, Table B.
<table>
<thead>
<tr>
<th>Pay Grade</th>
<th>Total # Classes</th>
<th>Female Dominated Classes #</th>
<th>%</th>
<th>Male Dominated Classes #</th>
<th>%</th>
<th>% of Classes Dominated by One Sex or the Other</th>
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</thead>
<tbody>
<tr>
<td>04</td>
<td>2</td>
<td>2</td>
<td>100%</td>
<td>0</td>
<td>0%</td>
<td>100%</td>
</tr>
<tr>
<td>05</td>
<td>5</td>
<td>4</td>
<td>80%</td>
<td>0</td>
<td>0%</td>
<td>80%</td>
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<td>06</td>
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<td>69%</td>
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<td>23</td>
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<td>85%</td>
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<td>08</td>
<td>30</td>
<td>19</td>
<td>63%</td>
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<td>80%</td>
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<td>09</td>
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<td>14</td>
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<td>5</td>
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<td>83%</td>
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<td>10</td>
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<td>9</td>
<td>39%</td>
<td>13</td>
<td>57%</td>
<td>96%</td>
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<td>11</td>
<td>25</td>
<td>9</td>
<td>36%</td>
<td>12</td>
<td>48%</td>
<td>84%</td>
</tr>
<tr>
<td>12</td>
<td>29</td>
<td>4</td>
<td>14%</td>
<td>16</td>
<td>55%</td>
<td>69%</td>
</tr>
<tr>
<td>13</td>
<td>37</td>
<td>8</td>
<td>22%</td>
<td>19</td>
<td>51%</td>
<td>73%</td>
</tr>
<tr>
<td>14</td>
<td>41</td>
<td>3</td>
<td>7%</td>
<td>27</td>
<td>66%</td>
<td>73%</td>
</tr>
<tr>
<td>15</td>
<td>29</td>
<td>1</td>
<td>3%</td>
<td>15</td>
<td>52%</td>
<td>55%</td>
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<tr>
<td>16</td>
<td>19</td>
<td>0</td>
<td>0%</td>
<td>16</td>
<td>84%</td>
<td>84%</td>
</tr>
<tr>
<td>17</td>
<td>9</td>
<td>0</td>
<td>0%</td>
<td>9</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>18</td>
<td>6</td>
<td>0</td>
<td>0%</td>
<td>5</td>
<td>83%</td>
<td>83%</td>
</tr>
<tr>
<td>19</td>
<td>2</td>
<td>0</td>
<td>0%</td>
<td>2</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>20</td>
<td>1</td>
<td>0</td>
<td>0%</td>
<td>1</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>21</td>
<td>1</td>
<td>0</td>
<td>0%</td>
<td>1</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>22</td>
<td>1</td>
<td>0</td>
<td>0%</td>
<td>1</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>326</strong></td>
<td><strong>107</strong></td>
<td><strong>33%</strong></td>
<td><strong>149</strong></td>
<td><strong>46%</strong></td>
<td><strong>79%</strong></td>
</tr>
</tbody>
</table>

*Source: State Personnel Division, "Toward a Standard of Comparable Worth." A report to the 49th Legislature, March, 1985, Table 3, p. 14.*
Table 4 displays the uneven distribution between men and women in the various pay grades of the state's general pay plan. It shows that the lower the grade, the more it is dominated by women. Inversely, the higher the grade, the lower the percentage of women. In other words, pay grade is directly related to sex. Finally, the table indicates that across the 21 pay grades, 63 per cent of the women who work for the state government are concentrated at grade 10 and below.

Furthermore, within each of the four major job categories (managers and administrators, professionals, technicians, and clerks), one finds in every case a consistent decline in the percentage of women as the grade level increases (Figures I-IV). What is most interesting is that this pattern holds even in the clerical job category which is 90 per cent dominated by women. This situation is graphically displayed in Figure IV.
Table 4

A Comparison of Permanent Men and Women Employees in the Various Pay Grades Under the General Pay Plan (060)

<table>
<thead>
<tr>
<th>Grade</th>
<th>Total</th>
<th>Number of Men</th>
<th>Number of Women</th>
<th>Per cent of Men</th>
<th>Per cent of Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>04</td>
<td>42</td>
<td>1</td>
<td>4</td>
<td>20.0</td>
<td>80.0</td>
</tr>
<tr>
<td>05</td>
<td>83</td>
<td>16</td>
<td>83</td>
<td>16.2</td>
<td>83.8</td>
</tr>
<tr>
<td>06</td>
<td>369</td>
<td>102</td>
<td>21.6</td>
<td>79.4</td>
<td></td>
</tr>
<tr>
<td>07</td>
<td>296</td>
<td>147</td>
<td>33.2</td>
<td>66.8</td>
<td></td>
</tr>
<tr>
<td>08</td>
<td>595</td>
<td>200</td>
<td>25.2</td>
<td>74.8</td>
<td></td>
</tr>
<tr>
<td>09</td>
<td>415</td>
<td>236</td>
<td>36.3</td>
<td>63.7</td>
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<tr>
<td>10</td>
<td>426</td>
<td>243</td>
<td>36.3</td>
<td>63.7</td>
<td></td>
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<tr>
<td>11</td>
<td>338</td>
<td>370</td>
<td>52.3</td>
<td>47.7</td>
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<tr>
<td>12</td>
<td>335</td>
<td>452</td>
<td>57.4</td>
<td>42.6</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>220</td>
<td>554</td>
<td>71.6</td>
<td>28.4</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>159</td>
<td>716</td>
<td>81.8</td>
<td>19.2</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>126</td>
<td>464</td>
<td>78.6</td>
<td>21.4</td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>55</td>
<td>282</td>
<td>83.7</td>
<td>16.3</td>
<td></td>
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<tr>
<td>17</td>
<td>35</td>
<td>168</td>
<td>82.6</td>
<td>17.4</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>11</td>
<td>101</td>
<td>90.2</td>
<td>9.8</td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>6</td>
<td>51</td>
<td>89.5</td>
<td>10.5</td>
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<tr>
<td>20</td>
<td>1</td>
<td>20</td>
<td>95.2</td>
<td>4.8</td>
<td></td>
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<tr>
<td>21</td>
<td>0</td>
<td>14</td>
<td>100</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>0</td>
<td>9</td>
<td>100</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>0</td>
<td>1</td>
<td>100</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>0</td>
<td>1</td>
<td>100</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>7622</td>
<td>4148</td>
<td>3474</td>
<td>54.5</td>
<td>45.6</td>
</tr>
</tbody>
</table>

Source: Annual Report to the Governor on the Montana E.E.O. and Affirmative Action Program, June 30, 1984, Table G.
A COMPARISON OF MEN AND WOMEN MANAGERS AND ADMINISTRATORS THAT FALL UNDER THE GENERAL PAY PLAN
A COMPARISON OF MEN AND WOMEN PROFESSIONALS THAT FALL UNDER THE GENERAL PAY PLAN

PERCENTAGE

SEX

△ MALE

× FEMALE

PAYGRADES
A COMPARISON OF MEN AND WOMEN
TECHNICIANS THAT
FALL UNDER THE GENERAL PAY PLAN
A COMPARISON OF MEN AND WOMEN OFFICE AND CLERICAL EMPLOYEES THAT FALL UNDER THE GENERAL PAY PLAN
From the foregoing we may conclude that: 1) women are substantially over-represented in the lower pay grades in all the job categories; 2) they are also substantially under-represented in all the higher pay grades compared to their labor force availability; and 3) occupational sex segregation has a negative impact on female earnings, thereby contributing to the persistence of male and female earnings differentials.

Personnel and Labor Relations Commission Study

Concern about the effects of occupational sex segregation, and the general employees' lack of confidence in the qualitative method of job classification, created political pressures for change. A Personnel and Labor Relations Study Commission was appointed by the governor in 1981 to find out, among other things, what the main weaknesses of the system are and to come up with appropriate recommendations as to how the system could be improved. In December of 1982, the Commission issued its final report recommending that the state's job evaluation system be converted back to a quantitative point factoring method.

Following the recommendation of the Personnel and Labor Relations Commission, the State Personnel Division in May of 1983 launched a Job Classification Enhancement Project with the following major objectives:
1) To realize the technical advantages and credibility of a quantitative method including:
   a) Explicit job evaluation criteria and procedure.
   b) Improved reliability (greater consistency in the job evaluations of a single analyst and greater consistency across analysts).
   c) Consequent increased employee understanding of, and confidence in, the method and its application.

2) To realize the administrative advantages of a quantitative method including:
   a) Easier application and quicker response time in handling classification and reclassification results.
   b) Expedited appeals process.

In short, the primary objective of the project, in the words of the State Personnel Division, is to make classification procedures more objective, reliable (consistently applied), understandable, acceptable, and defendable.\footnote{95}

In order for the project to enjoy the acceptability and to promote adequate input and participation by groups with identifiably distinct interests such as labor, management and women, particularly on the value-laden decisions such as selection of compensable factors and weights, the Department of Administration asked the Governor for a committee to be
formed that included representatives of the above interest
groups plus representatives of a cross section of state
agencies. The Governor accepted the idea and a committee
was created in November 1983.

The committee was formed under the name of Job Classi-
fication Advisory Council and was charged with advising and
counseling the Personnel Division regarding the development,
modification, and application of job classification methods.
It is composed of 14 members, nine of which are state
employees, two from the Montana University System and three
from the private sector.

By this time, however, the Montana Women's Lobbyist Fund
had successfully lobbied the state legislature to pass a
comparable worth law. In March of 1983 the legislature
passed Senate bill 425/03 indicating that

... pay disparities between men and women
still exist in Montana in general and in state
government in particular because of covert sex
discrimination and subtle biases which, ... inherently undervalue the work of women. 96

The Bill directed the Department of Administration to work
toward the goal of establishing a standard of equal pay for
work of comparable value. The statute specifies that the
standard be reached by: 1) eliminating biases, and 2) com-
paring dissimilar jobs when they are sex segregated. The
statute also requires a comparable worth report to the legis-
lature each session until the comparable worth standard is
reached. 97
The Division of Personnel was thus given two separate but interrelated assignments, one for the Governor on general job classification enhancement and the other for the Legislature on the more specific issue of comparable worth. The rest of this chapter analyses how the Division handled its assignments, beginning first with the Job Classification Enhancement Project.

The Job Classification Enhancement Project

The most important and difficult aspect of the job classification project was the selection and definition of compensable job factors and the construction of a scale that would realistically show degree levels of the factors. The latter includes the question of assigning weights to the compensable factors.

The choice of factors, and the choice of how heavily to weight each factor's contribution to the total score, are at the heart of the design of the job evaluation system. It is the choice of factors and factor weights that determine the relative ordering of jobs on the job worth scale. While one set of factors and factor weights may produce one kind of relative ordering, another set of factors and factor weights produce a different kind of ordering of jobs. Moreover, the selection of factors and the assigning of weights requires judgment, and judgment can be biased. However, the search for a bias-free system does not imply the search for a value-
free one. There can in fact be no such thing as a value-free system since values determine both the factors to be measured and the weights given them. While probably none of the existing systems are bias-free, conscientious application can certainly lessen the gender-related biases.

Selection and Ranking of Benchmark Positions

At the initial stage of the job evaluation process the State Personnel Division used a stratified random sample technique to select 140 benchmark positions out of the approximately 13,500 state positions. These positions are representative of all job classes (except physicians), all pay grades, and jobs in all state agencies. Next, it selected a tentative set of broadly defined job factors that included:

1) complexity
2) knowledge and skills
3) responsibility
4) impact
5) discretion
6) personal contacts
7) physical demands
8) working conditions

On the basis of their job descriptions, the 140 benchmark positions were ranked twice by the 14 council members plus 30 additional state employees. These 30 state employees (who are not members of the Council) were nominated by agency
directors and represented a cross section of various groups -- labor, management, women's groups. The first time they were ranked on a whole jobs comparison basis. This produced a ranking of jobs one through 140 that represented the overall assessment of the ranking panels of the intrinsic worth of the jobs relative to each other. The second time they were ranked relative to each other, one factor at a time.

Selection of Job Factors

Based on the factors that the Council and the ranking panel used to rank the benchmark positions, the technical staff of the Personnel Division revised the factors and gave specific and detailed definitions to each factor. This, then, was submitted to the Council for further review. These revised factors included:

1) knowledges and skills required
2) complexity (mental effort)
3) human relations skills
4) physical effort
5) responsibility for work property
6) responsibility for the working safety of other employees
7) human relations skill
8) working condition hardships
9) work impact responsibility.

The Council after thoroughly examining each factor, its definition, its degree levels and its applicability to the
state jobs, combined some factors and in some cases subdivided them into two separate factors. New factor scales that would reflect the definitions of the factors were then created. As a result of the above, the nine factors were reduced to seven which include the following:

1) complexity (mental effort)
2) physical effort
3) knowledges and skills
   a) occupational (technical knowledge)
   b) supervisory
4) human relations skills
   a) nature of personal contact
   b) nature of impact
5) work impact responsibility
   a) nature of responsibility for impact
   b) nature of impact
   c) consequences of error (including consequences to property and co-workers safety)
6) working condition hardships
   a) physical hardships
   b) work schedule hardships
7) working condition hazards
   a) severity of possible injury
   b) probability of injury
Assigning Weights

The factors used in any job evaluation system are not of equal importance in defining the intrinsic worth of a job. Therefore, weights must be assigned to each factor to determine its relative importance in defining job worth. The Personnel Division chose to establish these weights statistically. Each of the eight factor rankings were statistically correlated with the whole job ranking to determine which of the factor rankings were most highly correlated with the whole job ranking. Those factors most highly correlated with the whole job ranking were assigned the highest weights. The Council was encouraged to judgmentally select a set of weights that they felt was appropriate and reasonably consistent with the set of weights derived through statistical analyses. One criteria applied in adjusting the final weights was that weight may be shifted between factors with strong positive intercorrelations but not between factors with negative or weak positive intercorrelations. The Council finally assigned the following factor weights:

1) complexity .................. 25%
2) physical effort .............. 1%
3) knowledges and skills ....... 40%
4) human relation skills ....... 10%
5) work impact responsibility .... 20%
6) working condition hardships .... 2%
7) working condition hazards .... 2%

TOTAL 100%
As shown above each factor has a different weight relative to its importance. The relative weight to be given to each factor in arriving at a job's overall evaluation is determined and translated with appropriate factor degree points.

Findings

By applying the single quantitative job evaluation method developed by the Personnel Division and the Advisory Council to a sample of 140 jobs, it was found that the new job hierarchy was very different from the current job hierarchy. This is displayed in Table 5 which compares the current grade of the benchmark positions with the points they received through the application of the newly developed quantitative method. According to the results of the study only about 40 per cent of the positions would keep their current position in the hierarchy if the new system was put in place. As to the other 60 per cent, some of them would go up and others would go down in the hierarchy. In other words, if the new job evaluation system is implemented, 60 per cent of the current job hierarchy in the state government of Montana will be disrupted. Table 5 does not indicate, however, the extent to which female-dominated jobs would move up or down under the new system. This question will be answered in the next section.
Table 5
Comparison of Current Grade of Positions and the Points Scored by the New Job Evaluation System

<table>
<thead>
<tr>
<th>Job Title</th>
<th>Current Grade</th>
<th>Starting Salary at the Grade</th>
<th>Points Scored</th>
</tr>
</thead>
<tbody>
<tr>
<td>File Clerk II</td>
<td>5</td>
<td>$9,724</td>
<td>108</td>
</tr>
<tr>
<td>Food Service Worker</td>
<td>5</td>
<td>9,724</td>
<td>136</td>
</tr>
<tr>
<td>Data Entry Operator III</td>
<td>5</td>
<td>9,724</td>
<td>193</td>
</tr>
<tr>
<td>Security Guard II</td>
<td>6</td>
<td>10,416</td>
<td>206</td>
</tr>
<tr>
<td>Data Entry Operator III</td>
<td>7</td>
<td>11,183</td>
<td>222</td>
</tr>
<tr>
<td>Custodial Worker III</td>
<td>7</td>
<td>11,183</td>
<td>248</td>
</tr>
<tr>
<td>Drafter I</td>
<td>8</td>
<td>12,011</td>
<td>251</td>
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<tr>
<td>Duplicating Machine Oper. II</td>
<td>8</td>
<td>12,929</td>
<td>271</td>
</tr>
<tr>
<td>Typist II</td>
<td>6</td>
<td>10,416</td>
<td>276</td>
</tr>
<tr>
<td>Admin. Clerk I</td>
<td>6</td>
<td>10,416</td>
<td>291</td>
</tr>
<tr>
<td>Warehouse Worker</td>
<td>9</td>
<td>12,929</td>
<td>291</td>
</tr>
<tr>
<td>Stockman</td>
<td>9</td>
<td>12,929</td>
<td>318</td>
</tr>
<tr>
<td>Service/Combination A</td>
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<td>12,929</td>
<td>321</td>
</tr>
<tr>
<td>Laborer I</td>
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<td>9,724</td>
<td>327</td>
</tr>
<tr>
<td>Word Processing Oper. III</td>
<td>8</td>
<td>12,011</td>
<td>334</td>
</tr>
<tr>
<td>Liquor Store Clerk</td>
<td>9</td>
<td>12,929</td>
<td>336</td>
</tr>
<tr>
<td>Stenographer Clerk II</td>
<td>7</td>
<td>11,183</td>
<td>354</td>
</tr>
<tr>
<td>Secretary I</td>
<td>7</td>
<td>11,183</td>
<td>354</td>
</tr>
<tr>
<td>Clerk Accounting</td>
<td>8</td>
<td>12,011</td>
<td>354</td>
</tr>
<tr>
<td>Dental Assistant</td>
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<td>12,011</td>
<td>357</td>
</tr>
<tr>
<td>Laboratory Aide II</td>
<td>8</td>
<td>12,011</td>
<td>358</td>
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<td>Groundskeeper II</td>
<td>8</td>
<td>12,011</td>
<td>359</td>
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<tr>
<td>Truck Dr. Under 5 Ton</td>
<td>9</td>
<td>12,929</td>
<td>360</td>
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<td>7</td>
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<td>Cook I</td>
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<td>11,183</td>
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<td>Computer Operator Tech. II</td>
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<tr>
<td>Forestry Worker II</td>
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<td>11,183</td>
<td>417</td>
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<tr>
<td>Admin. Clerk III</td>
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<td>Stationery Engineer I</td>
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<tr>
<td>Barber</td>
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<td>13,935</td>
<td>469</td>
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<tr>
<td>Cosmotologist</td>
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<td>12,929</td>
<td>469</td>
</tr>
<tr>
<td>Farm Ranch Hand</td>
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<td>12,010</td>
<td>489</td>
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<tr>
<td>Payroll Technician</td>
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<td>12,929</td>
<td>508</td>
</tr>
<tr>
<td>Purchasing &amp; Supply Tech.</td>
<td>9</td>
<td>12,929</td>
<td>508</td>
</tr>
<tr>
<td>Accounting Technician II</td>
<td>10</td>
<td>13,935</td>
<td>508</td>
</tr>
<tr>
<td>Computer Operator II</td>
<td>11</td>
<td>15,033</td>
<td>508</td>
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<tr>
<td>Habilitation Aide I</td>
<td>7</td>
<td>11,183</td>
<td>513</td>
</tr>
<tr>
<td>Appraisal Clerk II</td>
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<td>11,183</td>
<td>528</td>
</tr>
<tr>
<td>Special Duty Aide I</td>
<td>9</td>
<td>12,929</td>
<td>552</td>
</tr>
<tr>
<td>Liquor Store Mgr.</td>
<td>9</td>
<td>12,929</td>
<td>556</td>
</tr>
<tr>
<td>Maintenance Worker II</td>
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<td>12,929</td>
<td>559</td>
</tr>
<tr>
<td>Psychiatrist Aide II</td>
<td>8</td>
<td>12,010</td>
<td>563</td>
</tr>
<tr>
<td>Baker II</td>
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<td>577</td>
</tr>
<tr>
<td>Eligibility Tech. II</td>
<td>10</td>
<td>13,935</td>
<td>577</td>
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</table>
(Table 5 Continued)

<table>
<thead>
<tr>
<th>Job Title</th>
<th>Current Grade</th>
<th>Current Salary at the Grade</th>
<th>Starting Salary at the Grade</th>
<th>Points Scored</th>
</tr>
</thead>
<tbody>
<tr>
<td>Custodial Supervisor</td>
<td>9</td>
<td>12,929</td>
<td>597</td>
<td></td>
</tr>
<tr>
<td>Painter</td>
<td>9</td>
<td>12,929</td>
<td>614</td>
<td></td>
</tr>
<tr>
<td>Secretary III</td>
<td>9</td>
<td>12,929</td>
<td>637</td>
<td></td>
</tr>
<tr>
<td>Tax Examiner I</td>
<td>11</td>
<td>15,033</td>
<td>641</td>
<td></td>
</tr>
<tr>
<td>Data Entry Supervisor</td>
<td>10</td>
<td>13,935</td>
<td>642</td>
<td></td>
</tr>
<tr>
<td>Accounting Specialist</td>
<td>10</td>
<td>13,935</td>
<td>650</td>
<td></td>
</tr>
<tr>
<td>Right-of-Way Agent II</td>
<td>11</td>
<td>15,033</td>
<td>655</td>
<td></td>
</tr>
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The Comparable Worth Preliminary Study

Consistent with the requirements of SB 425, the State Personnel Division conducted a preliminary comparable worth study. This second task undertaken by the Personnel Division differed from the Job Classification Enhancement Project in that it was concerned only with the extent to which women-dominated jobs are undervalued.

The approach to this study was, however, similar to that of the Job Classification Enhancement Project. In conducting the study the Personnel Division selected 135 sample positions that are predominately occupied by men, by women, and jobs of mixed sex composition. The research design included the following characteristics:

I. Characteristics of Sample:

Eligible classes: classes with 6 or more full-time employees (FTE)

Size of sample: 65 classes: 135 positions (two from each class plus one extra from the 5 broadest classes)

Pay Plan breakdown: 51 classes from the General Class and Pay Plan, 107 positions

5 classes from the Blue Collar Plan, 10 positions

4 classes peculiar to the University System, 8 positions

3 classes from the Liquor Store Plan, 6 positions

2 classes from the Teachers Plan, 4 positions
II. Characteristics of Universe:

Total number of eligible classes: 416

Pay Plan breakdown: 361 General Class and Pay Plan Classes, 8,996 positions

17 Blue Collar Classes, 656 positions

14 Unique University Classes, 444 positions

9 Liquor Store Classes, 164 positions

5 Teachers Classes, 78 positions

III. Sampling Technique for Selecting Classes:

Stratified random sample -- stratified by grade, pay plan and gender type.

A. General Classification and Pay Plan
From each of the sampled grades or group of grades, 3 or 4 classes were selected depending upon the number of eligible classes in the grade. Three classes were selected from grades or grade groups with less than 20 eligible classes and 4 classes were selected from grades with 20 or more eligible classes. The following method was used.

A grade sample of 3 was drawn by randomly selecting an eligible class and recording its gender type, then randomly selecting a second class and either discarding it if it duplicated the gender type of the first selection or retaining it if it was a different gender type than the first selection. This process was continued until a three item sample was drawn which consisted of one predominately female class, one predominately male class, and one mixed-gender class.

The top grades (16 and above) have no eligible predominately female classes so grade samples for them consist of only male-dominated and mixed-gender classes.
B. Blue Collar

Stratified random sample -- one selection each from every other grade (grade 5, 7, 9, and 11 -- these grades contain the largest number of FTEs) plus one selection from the highest grade -- grade 12.

C. Unique University Classes

Random sample from the 14 eligible classes stratified by gender type as described above.

D. Liquor Store

Stratified random samples -- one selection each from every other grade (grades 2, 4, and 6 -- these grades contain the largest number of FTEs).

E. Teachers

Pay Plan 064 (Institutions) -- random selection of one of two eligible classes in two different grades.

Pay Plan 066 (Deaf and Blind) -- random selection of three eligible classes in three different grades.

Since market data is unavailable for four of the selected classes (because they are unique classes without reliable market counterparts), similar, but more common classes of the same gender type were substituted.

IV. Sampling Technique for Selecting Positions Within the Classes:

Two positions were selected from each of the sampled classes with an extra position selected from the five broadest and most diverse classes.

Positions were randomly selected from each class stratified by agency where several agencies utilize the class and by type of agency where universities and/or institutions and/or other executive branch agencies utilize the class. Stratification by agency and type of agency was to insure inclusions of the various agencies and types of agencies.
To avoid travel time and expense, positions located in the eastern part of the state were rejected where more centrally located substitute positions in the same class exist.98

In gathering job-related information, the Division utilized the same questionnaire that was used for the Job Classification Enhancement Project, and a similar method of data gathering was employed. In addition, the same seven factors with the same factor weights were utilized. However, this time, it was not the Council but the classification specialists of the Classification Bureau that point factored the positions.

Findings

After a group of classification specialists point factored the 135 sample positions, it was found that:

1) 33 per cent of the male dominated jobs moved up the job hierarchy relative to the current hierarchy while 36 per cent of them moved down, a negative net difference of 3 per cent.

2) In the jobs with mixed sex composition, 38 per cent of the positions moved up while 34 per cent moved down, a positive net difference of 4 per cent.

3) However, in the predominantly female-dominated jobs, 46 per cent of them moved up while only 13 per cent moved down, a positive net difference of 33 per cent.
This finding clearly indicated that if a single bias-free quantitative job evaluation method is utilized, a significant number of female-dominated jobs would move up the job hierarchy. Moreover, this finding indirectly tells us that a large proportion of the 60 per cent disruption found by the Council's evaluation involves female-dominated jobs.

If we compare the current grade and number of points scored by some of the sample positions of male- and female-dominated jobs the extent that female-dominated jobs are presently undervalued becomes apparent (Table 6):

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<th>Current Grade</th>
<th>Starting Salary at the Grade</th>
<th>Points Scored</th>
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<td>19,204</td>
<td>1,024</td>
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<td>17,574</td>
<td>1,043</td>
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<td>1,176</td>
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<td>1,233</td>
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* (M) denotes a male-dominated position, (F) denotes a female-dominated position.

Although the study is preliminary, it still clearly indicates that working women continue to suffer from widespread wage discrimination in the work place as a result of job segregation.
The Wage Gap

Differences in the length of time men and women have worked for the state, and differences in education and experience, are possible causes of the wage gap. Longevity or uninterrupted service with the state is rewarded under the general classification and pay plan through annual step increases and with 5-year longevity increments. According to the State Personnel Division’s report, the average longevity of full-time, permanent male employees is slightly greater than that of full-time female employees. Male employees have earned 7.77 steps and 1.48 longevity increments. Female employees have earned 6.28 steps and .88 longevity increments. The same report also indicates that the actual average dollar value of the differences in male-female longevity is $1,761 per year. This difference is affected by the concentration of women in the lower grades where the value of a step and longevity increments is proportionately less. To eliminate grade effects, differences were calculated on the presumption that all steps and grades are of the same value -- their average value of $487.50 per step and $202 per longevity increments. Controlling for grade effects, the average dollar value of male/female differences in longevity is $847 per year which represents 15% of the $5,744 general wage gap. (The actual average dollar value differences is $1,761, which is effected by the concentration of women in lower grades where the value of a step and longevity increments is proportionately less).
Finally, the State Personnel Division concluded that among the 90 per cent of Montana state government's full-time employees who are under the general classification and pay plan, the average salary for women is 74% of the average for men -- or $5,744 less per year. The report goes on to indicate that differences in education and work experience between men and women account for no more of the Montana state wage gap than the national wage gap. Studies have found that these differences account for between 20% to 50% of the total national wage gap. Assuming that there is some overlap between the effect or differences in longevity with state government and differences in total work experience between men and women, a sizeable portion of the wage gap still remains to be explained.

Although the collection of reliable data on education and experience of state employees is underway, differences in educational attainment and work experience between men and women are expected to account for no more of the Montana state wage gap than for the national wage gap -- generally about 20 per cent, with a few studies accounting for up to 50 per cent. Thus, a sizeable portion of the wage gap can only be attributed to sexually discriminatory pay setting.
CHAPTER VI

CONCLUSIONS AND RECOMMENDATIONS

There are a number of conclusions that can be drawn from examining the Job Classification Enhancement Project and the Preliminary Comparable Worth Study conducted by the Montana State Personnel Division. These conclusions are presented below with the hope that they may prove useful to decision-makers seeking to decide what further steps need to be taken and also for others that are interested in implementing comparable worth. In furthering this goal this study makes the following recommendations.

One of the most important and also difficult aspects of the quantitative job evaluation process is the gathering of job-related facts. The assigning of points to positions is directly based on the information obtained about the position. The collection of job-related facts can be accomplished through observation, interview, or questionnaire. One common denominator or characteristic of all these methods is that they are subjective and easily manipulated. The accuracy, consistency, and comprehensiveness in the description of a job, therefore, is an important integral part of the job evaluation process.
The Division designed a Position Information Questionnaire (PIQ) developed in such a way that it could be applicable to all of the 140 benchmark positions. The PIQs were then sent to all the agencies where the positions are found. The PIQs, after they were completed, were sent back to the Division. The Division then submitted the first set of questionnaires to the Council to be point factored. The Council, taking one factor at a time, assigned them points according to the appropriate degree levels on each factor. For example, if the factor was complexity (mental effort), greater points were attached to successively higher complexity degree levels and the number of points at each level would depend upon the factor's overall weight.

The procedure and method of gathering job-related facts was as described above. The questions now are:

1) Who completed the questionnaires?
2) Are the descriptions of the positions accurate?
3) Have all tasks and responsibilities been included?
4) Have all ambiguous phrases been eliminated, such as "other related duties" or "other duties required?"
5) Do the qualifications accurately reflect the job requirements? If a college degree is required, does the expected job performance demand it?
6) What measures were designed to prevent systematic inflation of jobs, etc.?
Need for Clarity in Completing the Questionnaires

The instructions to the questionnaire stated that each agency must determine who should complete the questionnaire. At the same time employee participation was required. However, it also clearly indicated that the supervisor was primarily responsible for signing the document and assuring the accuracy of the information. In other words, no particular person was responsible for completing the questionnaires. Because of this confusion, some questionnaires were completed by personnel officers, others by supervisors and some of them by incumbents.

The problem associated with this kind of information gathering was the lack of consistency. While some employees have the ability to understand and follow the instructions contained in the questionnaire, for some employees it was difficult. In addition, some of the employees have the skill necessary to clearly and concisely answer each question; others lack that same kind of writing skill. As a result, while some of the information contained in questionnaires filled out by those who have got the necessary skill are complete and accurate, those that were filled out by those who do not have that same kind of skill were found to be incomplete. In the final analysis, inaccurate information could lead to improper valuation of jobs.
Need for a Simpler Questionnaire

The Position Information Questionnaire developed by the Personnel Division was designed in such a way that it could be applicable to all the positions in the various job categories found in the state government. However, some respondents rather than indicating the word "non applicable" to some of the questions that were not applicable to them attempted to answer such questions anyway. For example, when respondents were asked to indicate the type of work injuries that could result from work activity, some office employees because they could not list any injury that could result due to work activity listed such answers as, "I could fall down from a chair while opening the office window"; "I could get injured while turning on the air ventilation in the office"; "Since my office is located in the third floor of the building and since there isn't an elevator I could slip down on the stairs while going to my office." Although these are extreme examples one could easily imagine the extent to which employees could misunderstand the objective and applicability of the questionnaire.

Moreover, the terminology contained in the PIQs not only was difficult for some employees to understand, but they were also required to give an essay answer which requires good writing skills. The problems here are that some employees do not have the skill to understand the instructions and even if they understand them there could be some slippage in
conveying to the reader the meaning that is intended even with the most skillful use of language. Therefore, more care should be taken to make the instructions as simple as possible.

Need to Detect Systematic Inflation

Although the questionnaire provides some means for detecting deliberately inflated descriptions of duties and tasks, there were times when it was difficult to successfully locate inflated descriptions. In fact, there was a clear tendency on the part of some employees to "inflate" their jobs by, for example, indicating that they have more responsibility than is actually the case. Conversely, some employees tended to understate their responsibilities. Another problem is that some agencies, rather than describing in detail the current duties and responsibilities of the position, simply sent a copy of the position description that was prepared long ago when the position was first classified.

Determination of Qualifications

When employees were asked to indicate the minimum education and work experience required to perform the duties and tasks of their positions, many of them indicated their own level of education and work experience rather than reporting the education and experience the position requires at the entry level. In such situations, if the qualifications do not seem to reflect the job requirements, the Council and
the project staff tried to compare the tasks and duties with the qualifications indicated in the questionnaires and also tried to verify by asking agency officials.

**Need for a Prior Study**

The PIQ probes sources of information, people interactions, equipment used, and job situation. In order to provide complete information, the incumbent and/or the supervisor of the benchmark position must have worked in those positions for a reasonable period of time. The Division, however, did not conduct a prior study to determine whether the incumbents and/or the supervisors have worked on those positions for a sufficient period of time. Moreover, no training was given to either the incumbents or the supervisors regarding how to fill out the PIQs.

**Need for Active Employee Participation**

One of the key aspects for the success of the whole job evaluation process is the participation of those whose job is to be valued, particularly labor union leaders and women's group representatives. These employees have a legitimate vested interest in the study results including the methodology of the study, the choosing of factors, the assigning of weights to the various factors, and more importantly, the way in which results will be implemented.

Because of the above reasons, it is wise to consider their formal representation on any study committees and to
include their participation in actual job analysis. As a result, they will be able to provide opinions along the way, which could save time and misunderstanding at the end of the study.

Conclusion

Be it in Montana or in other states, utilizing a single bias-free, top to bottom quantitative method of job evaluation has uncovered a consistent pattern of undervaluation of women's work. Studies such as that conducted by the Montana state government provide evidence that jobs held predominantly by women are systematically undervalued relative to their worth. Such studies support the notion that job evaluation systems when designed and used properly can identify instances of discrimination and their results can be used as guidelines to adjust wage rates for women's jobs.

Moreover, whether viewed as a technical, legal or political issue, comparable worth challenges existing norms. Its simple premise is that compensation should be free from sex bias. The tactics and self-serving arguments relating to the economic consequences of implementing comparable worth should be addressed squarely. Employers with arguments based on tradition must be convinced that not only is change necessary but that it is possible. Only with change will come better, fairer and more equitable ways of paying people for their labor.
Silence and opposition to any inquiry regarding job evaluation is a simple strategy for the retention of the status quo where women receive less than men; where equivalent compensation is not paid for equivalent work. It is the contention of the author that job evaluation plans should be implemented so that people would be paid fairly and more equitably regardless of their sex.

The Personnel Division should implement its comparable worth plan. Implementing a plan that could disrupt about sixty per cent of the current job hierarchy, however, might not be economically feasible and politically acceptable. Nevertheless, the Division should continue to search for and develop a method that does not duplicate the biases in the existing system and is consistent with the comparable worth theory. Moreover, a timetable should be established based on what the state can reasonably afford to pay in order to successfully implement a comparable worth plan that will in the final analysis correct the undercompensation of female-dominated jobs.
FOOTNOTES


4Montana, Department of Administration, Personnel Division, Classification Bureau, Toward a Standard of Comparable Worth, Report to the Forty-ninth Legislature, March, 1985, p. 2.


8Ibid., p. 37.

10Ibid.

11Treiman et al., p. 28.


13Ibid.


15Armen, p. 16.


17Armen, p. 16.

18Ibid., p. 17.


20U.S., 421 F.2d 259 (3d Cir. 1870).

21Armen, p. 17.

22Ibid.


25Grune and Reder, p. 396.

2642 U.S. Code § 20003-2(h), Sect. 703(a).

2742 U.S.C § 2003-2(h).

28110 Congress Rec. 13647.


30Armen, p. 18.

31Ibid.


34 563 F.2d 353, 8th Cir. 1977.
35 Ibid.

37 Shortly after the case was originally filed, the County transferred all its female prisoners, eliminated the jail's female section, and discharged Alberta Gunther and her three female co-workers.


39 Cook, p. 489.
40 Grune et al., p. 396.
41 Ibid.


43 U.S. Department of Commerce, Bureau of the Census, 1973, Table 1, (cited by) Treiman et al., p. 27.
44 Treiman et al., p. 28.
45 Ibid.
46 Ibid., pp. 28-30.

47 U.S., Department of Commerce, Bureau of the Census, Occupational Characteristics, Table 1, (cited by) Gold, p. 7.


53 Ibid.

54 Testimony of Ronald Kurtz before the House of Representatives, Committee on Post Office and Civil Services, Subcommittee on Civil Services, Human Resources and Compensation and Employee Benefits, September 30, 1982, (cited by) Newmann, p. 385.

55 Newmann, p. 386.


57 Treiman et al., p. 71.

58 Gold, p. 42.

59 One choosing the compensable factors for the job of a hod carrier would likely include physical effort but exclude ability to function well under time pressure. If the hod carrier's job evaluation plan applied to a word processor in an executive office, the latter job would be wrongly underrated (Gold, p. 46).

60 Suppose effort is chosen as a compensable factor. Effort can be measured by the amount of necessary strength or by the degree of the resulting fatigue. The hod carrier may score high on either dimension, but the work processor would score high on the latter. Therefore, using strength instead of fatigue will underrate the work processor's job.

61 Suppose physical effort and ability to perform under pressure are compensable factors, and each is rated on a scale of 1 to 10. But suppose also that physical effort is weighted three times more heavily than ability to perform
under pressure. The work processor might get a 1 for physical effort (which would be multiplied by 3 to reflect its weighting) and a 10 for ability to perform under pressure (which would be multiplied by 1) for a combined score of 13. The hod carrier might set a 10 for ability to perform under pressure (which would be multiplied by 1) for a combined score of 31. Of course, these two ratings would be added together with weighted ratings on other compensable factors to produce a total score, but the hod carrier's extral 18 points—derived from the improper weightings of physical effort vis-a-vis ability to function under pressure—will contribute to the earnings gap. In Gold, pp. 46-47.


63 For detailed information on experimental and empirical sex-bias issues, refer to Gold, pp. 47-48.

64 Steinberg and Haignere, p. 16.

65 Gold, pp. 51-52.


67 Ibid.


70 Newman, p. 384.

71 Steinberg and Haignere, p. 17.

72 In Thompson v. Boyle, women employees in bindery at the Government Printing Office (GPO) filed an equal pay action contesting a $3—$4 per hour pay differential. The court found that GPO set its job standards for bindery work unrealistically high and that it did not make training on bindery equipment available for women GPO employees. The judge in the case was called to determine whether operating the industrial sewing machine operated by women merited the same pay as 20 or more different men's jobs on the bindery floor. Extensive testimony of job evaluation experts provided information on the component operations of working one each of the machines examined by the court. The judge analyzed the gross motor skills needed to operate
all the assorted machines. He also looked at the need to lift and manipulate heavy volumes in the stitching and bindery processes. He compared the levels of concentration and precision involved in performing the various jobs. He evaluated the training time needed to operate the several machines competently. After comparing all the different elements of the men's bindery jobs and the women's industrial sewing jobs, the judge determined that operating the industrial sewing machines warranted the same pay as the jobs on the bindery floor. (499 F. Supp. 1147 (D.D.C. 1979), Armen, p. 19.)

73 Newmann, p. 384.

74 For a detailed analysis of the segmentation of the labor market on the basis of sex, refer to Treiman et al.

75 Armen, p. 19.

76 Steinberg and Haignere, p. 19.

77 The Court of Appeals for the District of Columbia found the Government Printing Office, a federal agency, guilty of gross discrimination on the basis of sex and explicitly held that "... the 'tradition' of paying women less than men or of assigning different labelling to female and male jobs no matter how heavy, are not defenses..." Thomson V. Sawyer, 28 FEP Cases 1614, (D.C. Cir. 1982).


79 Mahoney, et al., p. 34.

80 Newmann, p. 384.


82 Perlman and Ennis, pp. 20-21.


84 Canada Gazette, Part II, Vol. 1120, No. 18, 1977, Perlman and Ennis, p. 34.


86 Cadieux, p. 173.

Ibid., p. 11.

Ibid., p. 20.

Ibid.

For detailed information, see McEwen.

Ibid., p. 75.


Montana, Toward a Standard of Comparable Worth, p. 15.

Joyce Brown, Director, Classification Enhancement Project, Memo to Dennis Taylor, Administrator, Personnel Division, June 17, 1983, p. 1.

Montana Code Annotated, 208 and 209.

Ibid.


Montana, Toward a Standard of Comparable Worth, p. 10.

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