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UTAH ADVISORY COMMITTEE

TO THE

U.S. COMMISSION ON CIVIL RIGHTS

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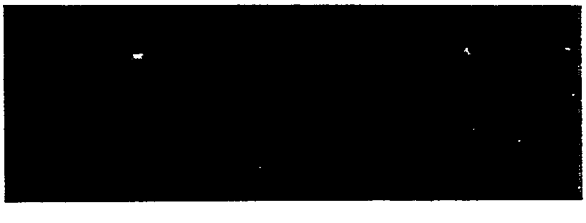
COMMUNITY FORUM, held the 16th day of May, 1986, before Cecilee Gruendell, a Certified Shorthand Reporter and Notary Public in and for the State of Utah, at the Salt Lake Hilton Inn, 150 West 500 South, Salt Lake City, Salt Lake County, State of Utah, commencing at the hour of 9:00 o'clock a.m. Members of the commission present:

Mr. Wilfred Bocage, Chairman
Ms. Jinnah Kelson
Ms. Chiz Ishimatsu
Ms. Dorothea Masur
Mr. Michael Martinez
Mr. Shu Cheng
Ms. Donna Maldonado
Mr. Robert Mecham
Ms. Darlene Hutchison

Mr. William Muldrow, Advisor



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P R O C E E D I N G S

MR. BOCAGE: I'd like to welcome everybody to our community forum on pay equity in Utah. May name is Wilfred Bocage, I'm the chairman pro tem for the Utah advisory to the commission.

What I'd like to do is, before I get into the particulars about how we're going to run this forum today, is introduce the rest of the people on the committee here, and I'll start off to my left and have each one of my members introduce themselves and tell the audience what part of the state they represent.

MS. HUTCHISON: I'm Darlene Hutchison, and I am in Salt Lake.

MR. MECHAM: Robert Mecham, Logan, Utah.

MS. MALDONADO: Donna Maldonado, Salt Lake City.

MR. MULDROW: I'm Bill Muldrow from the staff of the commission out of Denver.

MS. MASUR: I'm Dorothea Masur, and I represent Ogden and the north area.

MR. MARTINEZ: Mike Martinez, Salt Lake City.

MS. ISHIMATSU: Chiz Ishimatsu, Salt Lake City.

MS. KELSON: Virginia Kelson, Salt Lake City.

MR. BOCAGE: Okay, thanks a lot everybody.

What we're going to do is, I hope everybody has an agenda on how we're going to get everybody to talk. All I

need to state is a few rules, and one of them is that each presenter would be allowed ten minutes to present a talk, then we will allow our members of the council, here, to ask any questions. And what we want to do is to keep this in contents, based on whatever speakers we've been at the time.

And Mr. Muldrow is going to get down to some, you know, the legal things involved, and having a forum like this and the reason why we have it, and what are we going to do with the information. I will have him to explain all that.

After his explanation then we'll just start with our first speaker. I will introduce that person, they will come up to the podium here and make their presentation.

MR. MULDROW: Thank you. I would like to say first of all, that the commission, U.S. Commission on Civil Rights is an independent bipartisan agency of the federal government, which is essentially a fact-finding information-gathering agency. We're not an enforcement agency, we do not investigate individual complaints or enforce law or regulations.

Each state has an advisory committee such as this one for Utah, which assists the commission in this function of gathering information. And that's what this forum is about today, to gather information on an issue which does have potential concerns for the civil rights of individuals.

We ask that people who testify refrain from making

allegations of illegalities against individual people. If you have such allegations, we would be happy to receive them as a committee in executive session, or one of the staff would receive them, so that we can explore the matter further.

The reason we do not want these made in public is that it's essential that we treat everybody fairly, and give people a chance to respond if allegations are made against particular individuals.

We do welcome your information and concerns regarding problems in the area of pay equity, and information related to that issue.

We have, at the back of the room, two sign-up sheets. One for people who are simply here to attend and hear what's going on. We would ask everybody to sign that visitor's sheet, and provide your address and organization so that we can place you on the mailing list to provide you with the results of this forum later on, and contact you, if necessary.

We also have a sign-up sheet for those who wish to testify in the open session. We want to give everybody who has something to say an opportunity to do so. We have scheduled certain speakers at particular times. At the end of each section schedule there will be an open session at which persons from the audience or the public will be allowed

to make presentations. We ask that these be limited to five minutes each, because of time considerations.

We never know what to expect in one of these forums, so usually we do gather much valuable information, and this information will be then written up in the form of a briefing report to the commissioners in Washington for their information and their use as they see fit.

Also, the committee could, then, use the information to develop further activities on this topic, perhaps a detailed investigative study involving extensive field research, which might result in a published report. Or this could simply be the end of this particular activity, and we'll make our report to the commissioners, and that might be the extent of the use we make of the information.

You should be aware that any information provided is potentially retrieveable by the public. We are recording everything that's said with a court reporter, here. The purpose of this is to provide an accurate transcription of what is said. It will assist us in writing our report, and enable to us to make an accurate record of the information.

If anybody objects to having their testimony recorded, we will refrain from doing so, and you should let us know.

With that brief explanation, I do want to second Mr. Bocage's welcome to all of you and thank you for coming,

and I think, then, at this point we will proceed with the agenda.

MR. BOCAGE: Thank you. Okay, our first speaker for this morning's session will be Miss Donna Dahl from the Eagle Forum. Donna.

MS. DAHL: Ladies and gentlemen, I appreciate the opportunity to be here. I just might a little further introduce myself. I am a mother and a wife, and have worked many jobs, a secretary, as office manager, sales manager, presently a legislator for the Utah house of Representatives. And I guess it's in that field that I have done most of my research and reading and trying to come up with some answers, if we have problems, to find out what the problems might be.

I guess there's no question that we do have some pay inequity, but I don't feel that that pay inequity is due to discrimination. I think it's due to choices that women have made. And traditionally women have chosen to raise families instead of pursuing working careers. And because of those choices, it has made some difference in the pay equity.

Many women feel that it's far more important to stay home and raise a family successfully than they do to go out and seek a career and push for the top pay. They don't want to spend the time, or don't have the time to spend to

push for that power and that almighty dollar. There are some that can do both, and some that have done both, but very few can handle both of them successfully, in my opinion.

So because of these choices, women have not pursued education, they are not as well-educated as men in many fields. They haven't sought training for occupations that men have done. Most of the time women have wanted part-time work.

In fact, the figures that I find show that three to one, women choose part-tame work over full-time work. Whereas four to one men choose full-time work. And so because women have chosen to work part-time, they, of course, haven't been as well qualified, because they haven't contended to do so.

Women have been willing to work for less money, because of certain conditions. They may want to work closer to home because maybe they don't have the second car, or maybe they need to be close to a day care, or maybe they need to run home if their children need something.

They haven't wanted to work out in the mud and climb the poles and lift the bales in the past. They have wanted certain working conditions, and so they have been willing to work for less money because of those problems and those desires that they want.

The records that I could find show that women are

eleven times more likely to leave employment than are men. And so there is no way as an employer that you can put the same value on a person that you're going to train and know that they're going to be gone, that they're just temporary help, versus a person that you know is going to be permanent. And so women have not, and not having pursued this early, if they have stayed home to raise a family, they haven't had the experience that others, and particularly men, because it hasn't been a full-time thing.

So I think that we have all the legislation in place to have pay equity, except one area where government ought to be removed a little bit, and that's in licensing. And this doesn't only affect women, but it affects men, and we see licensing as a limit of competition, and it affects women in many areas.

There are areas that women specifically go into, to think of some might be a dental hygienist, they have got to have a dentist within so far, or in the building. A legal assistant, which is most often women, cannot file with the court because, unless an attorney signs it. You have, in nurses I know in Utah, in urban areas, nurses cannot issue prescriptions for medicine. But in some cases in rural areas they can issue prescriptions.

And so you see, professions up there, lobbying for legislation to limit competition. And of course this doesn't

only affect women, but it affects men. But it is an area where women could get higher pay if there wasn't as much regulation on that.

And in some cases you'll see in Utah, the unions have come in and lobbied for real restrictions in limiting competition, and that specifically electricians and plumbers. They simply limit the number of people that can even apply. So again, people, there is a limit to getting into the work force in that way.

So if women really want to have better pay, they must train themselves. They must seek education in management if they want high-paying jobs. They must seek training in professions, but they must be willing to be competitive. And they must be willing to make some sacrifices that I don't see them willing to make.

I see very few willing to spend the extra time that it takes to get in high-paying jobs. Maybe working on weekends, maybe working extra hours at night, being away from their family much longer, working in poor working conditions, getting dirty, I don't see women choosing these things.

And so that's the reason that there is a pay inequity, is because they are not willing to pay the same price that men have been willing to pay. I think that we see some change coming about. Our younger women coming up, because of this push by some that have said, you know,

"You're a nobody if you stay home and raise children." I think we see more young girls coming up that are being better trained.

I think we see women that are out there that have trained themselves and prepared themselves that do have pay equity. So many women think of their worth in the terms of skills, responsibility and working conditions, instead of putting some real dollar value to what they can provide, what they can actually produce for the company, and are they willing to really make themselves a productive employee.

Some choose to work eight hours, and some choose to be highly motivated and are willing to pay that price. But supply and demand will match up the market, I believe. And if an employer sets his wages too low, he's not going to be able to hire people. And if he sets those wages too high his product is not going to be competitive and he's going to go out of business, so he wouldn't be there to employ people anyway.

So I think that if women want men's jobs, and want to have that, and have that same pay, then they have got to prepare themselves and they have got to make choices that will, in fact, do that.

So just in summation I'd like to just say that I think that all the legislation that we need is in place for equality, for women equality. It may not be implemented and

it may not all be used, but the fact remains, it's in place. And some women may want to push harder to the fullest and enforce that by law, and in fact, that's their right. And in fact, as you know, all they have to do is prove that it's discrimination and the justice department will take over.

So everything is in place, we just need to change some of our attitudes and be willing to pay the price. If you have any questions, I'd be happy to address them.

MR. BOCAGE: Anyone on the committee has any questions for the speaker?

MR. MARTINEZ: Thank you, Representative Dahl. I gather you were talking in more generalities when you stated that there was a pay inequity.

MS. DAHL: Yes, as an average, a total average, there are some, I feel, that are up there. In fact, I remember reading an article, and I don't know how accurate it was, that it says that there's six million women make more money than their husbands. Not too long ago there was some headlines in the paper- -

MR. MARTINEZ: My question is, in those areas where women do choose to work, as you've stated, do you believe that they are underpaid for the work that they do?

MS. DAHL: No, I do not. I think that, and I've found in my own case, that if I have the same qualifications, and I'm willing to pay the same price, there's no question in

my mind that I can get the same pay.

MR. MARTINEZ: Thank you.

MS. ISHIMATSU: I have a question. What basis, what is your statistical basis, you're saying that women are willing to work part-time more than men, and I'd like the range of years you're talking about.

MS. DAHL: And I didn't bring that with me, I went through, I've gone through several books, I'll be happy to get that and send it to you if you'd like.

MS. ISHIMATSU: And my question is, the licensing limitation, when you use the dental hygienist as a measure, are you saying that they are disadvantaged because they are licensed, or because the M.D.s have the license and therefore require - -

MS. DAHL: Well, you see, you'll see them come in and ask for licensing to limit competition, and okay, for the nurses, the nurses and the doctors have this ongoing battle, and the doctors say the nurses aren't qualified to do this, this, and this. But in many cases they are qualified, and in many cases it's simply a limit of competition, because, like I say, in urban areas they cannot prescribe medicine. But in rural areas, we have now made it possible, and it's strictly through state licensing, that that happens.

MS. ISHIMATSU: My feeling of licensure was for the public good.

MS. DAHL: And see, and I agree with some basic licensing competency. But licensing has gone far beyond competency any more. It's gone strictly as a limit of competition. A good example is dieticians. Dieticians come in and now are licensed, and even the state, they say there's no threat to anybody's life, there's no threat any place, but these people want licensing, and then they put big educational restrictions on them after they once get in, so that it takes people longer to get there when, in fact, they could do it with not all that education.

MS. ISHIMATSU: I'm not too sure I follow your reasoning, but thank you.

MR. MECHAM: Representative, I'd like to have you furnish to me personally the information you used to back up your statement that women are eleven times more likely to leave work than are men.

MS. DAHL: I'll be happy to do that.

MS. MASUR: Representative Dahl, the information that came out of the comparable worth study in the state of Washington, of course, deals with the question of, as you know, that deals with the question of part-time versus full-time competency, et cetera. And there are some studies nationally. But would it, in your opinion, be a good idea for the state of Utah to come up with a study, a statistical study of the number of women who have worked in the work

force on occasion, or temporarily, and who are not necessarily putting themselves into the marketplace on a full-time basis? Would that, in your opinion, be a helpful report to have?

MS. DAHL: Well, it certainly, you know, I guess that would be the real bottom facts, and it certainly wouldn't hurt, you know, because I don't think that the majority of the women are choosing to go into the work force, except as a supplementary help to their husband.

There are those cases, of course, where women are forced in because they're the head of households, which government has created through their welfare system.

MR. BOCAGE: Thank you, Representative Dahl. Is there anyone here that's going to speak in behalf of the Pay Equity Coalition? I'm going to have to make the assumption that Margaret Basso is not here? Okay.

MR. MARTINEZ: Can we just assume, then, that they would agree with Representative Dahl?

MR. BOCAGE: We'll go to our 9:30 speaker, Lecia Parks is here? Lecia Parks is with the Utah Department of Employment Security. Come up and introduce yourself and tell us what you need to tell us about yourself.

MS. PARKS: I'm an economist with Job Service, which is, probably you're more familiar with Job Service.

"The needle and the midnight candle are yet considered by too many the proper appliances of woman's sphere. Custom also says that if a woman does as much work as a man, and does it well, she must not receive equal pay for it, and herein is a wrong inflicted upon her by the deprivation of a right to which she is justly entitled." So wrote Eliza R. Snow, who was one of the great women of early Utah history more than one hundred years ago.

Obviously the cry for pay equity is not new in Utah. Of course back in 1872 Eliza R. Snow didn't really have the statistical backup for her claim that women were not being paid equally to men. It wasn't until 1890 that the United States first started keeping track of the pay ratio between men and women. And back then it was about 46 percent. Women were only making 46 cents on the dollar compared to men. Since that time, describing and understanding the differences in the pay that men and women receive has become incredibly complex.

In one sense we have too much data. Too many theories that are manipulated too many ways, and too many people who don't understand what the data says. It's impossible for us to come up with one definitive figure for the male-female earnings differential. Of course, one exact wage gap number is not so important as the fact that there is a significant difference, between 30 and 40 percent,

depending on which data series you use.

In another sense we don't have enough information. We don't have enough research to really tell us why the pay gap exists. We have some, but not quite enough. Good Utah data is extremely scarce. The only reliable data we have comes from the dicennial census, which was in 1980.

To further complicate matters, statistics don't always mean what they seem to mean. The large difference in aggregate average female-male earnings may seem to indicate massive sexism in the workplace, but other factors are involved. Moreover, current data is not always strictly comparable to the data that was collected in the past. So we don't know quite how well we're improving. And finally, much of the research data appears contradictory. Believe me, economists try never to agree on anything. Obviously understanding the disparity in earnings between the sexes is an extremely complicated task.

Let's talk about those numbers that seem to make us so mad as women. I'll go to the Utah figures for 1980, which come, again, from the census. The yearly median earnings of full-time, not part-time, full-time year-round female workers, amounted to only 53 percent of the yearly median earnings of full-time year-round male workers.

In other words, women made, in 1980, made about 53 cents on the dollar compared to men. At 56 percent, the

comparable national figure is just a little higher.

Here is another good statistic that tends to make us mad as women here in Utah. It deals with income, which is slightly different from earnings, in that it includes transfer payments. Utah women with a college education average less income than Utah men with no more than an eighth grade education.

However, as maddening as these figures may be, they don't tell us why women in general earn less than men. Jumping to the conclusion that the gap is based entirely on sex discrimination can be foolhardy. Let's look at some of the data in detail and examine some of the research. I'm presenting mostly national data, it's the most current and it's the most detailed.

For the most part Utah follows the national trend. However, because Utah women were a little slow in joining the exodus to the work force, there is a little bit of lag in the income figures also. However, we've now surpassed the national average, we have a higher participation rate than the national average.

First of all, let me point out also that women have started to close the pay gap. After hovering around the 60 percent mark for almost two decades, the female-male wage differential has, in general, improved since 1981. At first many of us believed that this contraction to be a phenomenon

related to the represent recession. However the recovery years still show a narrowing of the disparity between male and female pay.

The latest figures from the Bureau of Labor Statistics indicate that the weekly earnings of a full-time U.S. female wage earner averaged just over 68 percent of her male counterpart's earnings in 1985, and that's up from about 63 percent in 1981.

Besides its existsence, what actually do we know about this wage differential between the sexes?

Number 1, we know that redefining data from annual earnings to weekly earnings, and finally, to hourly earnings, causes a corresponding decline in the earnings gap. For example, using hourly earnings figures instead of weekly numbers results in a 2 percentage point contraction in the gap. The fact that men generally work more overtime than women do causes this effect. And when earnings ratios for part-time workers are examined, the gap occurs in favor of women, who make 111 percent of the male part-time wage.

We know that as data is adjusted for human capital items such as experience, age, education, interruptions in employment, occupation, and so on, the pay gap narrows. In fact, when the earnings of job holders within establishments are compared within narrowly defined occupation and ranks, the gap shrinks significantly and often women come out

ahead.

We know that there's a positive correlation between age and the size of the pay gap. In other words, at younger ages, the earnings of men and women most closely approximate each other. Education is another factor. The gap is largest for the least educated men and women. Marital status also seems to have a bearing on the wage gap. The female-male earnings ratio for individuals not living in families registers at 80 percent. Between husbands and wives, the ratios drops to 63 percent.

We also understand that the reason that there's been so little movement between male and female earnings in the last few decades results from the fact that women have continually increased their participation. This continuous influx of large numbers of women into entry-level positions tends to keep the average wage low. Women are just beginning to move into the higher-paying jobs at a rate sufficient to improve the overall wage gap in comparison to men.

However, no one, to my knowledge, has come up with a persuasive argument that explains the gap away in toto. Researchers can account for between 50 and 70 percent of the differential in terms of human capital, but that is all. This unexplained portion suggests that there's discrimination, but it doesn't prove it.

One model that was constructed to find areas of

possible prejudice suggests that male-female differences in the return to investment in human capital, the type of employment, the rate of employment and the return to experience may point to sex-based wage bias. In fact, one study suggests that a large portion of the wage gap may be attributed to the fact that women fail to advance as rapidly as men in any occupation.

Now to a subject which is central to many arguments for pay equity, or more particularly comparable worth. A number of studies indicate that much of the male-female wage gap results from the crowding of women into low-paying jobs. One study suggests as much as 70 percent. When 99 percent of the secretaries in the state of Utah are female, it's difficult to divorce the issues of sex and pay from occupational segregation. However, several important factors should be taken into account.

First, even in occupations dominated by women, the wage gap still exists. The 1980 median earnings for male secretaries, nurses, and elementary school teachers in Utah still registered noticeably higher than the median earnings of their female counterparts.

Second, some researchers argue that there is, in fact, only weak evidence that women who work in typically female occupations earn lower wages than equally qualified women in other occupations. In other words, lower wages in

occupations where women are concentrated my simply reflect the generally lower wages paid to women in any occupation. Some research into women's actual work histories does not support the claim that many women's lower earnings result primarily from being locked into low-paying job ghettos. It becomes a case of which came first, the chicken or the egg?

What does become abundantly clear from the data and the research available is that there's no simple reason for the wage gap. Accordingly, there are no easy solutions. We know it exists, we can partially account for it, but we still need to know more. At at same time, we should strive to eliminate any barriers to the full and equitable employment of women. Any questions?

MS. KELSON: You said that there had been diminishing of the wage gap nationally. She has said that there's a diminishing of the wage factor nationally, the latest figure to be 68 percent.

MS. PARKS: That's for wage and salary workers.

MS. KELSON: Has there been a change in Utah, either forward, backwards, the same?

MS. PARKS: We don't know. We just don't have the data. Those of us who, all of us are aware of Gramm-Rudman, and right now we don't have the data, and we're even less likely to get it because of the cutbacks that we received. It's very expensive to gather that kind of data.

MS. KELSON: Let me just push that a little bit further. That movement to the 68 percent nationally is fairly recently?

MS. PARKS: That's the 1985 annual.

MS. KELSON: Which is impossible, because of Gramm-Rudman to do here in Utah?

MS. PARKS: Excuse me, before Gramm-Rudman, we really didn't have the money to do that kind of survey to get the real good figures. We have to get it from the census, and of course that's only every ten years.

MR. MECHAM: I'd like to address my questions to the question of whether it's the type of work that women do that accounts for this big difference, or is it how they are paid within the occupation that they do? For example, if women were to be paid the same as men in the same occupation, how much of the gap would remain?

MS. PARKS: I'm not really sure. That's something that's really hard to, they have to do actual longitudinal studies and case studies and look at that, in particular. You can't really get it from aggregate data. However, I mean the data is there, we just don't make as much. Even when it goes establishment by establishment and they narrowly define it, women just don't make as much.

MS. ISHIMATSU: I'd like to ask you a question concerning, you mean a basis, does that include both blue

collar and white collar workers?

MS. PARKS: Right.

MS. ISHIMATSU: For both sexes?

MS. PARKS: Yes, that's wage and salary earners. So that would be anyone who was not self-employed or employed in agriculture.

MS. ISHIMATSU: Is there any kind of distinction between women working in men's jobs, or what are classified traditionally men's jobs, their salaries as compared to men's?

MS. PARKS: They're almost always lower, except mechanics. For some reason the gap in mechanics, the ratio is 98 percent. And there are a few others [redacted] cases, even traditionally male occupations, the [redacted] less.

MS. ISHIMATSU: Just to follow this up. Are there increasing number of women taking what is going to be called men's occupations in Utah?

MS. PARKS: Oh, definitely. There's definitely been a shift. And that probably accounts for some of the fact that our wages are so much lower, is that we're all at entry-level positions, rather than upper management.

MR. MARTINEZ: You made the statement that you often hear in discussing this topic, in that women with college degrees make less than men with eighth grade

educations.

MS. PARKS: Okay, that's income. It's not really a strictly comparable figure with the wage gap. Because it would include little widows who are on Social Security.

MR. MARTINEZ: So that's an overly-broad statement that includes just everyone in the work force?

MS. PARKS: Right, not people even in the work force. People out of the work force. People on disability, any kind of transfer payment rather than actual.

MR. MARTINEZ: I guess that also assumes that you're putting more value in a college degree than someone who does some kind of blue collar work that he's highly trained for?

MS. PARKS: Basically, yeah.

MR. MARTINEZ: The second question I have is that you made the statement that as you break down classifications, that you find that within the classifications there is less differential in the pay. Did I understand that correctly?

MS. PARKS: Right.

MR. MARTINEZ: So the further you break them down into job categories or classifications, the less discrepancy there is, and as women move into non-traditional areas, do you believe, then, based on the figures that you've seen and presented, that this wage gap will close between people doing

the same jobs?

MS. PARKS: I think it will begin to close. I don't know if it will close entirely. The one study I always think of is the one that says that women, a lot of the wage gap comes from the fact that women in any occupation don't advance as fast as men do. And I think that's very true. I think those of us out in the work force for the most part know that that's true.

MR. MARTINEZ: In your first statement where you give us the figure 53 percent, you used the figure 53 percent of full-time workers in Utah, that was the wage parity of the- -

MS. PARKS: In 1980.

MR. MARTINEZ: Can you tell us who is in that group that would earn the 53 percent?

MS. PARKS: People that worked full-time, which is, it's not quite forty hours a week, but I think the cut off is thirty-eight hours a week, and up to fifty weeks during the year. So there are people who work all year round on full-time schedules.

MR. MARTINEZ: But it would be a comparison, then, of all the people?

MS. PARKS: Right.

MR. MARTINEZ: And so when you made the statement further on that we just talked about, that people with

college degrees, females with college degrees earn less than eighth grade male educated individuals, that would be included in that 53 percent?

MS. PARKS: Yes. But it would include also more people than were included in the 53 percent. They're not really comparable figures. I tried to make that clear, but the statistics are so detailed that a lot of times, unless you're used to working with them, you don't really understand.

MR. MARTINEZ: When you take that 53 percent, that's just an average. But if you were to take everyone and use that same figure, but break them down as to job categories and classifications, that 53 percent would shrink a great deal?

MS. PARKS: Well, actually it doesn't shrink all that much. You know, I have a list of some of the occupations where there is quite a bit of parity, but there were not very many.

MR. MARTINEZ: Could you supply us that list?

MS. PARKS: Sure, it's in my little publication, here.

MR. MARTINEZ: Thank you very much.

MS. HUTCHISON: I wanted to explore a little bit more in detail the gap between the same professions. The male secretary, the male nurses, the teachers. How is that

defined as far as the factors? Before that you indicated that the factors of age, education, marital status, made quite the difference. Is this also indicative of these professions, or are you saying that a male secretary coming at the same time with the same background will earn more than a female, and the same with the nurse and the same with the teacher?

MS. PARKS: That's the actual salary that they receive. It takes everyone that's a secretary and looks at their salary, doesn't base it on experience or anything else, it just looks at the salary and compares.

MR. CHENG: The marital status that it mentioned, when they are not with their husband, the gap is about 80 percent?

MS. PARKS: That's for people not living in families. That would include mostly single people or divorced people who don't have any children.

MR. CHENG: Do you have an explanation for that?

MS. PARKS: Oh, for one thing, when you have two incomes, I don't think there's quite the necessity for you to make sure that your job is so high paying. As far as research answer, that's just kind of a guess. The fact that women with families, a lot of them feel the necessity to stay home and take care of them or only have part-time jobs.

MS. MASUR: I appreciate, incidentally, your having

sent this to me. It's entitled "Women in the Utah Labor Force." It has your effort was never in this publication, I'm assuming, headed, "Toward Pay Equity"; is that correct?

MS. PARKS: No. I'm supposed to be non-political.

MS. MASUR: Not a question of political, it's a question of whether your statistics and drafts and work was headed in the direction of proving pay equity, and I'm assuming, having read the publication, that that was not your - -

MS. PARKS: No it was basically to present what facts there were.

MS. MASUR: But when you make your statements on statistics, then, throughout your presentation, we are not assuming that if they came out of here that they are valid when one speaks of pay equity. That they are valid when they speak of women in the Utah labor force, which is the name of your publication, but throughout the publication I found no attempt on your part to indicate anything but salary, which of course has nothing to do with pay equity.

In other words, I'm indicating that when one speaks of pay equity one has to take into consideration experience, longevity in the job, education, et cetera. Your figures do not include that?

MS. PARKS: We don't have them for Utah, basically that's why. I did try to include little synopsis of the

research that has been done in those areas.

MS. MASUR: And since we don't have the figures in Utah, I think that might be a good idea, as I've indicated to Representative Dahl. We can't use these statistics that you're using as a basis for pay equity because your publication didn't seem to me to be that serious in that area.

For example, the statement here, "It's been said that in Utah you have a greater chance of being run over by a stroller than anywhere else in the country. It made my assumption that women aren't, speaking in hard terms, are statistics.

MR. BOCAGE: I think we need to keep it in the content of the statement, rather than - -

MS. MASUR: Your 53 percent earnings as compared nationally, as compared with your 50 percent in Utah, does that throw in any other statistic but salary?

MS. PARKS: No, it's earnings.

MS. MASUR: It has nothing to do with my education as a woman, or my seniority, or any of that?

MS. PARKS: Right.

MS. MASUR: When we talk about women being angry in Utah, I hope you're not indicating that most women in this state are angry about the question of pay equity.

MS. PARKS: Not pay equity. I think we get angry

when we hear that women in general only make 53 percent as compared to men. I think whether we really understand what goes behind that, I think that stirs up a lot of anger.

MS. MASUR: You did indicate that there are people who don't understand and do understand and are not angry because they understand the reasons for them. Comparable worth is not what we're discussing, of course. But you indicated that in a comparable worth study, that women usually crowd a low paying job. Are you assuming that that has nothing to do with choice, that these women did not choose to go into that?

MS. PARKS: That's a lot of assumption of a lot of people through comparable worth.

MS. MASUR: That's something that we need to have done in Utah. We need some statistics as to whether women are actually choosing those particular positions that are crowded with women, as opposed to - -

MS. PARKS: Personally I think, yes, you are choosing. Everyone makes that choice.

MS. MASUR: And you indicated that teachers in Utah, women teachers earn less money than men, and I have a statistic at home that proves exactly opposite.

MS. PARKS: That was from the census data.

MS. MASUR: From Utah, or the nation?

MS. PARKS: From Utah, the census. And I'm sure

that you could get more up-to-date figures.

MS. MASUR: Gramm-Rudman, I don't think will have any effect on women's salaries.

MS. PARKS: Gramm-Rudman would affect our ability to collect statistics that help us understand the situation.

MS. MASUR: Because you feel that the Labor Department will have their budget cut?

MS. PARKS: We've already had it. One of them, so yes. We're planning on some more.

MS. MASUR: Thank you.

MR. MULDROW: Would you just clarify for me the difference between the Utah median salary for full-time women and men, which was 53 cents on the dollar, you said, and the national figure? What is the national figure?

MS. PARKS: The comparable national figure was 56.

MR. MULDROW: 56?

MS. PARKS: Yeah, so there's not a whole lot of statistical difference there.

MR. MULDROW: You made the statement, I believe, that part of the reason for this is that women in Utah were slow in joining the work force.

MS. PARKS: Right. We had lower participation rates than the rest of the nation for quite a while, and it's just been in the last few years that our participation rates have started to exceed the national average. So this would

tend to mean more women at entry-level positions which would drag the wage down.

MR. MULDROW: What is the reason for that? Are you able to determine that?

MS. PARKS: I don't know. The one reason we explained why we have a higher rate now is that we have such a young population, and younger women are more likely to work.

MR. MULDROW: Could you supply us with a copy of your remarks?

MS. PARKS: Yes.

MS. MASUR: Could can I ask Ms. Parks if the 56 percent nationally includes more than the 50 percent in Utah? In other words, there's no assumption on the national level concerning education, seniority, et cetera, as there isn't in Utah?

MS. PARKS: Right. It's the exact comparable figure. We actually have one.

MR. MECHAM: I want to follow up a little but on Mr. Cheng's comment. What kind of figures do you have for people who, for example, are not ever married, single, never married people in terms of the kind of pay rates they get, male and female?

MS. PARKS: I don't have anything right at hand. It would tend to be lower, though, because in the first place

most people do get married. The wage gap is smallest at younger ages, which is only rational. And so I'm sure that the wage gap for never married is quite low. For Utah we'd have to go back to the census.

MR. MECHAM: I wanted to follow up on another comment. You talked about people in the same establishment performing the same job, and perhaps at the same performance level, or work level. And you indicated in some cases the ratio was actually over 100 percent; is that right?

MS. PARKS: Uh-huh.

MR. MECHAM: What is the average ratio when you break it right down to the establishment, the same job and the same performance level?

MS. PARKS: Well, it differs from establishment to establishment. That's what I'm saying.

MR. MECHAM: Is there an overall figure?

MS. PARKS: I don't have the study with me right now. I could supply with you with that.

MR. MECHAM: I would like to see that study. And then you indicated that women advanced slower. Is that something that's been documented in terms of establishment practice, or is that an overall?

MS. PARKS: I can't remember the exact method of the study that was used, but I can find the reference for you if you want.

MR. MECHAM: Would you do that too, please.

MS. MALDONADO: Are any of these statistics broken down by race?

MS. PARKS: Census data is, yes. Black women, there's a smaller wage gap for black women than there is for white women. Hispanics is also a little better than the white women. But there's quite a difference as far as the black women and white women are concerned.

MS. HUTCHISON: You're saying there's not much disparity between black women and black men?

MS. PARKS: There's not as much.

MR. BOCAGE: Okay, I have to cut it off. Thanks a lot. Is Marian Bloomquist here? Okay, you're up next. Marian is from the Utah Women's Association.

MS. BLOOMQUIST: Thank you. I do have four copies of my presentation I can leave here with you, if you would like. I'm president of the Utah Association of Women. In trying to do some research and study on this subject, I tried very hard to find a good definition of pay equity.

In searching for that definition, I was not very successful. And I'll cite you some examples of what I came up with. For instance, Karen Shephard, who is editor of the Network publication, on a KSL TV Talk About show March, 1986, was asked for a definition of pay equity. She responded that there is no difference between pay equity and comparable

worth.

And in U.S. News and World Report, the 24th of December, 1984, an interview with June O'Neill, Director of Women and Family Policies Program of the Urban Institute on Comparable Worth said, "It is often called pay equity, which makes people think it means equal pay for equal work."

And some comments by Penny Pullen, Illinois State Representative, and presently house minority whip, said, "Comparable worth is a revolution. It is not just a superficial change in pay scales in classes. The full accomplishment of comparable worth legislation is, indeed, a quantum leap to socialism. What else can you call government wage setting? That's what the comparable worth advocates have in mind at every level. That's what they are promoting in the name of the slogan, 'pay equity.' But pay equity ought to be established on the basis of employers' and employees' relationships and agreements with each other, not on what a federal judge or politician tells them it should be."

Well, now I'll go on with my assigned topic on the wage gap. Our laws presently guarantee equal opportunity for women, and equal pay for equal work, with resource to pursue any grievances.

On the average, women earn less than men, about 60 to 65 percent less, depending upon the measure used. After

adjusting for hours worked, women earn about 70 to 75 percent as much as men. The earnings gap between men and women is not due to discrimination in the labor market.

Now, that statistic and that remark was from Dr. Michael Finn, senior economist, Labor and Policy Study Program of the Oak Ridge Associated Universities, and he is considered an expert on the earnings gap.

Much of the following information I'm going to present now was from material provided by Linda Chavez, former staff director of the Civil Rights Commission, and former White House staff member as deputy assistant to the President.

There is, indeed, a wage gap between average earnings of men and women in the labor force. We hear much about women earning only 59 cents for every dollar that men earn. However, this needs to be broken down into statistics that give a more accurate picture.

Women ages twenty to twenty-four earn 89 cents for every dollar of men of comparable age. Women age twenty-five to thirty-four earn 80 cents for every dollar of men of comparable age.

When you compare statistics of all men and all women in the labor force, based on the average hours they work in a year, women earn overall 72 cents for every dollar that men earn. The biggest single factor that seems to

influence the earnings differential among women is not work done nor education, it is marriage.

Women who have never been married compared to men who have never been married earn 98 cents for every dollar of those male counterparts. But when you look at married women compared to married men, you find that married women earn only 38 cents for every dollar that men do. Marriage seems to prove an incentive for male earnings, and a disincentive for female earnings.

Women move in and out of the labor market in order to bear and raise children. Women work fewer years over their working lifetime, and also retire earlier. Because of their responsibilities in the home, as wives and mothers, women often choose different jobs than men do.

However, today we find women in nearly every occupation and profession. But the vast majority of women work in three major occupational categories. They work in the professions of nursing and teaching, and in the clerical industry. Women seek these jobs in such numbers that they drive the price down.

Eighty percent of all women who work outside the home work in one of those three job categories I mentioned. Women choose certain kinds of jobs because those jobs provide certain kinds of benefits, not always monetary, but benefits, nonetheless, that allow them to balance the needs of the home

with their work responsibilities. Such things as regular hours, no overtime requirements, et cetera, contribute to a woman's choice to choose one job over another, particularly if she has young children at home.

Studies have found that women have less work commitment than men, and that women value job characteristics differently, giving greater weight to comfortable working conditions, congenial associates, and an intellectually stimulating job, but less weight than men to the opportunity to earn a high income or to advance to high administrative responsibility.

Women, therefore, do not participate in career competition the same way that men do, and that is another reason that women don't get paid as much.

The fact is that women prefer part-time work. Overwhelmingly in the polls they indicate a preference to part-time work over full-time work. And I believe this is the same statistics that Representative Dahl quoted, and this is from a Harris pole. One of you asked that question where it showed a three-to-one preference for part-time work by women, while men had a four-to-one preference for full-time work.

I know that the women in the Ogden area where I'm from love seasonal work at the IRS, because they can work about six months out of the year and then draw unemployment

the other six months.

Most women know that there are things more important than pursuing their jobs to the utmost. They understand that there are more valuable roles in life than pursuing what even the feminists have often depicted as the rat race. Because they know that there are more important things in life, they fail to win at the rat race.

It is important that women do understand that the effect of committing themselves first to a career is to sacrifice their children on the altar of their own job and career commitments. The cost of this pursuit will be inflicted on society at large, which will then have to care for the children and respond to social disorders which result from the mother's obsessive pursuit of their own careers.

Research by Carl Hoffman and Associates found that women were in lower-paying jobs, not because of exclusion, but because of conflict and demands on their time. So they turned down opportunities for promotion more frequently than men.

A study done by Katheryn Langwell in 1982, showed an earnings gap between men and women physicians. Langwell found that earnings gap in the year 1977 of 39 percent in annual earnings. However, women physicians worked fewer hours, so the gap in hourly earnings when that was taken into consideration was only 22 percent. She also found that women

physicians had longer waiting times for appointments, and charged higher fees for office calls. And it wasn't that their services were not in demand. They chose to work fewer hours, and they also chose to see fewer patients per hour.

Women also tend to choose indoor work, and work that requires no heavy lifting. Men perform more dangerous jobs than women. Examples are the construction and the mining industries, although we do have women going into those fields, and premiums paid for dangerous jobs are not trifling ones.

There's one gap in our society that would really suffer from the feminist campaign for comparable worth, that is the large group of men with high school diplomas, or less, with large families to support. Their aggressiveness and commitment to the work force far exceeds the commitment of most of us. A comparable worth society would take money and jobs away from lower class men with high school diplomas or less and families to support, and give money and jobs to upper-class women with credentials and qualifications.

We also have the example of the telephone pole disaster. The courts required that the telephone company make women climb poles. Women didn't necessarily want to climb poles, but the EEOC agreement required that women climb poles. So the telephone company made special equipment for women at great expense, and sent them out to climb the

poles. But they kept falling off the poles. They fell off the poles six times as often as men did, and that experiment came to a predictable end.

If comparable worth were implemented, it would completely replace the market system of wage setting. The proponents, such as the American Federation of State, County and Municipal Employees, and the National Organization of Women, argue that jobs which are female dominated, in which more than 70 percent of those jobs are female, are of equal or greater worth than jobs that are male dominated, and should be paid more. In other words these individuals seek quality of result rather than equal opportunity. They want to replace the market system with a committee of evaluators that would have the power to determine job worth and the wages to be paid for that job.

The market system must be allowed to control wage setting, because it provides the only accurate measure of job worth. Employers should be free to set wages according to the rate the market will bear. Circuit Court Judge Anthony Kennedy stated, "Neither law nor logic deems the free market a suspect enterprise."

On March the 4th, 1985, Judge Charles Kocoras ruled in favor of attorneys for the Mountain States Legal Foundation, whose clients opposed the American Nurses Association efforts to enforce comparable worth on the

taxpayers. The judge stated, "Jobs do not have an intrinsic value that can be scientificly measured. Individuals should be entitled to equal opportunities, not results in the job market." Testimony brought out that comparable worth does not measure the effect of job risks on salaries, and would deny rewards to women who have successfully competed in male-dominated jobs.

In summarizing, females work an average of 35.7 hours per week, males work an average of 44 hours per week. There is a marked difference in job tenure. In 1978 the average male spent four 4.5 years with their current employer, the average female spent 2.6 years. Married women are less willing to expend the energy needed to work up the career ladder. They tend to see themselves as supplementing the family income. They tend to gravitate to jobs that permit repeated entry into the job market.

Now, I've used statistics from the Mountain States Legal foundation, and also from previous congressional committee hearings on this subject.

I too have worked in the job market, and I wonder why we include sixteen year olds in figures that we use, because we know very well that girls at that age are working for just minimum wage. In my own personal situation, I didn't have the money to spend very long in college, and so I thought I'd better study the field that I could get into the

quickest to work, and of course that's usually the secretarial field.

And as I got to college I found all of these required courses that you have to take before you can even get to the field that you want to study. So I asked that those requirements be waived in my case. They did waive them, I spent two quarters at Utah State University, and was able to take the advanced accounting class that was an upper class course, so that in two quarters I was able to go home and obtain what was at that time considered the best-paying, most desired job in my small community where I worked in, and that was as secretary for the superintendent of schools.

I think that employers have every right to indicate that they expect a certain length of employment from people, my employer at that time said that he wanted at least two years minimum, which I did perform.

Later on in my married life, I thought that I would apply for a position to help with the family earnings a little bit while my husband was still finishing college. That employer wanted the stipulation that I would return to work after our baby was born. I did not wish to make that commitment, and so therefore did not obtain that job.

But I feel that is an employer's prerogative to make those types of stipulations. In the 1970's I again looked into a possible position to help with family income,

and as I was being interviewed as to my previous qualifications, I was told, "My, if you had continued working all these years since you first started up to this time, you could be making $1,000 a month by now."

MR. BOCAGE: Could I interrupt?

MS. BLOOMQUIST: I just want to finish, that that sounded wonderful, but I had chosen not to stay in the job market. Thank you.

MR. BOCAGE: Before I open up questions, I want to ask the committee to limit their questions to one minute, and go through all your questions at one time, because I'm going to have to ask the committee to only, I'm not going to go around the table but one time. So with this we'll open up any questions.

MS. HUTCHISON: I have a couple of them. I know a lot of the data that you have given to us was from Linda Chavez, and let me ask for some clarifications. On the one you're talking about the women going into the work force and actually denying some men jobs. Was it the conclusion to do the same job a man can do with a high school diploma would require a woman with higher credentials? I think that's what was stated.

MS. BLOOMQUIST: Now, that wasn't from Linda Chavez, I don't believe. But what they were meaning there is that with the pay equity concept, we're trying to level the

wages. And those men, of course, who have less education, and that seems to be a lot, that they're basing equity on is the level of education.

MS. HUTCHISON: With a high school diploma?

MS. BLOOMQUIST: That would be like the construction workers who are out in the cold weather and the hot weather and everything else. And they take make a good wage. But that would be the level that they're trying to do. And of course women are trying to get into that field now. You see many women on road crews who are willing to put up with the unpleasantness of the weather.

MS. HUTCHISON: On the time women, the average man commits himself to four and a half years per employer, and a woman is 2.6, is this taken into account, or is it broken down, do you know, into a professional as opposed to waitresses, and that's not - -

MS. BLOOMQUIST: Apparentlyly it was not. It's just the average.

MS. HUTCHISON: And I guess what I'd like to make, or to see, is all these studies we're hearing, I'd really like to see if they have a study, and you may be aware of it, where women are actually, the fact that we're not putting into this, is that if women are actually given the opportunity to work longer, if they so desired to change jobs, if a secretary wanted to change, is that opportunity

available to progress? And I don't know if there's any kind of studies on opportunities within it or not.

MS. BLOOMQUIST: I'm not sure either, but I have heard recently that there are places that help women- -

MS. HUTCHISON: My employment does that, and we're able to move very easily.

MS. BLOOMQUIST: - -who want to progress up the ladder, so to speak, from the secretarial service to a higher management position or so forth.

MS. HUTCHISON: Thank you. And I would like a copy of your remarks.

MS. ISHIMATSU: I have a question. You indicated that men prefer the more dangerous jobs. Is this basically because the hiring was primarily indicated at these days prior to the job discrimination factor, that more men that were hired, rather than women, or do we make any kind of distinction between the past practices as compared to the current practices?

MS. BLOOMQUIST: Well, I have found that there was not any discrimination indicated. It's just that women are having a harder time performing those jobs. Someone told me just recently regarding the sheet metal profession, that initially women start to try to study to go into that field, and they were not being denied the opportunity, but found that they could just not perform.

And I think this is true with many of those types of jobs. It isn't because they're not afforded the opportunity.

MS. ISHIMATSU: Do you have a basis for that? Is that a statistical basis, or is this some kind of a discussion?

MS. BLOOMQUIST: Well, it was a discussion, yes, with people in that field.

MS. ISHIMATSU: So according to your study you have not made any distinction between the fact that perhaps if women were not in the past hired into dangerous jobs, or outdoor jobs, and so the preference is not necessarily indicated as having made it as a voluntary choice?

MS. BLOOMQUIST: Well, I think these are more current findings. I think that yes, before the days of the laws that were passed, women were denied that opportunity who would like that opportunity. But that opportunity is there now. But particularly in the sheet metal trade, I was informed that the women were just not able to do that.

It's, the tools are quite heavy that they must carry, and the ladders are very heavy that they put up, and they have to work at very high heights, and women were just--

MS. ISHIMATSU: You don't believe that that's just a stereotypical process?

MS. BLOOMQUIST: Oh, no, because my husband at one

time worked in the sheet metal trade, and I'm familiar with what they do have to go through in that position.

MS. MASUR: Ms. Bloomquist, in Linda Chavez, when Linda Chavez came from the White House for the conference, did she have any Utah statistics at all that she brought with her, or was she quoting only national?

MS. BLOOMQUIST: I think she was quoting national statistics.

MS. MASUR: And there was an article in the paper about three months ago indicating that in some positions where women in some jobs in the market place, and it was assumed that women have less strength in their upper body, that the men are required to carry their work load when they are doing the positions that require strength in the upper body. Have you had any indication in your research that, number one, that this is true, and what is done in the market place about that? Do you know whether men do have to carry the burden for women when they can't carry their own burden?

MS. BLOOMQUIST: I am familiar, at one time we hired some carpenters, and one of those was a woman. And she was wanting help, toting the ladders and the heavy tools. And she did not last very long. The men resent that, and I think that if women are going to compete in those type of fields, then they should be expected to carry their own load.

And so much of this push for women to go into those type of fields, Ithink, is only causing resentment, and hurting women's cause who want todo better in the market place. And thosethings ned to be taken into consideration so that they don't hurt the cause for good employment.

MR. BOCAGE: Thank you, Ms. Bloomquist. Is Garth Mangum here yet? Then why don't we just take a break right now? Okay, if anybody else wants to, right now we can have an open session for a few minutes, if anybody else wants that. If not, we'll entertain a break. Is there anyone else in the audience would like to speak? Okay, then we'll have a break.

(Brief recess.)

MR. BOCAGE: Before we get started, I want to emphasize again, we want to keep our questions to one minute to the speakers, and I want to make it again, to keep it as a question, rather than requesting the statements. I'd rather keep it as a question. Okay, our speaker for our law on legislation is Ms. Elisabeth Dunning here?

MS. DUNNING: Yes, I am.

MR. BOCAGE: Okay, Ms. Dunning, you can introduce yourself.

MS. DUNNING: My name is Elisabeth T. Dunning, I'm an attorney here in Salt Lake City with the law firm of Watkiss and Campbell. I have been practicing employment law

for about the last five years, first in New York before I moved out here, and continuing since I've moved out here. I have represented individual employees in discrimination and other kinds of employment litigation, and also I represent employers defending discrimination and other kinds of employment litigation.

Based on that, I think I can say that I am somewhat familiar with the law concerning employment discrimination, Title 7, the Equal Pay Act, the Age Discrimination and Employment Act, and the court decisions that have interpreted and applied those acts.

I was recently asked to speak on the status of pay equity litigation for the American Arbitration Association, and in connection with that, I have talked to attorneys involved in pay equity litigation. I have never done any myself, at least in the sense that pay equity is something different than equal pay litigation, and have read a fair amount on that issue, also.

I say all that, because when I was invited to address the committee, I asked, "What is it that you'd like to hear from me? I'm certain that you are familiar or have access to people who can brief you on the status of the law, I don't know that my doing that is terribly helpful to you." So instead, I think I would like to raise two issues for the committee's consideration.

To start with, I think I should define what I mean when I say pay equity, since I have seen a number of different definitions of that theory. And I would define it as a theory that says that systematic undervaluation in the wages received by women and minorities should be redressed under Title 7, or under employment discrimination litigation.

And systematic undervalue in this sense, means that the wages paid women and minorities are depressed relative to those, what those wages would be if the jobs were being performed by white males. And that's the kind of systematic undervaluation that I'm talking about. And the pay equity theory is simply that that undervaluation ought to be corrected.

I think there are a couple of issues that are important from a legal point of view, if you adopt that theory of pay equity. And the first is the issue of fault. I know that some of the litigation concerning pay equity and the opposition to the the notion of pay equity arises from a belief that an employer has no obligation to correct discriminatory wages unless the employer is in some way at fault. That is, that some present intentionality has gone into creating that wage disparity.

I'm sure this committee is aware that Standard Title 7, or discrimination litigation can proceed on one of

two basic theories, disparate treatment, or disparate impact. Disparate treatment litigation focuses on fault. It says, "This qualified woman was not promoted, a male was promoted," the woman claims that her sex was a factor in denying her the promotion, and that's the issue that goes to trial.

In order for that woman to prevail she must prove that sex was taken into consideration in making the promotion decision, and if it was, that demonstrates to the law fault on the part of the employer, because sex is a prohibitive basis, now, for making such a decision. In those cases, fault is an issue, and fault is the basis on which an individual employee will be awarded back pay, retroactive promotion, attorneys fees.

There is, however, another whole line of cases and procedure under Title 7, and that is disparate impact. And those cases challenge a fairly neutral employment criterion, which can be shown to have an inequitable impact on women or minorities, and no relation to the job. Those cases do not deal with fault. The issue is never, "Did the employer adopt this screening mechanism with the intention of screening out women or minorities?" The question is simply empirical. Does it, in fact, weigh more heavily in a statistical sense on women and minorities, and can it be shown to be job related?

If it cannot be shown to be job related and it has the effect of screening out greater numbers of women and minorities, it will be struck down. That analysis which is already firmly in the law is without regard to fault. It simply looks at the effect.

I would suggest, based on having done, now, five years of litigation in the field, that to narrow the focus to fault, and I say this also with regard to pay equity, is to distort both what Title 7 is about, and the process.

The reason I say that, is in a disparate treatment case, in a case where the employee must prove fault on the part of the employer to recover, you are dealing with motivation, the hardest of all things to prove. Very rarely any more do employers say, "We don't have women sales managers," or put it in a memo. So motivation is not going to be provable directly in most cases.

The question then becomes one of taking the depositions of a lot of people involved in the decision, comparing those for internal consistency, comparing them against documentary evidence that can be found for consistency, and demonstrating to a judge, since Title 7 cases at least are tried to a judge, that the employer is lying, and in saying sex had no place in this decision, inferentially proving that the employer is lying, and that the employee is right in asserting her sex or his minority

status was, in fact, a factor that was considered.

That creates distortions, because it relies so much on what evidence is available. And I say it, it relies on distortions, not suggesting that that form of addressing discrimination should be kept out of the law, but I think, in focusing on fault, the committee should be aware that very frequently how that will turn out in a courtroom will depend on what, for instance, what witnesses are available.

Maybe there's somebody with a crucial piece of evidence on the plaintiff's behalf, and if it turns out that that employee has left the employment of the defendant, then that ex-employee is probably going to be available to come into court and give the testimony that the plaintiff needs to prevail.

If that employee is still employed by the employer, it is less likely that employee is going to come forward. That's on the plaintiff's side. Maybe that ex-employee has got his or her own axe to grind with the employer and comes forward with distorted information, and then the employer's chances are distorted somewhat by the process.

As I say, we have got to retain the right to litigate fault in individual cases, but to make it the touchstone and to determine that pay equity is improper because no fault can be proven, seems to me to ignore the realities, both of wage discrimination and what proving fault

in a courtroom looks like.

I think, too, that the committee should consider the social cost of discrimination litigation in considering its approach to pay equity. I have been involved in one five-year-long case for an individual employee of an eastern city, and she has prevailed. The attorneys fees in that case will be over $200,000 dollars for one woman because of a promotion that was wrongfully denied.

That is a tremendous amount to pay socially to correct an inequity as to one person. And I'm not saying that she was not entitled to good representation, and that the attorneys who did that work are not entitled to be compensated fairly. I'm only suggesting that when, if we are going to correct wage inequity strictly on a person-by-person basis at a cost of five trial dates, at least, per person, and the social cost that involves, two sets of attorneys, or two attorneys, at least, involved over a period of anywhere from one to ten years, this is going to be a tremendously expensive way to address the issue.

Again, it's necessary, but as a matter of simply balancing the accomplishment of the goal and the cost of accomplishing that goal, pay equity, it seems to me that theory for proceeding has a great deal to recommend it.

I think that the thing to keep in mind is that it is probably basically a political decision. The question is,

does the federal government and, in a sense, the citizenry of this country still have a commitment to eliminating wage disparities? If the commitment is still there, pay equity seems to me an appropriate way to accomplish that goal, which is consistent with the law that's developed under Title 7. And makes a good deal of sense.

I would only like to add, because I know that you are on a tight time frame, and I want to answer questions if you have them, the California State Employees Association has recently filed a suit that you may be aware of, on behalf of over 100,000 female employees. And in connection with that suit, they have looked at sex segregation by job classification in the state of California.

And they have determined that 78 percent of the people who work for the state of California work in job categories which are either 70 percent or more female, or 70 percent or more male. And that suggests to me that discrimination and sex segregation, discrimination in wages and sex segregation, is very much a part of the current employment structure. And it's going to take a very long time to address that on an individual-by-individual basis.

MR. BOCAGE: Any questions from the committee?

MR. MECHAM: Yes, several questions that I have. It seems that you're operating from the premise that discrimination exists, and that's a proven fact.

MS. DUNNING: Uh-huh.

MR. MECHAM: Is that correct?

MS. DUNNING: It is.

MR. MECHAM: And it's proven by what?

MS. DUNNING: Well, I guess one of the major studies, and we could probably fight about the empirical data, is the one done by the National Research Council of the National Academy of Science, entitled, "Women Work and Wages, Equal Pay for Equal Jobs of Value." And in that particular study I know that the committee concluded that there is that substantial under valuation that I talked about at the beginning. That less than 50 percent of the difference between men's amd womens' wages in a job that could be considered comparable have to do with women leaving the job force to have children or to get married, or having a lesser degree of education, or any of the other factors that have been raised in this discussion about pay equity.

MR. MECHAM: Was that a unanimous conclusion?

MS. DUNNING: Of that committee? I don't know. I have the results of the final report, but I don't know if there were any dissenters. As far as I know that was that particular council's conclusion.

MR. MECHAM: Okay, there's another thing that I'd like to ask, and that is that, I'm not a lawyer, so this is something I'd like to understand. There seems to be a

presumption of guilt in terms of the employer needing to prove that they didn't have intent, once the disparity is established; is that true? And the employer must now show that they are, in fact, innocent?

MS. DUNNING: It depends if you're talking about disparate impact or disparate treatment.

MR. MECHAM: Disparate impact.

MS. DUNNING: Okay, that's the situation where, let me think if I can think of an example. The employer says, "To get this entry-level job you have to have a high school diploma," let's say. And I can show you that that requirement in certain parts of the country screens out many more minority people for various reasons than white applicants.

If that is the case, the employer must then show, not that they're innocent, but the requirement of a high school diploma is job related. If it's job related, they may go ahead and enforce that requirement, because if it's truly job related they have a right to insist upon it. If it's not job related, they cannot insist upon it, where you can show the kind of impact that we're supposing for the sake of this illustration.

Innocence, that's what I'm saying, in that kind of a case the employer's motive in requiring a high school diploma is not at issue. You needn't show that they put that

in place to screen out minorities. It may just be tradition, habitual. It may be because it's never been considered whether it's job related.

But that's not the inquiry in that kind of a case, is not the employer's motivation.

MR. MECHAM: To the question of pay equity, how does an employer show that with the discrepancies that exist in wages, that they, in fact, have made decisions that are job related, and thereby established their innocence?

MS. DUNNING: Well, the pay equity cases that I'm familiar with that have gone forward to test this, one of the crucial considerations is that most employers have some system for valuing jobs in place. And they are valued on a range of factors. Education required, years of experience required, number of people supervised, level of responsibility, accountability, a whole range of them.

And employers, for the most part, in setting salaries and in creating new positions, have in place some way of measuring the value to them of jobs. And the question arises, when employees can show that using the employer's own system of valuation, jobs which are predominantly women, but score as high as jobs that are predominantly filled by males are paid less. Do you see what I'm saying?

MR. MECHAM: I understand that, but - -

MS. DUNNING: So then you're saying to me, why

should the employer have to correct that if they didn't do it intentionally?

MR. MECHAM: No, what I'm saying to you is, what if the system used is simply market pricing? And I'm just simply paying what the market pays.

MS. DUNNING: Well, I guess, again, this is probably a philosophical issue about what we believe about the market. I don't believe that the market is an abstract structure, separate from all the irrationalities and stereotypes and history that have gone on in the work place.

So the market reflects sexual stereotyping, it reflects the fact that up until twenty years ago it was perfectly permissible to pay women less than men, simply because they were women. It has built into itself the discrimination that we're talking about. As I perceive it.

So that to say, "We're merely doing what the market says we can do," doesn't resolve the problem, because the market is not separate and apart from the discrimination that has been in the work place historically.

MS. MASUR: Ms. Dunning, would you answer this question with a yes or no, so that I can get onto my other questions before my good chairman calls my time. Are there a greater or lesser number of court cases, won by reason of fault or impact?

MS. DUNNING: I have to tell you I don't know the

answer. When you say won, you mean the plaintiff prevails, the employee prevails? I don't know the answer to that.

MS. MASUR: Your indication that the social cost when one tries a case by attempting to prove fault is obviously a high figure, and should therefore take second precedence to the method of by impact.

Are you, then, not making an assumption, that the due process due an individual on person-by-person basis is more important than the due process to the employer when he wishes to prove, as you've indicated, that he has a system in place, would not the court, the court of law, then, be judging that the employer's system that he has in place is not of very great importance to the job that he has to perform? In other words, you're putting less of a weight on the importance of the employee to redress, and also the importance of the employer to determine his own system of evaluation than you put on the person-to-person fault.

MS. DUNNING: Well, if I understand you, what I was saying is not that person-to-person fault is not important. And where it can be shown that that kind of fault entered into a job decision, of course it should be redressed. I'm suggesting that if the issue is, and this is the political question, if the issue is, "How do we eliminate discriminatory compensation," assuming that you believe there is still discriminatory compensation in the work place.

MS. MASUR: But the question isn't that. The question is, is there discriminatory- -

MS. DUNNING: I don't know who you've heard from this morning. I have never seen any statistics that don't indicate that women are paid less than men. Nationally, in Utah.

MS. MASUR: The question is not whether they're paid less, but whether there is a pay inequity. And I'm sorry that you didn't hear some of the previous testimony.

MS. DUNNING: I think when Title 7 was amended in 1972, congress, at least at that time, recognized that its initial approach in '64 which had dealt pretty much exclusively with fault, with a notion that there are just people in positions to decide who are making bad decisions on a prohibitive basis, was refined, and in '72 I think, and I am quoting from one of the senate reports, that they said, "In 1964, employment discrimination tended to be viewed as a series of isolated and distinguishable events, for the most part due to ill will on the part of some identifiable individual or organization."

Employment discrimination is viewed today is far more complex, is a far more complex and pervasive phenomenon. Experts familiar with the subject now generally describe the problem in terms of systems and effects, rather than simply intentional wrongs.

Now, I don't know of anything in the last ten years that has changed that. I certainly do start from the premise that there is discrimination in compensation, and according to this National Science Foundation study, some portion of it, whether or not we put a percentage figure on it, is due to the fact that women have traditionally been paid less, because they are women. And until nineteen 1964 that was lawful. I mean until nineteen 1964 you could close a whole series of jobs to women. Women couldn't even apply for them, right.

MS. MASUR: The 78 percent in California that had certain men into certain positions, certain women into certain other classifications in California was declared to be discrimination, why? Why didn't you assume that some of that is by choice, not necessarily by demand, by mandate?

MS. DUNNING: I didn'g say that it was found to be discrimination, I was using that only as an illustration of the fact that sex segregation into job categories is still very much a part of the work place in 1985. And the corollary, too, that is in that suit they're alleging that for the most part those job classifications which are 70 percent or more women are paid less than equivalent jobs in--

MS. MASUR: But there's no indication as to whether that was good or bad, whether some people chose that and preferred that category in spite of getting paid less?

MS. DUNNING: Well, yes, that is true.

MS. MASUR: Was that cranked in, do you know ?

MS. DUNNING: On the 78 percent, no, that is just the statistical information about job segregation, sex segregation in jobs in the California state system.

MS. MASUR: Thank you.

MR. MULDROW: None of us are attorneys, here, Ms. Dunning, so we very much appreciate the legal perspective that you have brought to this information-gathering process.

Could you clarify for me, and perhaps the rest of the committee, how EEOC approaches this matter in its complaint investigation and resolution process? It seems to me that I've read someplace, at least, that EEOC recently has declared that it will not accept complaints of alleged discrimination in the area of comparable work. Is that correct? Or how do they approach that?

MS. DUNNING: I'm unaware of what the EEOC's current stand on that is. The only information I have that directly bears on it is that I know that in Los Angeles, I believe it must be the American Federation of State, County and Municipal Employees, has pending before the EEOC a pay equity charge of discrimination, which the EEOC is considering. And in that case, I know that the charge has been made that jobs are segregated both by race and sex, and undervalued on both basis.

MR. MULDROW: Here is where I think definitions and terminology is important. The distinction between pay equity, for example, and comparable worth. Would you distinguish between those two terms or concepts?

MS. DUNNING: My problem with comparable worth is that it means so many different things. I mean at the far extreme, comparable worth means that some judge is going to say, "The teachers should be paid more than garbage men, or sanitation workers, because teachers are intrinsically worth more to society than sanitation workers." Some people say that's what's going to happen if comparable worth is permissible, and why should some federal judge be making that decision? Aren't there other forces at work that should make it?

MR. MULDROW: In Utah could you litigate a case based upon that concept?

MS. DUNNING: Could you? Sure.

MR. MULDROW: That could be- -

MS. DUNNING: You could file your charge of discrimination, if the EEOC said, "This doesn't come within our range of responsibility," you would then be at liberty to go to federal court. Whether you could withstand a motion to dismiss before that federal judge is another matter. I think you'd have to couch it with a lot more sophistication than what I just said to you.

Just let me say that when I say pay equity, that builds in the notion that whether or not based on current intentional acts, the wage structure retains the effect of years of discrimination. So that the fundamental issue, "Is this the product of discrimination?" is answered, I think, in the definition. The question is, do you have to have some current act or not, I think.

MS. ISHIMATSU: I just want to clarify by asking EEOC's said they would not accept individual complaints based upon pay equity, but I take it if it's based on sex discrimination, which a distinction. And so it's going back to Title 7 and saying pay equity is not a part of Title 7, it is a part of sex discrimination.

In that case they would accept individual cases based on sex discrimination, and not necessarily on pay equity. I think that was their ruling.

MS. DUNNING: Maybe I can clarify my answer, because I didn't mean to talk around your question. But you know, in order to prevail under the Equal Pay Act, which was the very first of the federal statues designed to deal with this problem of compensation inequity passed in 1963 as part of the Fair Labor Standards Act, a plaintiff has to prove that she is doing work which is substantially equal in terms of skill, effort, and responsibility, to work being performed by a male in the same establishment and being paid less.

That is the definitional working formula that the courts in the EEOC use under the Equal Pay Act. I think what pay equity says, broadens that to substantially equivalent work, if you can see the difference.

MS. MASUR: Don't they include anything like education, hours worked, seniority?

MS. DUNNING: All those. Skill includes, I think in the skill part of that definition, years of education, years of relevant experience, and you are protected if the disparity comes about as a product of a genuine seniority system, as well. You're quite correct. So that's the question.

The equal pay cases, the classic equal pay case is a case brought against Columbia University that was paying male janitors more than female, I forgot if they were called domestics or matrons, or what the job category was. And the women systematically went through and showed that they cleaned as many rooms, as many square feet, climbed as many stairs, used as much heavy equipment, just drew a line down the page and could show substantially equal.

And the question, now, is can that be broadened from groups doing exactly the same work, or very close to exactly the same work, but labeled differently, to doing work that the employer itself has rated as being of a substantial value. I think that is the issue between pay equity and

equal pay, if that is at all helpful.

MS. KELSON: Two things. One, you mentioned testimony that you have just done for, you did- -

MS. DUNNING: I spoke for the American Arbitration Association.

MS. KELSON: I'd like to have a copy of that, if I could.

MS. DUNNING: I don't think it was recorded in any way.

MS. KELSON: You started, in response to Bill Muldrow's question, to talk about the political confusion around comparable worth. I think his question was, what's the difference between comparable worth and pay equity, and then you got interrupted. I'd like you to finish your statement or clarification around comparable worth as a political solution to some of the pay discrimination, or pay gap.

MS. DUNNING: Well, let me work from pay equity, because that at least is something that I can define to myself, and comparable worth means such a range of things. But pay equity as you've used it this morning, seems to me to be more a political than a legal issue. And the reason I say that is, because there's this history of permitting employees to pursue a disparate impact theory of proving discrimination. Where fault is not at issue.

Title 7 already recognizes, or the courts have recognized that Title 7 provides a remedy for job decision or structures which have the effect of discriminating, whether or not they are motivated by fault, by faulty attitudes. That is already in the law.

So I'm saying that people who are concerned because pay equity addresses structural effects without regard to fault, misperceive where the law has already gone under Title 7. The precursor, or the precedent to look at effects divorced from present ill will is in the law. That's why I say to you, I don't see it basically as a legal issue. I see it more as a political issue.

And this goes back to the other committee member's question. If you accept that there is a wage disparity still present in the market place that can be demonstrated, and is due to past discrimination and sex segregation by jobs, if you accept that, and if the decision is made that we want to remedy that, I'm suggesting to you that pay equity, that theory, is a way to address that problem on a broad basis, and hopefully eliminate it, in many ways, more successfully than dealing with individual case after individual case. And those are political issues, it seems.

MS. KELSON: And beyond that, the concept, if I understood you right, of comparable worth, means a lot of things to a lot of people, and depends upon all of those

individual perceptions, and perspectives, and that comparable worth would then need to be more clearly defined, or come to some sort of general conclusion about what it is, because it is a lot of things?

MS. DUNNING: It's been used to cover so many theories, that my only suggestion would be when people come to the stand and tell you what they think about comparable worth, you should get them to define it, because they may not mean anything as narrow as pay equity, which is narrow, which is a definable and well-defined term.

MR. BOCAGE: Thank you. Okay, our next presenter would be Mr. Steven Wood, Law Department, Brigham Young University. Mr. Wood.

MR. WOOD: My name is Steven Wood, I'm a professor at Brigham Young University at the law school, where my wife and I teach a class in which we talk about problems of employment discrimination. I'm also chair of the Civil Rights Employment Discrimination Committee in the Administrative Law Section of the American Bar Association. It is in those two capacities that I present to you some views that I have about pay equity.

What I'd like to do is to rather quickly run through a series of points, some of them rather obvious, some of them less obvious, and leave some time for you to ask some questions of me.

Let me begin with something obvious, and I think that obvious statement is that a wage gap does exist between what men and women in this society earn. I think part of the reason for that gap is the fact that women, and the jobs that they hold, tend to be clustered in certain job categories. There are approximately 1,427 occupational categories. 50 percent of women work in twenty of those 1,427 categories. And 40 percent of them work in ten of those categories.

The result is that women tend to be working with other women. Indeed, more than 50 percent of women work in jobs where 75 percent of their co-workers are female, and 22 percent of them work in jobs where 95 percent of their co-workers are female. Those jobs also tend to be lower-paying jobs.

The results are the frequently recited statistics that you probably have already heard, which are that in the private sector, women earn 56 cents for every dollar that men earn. In the federal government sector, 63 cents for every dollar that men earn, and in state and local government, 71 cents for every dollar that men earn.

Now, obviously some of the discrepancy can be attributed to non-discriminatory factors. Factors such as education, age, job experience. But the studies that I have seen suggest that only a very minor portion of that discrepancy, something on the order of seven to eight cents,

can be attributed to those factors.

Now, the problem of this wage gap is nothing new, and we have attempted it deal with that in a series of statutes. The first of those was the Equal Pay Act of 1963, and subsequent to that, Title 7 of the Civil Rights Act of 1964. I think that any assessment of those acts suggests that, while they were well-intioned, and while they may accomplish something, they have not been very successful in closing the wage gap.

Now, where does that wage gap stand? What is happening to that wage gap? Is it closing? Is it widening? Is it remaining the same? I think that depends very largely on who you talk to, the pessimists or the optimists. If you talk to the pessimists, the Bureau of Census would be a spokesman for that view.

They essentially take the view that the wage gap has remained fairly constant over the last thirty-five years, at approximately 60 to 61 cents, that is to say women earn 60 to 61 cents for every dollar that men earn.

A more optimistic view was published by some Rand Corporation economists late last year, they suggested that the gap significantly closed in the last four years, they said that four years ago women were earning 60 cents for every dollar that men earned, and that their studies revealed that had closed to 64 cents for every dollar that men had

earned in a four-year period. They also speculated that if those current trends continued, that by the end of this century, women would be earning approximately 75 cents for every dollar that men earned.

And the suggestion of those optimists is that the system is working, it's going to take some time, but that it is, in fact, working. I think that that, in my view, is an overly-optimistic view. And that it is unlikely that we can say to individuals that they must wait another forty or fifty years for the system to correct itself.

Since the Equal Pay Act and Title 7 did not function particularly well, attempts have been made to come up with other ways in which to deal with this problem. And a theory that has really began in the Carter administration, has had a somewhat up-and-down history since that time, is a theory called comparable worth. That is to say we ought to pay women who have jobs of comparable worth to the employer, to society, a salary equal to their male counterparts.

I think it fair to say that the courts in the United States, both federal and state, have been inhospitable to that theory. The Supreme Court was presented with an opportunity to place its stamp of approval on the theory in the Gunther case, and Justice Brennan wrote the decision for the court, if anyone on the court would be hospitable towards it, he was, he consciously in that decision made it clear

that he did not adopt the comparable worth theory. He did that because he couldn't have written the Court's opinion had he advocated it. He would have found himself in dissent.

What that decision said, was that in using Title 7, in cases where there were discrepancies like this, there would be a remedy available, but that remedy would only be available if the parties could show intentional discrimination by the employer. I don't want to go into a Course in discrimination law with you, and you probably already know this.

But that statement is that the disparate impact theory is not available in cases where the parties are alleging that there is pay inequity, that there is only a disparate treatment theory available. That's a significant narrowing. That's what Gunther held.

Late last year, the Ninth Circuit in the AFSME case, went on record as approving the Gunther approach, and earlier this year, a Seventh Circuit decision, American Nurses Association, also adopted that same approach. That is to say, they would not adopt comparable worth as a viable legal theory, they argued that there was a remedy available in this case, and that remedy was a disparate treatment case in which the parties would have to show that there had been intentional discrimination on the part of the employer.

The situation didn't naturally happen, the employer

had to intentionally discriminate against women as women. If that could be shown, then a cause of action under Title 7 of the Civil Rights Act of 1964 was available. So the courts have been inhospitable.

Interestingly enough, I think it fair to say that state and local governments in this same time period have been more hospitable to the comparable worth theory. At the present time there are seven states that are either, by legislation or as a result of their collective bargaining with their employees, experimenting with comparable worth. Those states are in no particular order, I should have put them in alphabetical order, are Iowa, Idaho, New Mexico, Washington, South Dakota, Minnesota, New York, and New Jersey.

Minnesota has, by every account, the most comprehensive of these approaches, but I think it important to point out to you that their approach is not a pure comparable worth approach. In the sense that the Minnesota plan allows for factors like labor shortage to be factored in in determining what the wage should be.

States have been doing this, cities have also been doing it. The first city was San Jose in California in 1981. The most recent is Los Angeles, which announced earlier this month that their new wage package would include a comparable worth component.

I am not prepared to say to you, as Chairman Pendleton of the Civil Rights Commission has said, that comparable worth is a looney idea. I must confess to you that I have serious misgivings about the implementation of a comparable worth notion.

Let me, in the remaining minutes or so that I have, try to flesh out for you why I have those misgivings, and then we can talk about them. A way to illustrate that is to use the AFSME case, which is a State of Washington case.

In that case, what the State of Washington did was to, using their consultants, was to identify four criteria that they would use in setting the wages of employees in that state. Those criteria were knowledge and skills, mental demands, accountability, working conditions. To each of those four categories the consultants then ascribed a given number of points.

In the case of the first category, knowledge and skills, there were a possible of 280 points, for mental demands, a possible 140 points, for accountability, 160 points, for working conditions, 20 points.

When the consultants were pressed as to why they had assigned those number of points, there was no answer. And the point that I would simply like to make to you is that this example points out the inherent judgemental aspect of comparable worth.

Why is it, for example, that working conditions only account for 20 points, and mental demands 140? Why not 120 for mental demands? Why not 200? And the answer is, it's whatever is in the mind of the consultant. There is no place that one can go and get a reference point and say, "These are the proper number of points that should be allocated to this particular kind of activity."

The result is that you get rather bizarre results. A fellow named Jeffrey Cowley had an interesting article in the Washington Monthly in January of 1984, and this is what he said about the Washington result. Let me quote.

"Just take a look at the Willis scale." Willis were the consultants in the Washington case. "A beginning licensed practical nurse scores 158 comparable worth points. While an information specialist three, an experienced PR person, scores 324. Or look at the janitor who scores 101, while an advisory sanitarian, to someone who doesn't actually clean anything himself, but makes sure local hospitals and nursing homes do, scores 395. Why on earth should society value people who issue press releases or fill out reports all day long, more than people who save lives and do dirty work?"

One of my favorite columnists is William Rasberry who writes for the Washington Post. He recently had an article about this issue of comparable worth. Rasberry said, to many the fairness of paying people equal wages for equal

work was absolutely clear. Equally clear to him was the notion that if there were barriers preventing women from entering certain occupations, that those barriers should be taken down.

He then addressed the comparable worth issue, and let me close my remarks by quoting to you what he had to say. "In both of the foregoing cases, the unfairness is plain, and the remedy obvious. The unfairness is almost as clear, though the solution clearly isn't with regard to another problem, the fact that some jobs pay less because their practitioners are women rather than men.

"Are teachers and nurses paid less than painters and tree trimmers because their work is less valuable, or requires less training, or only because teachers and nurses are far more likely to be women? To ask the question is to answer it.

"Still, I'm not convinced of the workability of the comparable work approach. To get personal about it, I will concede that society could better survive the absence of newspaper columnists than the absence of garbage collectors.

"Does it follow that newspaper columnists, whose work is not only less vital, but also far more pleasant and psychically rewarding, should be paid less than trash men whose work is hard, boring, unpleasant, and indisputably necessary? Or that columnists should be paid as much as TV

news anchors, whose work is more directly comparable? That's the dilemma."

Our problem is that there is a wage gap. The problem that we confront is how most logically to close that wage gap, and to close it quickly in our society. Thank you.

MR. BOCAGE: Any questions from the committee?

MS. MASUR: Mr. Wood, are you aware of any set of figures, or evaluation done on the question of either pay equity or comparable worth which takes into effect working conditions, and if you are aware of them, are they weighted, in your opinion, equally well? Not necessarily equal, but commensurate with their value?

MR. WOOD: I think the answer is that most of the studies take into account working conditions. The issue is not whether that item is taken into account, it is what's the appropriate weighting that should be given to working conditions. The issue is how much weight, how many points should be assigned to working conditions.

That becomes controversial, because, for example, one of the problems you have is the argument is made that nurses, who perform a very valuable service, tend to be paid less than the individual who drives the sanitation truck. The argument is, well, how much do you ascribe to working conditions? If you give a significant number of points to working conditions, then the driver of the sanitation truck

scores better, and you can see the dilemma.

I mean the issue is not so much the kinds of factors that ought to be considered. I think there is a general concensus about most of those factors. Clearly there are disputes at the perifery. But as to the factors, the central factors, there's not much dispute about that, because we've been in the business of doing this thing for probably thirty or forty years.

The controversial issue is the number of points to be ascribed to each of those activities. And there, I think that it is clear for all of us to see, that depending on what one's agenda is, one gives either more or less points to certain kinds of activities. And the ascribing of the number of points then gives you an outcome.

MS. MASUR: And would you say, then, that you could not have national legislation without factoring in the judgment indication of those differences, and therefore when you come to the market place, you would have to determine, someone would have to mandate that these were the judgments, these judgments having been made on how many points would be issued on each category would have to stand, equally for everyone?

MR. WOOD: I suspect that if we go to a national system, and I rather suspect that what's going to happen is that we'll have a period of experimentation at the state and

local level before there is any great outcry to push this at the national level.

I rather suspect that what you're going to find at the state and local level is the kind of thing that you already see in Minnesota, which is a blended program that has a comparable worth element and a market element blended together.

MS. MASUR: Determined by court procedure, rather than by legislation?

MR. WOOD: Well, the Minnesota one is, I'd have to check whether that is dictated by legislation or by the collective bargaining agreement with their state employees. But so far, as I've indicated to you, the courts have been inhospitable to creating out of Title 7, or in the state context, their antidiscrimination law, a judicial basis for comparable worth theory. They have been invited to do that on a number of occasions, and thus far have abstained.

MS. KELSON: Two questions. One is, there are some experiments, I don't think that they're in the public sector, or have been adopted by any kind of statute in any legal jurisdiction, or I mean governmental jurisdiction. But there are some experiments based on one factor, such as decision-making, or say knowledge and skills, and that being the only factor, rather than where there's a point system assigned, and the wages would be set according to just that

one factor.

Would you respond to that in terms of your perspective, and how you would see that operating, as opposed to the arbitrary, and as I hear you say, assignment of points to a multiple criteria?

MR. WOOD: I would have to know more, but based on what you're saying, there really is a difference between a one-factor and a multiple-factor approach. And my own judgment would be that in our society the likelihood of a multiple-factor approach being preferred to a single-factor approach is very great. I think it very unlikely that a single-factor approach would be adopted.

The reason for that is that, a single-factor approach is going to offend a sufficient number of constituencies that the likelihood of getting it adopted either in a collective bargaining agreement or in legislation is very remote. Those interest groups, those elements who will be adversely affected by that single criteria will come in and argue that while that criteria is very good, that criterion is a good criterion, that an approach that takes into account three or four or five or seven will be better.

MS. KELSON: The other question I have is, help me with your thinking around the Minnesota situation as being blended. What would be a pure comparable worth approach for you versus a blended, what makes it blended? Expand on that

just a little bit for me.

MR. WOOD: I see the Minnesota approach as a blended approach because it takes into account at least one market factor. Labor shortage. Under a pure comparable worth approach, the fact that that labor, that particular job category was either in great supply or short supply is irrelevant. The significant factor is, is the work of the individual who performs that job of comparable worth to the work performed by another individual?

And so it seems to me that the introduction of that factor, and there are other factors in the Minnesota plan, suggest that the likelihood of a pure plan, even a very comprehensive approach such as the Minnesota one, is not seen as viable at this time.

MS. KELSON: Thank you.

MR. MULDROW: I'd like to combine a couple of questions that I have, in the interest of time, which relate to some of the things that you've said. We're interested in a variety of things, and a couple of which are, as you have brought out, the wage gap which exists nationally and in Utah. And of course, reasons, possible reasons for that, as well as your suggested ways to approach it.

You gave us some figures which I think were national figures, 56 cents for the private sector, 73 for the federal, and 71 cents for the state and local government.

How do these figures compare with the situation in Utah?

And then you mentioned, also, that, and I wasn't quite clear on what you said, here, 7 to 8 percent of the wage gap are attributed to certain factors which you specified. It wasn't clear to me what the other 92 or 93 percent is attributed to. Is that discrimination on the basis of sex, or what? Could you respond, then, to clarify?

MR. WOOD: Let me respond in the following manner. I am not privy to information about the numbers in the state of Utah. I know that you're going to be talking to several people today who will be in a position to give you comparable figures. I'm just not in a position to do that.

With respect to your second question, what we're saying is that the discrepancy, the disparity between what men earn and what women earn is on the order of 40 cents, 40 to 35 cents an hour. And I'm saying to you that the studies that I have seen suggest that about 7 to 8 cents of that 35 to 40 cents can be accounted for by looking at differences in terms of age, in terms of experience, in terms of educational background. Beyond that, we don't know what accounts for the remainder of it.

But the suspicion, and I think a well-founded suspicion, is that discrimination accounts for some portion of the remaining difference. I think, it's an indisputable fact, in my judgment, that there has been gender

discrimination, and that there is gender discrimination in the United States. To say that that is not so, I think, is to be an ostrich with your head in the sand.

MR. MULDROW: But the extent to which it is a cause, you can't speculate upon that?

MR. WOOD: The studies that I have seen, and I have not conducted any studies of my own, are not prepared to say X-number of cents of that discrepancy is directly attributable to discrimination. The inference in those studies is that some significant portion of the remaining difference must be attributable to discrimination.

MR. MULDROW: It's a significant portion, is what their conclusion is?

MR. WOOD: All those studies suggest a significant portion of the remainder is attributable to gender discrimination.

MS. MASUR: These figures have nothing to do with Utah; is that correct?

MR. WOOD: No.

MR. CHENG: Related to pay equity, which in your opinion, do you think that, let's say the decision on whether or not there's a pay equity, and the solution to the issue, mainly decided by men?

MR. WOOD: I think it fair to say that certainly in the past, and even today, that most decision makers are men.

MR. CHENG: Do you see that there's a conflict of interest in making that kind of decision?

MR. WOOD: I suppose that I would respond to that by saying that I do not subscribe to the view that in order to address this problem adequately that decision makers who make that decision must be women. I am aware of biases that men may have, but I do not subscribe to the view that men are incapable of making that decision.

And I suppose that I take that position, because to say that we must wait until women become on a par with men in terms of being decision makers in this society, pushes that decision even beyond the Rand study, which suggests that we're going to have some significant correction of the problem by the end of this century.

I look forward to the time when women will be equal to men, or perhaps even of greater significance in terms of decision making in this society. But that, in my judgment, will be some time.

MR. MARTINEZ: Professor, on your study of where these blended comparable worth ordinances have been passed, or states have passed some sort of legislation, do they affect only women, or do they affect job classifications and everyone within that classification?

MR. WOOD: Job classifications.

MR. MARTINEZ: So they would even affect men that

are in those classifications?

MR. WOOD: That is correct.

MR. MARTINEZ: Do you know of any disparate impact that might be had on minorities that are segregated? So far we've talked about this issue as being strictly female.

MR. WOOD: The numbers that I have seen suggest that the group most discriminated against in our society are female minority group members. That is to say female white are victims of discrimination, but their situation as a group is more favorable than female minority members.

MR. MARTINEZ: Okay, on your discussion of disparate impact, then, <WHEPB|> you're showing disparate impact, you don't have to show that there's discrimination against women, you show there's discrimination by a classification?

MR. WOOD: What I'm saying to you is that my reading of Gunther, and I would acknowledge to you that this is not the unanimous reading, but it certainly was to the Ninth and the Seventh Circuit, that a disparate impact theory is not available in a pay equity case. You must show disparate treatment. That is individual discrimination on the part of the employer against an employee because that employee is a woman.

MR. MARTINEZ: But all the theories that are being implemented, if I understand you correctly, are theories to

correct segregation by classification, and not to the individual.

MR. WOOD: Well, the interesting anomaly you have, is, I think at about the time what's happening in the states and local government, is an acknowledgement that there has been disparate impact in the past, and we're going to correct for that, it is a disparate impact approach. The courts have Been unprepared to accept that theory in cases in the federal courts.

MR. MARTINEZ: So legislatively, or the implementation by governments has been the disparate impact, that is they're taking whole groups and correcting it. The courts, you're saying, only recognize discrimination against the individual that can show they were discriminated against, so it's diametrically opposed approaches?

MR. WOOD: So you have us going in somewhat different directions.

MR. MARTINEZ: You say that you don't believe that the comparable worth theory being institutionalized can work.

MR. WOOD: I said I have misgivings about it. I'm not prepared to reject it out of hand.

MR. MARTINEZ: But apparently it is being implemented at a number of places.

MR. WOOD: Well, the the experience in all of these

states is still rather early to make a judgment, either that it's a success or a failure. I guess what, I am prepared to make a judgment when I know more. I don't feel that I know enough at this point to make the judgment about whether it's successful or unsuccessful. But it's clear to me that unless it is successful in these experiments, it's unlikely that the courts are going to change their mind.

MR. MARTINEZ: Being a professor you're sometimes asked to prognosticate. Obviously courts build upon cases. Do you see a logical step being made between cases alleging that women are discriminated based on their sex and therefore very lower wages, what we've been talking about, and minorities being segregated in jobs, therefore being classified less than their male or female white counterparts, and therefore being paid less?

MR. WOOD: I guess the difference that I would point out to you, is that if my reading is correct, when we talk about pay equity, the courts have never been prepared to adopt disparate impact test that was adopted in Griggs. I think that it is no secret that the Reagan administration would like to see that theory abolished entirely, and that we should revert to simply disparate treatment.

Thus far the courts have been prepared to accept disparate impact beyond the range of pay equity under Title 7. Attempts have been made to get disparate impact in other

statues other than Title 7 of the Civil Rights Act of 1964. The argument was made that it should be available in Title 6, the court rejected it.

The argument was made it should be available under the Fourteenth and Fifth Amendment, and the court rejected it. The argument was made it was available under title nine, education amendments. The court rejected it. The only place that it's available, but that's a significant place, is Title 7, and with respect to race, religion, national origin, the courts has been prepared to accept a disparate impact theory. They will not accept it in pay equity cases.

MR. BOCAGE: Thank you, Professor Wood. Okay, our next presenter is Mr. Dee Benson from Senator Orrin Hatch's office.

MR. BENSON: Do you want me to proceed?

MR. BOCAGE: Yes.

MR. BENSON: I have a short statement. My name is Dee Benson, I currently serve as legislative counsel and administrative assistant to Senator Orrin Hatch. Senator Hatch, as I think all of you know, is chairman of the Labor and Human Resources Committee in the United States Senate, he also serves as chairman of the Judiciary Committee and Subcommittee on the U.S. Constitution. And I appreciate this opportunity to appear before the advisory council this morning, or this afternoon. And like I say, I'll be brief.

Let me begin by saying that I am a staunch supporter of the concept of equal pay for equal work. The Equal Pay Act of 1963 and Title 7 of the Civil Rights Act of 1964, both of which prohibit sex discrimination in employment, should be actively and vigorously enforced. Whether an employee is a man or a woman should have no bearing on rates of pay or, for that matter, on any other aspect of employment.

I also fully support and applaud the voluntary developments of the past twenty years or so which have given women more and more freedom of choice and movement in the job market. Law schools, medical schools, graduate programs, and even heavy industry, have all seen significant increases in the percentages of women participants. There is simply no place in our modern society for employment discrimination solely on the basis of one's sex.

With respect to the concept of comparable worth, or pay equity, as it is sometimes mislabeled, however, I find very little good to say. Those who would categorize and compare every job in our vast market place to determine its comparable value are no doubt motivated by honorable intentions. But the consequences of such a program would be monumentally bad. Compared to a full-blown program of comparable worth, the Edsel would have looked like a good idea.

The reasons that comparable worth is unworkable are basically three in number. First, the premise is faulty. There is no evidence that the present macro comparison differential between the average wage rate for all women workers and all men workers is based on discrimination. Certainly discrimination exists in individual cases, and they should be corrected. But it has not been established that the big picture differential is a result of sex discrimination. Before we set out to mend our fences we should first satisfy ourselves that they're broken.

There are a variety of factors which noted economists and labor experts point to as root causes of the gender wage gap. Notably seniority, time in the market place, actual hours worked, education, training, and reasons for working in the first place. All of which have nothing whatsoever to do with sex discrimination.

What comparable worth really is, is a government-sponsored categorization of society's jobs based on sex. That is precisely the thing we want to avoid. That's why we passed the Equal Pay Act, and that's why we passed Title 7, as it related to eliminating discrimination based on sex.

Secondly, the idea of comparable worth is incapable of implementation, in my opinion. There is simply no logical way to come up with all of the criteria to fairly compare

jobs. Who is to say whether the pressure of a CPA filing tax returns on time is of more or less worth than the strain of hefting sixty-pound bales of hay in the hot summer sun? Any comparison formula is necessarily subjective, and we are simply not capable, or not smart enough of developing a system that works.

Third, even if the premise were not faulty, and even if we could find a workable formula, the idea of comparable worth is directly contrary to our free enterprise system. It would wreck havoc on the market place. Supply and demand would no longer dictate employment decisions. The comparable worth commission, or whatever name we give to the all-knowing geniuses who would be assigned the task of comparing jobs, would do that job for us.

We'd probably have a surplus of librarians and a dearth of electricians, as I understand the city of San Jose recently experienced when it arbitrarily decided that librarians, a predominantly female profession in that city, probably as in most places, were of comparable worth to electricians, a predominantly male occupation.

The result was a lot of librarians, and not enough electricians. The librarians got a pay wage that they had long sought after and wanted to stay librarians. Of course the electricians wouldn't work now because they weren't being paid enough, and they had to raise the pay of the

electricians.

A system of comparable worth would actually leave women in their present female-dominated roles in the job market, which is precisely what many womens' groups say they want to change. And if I were to add a fourth factor, or reason, it would be that the program puts government at the heart of the decision-making process. That is the last thing we should want.

The government is neither designed nor equipped to run the job market. The very thought of government bureaucrats telling employers what to pay their workers is a truely scary idea.

There are many other points that could and are being made in opposition to the comparable worth concept. Including the fact that the wage differential is not nearly as great as the 60 percent figure that Geraldine Ferraro was throwing around in the last election, and the enormous threat of litigation that I'm sure would result once the notion of comparable worth is legally recognized. But I shall not take further time here today to elaborate on those points.

I would like to close with a personal reflection, if I could. A few weeks ago I walked past my children's bedroom. I have two daughters, one is eight and one is six. They were playing in their room, and I overheard the eight year old telloing the six year old that they were going to

play hospital, and that she, the older daughter, would be the doctor, and her younger sister would be the nurse.

"Of course," she added, "that means I'll have to be a boy. But you," she said to her younger sister, "you can stay a girl." And at that point I entered the room and I asked my daughter why she had to be a boy to be a doctor.

And then she told me, in that way that eight year olds seem to have down pat, namely that it's time to explain a basic truth to a grown up, that as everybody knows, doctors are always boys. Then I sat down on the bed with my girls and explained a few basic facts for them.

I told them that girls can be doctors too, sure they can, and I told them that girls could be just as good of doctors as boys. Maybe better. And I told them they could be a doctor or a lawyer or a brick layer, or the president of the United States if they really wanted to be. And we ended up talking about it for a while, and I think I was successful in eliminating at least part of the stereotyped images in their heads.

A few days ago may eight years old announced she had changed her career goals. She's no longer going to be a ballerina, she is going to be a brain surgeon, and she asked if it would be too much trouble to address her as Dr. Angela from here on out. I was amused and pleased at her change in attitude.

Girls and boys deserve the chance to be anything that they want to be. As I said at the beginning of these remarks, I think we are making great headway toward opening all areas of employment for the female sex. And I'm firmly convinced that our free enterprise system is at the heart of that trend.

We would do it irreparable harm by adopting a program of comparable worth. Thank you, I'll be happy to entertain any questions. I would also like to ask permission to include in your written record, a statement on this issue made by Senator Hatch on the floor of the U.S. Senate a year or so ago. Would that be appropriate?

MR. BOCAGE: Sure.

MR. MECHAM: It's the view of some business people that if women are paid less, and in fact, contribute to the same degree, that business will be quick to jump on this as an economic opportunity, because they can acquire labor at a lower price, and hence they would gradually build up a greater work force of women than men, just simply out of economic desirability.

In other words, that there's a basic mechanism for encouraging women into occupations that are presently filled by men. Would you speak to that notion in terms of whether you believe it a viable notion, or are we, in fact, are men who are in business in some way, and I'd like to know the

mechanism by which this occurs, men in the business of keeping women low and keeping wages low, to serve some self interest?

MR. BENSON: Well, I'm not - - I think the answer is rather easy for me to state my answer, because I throw it back on the system. I think if I understood the early part of your statement, and I think it makes sense, at least as I understand it, if the market place will accommodate those kinds of changes, bringing women into male-dominated categories of labor, and if that will, in fact, be economically beneficial to business, I think it ought to happen, and I think that we should encourage voluntary efforts of affirmative action type programs to bring that along.

I think that under present law, any time that males, or anyone, is controlling the market based on sex discrimination, cases should be brought, actions should be filed, and complaints should be registered with the commission on civil rights and other places. The market ought to correct itself, if it needs correcting, and the courts and the laws ought to be enforced to correct discrimination where they, in fact, exist.

MS. ISHIMATSU: Two questions. As you indicated, Equal Pay Act was, in fact, being implemented, and so it addresses some issue of the pay equity. But aren't there

some limitations to the Equal Pay Act?

MR. BENSON: Well, only, there are four defenses recognized in the Equal Pay Act. And they are, they include seniority, in other words a common sense recognition that if a male who has more seniority than a female is making more money, that that will not serve as a basis for action, or meritorious action under the Pay Equity Act. So the defenses that are recognized in the act have nothing to do with sex discrimination, allowing sex discrimination. That act is a fairly simple piece of legislation that was designed to give anyone who has a case of sex discrimination an avenue for resolution.

MS. ISHIMATSU: But isn't this classic limitation of the Equal Pay Act on location? In other words, I cannot take a secretary being paid one kind of a position, male and female with another comparable industry, it has to be within that same work site?

MR. BENSON: Within the same relevant job market, yes, ma'am.

MS. ISHIMATSU: The second thing is, you didn't want the government in the job market to stress or impact. We had it during the war time issue, we also have it under the Minimum Wage Act. Isn't that some kind of an impact ?

MR. BENSON: Yes, it is, and I think we're in there way too much now. I think the government is already involved

in the free market more than it should be. And you're absolutely right. Those are instances where we have come in.

Now, I think there are instances where government, limited instances where government may have to play a role in the economy, in the market place. But they have traditionally worked when they have been short-lived and designed to take care of exigent circumstances such as a war time situation. They have not worked, and they're currently probably not working even with our tax laws, where they have been plugged in in the long run, and designed to prop up one industry, or push down another.

MR. BOCAGE: Thank you. If there's any questions from the audience we will entertain them at this time. If not, then we will break for lunch.

(Noon recess.)

MR. BOCAGE: We're going to start our afternoon session. I want to reiterate again for our committee people that I want to keep the questions down to one minute, if at all possible. If you go over the one minute I'm going to take the chair's prerogative to stop you. I don't want to do that, so let's try to keep it down to one minute.

Okay, our first speaker for this afternoon's session is going to be Ms. Anita Bradford from Utah Technical School.

MS. BRADFORD: Thank you. My name is Anita

Bradford and I direct the Better Jobs For Women program at the Utah Technical College of Provo. Better Jobs For Women program is designed to aid women returning to the the work force to receive the vocational training they need in order to enter the work force in jobs that will pay enough to support families that, for us in Utah County, consist of an average of five children. Not an easy task.

We also train women in pre-employment life skills that will prepare them to be able to handle the rigors of Dual role of breadwinner and homemaker. This year our program will have had in its office nearly 2,000 women seeking help. We'll reach another 1,000 through classes, seminars, and conferences.

The college is located in Utah County, and my program serves the Mountainlands region of Utah, consisting of Utah, Wasatch, and Summit Counties. The population is approximately 300,000, with 75 percent of those living in Utah County. This region is unique in that its population is both urban-industrial and rural-agricultural.

The traditional economic base has seriously been affected by the loss of its basic industries such as steel fabrication and mining. Wages are lower than average for the urban Utah County. This is partly due to a large educated student population who are transient, single, and willing to work for low wages.

This morning as I listened to the testimony of witnesses and questions from the panel, questions were asked to which witnesses had no, or only partial answers. I would like to enlarge the data base relevant to some of those questions.

One question dealt with Utah's economic base for wages as related to the wage gap. There are two shifts in Utah's economy that not only reflects a changing wage structure, but is also one factor that regards women entering the work force.

Utah is losing its industrial mining economy, which means a loss of the working class high wage earner. Those industries are being replaced by pink collar ghetto industries whose employees are line operatives earning low wages, and are mostly jobs held by low-income women. Industries such as electronics frozen foods, sewing factories and other low-level assembly line operations. As the men lose their jobs, wives are forced into a job market seeking them, and not wanting their husbands.

The second question addresses the reasons for the rapid increase of women in the work force. In addition to the above-mentioned factor, there is a divorce rate of 50 percent. Nearly 40,000 families in Utah are headed by women. The average family size of the single head of household in Utah County is five children. United States

family demographers Morton and Glick in a recent article, projected that for all babies born in the year of 1986, 60 percent of them will live in single-parent families.

Third question, are women choosing low paying jobs? No, they are taking low paying jobs for the following reasons. One, they are desperate. Two, they are the only jobs available on short notice, and they have no job skills to qualify for anything better. Three, 70 percent of all the divorces occur in the lower working classes, and low income categories. These women have poor education, few economic opportunities, and suffer low self-esteem.

Four, in a culture that socializes women in all of its institutions, schools, churches and homes, that women, in order to be successful and valued, must be wives and mothers, the incentive to invest in the job skills needed for good pay when they are young is not very high. The same culture that raises them to be good wives and mothers, and we are good wives and mothers in this state, never tells them that they have a fifty-fifty chance of being fired from the job of wife, and so they do not prepare for that future eventuality.

In our program we have discovered that there is a significant difference in the turnaround time it takes women who got their career training in education when they were young to adjust to the loss of spouse and income, and to

reenter the work place with decent paying jobs. Then there are those women who simply never saw themselves as anything but wife and mother. The latter may struggle with the transition for years.

There is no statistical analysis that will get at the heart of this matter today. The unexplainable wage gap is cultural and defies statistical analysis.

This brings me to the main point I wish to address here today. Lecia Parks, in her testimony this morning, stated that women have been in the work force long enough now to be seen in significant numbers in management levels. Achieved those positions because, and I am now quoting from the most conservative paper in Utah County the "Utah County Journal," in an article entitled, "Is There Job Discrimination in Utah County?" May 14th, 1966. By the way, the article finds that there actually is a wage gap in Utah County, and says it is because of the way we value what men do as opposed to what women do.

Anyway, the final sentence reads, "Legislation may have cracked open the door, but for the most part education, preparation, determination, dedication, and hard work to climb up, took them up the ladder, and I believe this will continue to take women far beyond anything regulations can ever do for them." Unquote.

Just as minorities and women are reaching mid-level

management positions, we are finding that long-standing personnel policies both in the public and private sector that have safeguarded a lineman's job on the basis of good performance, are being attacked, and efforts to reach down to those levels and exempt those very positions from due process in grievance issues, and they are changing the policy language for termination from "termination for cause," to "without cause," or at management's discretion.

One of major institutions has this exempt status, and it leaves open pay inequalities, particularly for women and minorities. This policy has even been extended down to the executive secretary level, so the secretary may be terminated with her boss.

This harks back to a very ancient custom that dictated when a husband died, the wife was put to death at the same time. If a modern version of a boss leaves, his secretary may go with him, regardless of job performance.

In an educational institution in our state, a policy is being formulated and is now being discussed and prepared for final approval, that will reach down to grade level 22 in the classified employees wage system. That level includes librarian, public relations officer, assistant registrar, et cetera. Those are the levels.

There are somewhere between fifteen to twenty of these positions that are being removed from the protected

classified positions to exempt categories. Ten years ago, all but two of the positions were held by men. Today nearly half are held by women. The new policy, if accepted, will exempt these employees from any grievance procedure or due process. They may be terminated without cause.

Just as women and minorities are making it in the system by hard work, dedication, and preparation, they are being told that, "It does not matter, you have no control over your own destiny." Civil service and merit system came into being to replace the corrupt spoils system that kept certain select groups in jobs for which they do little, and for which the taxpayer received little service. It appears we are returning to the spoil system, and cronyism of the past. This is bad policy, and will surely result in many expensive lawsuits and inequities in the market. Thank you.

MR. BOCAGE: Do we have any questions from the panel?

MR. MARTINEZ: Name the institution .

MS. BRADFORD: I can't, I'm sorry. I sit on the State Personnel Review Board, and as a result I am privy to information in which these processes are ongoing, and those institutions have a right to adjudicate this privately until such time as it goes to a public hearing.

MS. ISHIMATSU: Does the state have any kind of study to indicate which are sex segregated kinds of positions

in the state government, as compared to fairly dominant male segregated kinds of occupations?

MS. BRADFORD: No, I think the point that I'm trying to make is that women have broken through that barrier, and now there are fairly even numbers of men and women in these positions. And I mean, it seems to me that as soon as minorities and women break through, then policies change, the rules change.

MS. KELSON: We heard testimony this morning that women prefer part-time work, and that to a greater extent, and the reasoning for that was that they wanted to be close to their homes, and to accommodate work with their home Life. In your experience with the clients that you get in Better Jobs For Women, do you find that the women that you're seeing prefer part-time work for any reason, and if they do, for what reasons?

MS. BRADFORD: My clients have no options about part-time work. They are supporting families, they need to support families, and large families. With part-time work there are no benefits, and these women desperately need benefits. Retirement, those kinds of things. They don't have another spouse providing those kinds of things. So in the work that we do, that is not an option for those women, and they are not seeking those kinds of positions.

MS. MASUR: Then do we assume that your testimony

restricted itself just to the type of women in the category, without husband, and with families to support, that you deal with?

MS. BRADFORD: No, the main point of my testimony was addressed to women who have worked hard, earned the upward mobility that they sought, earned those management positions, and now find themselves, no matter what they do, having no job performance-related guarantees that that job will continue.

MS. MASUR: Then have they been discriminated against?

MS. BRADFORD: There are some grievances in this state right now that would say yes, that's true. We don't know, the grievances have not been processed.

MS. HUTCHISON: With the women that you work with, we've heard some testimony this morning about the women not wanting to go to some of the dangerous professions, or some of the professions. Is that your experience? Do women that come to you, do they want to explore into other professions, or do they really want to go into the more nurturing types of professions that have been traditional for women? Is it a matter of choice of what they want to do, or a matter of choice that they need to have the money so they'll do any profession that they can to get the money?

MS. BRADFORD: That is such a complex issue, and

there are no easy answers to that one. First of all, the main problem is the socialization of women and what they are raised to be and feel themselves to be. Most of the women we see have absolutely no idea of what the job market offers. They come in thinking they can be three things. You know, there are three professions which they must go into.

When we start opening up the career exploration opportunities, we have women coming in saying, who have histories of being outdoors, raised on ranches, loving to be outside, saying, "I guess I'll be a secretary." And when you say you know, "Do you like to sit at a desk all day?" they're horrified. So we have to do a lot of career exploration to let them know what real job opportunities there are, and some of them do thoroughly enjoy the heavy labor jobs.

MS. HUTCHISON: Let me ask you one other question. In your field of education, do you find that in business, that women are given the opportunity for developing managerial skills as readily as men, or are they training programs that are limited?

MS. BRADFORD: That's almost on a case-by-case, company-by-company basis. Our institution does have in-house training, and does provide career ladders, that is upward mobility steps. They have some very good policies that allow that to happen. Many companies have tuition reimbursement programs that go across the board to all of their employees,

as long as it meets their requirements.

There are others that, when they enter those jobs, they are flatly told, "I want a clerk typist, I don't want anything else. So if you're looking for upward mobility, don't come here. And they're up front about it. I think that's good, if that's what they want is a clerk typist, then that's what they should say to the employee up front.

MR. MECHAM: Could I just get a feel for the size of your program and how many women, on a percentage basis from your community, are involved in your program? You cited the statistics that 50 percent would be divorced, but I assume that some of those remarry.

MS. BRADFORD: Oh, yes. I mean we're talking about a continuous cycle of divorce and remarriage, and that's an ongoing kind of thing. There are about 14,000 women in Utah County who would qualify for our program. Under the titles of displaced homemaker, single parent or a woman who is head of household because her husband is disabled or out of work, and she is in the process of becoming the breadwinner.

MR. MECHAM: And this is what proportion of that population?

MS. BRADFORD: Of the total population?

MR. MECHAM: Of the total women of comparable ages.

MS. BRADFORD: About one in ten families.

MR. MECHAM: One in ten families?

MS. BRADFORD: Uh-huh.

MS. HUTCHISON: One thing you mentioned <THA EU|> wanted to ask about, you said that the average size of the single-parent household is five children. Do you have an average age of these women that are coming to you, in their mid-forties, for training? Are they young?

MS. BRADFORD: They run the full age range. We have women clients who are twenty-three years old with five children. We have women who are forty-five with six, seven, eight and nine children. And we have those very young ones with one or two. But Utah County has very large family size. That's one of the facts that we deal with.

MS. MASUR: But you're not suggesting, you're not directing this toward pay equity, are you? For example, displaced homemakers would have not been in the market before, and would not have been considered to have been discriminated in any way.

MS. BRADFORD: The process, what I have said, and the point that I want to make, if you were going to narrow it down to a very legalistic fact, you're not going to address the real issues at stake. It is a long, lifetime process. And women end up being the cheap labor force in Utah County because of the socialization process.

MS. ISHIMATSU: Do you have any kind of an indication whether women who are now single parents move

from very rural to the more populated, like in Provo?

MS. BRADFORD: Yes.

MS. ISHIMATSU: And is primarily that seeking assistance through jobs or training?

MS. BRADFORD: They come in because they are either single parents, and there are no job opportunities in that rural area, so they move in, just like everybody else in the United States, into the urban areas where job opportunities are available, and they do seek us out in order to get job training, which there was no opportunity for in their home area.

MS. ISHIMATSU: Thank you.

MR. BOCAGE: Thank you. In case some people weren't here this morning, we do allow testimony from the floor, if a person is not on our agenda, providing they sign in and let me know what they want to talk about. So that is available.

Okay, our next speaker is Ms. Barbara Hales, and she is from the Utah Office of Education.

MS. HALES: Thank you, it's my privilege to be able to come here today and speak to you about something that I spend a good deal of my waking hours thinking about, and working with. I am Barbara Hales, specialist in vocational equity for the Utah State Office of Vocational Education.

I am a widow, six children, I would like to say up

front that I be will be speaking some today about non-traditional training, and I believe I come to that from a background that's unique that I would like to, up front, talk about, and that's that during World War II, that tells you something about my age, I was in three non-traditional jobs. One as a welder, another one as a fork lift operator, and another one as a laborer at Kennecott Copper.

During the war, it was the most patriotic thing that a woman could do. The equity issues kind of faded into the woodwork during that one short period of time.

At the present time I am responsible for providing leadership state wide to vocational educators to help reduce sex bias and sex stereotyping in vocational education programs and activities. I am also responsible for the single parent/displaced homemaker programs in the state that are funded through the Division of Vocational Education.

I am also responsible, or have been responsible, for carrying out the Office For Civil Rights Vocational Education guidelines for eliminating discrimination on the basis of race, color, national origin, sex, and handicap.

I think the fact that we are meeting here today, some twenty-two years after passage of legislation prohibiting pay differentials based on gender, it would seem to me to be at best an indication of an interest to correct past inequities, and at worst, to be an effort in futility.

If I really believed that to be an effort in futility, I would would not be willing to comment here today on the issue of pay equity.

As the saying goes, hope springs eternal, and my hope is that pay equity, based on gender, will become a reality in far less time than it took for society to acknowledge and begin to take steps to provide justice and equity for minorities as guaranteed to them by the Fourteenth Amendment that was ratified in 1868, some 118 years ago.

Today I do want to address pay equity in education, specifically from my perspective as to what should be, what is, and what can we do to establish equity in the labor market, and what are educators' responsibilities to that. What should be in order for us to ultimately, down the road, bring pay equity into the system, and to do away with the Segregated systems that we have in education today.

I believe that the education system should be free from any bias and stereotypes that perpetuate the notion that boys should all learn to saw, hammer, and compute, and all girls should learn to stitch, stir, and verbalize. All options should be opened to a student so that they are encouraged and supported in their career decisions.

These decisions should be made based on each student's own unique interests, abilities, values, and goals. Nothing in the system should be allowed to continue

that denies any student access. And I don't care whether that's a female or a male minority, or handicapped individuals. I think that it's the responsibility of everyone in the educational system to remove barriers that prevent women from aspiring to and fulfilling administrative positions in education.

Access to all opportunities should be equally available to all women and men. As long as the doors are shut for women to advance in education, from teaching, through the educational system, into administration, we are not going to be able to have the best minds that are available to us working to help us in the education system. I think the system should be far more accessible for both students and educators.

There is a small crack in the door, and a dim light at the end of the tunnel, but there are still many barriers based on attitudes and traditions that continue to perpetuate a system that denies equal access for students and employees to all the rewards and benefits of the system, and ultimately to access to what I think is pay equity. These barriers to access are largely a result of the age-old discrimination which is inherent in society. It is perpetuated by attitudes and traditions that are based on myth, rather than reality.

Pay policies generally established, implemented, and administered by decision makers are often based on the

belief that all men are breadwinners, and all women are homemakers. This is what I call the one-size-fits-all theory. Or that women are more suited for certain work, and men for other work.

Educators are not the only ones that perpetuate stereotypes. In my experience, we work with the employment service, we work with employers. There are biases and stereotypes in the systems which constantly prevent women from being able to achieve, and for us to be able to have pay equity in the system as it's structured today.

As long as women pursue courses that lead to traditional female-intensive occupations, and as long as we have the pay structures structured the way we do now, the pay equity differentials will continue. I believe that one way, and perhaps the only way, that we will change the system to bring pay equity will come to the market place is through women entering non-traditional occupations. Unfortunately, unless we are willing to consider comparable worth as a viable alternative, I do not believe that pay equity will come into the system as it should today.

I was thinking today in terms of one of the things that has happened in our office, and I'm sure it's happened in every office across the country, is that we have taken our secretaries and required them to gain a new skill, a technological skill. That's the use of the computers. But I

have yet to see an institution, whether it's in education or in the private or other public sectors, that has rewarded monetarily an individual who has gained those skills.

I know that it hasn't happened, and I think those are some of the ways that we could move away from having to push women into non-traditional occupations if they want to be able to earn an adequate living to support themselves, and oftentimes to support their families.

Let me talk just a little bit, then, about what the system is like out there in education today. I'd just like to share some experiences that I've had with you. In terms of my compliance responsibilities for civil rights in vocational education, one of the places that I have found, one of the most blatant violations has been in what we call our extended year programs.

The vocational education have extended year programs in summer, agriculture or summer home economics, and now it's been expanded to business and office and others. Nearly 100 percent of the institutions that I have evaluated over the past five years have policies on their books which pay a home economics teacher 24 percent or 25 percent of her base pay for teaching extended year. The agriculture teacher is paid considerably more, generally 33 percent of their base pay.

I think this is a travesty in terms of the place we

should be at, twenty-two years after having implemented legislation to prevent this type of thing. The discouraging thing to me is that I have to spend sometimes hours trying to get these policies straightened around. And sitting in meetings with the top administrators and finding them talking about ways that they can maybe build in a little system that they could circumvent if they wanted to in the system.

My recommendation has always been that you have a straightforward policy that pays people based on their annual salary, and for the days that they worked in the extended year. That way we build a pay equity into the system. So we find that we do have, still have policies and attitudes in the system, which I think, again, are historical in nature, and go back to that idea of, women are the homemakers, and men are the breadwinners. I think that is the trap that we've found ourselves in.

I would like to also say that I do not find much difference between the small or the large districts in terms of these types of policies. Again, let's look at the enrollment patterns in vocational education. They're still sex segregated, and maybe I have not been as effective as I have hoped. I sometimes stand back and look at eight years and see that 85 percent of students in home economics are still female, and 75 percent of the students in business and office are female, and 95 percent of the students in the

technical and the trade industrial classes are male.

We find, too, that female scores are lower than males on the ACT in every area except verbal skills. These statistics tend to confirm my theory that the saw, hammer, and compute, and the stitch, stir, and verbalize stereotypes are still alive and flourishing in the education system.

What does this have to do with pay equity? If we are not training both young men and young women broadly, we are still going to have occupational segregation, women in low-paying, dead-end jobs, and men training for the technical jobs, and to be, quote, the breadwinner. What can we do, then? Let me just briefly touch on that.

I'm sure that we all know that laws alone will not do it. And that from past experience we know that will not correct pay inequities through those laws that we've had on the books for some twenty-two years. The attitudes of the educators, of parents, of students, of everyone, must change.

I was in an American Problems class last week talking to the class. Fifty percent of the young women indicated to me that they were not going to work at all. They were going to find a knight in shining armor and go off into the sunset. That, to me, is alarming, when we know that 90 percent of them will be working for a minimum of thirty years of their lives. They simply are not preparing.

And so when they come into the labor market there is a pay differential, there, between men and women. But I think that we all have to take ownership for those problems. I think every one, employers, counselors, administrators, and decision makers, must be willing to look at their system and be willing to take affirmative steps to eliminate inequities in the system. I do not think we can look anyplace else except to our own systems to help change this and to bring pay equity.

There are inequities in every system that are historical in nature. To correct the past inequities and establish pay equity, I think that institutions and organizations must establish and support grievance procedures that insure due process for both parties. The grievance process must be recognized and used as a conciliatory way to improve the working environment of an institution, whether it's a public, private, regardless of where it is.

The grievance process is sometimes viewed by decision makers, middle management, and others as an adversarial, rather than a conciliatory process. And I think in this type of a situation, everyone loses, and we never will move toward pay equity as long as we stand and fight on our little islands of ignorance. I think where pay equity becomes a priority, morale, productivity, and the whole working climate improves, and everyone wins. Thank you.

MR. BOCAGE: Any questions from the panel?

MS. MASUR: Mrs. Hales, I think what you said is that because of our little islands of ignorance we have many women who prefer to lead traditional lives, and they're not interested in jobs, they're not entering the non-traditional jobs, 85 percent of the female students prefer home ec, as opposed to the more male-oriented jobs, 75 percent of the males, et cetera. And that attitude of educators, parents, et cetera, has to change, because 50 percent of the people prefer to go into the home rather than the work force.

Do you think this has anything whatever to do with pay equity? And do you feel that there is any action on anyone's part, whatever, that should address that, and I won't say correct, but I don't see it as an error, alter that trend? I mean, do you feel that government, whether it be the Civil Rights Commission, or whoever, should address the changing of those obvious choices that people make? You know, the - -

MS. HALES: I think that we have to prepare our students to make informed choices. And I believe where we see the sex-segregated choice of classes- -

MS. MASUR: You don't think making an informed choice- -

MS. HALES: No, my experience would tell me not, particularly as I go around the state. Let me share an

experience I had with you. I think in terms of their preparation they are not making informed choices.

MS. MASUR: Who's preparing them?

MS. HALES: The young women's preparation. I don't believe that the education system, I don't think as parents that we're really looking at what the real world is going to be like, and preparing them for any eventuality. I'm not saying they should do either/or, but they should be prepared for both.

MS. MASUR: But you're not assuming that we should therefore correct the parents' orientation toward their girls or boys?

MS. HALES: I'm just saying they need to be made aware of what the realities are, and hopefully that will help them look more realistically at helping their students to prepare.

MS. MASUR: Have you ever addressed any of the parents or students to determine whether they are informed and are aware, and made a choice?

MS. HALES: I was just mentioning, I was in an American Problems class the other day, and both men and women were literally uninformed about what their futures held for them. The young women, 70 percent of them, assumed that they would not work. I have recently been into both an urban and a rural school where I walked into the computer laboratory,

and in the word processing class there were 100 percent females. In the computer programming class, there were maybe 80 percent males, twenty percent females.

In talking with the young women in the word processing, I asked them, number one, do you know what the salary is? And do you know what your upward mobility is, should you work? And their response to me was, "But we're not going to work." And I said, "Do you realize that 90 percent of you will be working for thirty years of your lives?" "Well, it's not going to be me. I'm going to marry someone that's rich." And so the perception is the reality versus what their perception is.

MS. MASUR: And the other question is, computer skills, do you assume that it necessarily takes more skill, and therefore should produce more income, to handle a computer than to do a secretarial job?

MS. HALES: I'm saying that's an additional skill that we have required them to learn. It is in addition to what we've already expected them to do in the system. It's one way of starting to look at pay equity and building some things into the system that we could reward, say, a secretary that goes out and gains those skills.

MS. MASUR: If secretaries earn the same money as computer operators, separately, I don't see the pay equity .

MS. HALES: They don't.

MS. ISHIMATSU: Do you have any kind of statistics on minorities and minority females in the work force, as compared to male and female?

MS. HALES: I should, but I don't.

MS. ISHIMATSU: You have nothing at all. How many minorities do you have in Utah County?

MS. HALES: In Utah County it's very small. The majority of the minority population we find in Salt Lake County and Ogden, Weber area. And of course down in San Juan county where we have the Native American population.

MR. MARTINEZ: Is the office of education doing anything to find out if they have racially or ethnic segregation by occupation?

MS. HALES: In the schools, or in our office?

MR. MARTINEZ: The same as they're doing with sex-segregated jobs?

MS. HALES: Would you ask me your question again?

MR. MARTINEZ: Apparently you're looking at sex-segregated stereotyping. Are you doing the same with minority students?

MS. HALES: Yes, we are, we're working with minority students as well.

MR. MARTINEZ: I'll ask you explain that to us .

MS. HALES: We have a project call Project VOE, Vocational Opportunity through Equity. There are five

modules in it, and it addresses the issues of stereotyping, bias, and discrimination based on all of the protected classes. We also are in the process of developing a teacher education module that will be used with all teachers who are preparing to go out into the schools and teach, that will help them to understand these basic issues. And I think these are all related down the road to pay equity and inequity.

MR. MARTINEZ: Thank you.

MS. HUTCHISON: Two questions, Barbara. One, I was interested in the comparison you had of salaries between the extended year contracts for the agricultural teachers as compared to the home economics. How is that determined? I mean, I'm sitting here, is that a local district option?

MS. HALES: It's a district option, but it violates civil rights laws.

MS. HUTCHISON: And that is universal throughout the state?

MS. HALES: I must say the districts that I've worked with have changed, because we, as the state board of education, and me as a representative, I have to send a report to the office of civil rights annually reporting any districts that have not come into compliance, so they all come into compliance. So gradually over five to ten years, we will have those policies all changed.

MS. HUTCHISON: So that just barely is being taken care of?

MS. HALES: Uh-huh.

MS. HUTCHISON: The other thing, I was trying to make a connection with the word processing skills that we've now added to our secretary skills. Is this your contention, that by developing these types of new skills, that that would be, in a sense, a job training, if that same type of new skill were transferred over to the male in a managerial position, that would mean an increase in pay by developing a new skill, and we should give that same kind of consideration?

MS. HALES: I'm not sure whether it would in a managerial position. But it is a way for us to reward people that are in low-paying, traditionally kind of dead-end jobs. My experience would say that there are some secretaries that really become proficient on the computer, and there are some that just have computer anxiety, and shy away from it. And so I think it is an addition. I think it's just another way of looking at some of the things we could do.

I'm not contending that it should be done, I'm saying that it's an option that we might look at in terms of building some rewards into the system.

MR. MECHAM: I've been trying to distill in my own mind the major remedies you propose. As I gather from your

presentation, you believe that sex segregation is the primary reason why we have the wage gap; is that correct?

MS. HALES: I think that's one of the causes.

MR. MECHAM: Would you say it is the major cause, or where is it in this whole thing?

MS. HALES: I think in the education system, in terms of our preparation of students, and then when they go into the labor market, I believe it is one of the major causes. Because we are training, we're still segregated in terms of our vocational training. And so we're training, the majority of women are still training for the low-paying jobs that are traditionally dead-end. A lot of people don't like that term, but that's pretty much where they end up.

MR. MECHAM: And it's your view that the stereotypes that exist out there are quite inaccurate, that , in fact, male and female students possess the same kinds of capabilities, interests, and so forth, and that for better or worse, the culture channels them into a particular set of occupations?

MS. HALES: I think our socialization does it to us.

MR. MECHAM: Can you think of any cases or <TPHEU|> factors which bare on this issue of possible differences between males and females other than the cultural issue?

MS. HALES: I really can't. There are only two or

three bona fide occupational qualifications that would be specifically male or female. I think the tihing we're saying is, let's look at each person as a unique individual and let them pursue their own interests, abilities, values, and goals, based on them, and what their choices should be.

And without the influence of an educator or a counselor, similar to one at one of our schools, recently advised a young woman that was taking, was in all of the AP classes in math, science, English, and he said to her, "You understand that if you continue to take these courses and get high grades, that you probably will not have any dates." Now this was reported to me by a mother, and it's happened within the last year. And so I'm saying we do, because of our, the tapes, the old tapes that we've got in our heads, is that we haven't changed. We limit the student's options.

MR. BOCAGE: I will allow one more question.

MR. MULDROW: Can you give us some comparison on the situation in Utah with the national situation ?

MS. HALES: I'd be happy to. I think Utah, of course, I would be remiss if I didn't take a little credit and say that I think Utah is making as much progress in terms of correcting these problems as most other states. Many states, I must say, have been into the equity issues in more depth than we have because of the racial issues. They're high minority populations. So they have been involved in

equity issues longer than we have in the equity issues. And it's not right that we've ignored any one segment of the population.

MR. MULDROW: But I guess in terms of progress, Utah compares favorably. What about in terms of the situation? Is sex segregation worse in Utah, or better, or equal?

MS. HALES: It's improving at about the same pace. I've just had data come across my desk in the last month from other states showing how many are enrolle in home ec, and how many, we're doing as good a job, if not a little better than most.

MR. MULDROW: You say the wage gap in Utah is greater than national.

MS. HALES: That's right. And I'm not sure what the problem is there, except it's something that's existed for a long time, and we haven't paid attention to it.

MS. KELSON: What I heard you say is that education is the key, in your mind, the education is the key to pay equity in the long-term, and conversely to that, remains the biggest barrier to pay equity for diminishing the wage gap. As it exists now, it is a big barrier?

MS. HALES: It is a barrier as it exists now. I think everything in the system is a barrier, though. I think the employment, I'm not sure I'd say that education, is any

worse than employment counselors, and if we had time I could read out of a paper that Ms. Bradford quoted from, one of our employment counselors saying that, you know, these non-traditional jobs are not natural for women to pursue.

MR. BOCAGE: Thank you. Okay, before we go into our industry and public interest section, I will allow anyone in the audience at this time that wants to speak on educational issues one minute. If we have no one that wants to speak for one minute, then we'll go on to our next.

MS. BRADFORD: I'd like to add something to the record. As young women are being able to make informed choices, they are moving more and more into the non-traditional areas. They're having a hard time recruiting bright young women into nursing because it does not pay, and computer programming and system analysis does. That's where they're needed.

MR. PAUL TIMOTHY: Let me tell you, from industry we actively, and Bo will tell you this, that we actively try to recruit in the higher-paying positions, such as engineering. When we call a placement office at BYU or Utah or Utah State, Purdue, or wherever, we ask if they have any female engineers, for heaven sakes, or minorities, as far as that goes, we want to talk to every one of them.

In addition to that, we have been to high schools, we've talked to the high schools encouraging both groups, you

know, to get into these areas. We've been to the junior colleges, where they're prepping right there for their careers. We've not been as successful as we would like.

And Barbara, I guess the question that I'm asking you at this point, what more can we do? Is there something we're not doing that we could do?

MS. HALES: I think in my closing comments where I made the statement we all have to stand back and look at what our biases are, and be sure that those don't impact on the people we work with or the students that we work with. And I think we all have to overcome the effects of past socialization.

MR. TIMOTHY: But in industry I don't think we're professing those biases, because we're out there actually trying to recruit these people. And when we get them in they do a super job for us. The question still remains, is there something we're not doing, that we're not aware of, that we're blind to, that we should be doing?

MS. HALES: I would say that some, like you are making good faith efforts. And are really interested in bringing in the best people that you can for the job. I guess that's what you're after. There are still some that are not. I think the larger employers are more aware of the equity issues than some of the smaller employers. But I think everyone is starting to recognize the problem, and are

doing what they can to try and change it, and eat this elephant. It's not going to go away in a day. Does that answer your question, Paul?

MR. TIMOTHY: I guess what you're really saying is we just need to continue being aware.

MS. HALES: We all need to continue to chip away at the problem.

MS. BRADFORD: They need to be down in the junior high schools letting those young women know that those job opportunities are there. You need to get past the college level, and so those young women can hear.

MR. TIMOTHY: That's what we've done, is been to the high schools.

MS. MERCY JOHNSON: I'm just here because I want to know what's going on, an I'm a retired school teacher. I think there are two things that need to be done, and one is when you advertise in the Time Magazine and any sophisticated magazine, an engineer is a man. He's not a woman in the picture, I'm saying. And they advertise women and men smoking. Why don't they advertise women and men engineering, you know, plotting this and plotting that? And this kind of visual education. And well, I guess that will do.

MS. MASUR: We've already had that effect on schools through the textbook committees.

MS. JOHNSON: I think in the public media is what

I'm referring to.

MR. BOCAGE: We'll move on to our industry and public interest area. Our first speaker is not here, Mary Graham Payne from Litton, so we will go on to, I know Deloris Silva is here, we're going out of order, here, but will you give your presentation, and hopefully- - Emma Gross is here too, and I think Robby Robinson is here to act in Shauna's behalf. Shauna Graves. So we will take in that order, Emma, and Robby.

MS. SILVA: I'm glad that you recognized me, Cal Rollins didn't. Earlier, before the session started, Willy Bocage and I were talking, and we were alluding to the fact that we were talking about ethnic minorities, regressing back, and we were somewhat back in, you know 1968, Cal, and that's why it surprised me that you didn't recognize me.

But we were also talking about in regression, we have also become a lot more educated, a lot more skilled, a lot more sophisticated, and have, you know, a complete different, we're in a complete different aura. And of course somewhere half way down the road, Cal, I learned that hair dye can do wonders for color. So that's some impact, too.

Getting back to serious business. Pay equity viewed from the perspective, and I'm going to do my presentation from the perspective from the Hispanic perspective, is viewed as a person or individual who is male

or female, getting paid for work accomplished, or otherwise equal pay for equal work. However, there is no data, we have 70,000 Hispanics in the state of Utah, and there's no statistical data available to determine to what degree hispanic men and women are treated differently when it comes to equal pay.

John Medina from the Utah Antidiscrimination Division would tell us that Hispanics are not subjected to inequities more severely than the general, the total population. But not all Hispanics file discrimination suits with the Antidiscrimination Division, either. Some of them seek other recourses. We know that women have not always been treated or viewed as equal to males in the work force, be it private industry, state government, or whatever. They get the short end of the stick when it comes to treatment in the work force.

There's a prevailing attitude amongst majority businessmen and others, that if less women worked, men could support their families more adequately, and that women heads of households worked for luxury and pin money. And of course Hispanic females start out with two strikes against them. First, being a female, and then being Hispanic.

We're now getting some real heavy support, and I have to really emphasize that, some really heavy support from our Hispanic male counterparts. The ombudsperson's role in

our minority offices is to serve as a mediator, a coordinator, or a liaison between the governor's office in state government and our constituencies. But our roles sort of overlap because we get very involved with private industry and federal government, and every local government.

We try to avoid being placed in an adversary role. We try to be the advocate for both sides, and we try to kind of sit on the fence somewhat. It's difficult at times. On occasion our offices receive a variety of discrimination complaints, approximately from January to the present, our offices has received at least twenty cases, this year alone, that have been referred to the Antidiscrimination Division. There was only one of those that involved pay equity.

John informed me this week of something in the vicinity of twelve alleged cases involving pay equities that his office has received this year. He didn't elaborate on those. We attempt to assist our constituencies to resolve as many cases as possible at a local level with assistance from the community-based organizations or legal organizations that are available to serve as advocates for them. We make referrals to the appropriate agency and community organization, or who has the expertise to assist them with their complaints.

John also explained that because federal law is stronger than that of Utah's Antidiscrimination Act, the

Division of Antidiscrimination has an agreement with the Equal Employment Opportunity Commission to waive jurisdiction to EEOC, because the law from the federal perspective can do more, and is more easily enforced. And he went on to explain that lots of times, and I can attest to this, a lot of times Hispanics will not utilize the Antidiscrimination Division, or even file a complaint, because there's always that fear of retaliation, and some of them have not learned, especially those at low entry-level jobs, have not learned how to deal with that system. So keeping their job is the main way of survival, so they're not going to rock the boat, so to speak.

We look at EEOC as, for example, if there is a complaint by a female, a Hispanic female who is on a job and earning, say, $6.50 an hour, and her male counterpart is earning $7.75 an hour, but they're doing the same type of work. If antidiscrimination handles it, then the most they can do is probably collect wages lost to that individual female. Where if EEOC took the situation, they would look at the total work force and how the total female work force was being treated. So therefore, we can see why that agreement has been made between the antidiscrimination office and the the EEOC.

And again, however, in the Hispanic community not everyone is knowledgeable of how that system works, and so

sometimes they will quit a job and take a lower-paying job, or wait for months at a time for no job at all, rather than file a suit. Some of the concerns in the Hispanic community as it impacts to pay equity, we feel that hispanics have become more aware of the existence and potential of the bids and contracts system as it pertains to minority business.

Small women in minority businesses, which provide at least 80 percent of the employment and economic growth in the state of Utah, are contingent on opportunity and equal access to bids and contracts. We feel that policies and procedures do not allow, the present policies and procedures within private industry and also state government, do not allow for that equal bid system to take place or take effect.

We feel that the Equal Employment Commission could play a major role to impress upon state government and private industry and other local governments to improve purchasing and procurement policies in a system in the review of the pros and the cons of set-asides and goals. Set-asides and goals is the way to go, then we need more awareness and more information in that area. If that's not the way to go, then, you know, what's detrimental? I think there's a lot of confusion pertaining to that issue.

The other concern that exists, is pay equity as it regards the undocumented worker. We do not condone illegal

entry into the United States by people of Mexican descent. However, what happens to wages earned by undocumented workers when an employer, and I think that private industry is probably the worst violator, hires an undocumented worker, and then turns him in to INS, he's deported, he or she is deported, and you know, who collects the wages?

One of the issues that we're dealing with right now is the the issue that happened in Wendover, Utah, where a large number, in fact there's been a suit filed, a large number of undocumented workers were picked up in Wendover, and, you know, we'd like to challenge someone as to how we're going to collect the wages earned by those people?

The third issue is, with funding at zero monies to operate, what about ongoing training for changed attitudes? I think, you know, it's been, and I don't want to reiterate, but it's been already alluded to that there's definitely a need for attitude changes, both in education, and as it pertains to women, and I need to emphasize as it pertains to minorities.

And they're constantly telling us, and now with budget cuts and the Gramm-Rudman and everything else that's happening, they're constantly telling us that there is no money for training, yet that it's very obvious by the numbers and the lack of parity and the under-utilization that exists of hispanics and women and other minorities that some

training needs to take place. There needs to be some cultural awareness training, I think that ought to be a part of the curriculum from training from the state right on down to the law enforcement agencies in the private business and the private sector. Large business corporations who get federal funds and are subject to compliance for receiving those federal funds should implement in their training that type of attitude for change.

In conclusion, for quality education to be provided in Utah, I certainly agree with what Barbara Hales has stated. Funding ought to be reinstated for the purpose of indicating employers in local and state government and private industry, and government funding ought to be reinstated for the purpose of educating employers in local and state government, and private industry, on their attitudes to deal with attitudes towards women in ethnic minorities and the cultural awareness ought to be a prerequisite part of the curriculum.

With an unemployment rate of 11 percent for Hispanic and 10 percent for all ethnic minorities in Utah, as compared to 6.5 percent for the total population, that's the unemployment rate, Hispanics, therefore, have a greater concern for adequate and full representation in the work force, as compared to concerns for pay equity.

If we are all, you know, down at the bottom of the

totem pole in terms that we're all entry-level jobs, mid-level jobs, there is one Hispanic administrator in state government, yes, we are concerned about pay equity. But the critical issue is, we're more concerned about having jobs and surviving.

In a sense it's a double whammy. I'd like to conclude by saying that it's really a double whammy as far as employment and pay equity, I feel that the two impact.

MR. BOCAGE: Any questions?

MS. ISHIMATSU: What's the migration pattern of Hispanics incoming into the state, as compared to the white population?

MS. SILVA: I would say the highest concentration occurs during the summer months when they come in to work in the crops. But a lot of them have gotten educated to where they don't want to go out and work in the fields, they know that the restaurant business there's more, it's more Beneficial to work for $3.35 an hour in a restaurant as a dishwasher or a janitor, or a waitress.

MS. ISHIMATSU: Are you saying that there's a greater increase of hispanics in the state of Utah as compared to other minorities?

MS. SILVA: Definitely. We just did the statistics, and the fluctuation when you look at 1975 and compare to 1985, in 1975 we were at 38,000, we are now at

70,000. And we just recently did a study and submitted a position paper to Governor Bangerter, that lists, gives some indications of the status of Hispanics in Utah in all the areas, law, education, migrants, et cetera.

MS. ISHIMATSU: So how did that impact upon your employment statistics, if at all? Like probably coming from out of state, they come into entry level, low level, do you have any kind of comparisons that maybe impact?

MS. SILVA: Not really, other than what we get from Rural Development, from Migrant Council, there isn't a whole lot.

Now that we did the position paper, one of the interesting things that we found was to try to collect data was just breakdowns on, for example trying to find out how many Hispanic women there are in the state, by population, and then to break down of women employed in different categories, the data is not available. There isn't an accurate collection of data being done in the state. We don't know the reason for that.

MR. MULDROW: What are the reasons for it?

MS. SILVA: Well, I guess there isn't, everybody has their own little statistics. Private industry has statistics that they picked up from somewhere, the state has statistics that they get through Job Service, which is usually, you know, they're not as accurate because Job

Service only gets statistics according to people who go into the work force and register with them. And then, you know, if we didn't, we're about the only ones that keep track of what our population growth; and that's because it's knowing the territory.

MS. MASUR: Are are you speaking of Utah population?

MS. SILVA: Yes.

MS. MASUR: Well, I think obviously that's the crying need, is some information that pertains only to Utah.

MS. SILVA: And this position paper is available in our office if anyone would like to, we will have additional copies available in July, but it's very informative.

MS. HUTCHISON: Do you have any kind of data that would say, for the Hispanic population, the level of education, the number of single-parent heads of households, those kinds of data that we could look at?

MS. SILVA: there is that type of data, and the Office of Education has some of the data, but it's not broken down completely. And you would pick up data that is from the general population, Salt Lake City, Ogden, and some of the larger cities, but it doesn't give you the data as a whole.

In the education, I'm glad you asked that question. Our dropout rate is two and a half times greater than our population. And we've got those most recent

statistics. We had to take what office of education gave us, and then work locally with the school districts to try to extrapolate that type of data.

MS. HUTCHISON: Do we have anything in the educational system that would reflect on the educational interest levels? For instance, those who wanted to take ACT tests, or who are wanting to go into the vocational skills, do we have anything for an interest finder to see what area of vocational field of endeavor of the Hispanic population, the youth are wanting to lead?

MS. SILVA: Very little, but all indications would tell you that they are concentrating into the voc' area, in the mechanics and the trades area. The skill centers, if you look for Hispanics in the college, and you know, I don't mean to sound negative like we don't have them, we do. But when you look at the dropout rate and what is happening to those students that are not making it through high school and are being concentrated to skill centers and alternative schools, their only choice is to go to the vocational trades.

MS. ISHIMATSU: I thought Utah Antidiscrimination Division had an agreement with EEOC, which is a thirty-day requirement time frame, where Utah would try to settle some of the complaints coming in, rather than going into EEOC .

MS. SILVA: I believe there is a stipulated amount of time, yes.

MS. ISHIMATSU: So that the first and foremost contact is the Antidiscrimination Commission through the Utah office, and then if the person is unsatisfied they go through EEOC, they still have that arrangement?

MS. SILVA: Yes.

MS. ISHIMATSU: Now, what if they're not covered, the Utah Industrial Commission's antidiscrimination has a smaller coverage of employee, number of employees, I think they require larger number to be employed before you file a discrimination complaint, as compared to an EEOC, say twenty-five or more people. What happens to those employees in a smaller firm who file, and want to file a claim, of discrimination?

MS. SILVA: Usually just because they have sought the assistance of either our office or the local organization, they usually will get directed to private litigation, and then sometimes that's dropped completely because it's unaffordable.

MS. ISHIMATSU: I see, thank you.

MR. BOCAGE: Okay, thank you. Our next speaker will be Emma Gross.

MS. GROSS: Let me introduce myself, my name is Emma Gross, I'm an assistant professor at the graduate school of social work at the University of Utah.

I'd like to thank you and the Commission for the

opportunity to talk to you this afternoon. What I'd like to do, I've got myself timed on the kitchen timer, here, to get as close to ten minutes as I can, but figure over a minute or two, I hope you won't leap out at me or something. I don't want a heart attack.

What I'm not going to do is give you a lot of statistics. But I am going to use some, but not nearly as many as are out there. Let me refer you to a couple of local reports, both out of the governor's office, the Office of Community Services specifically, on a situation of the status of women in the state of Utah, specifically in the work place, and on women and poverty. Both of which are excellent reports, I think, and a source of hundreds of numbers.

Should I need numbers for anything, they will be in those reports, and if not, they're very well backed up by Bureau of Labor statistics, and U.S. Census Bureau of Numbers. And so I don't want to bore you with all that stuff, and besides I think probably by now you've heard most of them. What I'd like to do is take advantage of my time to focus on a couple of things.

First, to give you my definition of pay equity, and then to tell you what I think a pay equity strategy would mean for women who are poor, and specifically women who are in the welfare system. That's kind of the focus I'd like to

take.

As defined by the Equal Pay Act of 1963, pay equity refers to equal pay for equal work, or for work which is substantially equal. Pay equity, as I'm using it here, however, has come to take on the meaning formerly reserved for the concept of comparable worth. In this case we're talking about equal pay for work which is valued similarly by the employer, but which may carry different job titles, job descriptions, and salaries.

Most importantly, pay equity thus defined is an even more radical, and certainly more complex notion than equal pay. For example, while equal pay for equal work obviously refers to compensating the female GS-0 at the same rate as a male GS-9, or a female salesperson the same as a mail salesperson, pay equity would actually mean redefining jobs in any given work place so that individuals would be compensated in terms of the value of the job, rather than by job title or description.

Pay equity strategies, for example, commonly measure a job by the responsibilities attached to it, the knowledge and skills required to carry it out, working conditions, and even the stress and mental demands associated with it. Thus, current imbalances, for example that a child care worker, typically a woman, may make $2.20, while a parking lot or dog poind attendant, typically men, may make

$4.59 and $4.30 an hour, respectively, raise real questions about fairness. For example, is it really worth less to look after the safety and well being of children than to watch over cars or dogs?

Pay equity in the sense of comparable worth thus has far-reaching implications, both for how define work, as well as for the status of those in the labor force. Women mostly, but not women exclusively, who have historically suffered from the related problem of occupational stratification.

Researchers are pretty much in agreement about what occupational stratification, sometimes called job segregation looks like. For instance, Bureay of Labor statistics clearly show that 80 percent of the women who work are in only 25 of the 420 job categories monitored by the Department of Labor. As you might expect, the most heavily occupied categories are secretary, clerk, nurse, social workers, librarian, retail salesperson, and household workers.

Similarly, U.S. Census Bureau statistics indicate that over one-third of women in the labor force are found in seven job categories alone. Again, what these occupations are comes as no surprise. Women are disproportionately represented in retail sales, bookkeeping, as cashiers, secretaries, food service workers, elementary school teachers, and household workers. These are, of course, the

well known women's jobs, quote unquote, occupations which have traditionally been occupied by women, and which, with few, exceptions describe employment which is low paying, low status, and frequently lacks job security or competitive job benefits.

I'll come back to these latter characteristics in a second. In particular, because they illustrate why it is often untenable for women who are poor to leave the, quote unquote, security of the welfare system for jobs which essentially aren't worth taking.

As stated, researchers don't disagree much about the existence of women's jobs. Certainly women, most of whom have had the experience first hand at some time or another, don't. Where researchers, and lately a variety of other interested parties, policy makers and public figures like Phyllis Shafley, for example, do disagree, is about why occupational stratification and salary inequities exist, and about what ought to be done to bring greater equality.

There really is very little disagreement about the discrepancies which are out there. Most of the disagreement is about what ought to be done. The nature of the experts ' disagreement can be described in the following ways, and I'd like to do that. There are three different theories that I'd like to address in this process.

First, some people feel that occupational

stratification and pay inequity exist because that's just the nature of the market. Thus they argue that women, because they tend to have disconinuous work histories, for example, are simply occupying jobs and being compensated in a manner consistent with labor market values.

If, these folks, argue, women wouldn't drop out of the labor market to get married and tend husbands and have kids, and then reenter after the kids reach a certain age, they'd have the job skills and experience to be paid more.

This view would have it that women are, therefore, paid what they're worth. Given the ordinary market forces which regulate supply and demand and set salaries.

Obviously, however, even though we don't talk about it in these terms, this is an incomplete explanation at best, although it's very prevalent, and I think a willfully ignorant one, at worst. Clearly women have historically have had discontinuous work histories because they have tended to value their roles as wives and mothers as much, if not more, than any desire to work outside the home. Generally women have worked outside the home only when they have had to, preferring housework and child rearing to jobs in the labor market.

Lately, however, and just as clearly, women have had to work outside the home to make ends meet, as well as because social norms have changed enough that women today may

pursue careers of their own without undue social sensure. The statistics unmistakably point out that women work because they have to. Both the numbers of dual wage earner families and the number of single-parent families have dramatically increased in Utah, as elsewhere in the United States.

Thus far our inn abilities to acknowledge these realities has, however, resulted in great social injustices towards women, mainly around the fact that, while society expects women to be both wives and mothers, we also encourage them to work in occupations and at wages that are patently unfair, both in terms of the work which is required, as well as in its lack of status.

We have been asking women to work in order to preserve the high standard of living to which we became accustomed after World War II, and we all ran out to suburbs and got homes and two cars, only to punish them for their efforts. Certainly, the kind of work and the salaries which we make available to women indicate that we don't, as a society, value their contributions at a level equal to that of the sacrifices we require of them.

We persist in overlooking the social values dilemmas implicit in the labor economist's argument that as things are, women are simply being paid what they're worth.

Second, some researchers and public officials argue that women are paid less or suffer from job segregation

because there is discrimination toward women, on the basis of gender, in the labor market. In this case the argument has been difficult to prove in any conclusive fashion. Researchers like Corcoran, et al., for example, can explain much of the inequity in terms of the economic argument that I've just reviewed, and in terms of women's socialization, which I'll talk about shortly.

But they can't definitely attribute what is left unexplained to discrimination. Nevertheless, many of them feel that because of society's traditional role and gender expectations of women, it is not too far-fetched an argument to claim that women have been and are discriminated against because they're women.

Certainly this is the conclusion reached by the 1963 and 1964 civil rights legislation, prohibiting discrimination on the basis of gender. Furthermore, it is a conclusion consistent with what we know about society's historical concensus, that women are inferior to men, that is Inherently less able, more dependent, and best suited, if not exclusively suited, to the roles of wife and mother.

Discrimination toward women is thus typically reflected in the attitude that women don't have to work, that they're just looking for part-time, not serious work, that after all, it's just pin money. Actually this is an attitude which has adversely affected men also, in that they have been

perceived as less than manly, quote-unquote, unable to provide when their wives have worked.

As indicated, present day economic realities are such that not only do most parents work, but the notion that men work and women stay home is clearly dated. Fewer than 7 percent, or 11 percent of modern families, depending upon whose statistcs one uses, follow this ideal nuclear family pattern.

Finally, it's clear that women's socialization, that is, how women learn to be womanly, or feminine, contributes to perpetuating job stratification and pay inequity itself. Women, for example, who are taught that careers are not desirable, and that all that counts is marrying someone who will, quote-unquote, take care of them, that they are naturally, quote-unquote, suited to the status of wife and mother, are women who are not, I want to emphasize not, likely to assert themselves in the market place.

In this sense, women are at a great disadvantage, given today's economic requirements and demands. Increasingly, for example, many women are finding themselves unable to provide when death, divorce, job displacement or separation, all of which are on the increase, from a spouse throws them on their own resources.

One especially telling statistic sums this

situation up better than any other. One year after divorce, a woman's standard of living will decrease by 73 percent, while a man's will increase by 42 percent. What this tells us is that women become the primary breadwinners for themselves and their children, and that they are ill equipped to fend for themselves, consequently.

Child support payments are not only inadequate for the most part, but fewer than 60 percent of those who have to pay them actually do. Put this together with the fact that women typically are not taught how to fend for themselves, they will accept whatever salary is offered, and consider themselves lucky for the most part, and it adds up to a pretty convincing statement about why women do as poorly as they do in the labor market.

This discussion of what the labor market promises for most women who, for one reason or another, will find themselves in it, leads me to the point I wish to make about the special situation of women on welfare. It is a primary tenet of today's welfare policy that women should be made self-sufficient as quickly as possible, so that they can get off welfare and become productive citizens. Few would argue that some sort of self sufficiency is a desirable goal.

For one thing, it costs the taxpayer a lot of money to support welfare programs. For another, we worry that too much welfare causes people to become unhealthily dependent

upon, quote-unquote, free handouts, rather than upon their own initiatives. Nevertheless, the fastest-growing occupations in our present day economy are those in the service sector. Precisely those women's jobs which are low paying, low status, offer little security, and tend to lack those all-important fringe benefits, like health and dental insurance and retirement plans, which those of us not in that economic sector take for granted.

When we contrast this reality to the reality that women who are on welfare are also the least likely to possess the education and experience to put them into the better paying jobs, we're faced with the problem of encouraging women to become self-sufficient by taking jobs which will not meet their needs.

Increasingly we have become aware that welfare benefits, especially health or Medicaid benefits, are essential to the well-being of these women and their children. Some states, like Utah, are attempting to resolve this dilemma by continuing to provide health and child care benefits for a period of time, exceeding that required by federal law, in order to give these women more time to establish themselves in jobs which will help them pay the bills.

It is a limited alternative, however. There is presently nothing to indicate that the labor market will pick

up the slack. Fundamental, long-term permanent changes are needed. The pay equity strategy promises to be this kind of solution.

It will be recalled that the purpose of the pay equity strategy is to define the jobs so that the employee is paid what the job is worth, rather than arbitrarily on the basis of prejudice or ongoing market rates, or according to what the employee will accept. The purpose of evaluating jobs according to skills, knowledge, working conditions, and responsibility, among other things, is to derive a systematic approach for assigning value.

Given the kinds of jobs which I've said are characteristic of women's employment, the result would be to value jobs upward. Low-paying service jobs, for example, would be worth more, as would be the kinds of jobs like secretary or clerk, which women have traditionally held.

Obviously worth more means paid more. Thus making it possible for women to better meet their needs. For women on welfare, pay equity would mean a greater chance of finding jobs that, because they are valued what they're worth, would much more likely meet their needs than those which self-sufficiency programs currently relegate them to.

Thus, pay equity is a profoundly radical strategy, which is why, no doubt, there's so much opposition to it . Nevertheless, the technology for assessing job value exists,

and will improve. In the meantime, employees in Washington state and in Colorado Springs, Colorado, to name just two of the better-known examples, are already benefitting from pay equity legislation, and somehow the governments involved are Finding a way to pay for it.

More importantly than that, we have the technology to do it, however, is the social obligation we have to try it. Especially we have the obligation to put the onus for trying it on the private sector which, after, employs most of us, as well as on government.

I would conclude by urging us to remember, throughout these discussions, that we're not just talking about whether it works, and is therefore worthy of our support. Pay equity in its most basic meaning requires us to acknowledge, as we should, that women have always done work, which is worth a great deal more than we have been willing to pay for it.

It is a viable strategy because its results will be to enable women to obtain a level of economic competitiveness which will make them more truely equal, able to take care of themselves and their families, than they ever have been.

As I indicated, I'd like to leave a copy of this with references for those of you who might want to follow up on it. Thank you for your attention.

MR. BOCAGE: Any questions from the panel.

MS. MASUR: Ms. Gross, your presentation, I think, particularly as you defined pay equity, referred more to comparable worth than pay. And this was specifically to be a forum on pay equity, and not comparable worth. Do I assume, therefore, that you fined them inseparable?

MS. GROSS: Well, I would say I find them inseparable. Also, what's happening in the literature on this subject, is that what used to be called comparable worth is now being referred to as pay equity. And so I'm using pay equity in the sense that it's emerging in the literature now in the technical sense, which is closer to the comparable worth definition of the other. I think the whole issue of there being discrepancies in the way women are paid and the way men are paid in the labor market is intimately tied to the idea of pay equity the way I'm defining it.

Part of my concern is that we have been legislating for quite a long time, now, and as you're probably aware, government, and in particular local government, has made the greatest strides toward achieving equal pay for equal work. And in fact, much greater strides than the national economy as a whole, or than the private sector.

You know what some of those figures are for local government, it's about 71 cents to the dollar versus the 61 cents to the dollar on the national level. And in the private sector in Utah it's 54 cents to the dollar, and

hasn't changed for over twenty years. So yeah, a lot of strides have been made.

But the point I'm making with the comparable worth argument is that we will benefit more women, more quickly, through the comparable worth approach than we will to continue to pursue closing that equal pay for equal work gap. And I say that primarily because where the jobs are, overwhelmingly the jobs that are becoming available are the so-called womens' jobs, the service economy jobs.

MS. MASUR: Can I ask you where I can get the Women In Poverty report?

MS. GROSS: Yes, you can do that at the Office of Community Services. And I've got the reference here, the State Department of Community and Economic Development will have that in the Office of Community Services. They're excellent reports, and describe the situation in Utah in great detail, and do compare it to the national situation in great detail.

MR. MECHAM: Three questions. The first question has to do with, can we operationalize your definition in financial terms? Can we say that if a worker generates the same rate of return, they should be paid in such a way that the rate of return generated by one worker is not different than that generated by another?

MS. GROSS: That may be alternatively. One of the

ways in which- - A lot of the pay equity strategy development stuff is experimental. The most common strategy is that which simply values the work in terms of the categories I was talking about, and assigns points and then does an across-the-board comparison, and calls equal those jobs which come out more or less similarly in terms of total numbers of points. But I understand that experimentally, the suggestion you're making is certainly one thing that's being looked at.

MR. MECHAM: There's a great deal of controversy about the input model. Why don't we go to the output model? What is the value of what a person does, rather than what is the presumed value of what they bring to the job? And I'll follow up on that by asking this question. How do women who are self-employed do relative to women employed in similar occupations by employer? Do they, in fact, is the gap much different in the self-employment sector than it is in the employed sector?

MS. GROSS: I don't know how to answer your questions in terms of employed by other people versus self-employed. Where you notice the gap close the quickest, and almost perfectly, is as you go up the scale in terms of income attached to the occupation and professional credentials, you find less and less difference, for example, between school administrators who are male and female, as

well as in social work administrators. Or in now, university faculty, for who are male and female, than you do at the lower levels.

Also, as you get farther down in terms of income and in terms of professional status you find much wider differences. I don't know specifically in terms of women who are self-employed versus not, how those figures compare. My guess is that there may not be much out there in terms of the statistics. I'm certainly not familiar with them. Partly because it's just too hard to find, certainly, a random sample of women who are self-employed who might meet some of these criteria. We still haven't gotten all the way there yet.

MR. MECHAM: Who is doing the discriminating? Can we look to the mechanism and the players, here, and why don't we deal with the mechanism and the players?

MS. GROSS: I think it's interactive. I think who's doing the discrimination is both parties. I think women, because of their socialization, both set themselves up to be taken advantage of, it's very difficult for a woman who has been socialized in a conventionally feminine way in the society, to walk into the employment environment and say, "I am worth blah-blah-blah, and I really won't settle for this, and I'd like to have these considerations attached to my application for employment, and on down the line. Very

difficult.

And we have found in studies along this line, that women behave significantly differently in this respect than men do going into similar employment settings. So on the one hand it has to do with, I think, as an earlier speaker was saying, about educational processes, and beginning at very early ages, I think, both in the education system and in the family environment, though, I think, to reinforce the notion for young women, that they are not only likely to find themselves where they have to work, but that they really are sort of entitled to think of themselves as worthy in this respect in the way that has traditionally been true to men.

On the other hand, the very dated male notion, I mean men also suffer from their own socialization processes. And I work a lot with ethnicity, so I see this in particular in the ethnic environment. But where men have been socialized to expect that they will occupy the ordinate position in that family economy, it becomes very difficult for men to step back from that and say, well, it's okay for us to take your job seriously. And it's oaky for us to compensate it in the same way, say, as if it was me going after that.

Men also, I think, in part because of socialization, have a very difficult time approaching the issue from that alternative point of view. So I think it's a

dual, I'm not - - I mean, historically at some point we could sort have faulted individuals and institutions, I think, more clearly than we can now. I really do think that much of what I'm talking about is the by-products, or the direct consequence of attitudes and values that we've carried for a long time, and that are in the process of changing, and which indicate that responsibility has got to be shared . And men and women have both got to sit down and talk about their joint contributions to perpetuating these kinds of inequities.

I think you've got to do both.

MR. MECHAM: My very last question. You have cited several examples where a comparable worth strategy has been implemented. Did this, in fact, close the gap so that we now have a parity in wages in those institutions?

MS. GROSS: Not perfectly.

MR. MECHAM: And if it didn't, why didn't it?

MS. GROSS: Well, mostly it didn't because the, in part because of the cost involved, and in part because the changes required in both the cases I'm talking about would have involved re-defining those job positions more quickly than the parties involved were willing to go along with. Now, in both cases, there's some indication that perfect parity is a goal. And some agreement that perfect parity is a goal. But there's also agreement that we didn't have to

have it right overnight. However, the gap has been closed significantly, in both cases it's better than 85 percent parity.

MR. MECHAM: And the two cases are - -

MS. GROSS: Are the ones that I commented on, were the Washington State and Colorado Springs, Colorado, where the city council- -

MS. ISHIMATSU: Colorado Springs has a five-year target time.

MS. MASUR: Are they the only ones that have implemented?

MS. GROSS: Actually no, and I need to follow up, because I just saw something in the news a few days ago about a local government in the Los Angeles area who had implemented a pay equity strategy. At very little cost. So I'm not quite sure what things looked like. But there are other examples. Obviously this is a really controversial strategy, and people are not just leaping to embrace it.

MS. KELSON: You have taken in your remarks a very important, and I agree with very important, perspective on the poor woman, and her potential in the market. And my experience has shown in Utah a widening of the classes, of a lot of women in poor categories and a very high economic level diminishing of the middle class. Would you comment on this terms of your research, if you're seeing the diminishing

of the middle class, and how that is impacting the poverty level of our strata of our community, and what's happening there.

MS. GROSS: That's a big question.

MS. MASUR: Since I can't hear it, will you repeat it?

MS. GROSS: Basically I think she asked to say whether or not I thouht the middle class was collapsing in Utah, and if I thought that meant there were going to be more peole, and especially children, in the coming future, I think that's kind of what you were asking.

If present trends don't change, right, the official projections are that by the year 2000 almost the entire welfare system is going to be made up of women and kids. And as some of you know, the fastest growing poverty population are kids. Not adults, but kids. So the women and kids, if things don't change, and so far there's been very little indication, although there are states like Massachusetts and Utah, I think, trying to implement strategies that hopefully, and I think they're limited, but are trying to deal with feminization of poverty phenomenon specifically.

I don't know so much about a shrinking middle class. I do think that the number of people who are now making up the poverty class specifically as there are women coming out of the middle classes increasingly in the last few

years. And that will probably continue. Now that has to do with complex macro economic factors as well as some of the things I've talked about, but essentially that mass poverty base is expanding, largely due to middle class women tumbling out of the middle class, and again you have to tie that to increasing divorce, separation, job displacement rates, all of all are on the increase, too.

And there's women who have been traditionally able to count on the system, so to speak, to take care of them if there was an accident or death or divorce, or are no longer able to do that, and to finding that to make ends meet they have to go in to welfare.

MS. KELSON: So a follow up question. If you take your extension of what your remarks were directed towards, if there isn't an affirmative intervention to speak to this issue, there's little chance that they could pop out of that situation by themselves?

MS. GROSS: Yes, the trends are in place, and if there isn't something literally to yank one or two of those factors out of that matrix, that's exactly what's going to happen.

MR. MARTINEZ: So what you're saying is to let the employer assist defeminize poverty, not increase the output any more, but if those women so choose to remain in the positions that they're in, raise their salary based on their

worth to pay back for the socialization that they found themselves in?

MS. GROSS: Right. And also if you take the pay equity strategy seriously and agree that it does value a job upward, which is basically my point, then what you're doing is investing those jobs with fringe benefits, with better pay and stuff, those are the jobs that are increasing, those are the jobs the welfare women are eligible for.

MR. MARTINEZ: If you were Litton Industries, why would you want to do that?

MS. GROSS: Well, if you were Litton you would probably want to do it because you could get them cheaper.

MR. MARTINEZ: But it's going to cost you more. And you're really not going to get any more labor-intensive people.

MS. GROSS: Not necessarily, but you may be getting people that are meeting a need that you have, as defined in that particular workplace.

MR. MARTINEZ: But you can get them cheaper than imposing standards you've told us about.

MS. GROSS: Yes, I think you could get them at a fairer wage. And maybe even in the process upgrade the kind of product that you're getting, which is, I think the point that Mr. Mecham was making.

MR. MARTINEZ: A well-drafted, or a well-typed

paper is a well-typed paper. It depends on how cheap you can get someone to type it. What you're telling is us that because of social conscience, she should be able to do that?

MS. GROSS: Right. I'm saying that it almost- - Well, I think it's futile to pursue the pay equity strategy without attending to the morality dimension of it, that's right.

MS. MASUR: But there are other forces that impact. And if it's true that more divorces mean that more women are in the work force, it might be conversely true.

MS. GROSS: On the other hand, number of single-parent families, male and female, are on the increase. Part of the problem is women are working primarily, and the standards are real clear about that, is because they have to. But increasingly people want to work in order to generate a certain standard of living. That's completely indicating the whole picture.

MR. BOCAGE: Thank you, Ms. Gross.

(Brief recess.)

MR. BOCAGE: We'd like to continue. Our next panelist, Mr. Robby Robinson, who is substituting for Shauna Graves, who is the Director of the Black Community Affairs for the Governor's Office. I would have Robby introduce himself and tell us what his occupation is, and then he can go into his statements.

MR. ROBINSON: Thank you, Mr. Chairman. Good afternoon, ladies and gentlemen. It's my pleasure to be here this afternoon, although I was called on very, very short notice to substitute on behalf of Miss Graves.

My name is Robby Robinson, I'm the Fair Employment Practices Coordinator for the state of Utah. I didn't have any information on what we were supposed to talk about, any more than just pay equity, and on such short notice I tried to write something out, and I didn't have the time, so I thought I would just speak on the experiences that we have in state government, some of those in the black community, when it comes to pay equity and the impact that it has on our community, some of the things that I feel that's the cause of it, and some of the things that I think that could be done to assist in eliminating it.

As Ms. Gross was talking concerning pay equity or comparable worth, I had some information that I had picked up concerning the suit that had been filed in the state of Washington, I guess the Gunther suit that most everyone is familiar with, and I have a few notes here I'd like to refer to as I talk. I doubt I'll use the full fifteen minutes, although I could, because it's a subject that impacts not only women, but men also, and especially impacts minority women.

Pay equity, or the comparable worth, the proponents

of which advocate that the payment of equal wages to employees with different jobs that are of comparable worth or value, has been called the top line or issue of the '80's, and rightfully so. The concept has been debated and studied for several years now, and it's won the endorsements of many unions, employee associations, women's organizations, and civil rights groups.

Many opponents, while they often can see that the intractible earning gap between men and women is at least to some degree based on sex bias, nevertheless contend that to adopt a policy of pay equity wouuld open Pandora's Box of restructuring the entire economy of the United States.

Proponents, on the other hand, say pay equity is simpy one more step toward wage justice. They're quite quick to point out that the business sector met initial proposals for child labor. And minimum wage laws met with similar conditions of economic disaster. But as of to date, there's no court has endorsed a pure theory of comparable worth.

Therein lies the problem. How do people such as the Fair Employment Practices Coordinators or the Equal Employment Opportunity Officers in government or in private industry deal with the solution to the problem, when the problem has not been completely defined?

Therefore, we have the problem of trying to arrive

at solutions. Some of the statistics that I would like to give you that have been repeated during the hearings over the past seven to ten years concerning pay equity. According to the 1981 Academy of Sciences, a study that was done in 1955 of full-time working women, they earned about 64 cents for every dollar men earned.

In the state of Utah, here in our state, it's about 54 cents for every dollar. Now, women working full-time earn less than 60 cents for every dollar that men earn. So that what we're looking at, is a regression, we're losing the battle when it comes to pay equity.

Adult women comprises about 45 percent of the total labor force, over 50 percent of the women over sixteen are in the labor force. Of the 420 total jobs listed by the United States Department of Labor, 80 percent of all women work in only 25 of those that have been listed. Twenty percent of all workers are clerical, one-third of all women are clerical, and 80 percent of the office workers are women.

I give you these figures because there's an impact that this has on the economyu as a whole, and the living conditions of especially ethnic minorities, and all women as a whole. Sixty percent of full-time employed women earn less thatn $10,1000 a year.__9.4 million United States families are maintained solely by women. Seventy-four percent of working women are single, separated, divorced, widowed, or

living with a man who earns less than $15,000 a year.

Working mothers are the fastest-growing segment of the labor force. According to 1982 Department of Labor figures, 18.7 million mothers with children under eighteen years of age work outside the home. 7.4 million have pre-school children.

When we began to look at the human resource monies that are funded, and the cutbacks that have taken place in state government and in federal government, no wonder the impact of unemployed women, women that are working for lower wages, we get back to the old supply and demand, and the economic system that this nation was built on, which is to buy low and to sell high. So that the more women come into the work force with less skills, then the wider the gap becomes between the pay equity of women and of men.

According to statistics compiled by the now-defunct National Advisory Council of Economic Opportunity, one female-headed family in three is poor. The income gap betwen the sexes is by far widest among the young. Women age sixty-five and older are said to be the fastest-growing poverty group in America today.

One consequence of pay equity is that most have no pension plan when they retire. In 1980 the average Social Security payment to retired women was under $4,000 a year. Three-fourths of the elderly with incomes below $5,000 a

year were women. And minority women fare worse than any, which brings me to the point of why a solution has to be reached concerning pay equity. Unemployment, especially among blacks.

I believe the unemployment rate in the state of Utah is hovering right at 6 percent. Unemployment among blacks in the state of Utah is about 18 percent. And the unemployment among black youth in the state of Utah is right around 48 to 50 percent, which is a litle bit less than what the national average is. What does this do for the families of blacks in this state, or nationally?

One place that we can look is the reason why Shauna couldn't be here today, because of an emergency there that she had to see about at the Point of the Mountain. When the black population of the state of Utah is less than 1 percent, and the population of the blacks at the Point of the Mountain that are incarcerated is better than 14 percent. Why is that so? Simply because minority women not only have the problem of discrimination because of their ethnicity, but also because of the impact that women have in the work place, and the supply and the demand in the areas that they have the skills.

In the state of Utah, we have implemented a program called the Alternatives to Women on Welfare. I was just talking with a young lady prior to my coming over here this

afternoon, that started out in the Department of Personnel as a clerk-typist. And the trining that we gave her there, and the kind of work, the upward mobility, the ladders and lattices that we have developed, or are attempting to develop in state government, she's been gone from our office now for about a year, and she's just been promoted to an entry-level on her job as a loan officer with the State Housing Administration.

Which goes to let us know that women are not dumber than men, all they need is an opportunity. And neither are men so smart that they should have a monopoly on all of the good-paying jobs, but an opportunity should be established on behalf of women so that they'll be able to do the things that men do not do.

Statistics tell us that divorced and separated or widowed women, displaced hommakers by the millions, most frequently can only get low-paying secretarial, clerical, health, and social service jobs. Seventy-five percent of single-parent families are the result of divorce and separations. Ninety-five percent of the children live with thier mothers after the divorce.

This is the impact that we have on social services benefits, because those men who are required to pay child support, very few of them even stop by to see about the child. So that the impact in raising the youth in Utah, and

nationally, is laid on the shoulders of the widow, the divorcee, and the single-parent family. And in 95 percent of the cases, it is the female.

So therefore, we have an impact that causes a disparity in the employment of females in positions that pay in an area, or in the degree that they can adequately raise their children, educate them, and support them. So no wonder our prisons are full, and no wonder that those women that come into the work place come in at the entry-level jobs that they have, and the pay is unequal.

What can we do about it? Well, there are a number of things that have been listed that some say that we could do about it. Monies should be allocated or identified for training. Monies should be identified and allocated for increasing the salaries of women. Money should be identified for supplementing, to take care of that portion where the male factor of that family has deserted the family, and give the female an opportunity to compete with males in the work place.

Too little too late has been done on behalf of females in the area of employment and in pay equity. We've gone to court, we've debated it, we've looked at it, we've examined it, but we have not come up with a solution, and in many instances we're not even trying.

Laws were passed whereby women entrepreneurs would

have an opportunity to compete with men in the area of contracts, and the entrepreneurship of their own businesses. But we find that someone has asked the question, as stated earlier, we find that even those women are exploited to the degree whereby 80 percent of them, rather than being legitimate businesses, are fronts for a male that stands in the back, takes advantage of the profits that are to be made from the entrepreneurship, and the female is still left holding the bag.

The competition in the corporate world, monies are not allocated on behalf of women whereby they can train and be able to compete with men, who traditionally have competed in the workplace for those contracts for years.

Our system has developed so that women are out of the ordinary when they begin to compete for entrepreneurships, contracts, or those kinds of things. A case in point. In the state of Nebraska, two women are competing for the governorship of that state. That's national news. It happens every day with two men. Hardly anyone takes notice. It's the same thing, if a female is made the director of a department, it's state-wide news that a female has been made a director.

Why is that so different? Simply because the system, our national system, our children, we have been taught from the cradle to the grave, that women should grow

up and be wives and homemakers, and there's nothing wrong with that. But some of the things that are not included in those things that have been taught, is that men should grow up to be men that support those wives and those children that they want home.

But it is becoming fashionable now to shack up, or to live together without the marriage bond, or the contract of marriage, so that either partner can walk away whenever they feel so, and leaves the burden of supporting that family on the taxpayers. Therefore, the question was raised, are we losing ground, or are we gaining ground? And is the middle-class family, are we losing it?

Yes, we are. The gap is growing wider and wider and wider. The rich gets richer, and the poor gets poorer, simply because we do not allocate enough funding, there is not enough being done on behalf of pay equity.

If a person is able to work and to support themselves, then send their children to school, they're able also to send them to good schools and to be able to train them in the fields whereby the jobs are available. But how many minority women do you find that is able to send their child to college? And in the process, over the years of trying to go to school, when they have to go out and work, and 30 percent of the time they're not even in class, it's because of the fact that somewhere along the line we have

dropped the ball about supporting pay equity, and seeing to it that women are paid, and that their brains are used, rather than to group them in a pot, more or less, of cheap labor.

So what should be done? Aside from the fact that money is being set aside, unions and government and employees associations should be able to negotiate in their contracts something in there that would include pay equity for women, and education, as Mrs. Hales was stating. Education in the area of the work field and how to go about it, and it should start in kindergarten, rather than starting in senior high school. We have to start earlier.

And then not only that. Strikes in the work place, and also civil disobedience, to get the attention of our national officers, to get the attention of corporate management that something has to be done, and it has to be done soon. Otherwise the structure of the work force as we know it today will be completely eliminated. And we'll find that we'll spend more money, as we already are, supporting our penitentiaries, than we are supporting our education institutions.

I hope I've said something that will alert you all to some of the things that we need to do on behalf of pay equity, and the disparity, and what women are dealing with in the work place today. Thank you.

MR. BOCAGE: Any questions from the panel?

MS. ISHIMATSU: Do you have any kind of a tie-in with the migration pattern of blacks into the state of Utah, and the high percentage of blacks in the prison, and the high number of youth who are jobless? Do you have any kind of a study?

MR. ROBINSON: Not- -

MS. ISHIMATSU: The reason I asked that, is are these people who are in the prison, a high number of blacks when the population is low, are these people coming in from outside seeking jobs, and then do they end up in prison? Or the same thing with the jobless rate, are the young folks coming in from out of state to the state of Utah, seeking jobs, and hit the payrolls as- -

MR. ROBINSON: At one time that was the case. But we have the same problem in Utah that we have nation-wide. In counting blacks, and I'm speaking for blacks, when you count blacks nation-wide, the census takers, when it comes to counting blacks, always come up short on the numbers of blacks that they're counting.

According to the census, I guess we count blacks in the state of Utah at somewhere between twelve, 13,000. But most blacks that work in the community know that there are eighteen or 19,000 blacks in this state.

At one time it was a situation where blacks would

migrate to the state, and some of those that were passing through because of the central location of Utah, that many of the inmates at the Point of the Mountain that were black were out-of-staters. Either that, or they found that in many prisons across the country, that some are sent to the state of Utah for their own protection.

But as the population of the state of Utah begins to grow, then we find more and more that the pay equity, or the comparable worth of the pay in the black community is lower than it is in the white community, so that we have more black children dropping out of school, more black children that are pushed out of school, so that after they get through, then the only thing that they know to do are the things that they learn in their own community.

So that the majority of those that you see are those who learn early how to burglarize, how to push dope, how to prostitute women, and those kinds of things. So eventually those things catch up. And then, of course, as you begin to work with them, then you find that more and more, as the families grow, and that single-parent family is unable to support three, four, five children, then the motherhood begins to get lower and lower, so that then they begin to do the things that they know how to do best, and it's not the things that they learned in school. Because they have no skills.

It's an economic condition that impacts on the whole community. The teacher is not paid enough that she can reduce the classroom size to give the child the individual attention that is needed, to pull out of that child the innate ability that it has to test and find out what direction should the child go in order to develop them.

Those are the kinds of problems that we're looking at, and many of the teachers in the state of Utah, in many, many instances, the first time they have ever come in contact with a black is when they see that child walk in the classroom, and they have no idea whatsoever of how to communicate with them, and how to motivate that child.

MS. ISHIMATSU: Thank you.

MR. ROBINSON: One case in point is that, which it's a black trait. Most blacks, when we get excited, or emotional, our voice goes up. And most whites feel that when your voice goes up, that you're fighting. So then they call that fighting. But where I come from, what we call fighting is that we get down to serious business.

So then my child is accused of fighting in school, when acutally all he did was he got emotional, and his voice raised. So he gets expelled out of school, and the single-parent families do not even have the time to go down to the school to see about it, so the child sits home out of school two weeks before he can get back in school.

So the impact, it's an economic problem. That's why it's so important that we do something soon to increase pay equity when it comes to females.

MS. HUTCHISON: May I ask a question? I have a major concern about the dropout, and how to retain students, both Hispanic and the black, and the white, any student that drops out.

Let me ask you, in your studies and your information that you have, do you find that the black students go into a vocational training programs, do they take advantage of those kinds of opportunities to learn skills? I guess what I'm trying to- - I'm trying to look at that high unemployment rate, and wondering if we have any kind of data on- -

Let me back up a little bit. Because some of the tests that we've done as far as students going into different jobs, they usually relate to jobs that family or acquaintances have gone into. If you ask a young person, the only thing that they know, you ask them what job they want, they identify with someone that they know. Do you have anything that would indicate the different jobs that are held by the black community so that, for the young people to be able to identify and go into? Do you know what I'm trying to- -

MR. ROBINSON: Yes, I think I understand what

you're saying. And state government, we're able to identify some role models. I guess that's what you're talking about, to identify blacks that are in particular areas that they can serve as role models.

My oldest boy, just about three weeks, maybe a month ago, the first of this month, I guess it was, sponsored in conjunction with the Board of Education, a black women's symposium for black female youth. And for them to explain to them the kinds of roles that they have, the kinds of jobs that they have. Dr. Effacia Adams from the university, a black engineer, the black prison warden out at the prison, a black attorney, and a black mortgage loan officer, those kinds of things, and to explain to the youth the kinds of jobs that they have. And we're trying to make that an annual thing.

Role models in the state of Utah are hard to come by. But those that are available, we try to make them available to our youth. One of the handicaps that we have in the state of Utah is that, and it's a handicap in one way, and it's a blessing in another. In the whole state of Utah we don't have a black ghetto. And so the blacks are widespread, with the numbers that we have. Say, from Sandy to the south, to North Ogden to the north, are concentrated 95 percent of the blacks in the state of Utah. But in so doing, whereas if we were in Sacramento, California, you

could go to Oak Park and do a role model kind of thing, and you would have thousands of blacks, because they're concentrated there.

But to do something in the state of Utah, then blacks have to come quite a distance in order to participate. And then the other thing is, to get the numbers of blacks that we have in the state to participate in functions such as this. Which brings out another point that we have a problem with pay equity, is that one of the major problems of keeping the equity, the pay of women down, one of the biggest, a major problem, is women themselves.

Because of the fact, when women try and increase the salaries of women, or when men try to increase the salaries of women, there are all kinds of connotations that go with that. If the director of a department brings in a young female and attempts to try and work her up the ladder, that director has to be careful if he is not accused of sexual harrassment, and this is his own, personal bed partner.

You see, and those kinds of accusations come from other women, rather than men. And I had a situation in state government where I had an opportunity to work with a young lady to transfer her from one department into another department, with a three-step increase. And the opposition, so that we could not, in fact, effect that, the opposition

came from two women, who I thought would be slapping me on the back for, "Robby is trying to do something on behalf of a woman." But that's not unique.

We, as blacks, in the early fifties, of the civil rights movement, we had the same problem we had to deal with, that some of our problems in trying to get things done came from blacks, themselves. So we have that problem. Education is critical in this area.

MS. HUTCHISON: Well, that's why I felt comfortable in bringing that subject up and talking about it in pay equity, because before we can even talk about pay equity, we have to get them into jobs. And that's why I felt comfortable with that.

MR. ROBINSON: True. I think that's an excellent program that we have, the Alternative to Welfare Mothers, is an excellent program we have in the state. We just don't have enough money to get enough women involved in it.

MS. MASUR: Mr. Robinson, I'd have to say that I have learned more from you about Utah, which is what we were here to learn, than I think from any other speaker today. And partly that's due to the fact that we don't seem to have the information presented to us, so I appreciate that.

But some of the, many of the problems that you brought that you placed at the door of pay equity, I don't think belong there. For example, you indicate that it's

difficult for woman entrepreneurs to be given opportunity as a woman. Nobody knows that more than I. And anybody who has, any woman who's ever run for office, for exampmle, in the state, knows that the major opposition is from other women, the women are divided.

But when it comes to women entrepreneurs, or black entrepreneurs, or Hispanic, one of the reasons stated for the possible demise of the Small Business Administration is that they are not effective. And one thing, the main thing that they're not effective in is that they cannot get women to attempt to come in and take advantage of the programs. They cannot get the Hispanics. That is the problem. They have gone out into the community and have tried to get them in, and have not succeeded.

I'm not sure that you can place that at the door of pay equity. When it comes to the two women who were running for governor, and those women who become directors, I would say, "Hallelujia," I think it's rather to point out that there aren't many of them to stand up and say, "Finally," and support them.

Teachers, for example, figures just issued by Newsweek, the average teacher on the national level gets $25,300, compared to an average salary national of $13,000. In Utah the average teacher earns $22,370, compared with a $10,000 average earning capacity.

So I think our teachers are given more of their income than in almost any other state with two possible exceptions. I don't think you can put that at the hands of pay equity. So I'm wondering if some of the things that you have pointed out, for example, you said money should be allocated to antidiscrimination. Every college, every school district, every, most of the larger companies in the state, have large antidiscrimination offices, which are very costly. I think that they're in place for that.

Seventy-five percent of divorced women have their children, but don't you see, that isn't society's problem if these women did not make good marriages. Sure we have to help them. That has nothing to do with pay equity.

MR. BOCAGE: One minute.

MR. ROBINSON: If I could respond to that, you make an excellent point. You make an excellent point. Especially in the point that you make concerning teachers in the state of Utah.

But take the same teacher, take the same female teacher and compare that female teacher with the male teacher. Even when the female teacher has more experience or more seniority. Take also, for instance, the administrators that you look at. Those that are in the higher eschelon, you see. In other words, have we ever had a president of the University of Utah female?

MR. MASUR: No more than you've had my descent, which is Polish, or whatever.

MR. ROBINSON: What I'm saying is- -

MS. MASUR: Or Catholic.

MR. ROBINSON: What I'm saying is, is the fact that the number of women that are in the field of education outnumber the number of men. But the number of men that are in the high eschelon of education outnumber the women. So then the women in the educational field are not given the same opportunity that the men are given.

MS. MASUR: But can I say that the women are given more opportunity than they were. There are more principals who are females today in the state of Utah than formerly.

MR. ROBINSON: Sure. And I'd be one of the first to say, and even to be able to congratulate the Granite School District, because one of the, you know, one of our principals there are black. But on a whole, when you begin to look at the difference in pay equity between men and women, it goes back farther than just what is being done today.

First, you have to consider that men have been in the work force far longer than women. But now what we find coming, and coming fast, is the fact that there is a greater need, and when you mention the greater need because of the number of children that a female has is because of the kind

of money that it costs us, as a community, to support that family. Whereas the man, who is paid more, walks away quicker and leaves the load, who is able, is capable of doing that. That's where the inequity comes, and that's what makes the gap wider.

MS. SILVA: It doesn't matter how many men are principals. Say there's an overabundance of female principals in the state. But if the superintendents are all males, they're the ones in the decision-making process. I think that's where you make the impact, is who is in that position to make the decision as to what comes down in terms of curriculum, in terms of everything else.

MR. ROBINSON: Also we would look at the number of principals, and those in the state of Utah, we would find a tremendous disparity in the numbers, and with the qualifications and the exeperience and the seniority, not only in education, but in the medical field, in engineering, in the accounting field, we'd find the same disparity.

And the move that we, the effort that is being made should be triple, quadruple, in order to try and keep pace, let alone, without losing ground.

MR. BOCAGE: Thank you, Mr. Robinson. Okay, I don't see any of our next panel on the media, so maybe we could take a break until I see the two or three people that are scheduled to come, and then we can reconvene.

(WHEREUPON this public forum was adjourned.)

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C E R T I F I C A T E

STATE OF UTAH)
ss.
COUNTY OF SALT LAKE)

I, Cecilee Gruendell, do hereby certify that I am a Certified Shorthand Reporter and Notary Public in the State of Utah; that as such Reporter I attended the hearing of the foregoing matter, and thereat reported in stenotype all the statements and proceedings had therein; that thereafter I caused to be transcribed my said stenographic notes into typewriting, and the foregoing pages numbered from 3 to 189, inclusive, constitute a full, true, and correct report of the same.

Dated at Salt Lake City, Utah, this 13th day of June, 1986.

Cecilee Gruendell
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10 March 1990.

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