

15  
1

A NEW COMPENSATION STANDARD:  
EQUAL PAY FOR EQUAL WORTH IN WASHINGTON STATE

by

Carol J. Edlund

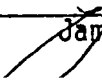
Dissertation submitted to the Faculty of the  
Virginia Polytechnic Institute and State University  
in partial fulfillment of the requirements for the degree of

DOCTOR OF PHILOSOPHY

in


Public Administration and Policy


APPROVED:

 James F. Wolf, Chair /

 LeeAnn Whites

 Charles T. Goodsell

 Thomas H. Roback

 Margaret A. Eisenhart

June, 1988  
Blacksburg, Virginia

A NEW COMPENSATION STANDARD:  
EQUAL PAY FOR EQUAL WORTH IN WASHINGTON STATE

by

Carol J. Edlund

Committee Chair: James F. Wolf

Center for Public Administration and Policy

(ABSTRACT)

Comparable worth is a compensation strategy which goes beyond the equal pay standard. It uses job evaluation to measure job worth across occupations in the same organization. Rather than relying solely on prevailing market rates, the employer identifies compensable factors. Salary ranges are determined by how much each factor is present in the job.

Washington is an appropriate case because it coined the term comparable worth, led the nation in conducting pay equity studies of its work force, and is the only state to implement a negotiated agreement. The dissertation examines the implementation process and suggests how others can benefit from the state's experience.

The case is reported in two phases, with the lawsuit as pivotal point. During the ten-year policy development period, interest groups, the union, and personnel staffs gathered data. However, the various study recommendations did not culminate in statutory action, so the union filed suit. The second phase begins with negotiations and the

plan itself. Analysis of this period focuses on the problems encountered since the plan went into effect.

Six driving forces explain the actions and activities which moved the idea from concept to practice: (a) awareness of inequity, (b) actions of key political actors, (c) economic pressures, (d) the lawsuit, (e) time constraints, and (f) personnel capabilities.

Several implications suggest how the dissertation can help other employers who are contemplating this new pay standard. When pay equity studies are conducted, some follow-up action should be forthcoming. Second, a comparable worth plan requires extensive preparation, not only in the agenda-building stage, but in program development. Third, all job classes should be evaluated to avoid problems of class distortion and disruption. All implementing officials should be included in the planning process. Fourth, comparable worth does not require new methodologies. Most employers are familiar with job evaluation techniques, hence the tools are available already. Finally, comparable worth does not need to be implemented as a woman's issue. It is a compensation strategy which addresses all undervalued occupations. For these reasons, it is a significant mechanism for evaluating dissimilar jobs and correcting wage inequities.

## ACKNOWLEDGEMENTS

I wish to acknowledge and thank the following people.

The members of my committee, especially the chair, Jim Wolf, who advised and finally consented;

The respondents in the state of Washington who willingly and generously shared their time and memories;

My friends who gave moral support;

My family, particularly my children, who believed this degree was do-able;

and who both knew more about Wordperfect than I did;

my graduate assistant, who typed the paginations; and

for his love.



## TABLE OF CONTENTS

I.	INTRODUCTION . . . . .	1
	Focus of the Dissertation . . . . .	1
	Sex-Based Wage Discrimination . . . . .	1
	Antidiscrimination Statutes and Case Law . . . . .	4
	Socioeconomic Conditions . . . . .	8
	Toward a New Pay Standard . . . . .	13
	Rationale for Conducting the Study . . . . .	15
	Statement of the Problem . . . . .	15
	Purpose of the Dissertation . . . . .	16
	Contributions of the Study . . . . .	17
II.	BACKGROUND OF THE PROBLEM . . . . .	
	Theoretical Roots of Comparable Worth . . . . .	22
	Equity Theory . . . . .	22
	Neoclassical Economics . . . . .	23
	Radical Economic Theory . . . . .	26
	Personnel Administrative Theory . . . . .	27
	Comparing the Theories . . . . .	28
	Occupational Segregation . . . . .	30
	Issues Which Comparable Worth Addresses . . . . .	33
	Defining Comparable Worth . . . . .	46
	The Historical Roots of Comparable Worth . . . . .	47
	Implementation of Comparable Worth . . . . .	52
	Elements of a Comparable Worth Strategy . . . . .	52
	A General Model for Studying Implementa-	
	tion Processes . . . . .	64
	Conclusion . . . . .	68
III.	RESEARCH METHODOLOGY . . . . .	71
	Rationale for a Case Study Design . . . . .	71
	Components of the Research Design . . . . .	74
	Conducting the Case Study . . . . .	81
	Preparing for Data Collection . . . . .	81
	Collecting the Evidence . . . . .	87
	Case Reporting . . . . .	92
	Data Analysis . . . . .	92
	Interpretation . . . . .	95
	Conclusions and Recommendations . . . . .	96
IV.	IMPLEMENTING COMPARABLE WORTH IN WASHINGTON	
	PHASE ONE . . . . .	98
	The State Personnel Systems . . . . .	99
	Washington's Compensation Policies . . . . .	102
	Prevailing Market Rates . . . . .	102

Comparable Worth . . . . .	106
Washington's Political Economy . . . . .	113
The Colonial Period . . . . .	113
The Manufacturing-Cold War Period . . . . .	118
The Current Political Economy . . . . .	123
Summary . . . . .	125
The Policy Implementation Process: Defining the Concept . . . . .	127
Early Agenda Building . . . . .	128
Examining the Pay Structure for Inequities	134
Taking Legal Action . . . . .	155
Taking the Issue Seriously: Comparable Worth Legislation . . . . .	156
The Lawsuit: AFSCME v State of Washington	162
The First Serious Comparable Worth Payments . . . . .	184
Summary of the First Phase . . . . .	186
 V. IMPLEMENTING COMPARABLE WORTH IN WASHINGTON PHASE TWO . . . . .	196
Operationalizing the Policy . . . . .	196
Terms and Conditions of the Agreement . . .	196
Preparing for the First Installment . . .	200
The Comparable Worth Plan . . . . .	202
Problems and Complaints . . . . .	205
Assessments . . . . .	220
Consultant Reports . . . . .	220
The LEAP Committee . . . . .	226
Summary of Phase Two . . . . .	235
 VI. ANALYSIS: DYNAMICS AND IMPLICATIONS FOR ACTION . . . . .	239
Awareness of Inequity . . . . .	240
Actions of Key Political Actors . . . . .	246
Norm Schut . . . . .	247
Key Governors . . . . .	250
Key Legislators . . . . .	256
Economic Pressures . . . . .	262
The Lawsuit as Stimulus for Action . . . . .	267
Time: A Liberator and a Constraint . . . . .	273
Personnel Management Capabilities . . . . .	279
Concluding Observations . . . . .	290
Implications for Action . . . . .	296
 REFERENCES . . . . .	305
 APPENDIX A: AGREEMENT . . . . .	323

## CHAPTER ONE

### INTRODUCTION

#### Focus of the Dissertation

Comparable worth, equal pay for equal worth, is a new compensation standard. It addresses three defects in existing pay practices: (a) a sizable wage disparity continues to exist between the aggregate earnings of women and men, (b) the majority of working women are not protected by equal work legislation, and (c) socioeconomic conditions of the work environment have changed so that old policies are less relevant. The wage gap has not changed markedly in the last century despite the presence of more women in the work force (Illich, 1982) and the passage of antidiscrimination laws (Willborn, 1986).

The dissertation focuses on an attempt to correct the wage gap between male and female earnings through a comparable worth pay policy. The study describes how one state is implementing such a strategy.

#### Sex-Based Wage Discrimination

The wage differential between male and female workers is one of the oldest and most persistent indicators of sexual inequality (Steinberg, 1984).<sup>1</sup> For every dollar earned by men, women are currently paid approximately 64 cents (Gradison, 1985). This figure has remained relatively

stable for the last century. The median year earnings of the average full-time employed woman hovers around the 3:5 ratio, the same percentage it was a hundred years ago (Illich, 1982).

The most frequently mentioned cause of the wage gap is the concentration of women in female-dominated jobs. Blumrosen (1984) argues that job segregation is a major characteristic of American work life. The National Research Council notes that the more an occupation is dominated by women, the less it pays (Treiman & Hartmann, 1981). The extent of this occupational segregation has remained relatively unchanged since the turn of the century (Grune & Reder, 1984).

Not only have women predominated in the same occupations, but their participation rates are confined to fewer categories, a phenomenon known as "occupational crowding" (Bergmann, 1986). For example, in 1982 over half of all women workers were employed in only 20 occupations out of a possible 427 (Grune & Reder, 1984). The situation is similar in public employment where men and women dominate their job classes by large margins, with most classes being male-dominated (NCPE, 1984). Even within those occupations, women fill the majority of lower paid positions. Because men and women work in different occupations, they do not compete with each other; consequently, the sexes operate in different, noncompeting labor markets (Oppenheimer, 1976).

Unequal opportunities to participate result in unequal rewards (Bergmann, 1986). For these reasons, women have suffered extensive discrimination in the labor market (Aaron & Lougy, 1986).

Sex-based wage discrimination occurs even when productivity levels are equal.<sup>2</sup> Paying the same wages for equal output is good economics, however, the difficulty is measuring productivity (Willborn, 1986). Consequently, human capital characteristics such as education and experience become proxies for productivity. Workers invest in job-related skills because these qualities have market value. If the market were perfect, equal characteristics would yield equal wages. However, wages between the sexes are not equal. At least two reasons explain these differentials: (a) market forces operate differently for men and women, and (b) statistical instruments fail to capture all of the complex relationships.

Multiple regression is the most frequently used statistic for predicting pay and determining the presence of discrimination (Sullivan, 1985). The dependent variable (actual pay rate) is regressed against independent variables such as evaluation points, sex, length of service, etc. Statistical evidence indicates that human capital differentials between the sexes do account for some of the wage gap, however, a considerable part of the gap is not explained by these differences (Bergmann, 1986). Other

worker attributes such as union membership, place of residence, hours worked, and supply and demand also account for variation (Ibid.).

If the pay gap remains when all other factors are examined, the debate shifts from an individualist (human capital) to a structuralist perspective (Steinberg, 1984). The focus shifts the problem and solution to the personnel/market systems, because these levels determine pay policies. Employer practices are based on the premise that work roles are socially defined by sex (Becker, 1957). Because women's labor is compensated differently, the sex composition of an occupation is the "single best predictor" of earnings (Treiman & Hartmann, 1981). Wage discrimination occurs when occupations are segregated by sex and is perpetuated when employer practices reflect societal bias. One way to address the problem is through passage of federal antidiscrimination legislation.

#### Antidiscrimination Statutes and Case Law

Two federal laws address sex-based wage discrimination in the work place. The Equal Pay Act (EPA) of 1963 requires that when jobs in the same establishment are equal (or substantially similar) and have the same working conditions, they should be paid equally. This equal work standard is the prevailing pay policy in the United States. However, the law provides that for certain exceptions, or affirmative

defenses, employers are allowed to pay different rates. This rule applies when one or more of the following conditions is present: (a) seniority, (b) merit, (c) quantity or quality of production, and (d) any factor other than sex. The equal work standard is the prevailing pay policy in this country.

Title VII of the Civil Rights Act of 1964 (Equal Employment Opportunity) forbids employers from discriminating in any term, condition, or privilege of employment because of race, color, religion, sex, or national origin. In 1972 the act was amended to incorporate state government and the four EPA defenses. This inclusion is particularly relevant to the dissertation because it extends the equal work standard to state employees. The Equal Employment Opportunity Commission (EEOC) is the federal agency authorized to administer these two statutes; however, during the Reagan years its emphasis has been on EPA rather than Title VII complaints.

Both laws pertain to conditions of equal pay for equal (or similar) work. Title VII prevails in cases where pay differences of dissimilar jobs are sex-based (Sullivan, 1985). Two further limitations also prevail: (a) EPA does not address the problem of women's low pay, and (b) Title VII does not mandate how jobs are evaluated, only that employers cannot use sex to set pay (Ibid.). Consequently, neither statute covers the majority of working women, nor

have legal interpretations, in general, gone beyond either the equal work or market-based standards.

Case law reveals the extent to which the courts have been willing to go in their interpretation of federal laws. In Christensen v State of Iowa (1977), female clerical workers did not prove that the university was guilty of wage discrimination when it paid physical plant (male) workers more. Paying market rates is not a Title VII violation. An Oregon case yielded quite a different opinion. In Gunther v County of Washington (1981), the Supreme Court ruled that Title VII prohibits employers from intentionally paying female jail guards less than male correction officers. Thus discrimination can be established under Title VII when it is shown that wages are depressed because of intentional sex discrimination, even when the jobs are not substantially similar. Only the four EPA defenses, not the equal work standard, are incorporated into Title VII. Although this case opened the door to a possible comparable worth doctrine, Gunther was narrowly construed and no other court has moved in that direction.

The next two cases are important because they occurred in Washington state. In Spaulding v University of Washington (1984), the nursing faculty failed under both federal statutes to (a) prove their jobs were substantially the same as their male counterparts (EPA); and (b) establish a discriminatory motive regarding disparate treatment (Title



VII). The Ninth Circuit Court's ruling established an important precedent. The use of market data does not itself constitute discrimination, even if the results are discriminatory. The court held that as long as the information comes from bona fide salary surveys and is statistically valid, employers are acting within the law (Sape, 1985). In other words, the existence of a pay disparity does not establish discrimination. For that to prevail, plaintiffs must prove deliberate discrimination.

In AFSCME v Washington (1985), the same Ninth Circuit Court held that the state was neither liable for discrimination in the market nor was it compelled to implement the results of its comparable worth studies. The state's failure to pay its female and male employees their evaluated worth did not constitute discrimination under Title VII. This ruling completely overturned the district court's finding that the state was guilty of discriminatory practices.

It is apparent from this review that the courts, in general, adhere to the market principle and decline to define comparable worth (DeForest, 1984). Wage discrimination is a legal theory, under EPA conditions, but comparable worth is not, under either statute. Consequently, no federal law mandates an equal worth standard. Title VII appears on its face to ban all forms of sex-based wage discrimination. However, to date, it has not

offered protection because of its reliance on the equal work standard and judicial consensus that market pricing is not discriminatory. The trend is for courts to refrain from making judgments on what jobs are worth or to override the market standard (Balkin & Gomez-Mejia, 1987). Thus it does not appear that these laws are the vehicle for eradicating the sex-based wage gap (Ledvinka, 1987).

### Socioeconomic Conditions

Sex-based wage discrimination is rooted in societal attitudes towards women, particularly the value of their work (Steinberg, 1984). Traditionally, a woman's place is in the home where her primary roles are wife and mother, not worker per se. Her domestic activities have no marketable value because home work is unpaid ("a labor of love"). When women work outside the home, these ideas transfer to the marketplace where female occupations correlate with home labor. Consequently, an association with domesticity determines not only the work women do, but the value attached to it (Groneman & Norton, 1987).

These attitudes have prevailed in the work place in two important ways. First, protective legislation, while designed to protect women from harsh working conditions, in practice, served to ban women from men's work and wages (Baer, 1978). Secondly, occupational segregation by sex restricted the number of jobs available to women, created a

two-tier employment structure, and defined work as masculine or feminine (Feldberg, 1984).

The rationale for placing a higher value on men's work was family maintenance. A "family wage" declared that men's wages should be sufficiently high to keep wives and children out of the work force. In addition to economics, morality was another aspect of maintaining families. When women worked away from home, a social problem developed. With neither parent at home, "the family would hardly be a family" (Oppenheimer, 1976),<sup>3</sup> thus the higher male wage protected family integrity (Carlson, 1986). Both of these conditions assumed that males were the major (and sole) wage earners.

Because of their primary domestic roles, female workers are considered temporary employees and secondary wage earners (Johansen, 1984). Their wages supplement rather than sustain family units. Work force participation is determined either by personal choice (job selection complements domestic roles) or discrimination (employer practices reflect tradition). The result is that female-dominated jobs pay less, have lower status, and are not upwardly mobile.

World War II war was a significant turning point in the history of women's employment. It legitimated married women's participation in the work place and introduced them to men's work and wages (Business Week, 1985). Although

their labor was necessary to support the war effort and to "hold" jobs for men, married women's entry into the labor market presaged profound changes for themselves and society.

This transformation is more apparent when analyzed demographically. A majority of women are now employed outside the home: 55.5 percent of all women are in the work force (54% white, 57% black) (U.S. Department of Labor, 1985).<sup>4</sup> The numbers increase dramatically by age, e.g., between the ages of 20 and 44, 71% of women work (Evans, 1987). The majority of families now contain two wage earners (one of whom is usually female) because most male jobs cannot support a family of four comfortably (Ryan, 1983). The family wage policy is obsolete, because less than 15 percent of households now fit the "traditional" model, as compared to 70 percent in 1950 (Marshall, 1982). Consequently, the male is often no longer the sole breadwinner.

Several reasons explain why most women are working rather than staying home. Many women live independently because they outlive men, are single, and have fewer children. White women's life expectancy is now 78.9 years (73.6 years for black women) as compared to 72.0 years for white men (65.6 years for black men) (U.S. Department of Labor, 1987). Marriage rates have declined in the last ten years because women are pursuing education and careers. Ryan (1983) calls this phenomenon the "rise of the primary

individual." For the first time in American history, more women are living alone.

Many more women are supporting themselves and their families without spousal support. In cases where wages are insufficient to maintain the family adequately, a new sociological condition has emerged--"the feminization of poverty." The primary cause of this phenomenon is low wages (Feldberg, 1984). Almost half of the families maintained by women have incomes below the official poverty level, compared with 10 percent of two-parent families (Hayghe, 1984). Approximately 13 million women are living in poverty (Business Week, 1985). Most of these women would not be poor if they were compensated for the evaluated worth of their jobs (Grune & Reder, 1984).

This analysis suggests possible assumptions and contradictions about women's economic status. On the one hand, many more women are working, yet more women and their children are poor. Marriage is a primary determinant, because it is the principle institution of income redistribution for women (McCrate et al., 1987). Whereas women's and children's living standards improve considerably in marriage, divorce increases the risk of poverty. No-longer married women have declining access to money. On the other hand, independent women, especially those without children, have greater access to education and higher paying nontraditional jobs. However, advanced education does not

always lead to higher wages. Research indicates that women with a college degree earn less than men with fewer than eight years of schooling (Barrett, 1987).

Women's labor participation is changing the nature and structure of the work place. They occupy two-thirds of the newest jobs, especially in service and information occupations where the economy is expanding rapidly. Not only are they entering the labor market at a faster rate than men,<sup>5</sup> but women are moving with greater numbers into nontraditional jobs, gaining more work experience, and remaining as permanent workers (Business Week, 1985). In the process, women are questioning political and economic power. Some of their demands are for more worker participation, collective bargaining (especially in the public sector), and pay equity. In calling for greater recognition of their needs and contributions, women workers and activists advocate structural changes in personnel systems.

These socioeconomic conditions have altered the work environment and, in so doing, challenge us to rethink how we value labor. Policies designed for a male head-of-house society do not pertain to a work environment composed of more women, many of whom are single parent wage earners. Female economic needs are now more similar to male workers; therefore, it is time to consider a new pay policy.

### Toward a New Pay Standard

Concepts of equality in the 1960s focused on equal treatment for people "similarly situated." The dilemma is that the equal work standard does not address the reality of most women's work experiences. Although there have been brief periods when women performed men's work, in general, the majority of working women have always worked in female-dominated occupations which are characterized by low status and pay (Groneman & Norton, 1987). Failure to reform the situation means that discrimination will continue to play a significant role.

For these reasons, issues of economic equity are key items on women's political agenda (Johansen, 1984). With a shift away from equality to equity, there is less concern for identical treatment and more emphasis on fair distribution (Makela, 1985). Equity as justice and fairness relies on an ethos which recognizes similarities, while at the same time acknowledging differences. As human beings, people have basic survival needs; yet individually these requirements are satisfied in different ways. Women's individual experiences challenge the stereotype of women as a class. For example, most women's financial obligations are not fulfilled by prevailing market prices. These rates usually place a higher value on productivity and blue-collar working conditions--factors which do not describe the majority of women's work (Aaron & Lougy, 1986). Different

needs require different policies--a single rule does not cover the diverse needs and contributions of today's work force. America is becoming a "multiple option society rather than a society of the common rule" (Marshall, 1983:10).

The political and socioeconomic conditions now are quite different from 25 years ago when EPA was enacted. Domesticity no longer describes reality because most women are working permanently outside the home. A wage standard based on protecting male wage earners seemed appropriate when men were the major breadwinners and women's earnings were secondary sources of income. Equal work and laissez faire may be good economics, "all things being equal", but these principles work differently in a two-tiered work environment.

A new pay standard is necessary, one which recognizes social equity and values women's work on its own merits (Kessler-Harris, 1987). Working women, female advocacy groups, and public employee unions are seeking corrective action. They argue that the appropriate place to correct wage inequities is where they occur, namely, in the work place at the structural level of compensation policy. They call for a policy which relies more on internal equity and less on market conditions and the equal work standard.

Comparable worth is a frequently mentioned remedy. It is an ideology which informs political action and calls



attention to the value of work traditionally performed by women. As a pay strategy, it seeks to change wage determinations and relationships. It argues that worth is based on job content factors rather than whole job ranking or position classification, the traditional job evaluation methods. As a wage policy, it lies within the context of equal employment policy and thus is an extension of Title VII (Steinberg, 1984). Comparable worth as an alternative to affirmative action, argues that women should not have to take men's jobs to earn more money (Blum, 1987). Like EPA, it seeks pay equity, but goes beyond this law by addressing dissimilar rather than equal work. Finally, as an issue of fairness, it does not argue for equal treatment per se, but recognizes the value of different contributions (Majors, 1985). In summary, comparable worth is a controversial policy because it questions how society and the market determine job worth.

### Rationale for Conducting the Study

#### Statement of the Problem

The problem addressed in the dissertation is how to develop and carry out this new compensation standard. The theoretical literature on comparable worth and point factor job evaluation is well established. My purpose is not to make a case for or against comparable worth, for this has already been done (c.f., Livernash, 1980; Steinberg, 1984).

Less is known about how to implement a pay policy which differs from the existing equal work standard and market pricing.

### Purpose of the Dissertation

The dissertation seeks to understand how one state is implementing a comparable worth policy. Knowledge gained from one employer's experience is beneficial, because we can see what works, how much it costs, and what mistakes to avoid. We can also learn about the driving forces which helped move the issue through the political process or acted as constraints. Although conditions are never precisely the same in all settings, similarities do exist and there are bound to be aspects of one situation which can apply to others.

Comparable worth is not yet national policy, but it is becoming the wage-setting practice of many state governments. Several explanations account for this situation: (a) state employees are becoming increasingly more organized, (b) many states are using point factor job evaluation plans, (c) states are regulated by pay equity legislation, (d) wages in state government are less influenced by competitive product markets, and (e) judicial decisions focus primarily on state jurisdictions. Finally, in response to constituent pressures, legislatures are reevaluating their pay policies (New York Times, 1987).

Another reason for selecting this level is that state government is often the largest single employer in the state; therefore, its policies and practices affect many people. In that sense, government is a model employer, not only for its own employees but indirectly for others.<sup>6</sup> In this way, state government is a powerful agent for change. Many laws are enacted by the federal government after successful implementation at the state level. As laboratories for developing national policy, we can look at certain bellwether states to provide leadership. Washington has been the lead state in developing a comparable worth policy through the political process. Its leadership and unique experiences make it an appropriate state to study. In keeping with the purpose of the dissertation, the research question asks: How has comparable worth been implemented in the state of Washington and what lessons can we learn from this experience?

### Contributions of the Study

Research is lacking on how to move comparable worth from concept to practice. The dissertation is significant because it addresses this knowledge gap. It contributes to our understanding of how pay equity is being achieved through the implementation of a particular strategy. Comparable worth is designed to address that portion of the wage gap which is due to systemic undervaluation of work

performed primarily by women (Steinberg, 1984). In other words, that part of the wage gap caused by discrimination is what comparable worth seeks to eliminate (Willborn, 1986). Because it is a developing pay policy in the early stages of implementation, we need to increase our knowledge of the process through field research.

A second contribution of the dissertation is its selection of Washington. This state is studied for two reasons. First, Washington is typical of those states which are implementing comparable worth. Six other states have passed comparable worth laws as amendments to their civil service statutes and two states rely on administrative rules (GAO, 1985).<sup>7</sup> Along with eight other states, Washington has appropriated funds for comparable worth salary increases,<sup>8</sup> and is one of 30 states to have conducted pay equity studies of its classified work force (Ibid.). Also, Washington is similar to a pattern followed in other states whereby impetus for change has come from actions initiated by women's advocacy groups, public employee unions, and governors. Motivations for changing pay policies include a strong sense of social responsibility, desire to set an example of fair pay, and the prestige of being on the cutting edge.

A second reason for selecting Washington is its differences. Being first and a pioneer in so many significant ways makes Washington a bellwether state. It is

unique because it was the first state to: (a) conduct a pay equity study of its classified work force, (b) be sued for discriminatory pay practices, and (c) implement comparable worth as the result of a negotiated agreement. As the first state to study its compensation structure for bias, Washington introduced a new way to use an old tool. For the first time, a point factor job evaluation method was used to determine the comparable worth of sex-segregated occupations (Remick, 1983). Finally, as the state which officially conceived the term, modern day comparable worth was born in Washington.

Other states were reluctant to take the lead on this issue. They preferred to let a state like Washington fight the battle and pay the legal fees. In blazing a new trail, the state had no chance to benefit from others' mistakes. For these reasons, the Washington story serves as an appropriate example. It is important to keep in mind, however, that a single case study is not a "proven path." Each setting is different and the extent to which Washington's experience is applicable depends on the presence of similar conditions in other environments.

## NOTES

1. Sex is defined as the factor which differentiates humans on the basis of reproductive organs. Sex, as determined biologically, is a common characteristic attributed to all people, where anatomy is the raw material (Illich, 1982). On the other hand, gender is the concept used to characterize behavior (roles of the sexes), as defined by culture. To argue that women earn less because they are women, is to say that society places a different value on women's contributions in the work place.

2. Discrimination is defined as the act of distinguishing or clearly differentiating. Sex-based wage discrimination infers that distinctions in pay are made on the basis of sex. Where prejudice refers to cause (bias), discrimination is the effect (treatment).

3. Campbell's (1972) descriptions of the consequences of women working outside the home reflect the attitudes of the late nineteenth century and reveal the pervasiveness of these ideas: (a) breakdown of the family, (b) demoralization of the young, and (c) impaired health and strength of future generations. These values were influential in passage of protective legislation and the Supreme Court decision, Muller v Oregon, 1908, which held that women's participation in the work place should be restricted.

4. For comparison purposes, in 1900, 21.1% of all women (5% married) were employed outside the home (18.1% of the total labor force) (Klein, 1984). Where one hundred years ago women stayed in the work force an average of only five years, today their work attachment averages 28 years (Illich, 1982).

5. Men's participation rates are declining: 86.4% in 1950 v. 77.2% in 1980 (Marshall, 1983). Some of this decline is explained by the loss of manufacturing jobs.

6. This concept comes from Justice Marshall's dissent in Board of Education v Roth (1972), where he argues that as an employer, government must act differently from a private sector employer. Employment is one of the greatest benefits governments offer; therefore, Marshall contends it is in the state's best interest to act fairly and equitably.

7. Nine states have comparable worth statutes: Hawaii, Iowa, Maine, Minnesota, Montana, Oregon, Ohio, Washington, and Wisconsin. Massachusetts relies on an executive order and Michigan uses an administrative policy. Several other states have statutes whose wording goes somewhat beyond

equal work, e.g., "comparable work", but not as far as comparable worth per se (GAO, 1986)

8. States in addition to Washington which have adjusted wages for comparable worth purposes are: Connecticut, Indiana, Iowa, Maryland, Massachusetts, Michigan, New Mexico, Ohio, Tennessee, and Wisconsin (GAO, 1985).

## CHAPTER TWO

### BACKGROUND OF THE PROBLEM

Three bodies of literature inform the dissertation: (a) theoretical roots of comparable worth, (b) historical roots of comparable worth, and (c) implementation of comparable worth. They provide conceptual guidelines and act as lenses to focus analysis and discussion

#### Theoretical Roots of Comparable Worth

##### Equity Theory

Equity is defined as "the spirit and the habit of fairness, justice, and right dealing . . . grounded in the precepts of the conscience" (Hart, 1974:3). Social equity focuses on those classes of society which lack political and economic resources and therefore lie outside the traditional power structure. Hart (1974) argues that resource distribution relies on the doctrine of utilitarianism which considers the useful as worthwhile, i.e., achieving the greatest good for the greatest number of people. He believes this pragmatic paradigm has outlived its usefulness and in its place, calls for an alternative value based on distributive justice. The theory, which rests on a redefinition of equity as fairness, confronts us with notions of difference. It emphasizes individual contributions and differences rather than equal treatment.



With respect to compensation policy, distributive justice suggests that persons and groups which are equal according to certain criteria are treated equally; whereas, those who are different, are treated proportionally differently (Mahoney, 1983). For example, employees with equal skills (the relevant criterion) are compensated equally. Applying this principle to the concept of comparable worth implies that earnings are proportional to contributions.

### Neoclassical Economics

Neoclassical economic theory assumes that markets have two primary characteristics: (a) they involve people who seek or offer employment in specific occupations, and (b) they have a geographic area (Hildebrand, 1980). Worth is defined by market exchange: opportunity costs, supply, and demand. When buyers and sellers come together, a transaction occurs whereby a price (wage) is offered in exchange for a promise of service (labor)--a quid pro quo arrangement. The benefit (opportunity cost) of one job over another depends on job requirements and worker expectations.

Neoclassical economics rests on two assumptions. First, the theory presumes that employers and employees behave rationally and people are free to maximize their well-being. An employer does not pay workers a higher wage than the value of their marginal production. Similarly,

employees, given the option, will not work for less than they could earn elsewhere (Tobias & Megdal, 1985). Whereas the employer thinks in terms of labor contribution to profit, the employee's concern is overall job value.

The second assumption is a laissez faire concept, i.e., a balance between demands and scarcity. An employer knows a wage is "correct" when the supply of workers who are willing to work equals the demand for their labor, thereby establishing a "market-clearing wage" (Tobias & Megdal, 1985). If a wage is set too high, a labor surplus brings the wage down, and when wages are too low, the demand is insufficient and wages increase. Thus the market sorts out and determines job worth. The most valuable is scarce labor, rather than survival or satisfaction labor; hence scarcity of talents or consumer tastes determine wages (O'Neill, 1984). Pay-setting policies reflect prevailing market rates whereby certain key jobs act as standards and all other jobs within an organization match the benchmarks ("indexing").

Human capital theory, a branch of neoclassical economic theory, assumes that individuals maximize their earnings through skill enhancement (Friedman, 1984). This approach believes that increased skills yield higher income, more productive labor, and greater opportunity for job promotion and mobility. Since worker input affects productivity, earnings become a function of output (Aldrich & Buchele,

1986). The worker, by using human capital, sells labor to the employer who in turn rewards the labor with a wage and sells the product of that labor to the consumer. This process is known as the "labor theory of value" (Baird, 1985).

People are willing to invest in those mental and physical skills which enable them to perform labor services and to increase their earning capacity and opportunity costs. These worker attributes include education, training, experience, place of residence, union membership, etc. (Aaron & Lougy, 1986). The theory further assumes that the labor market is unitary and human capital pays off regardless of occupation, sex, or race (Friedman, 1984).

The neoclassical approach has limitations when applied to the wage inequity problem. It assumes that the market is the appropriate place to set wages, yet there are those who believe that market forces work differently for men and women. Becker's (1971) "taste for discrimination" theory suggests that employers treat women workers differently because of employee and customer preferences.<sup>1</sup> Willborn (1986) argues that the human capital approach comes from family economic theory and role behavior (gender) theory. Male attributes are more highly valued because of their association with the marketplace; while women's place in the labor market is different (Bergmann, 1986). In general, the market is hospitable to women when they seek women's work,

but less so when they seek nontraditional work.

As a result, women have a poor position in the market because they are unable to compete fairly. Oppenheimer's (1976) dual market theory contends that because of occupational segregation, women do not compete with men. Consequently, labor supply/demand becomes sex-specific. Similarly, Tobias & Megdal (1985) argue that segregation limits female choices. By forcing them to concentrate in a relatively few occupations, the supply of female workers increases artificially and their wages decline. For this reason, female-dominated occupations earn lower wages (Ibid.).

### Radical Economic Theory

Radical economic theory takes issue with the neoclassical approach and provides comparable worth with another intellectual home. Despite its liberal origins, comparable worth has radical implications because it questions the market basis of wage setting and proposes to end women's economic dependency (Feldberg, 1984). Theorists argue that the problem is one of power. Marxists see it as class conflict, while radical feminists view it from a patriarchal perspective (Hutner, 1986).

This theory, which developed in the 1970s, contends that neoclassicism is an apology for a capitalistic society (Bronfenbrenner, 1970). Radical economists maintain that it

is unrealistic to assume that markets operate in a general equilibrium or open competitive manner. In addition, sociopolitical barriers exist which constrict certain social groups from freedom of access and exchange (Mahoney, 1983). The market, according to this viewpoint, is not free; therefore, women's limited opportunities to compete force them to crowd into certain occupations. For these reasons, comparable worth theory rejects a total reliance on market pricing in favor of an organizational (internal equity) approach.

#### Personnel Administrative Theory

As a personnel issue, the primary concern centers on job worth within the context of a single employer. It is at the level of personnel administration where criteria for wage rates are rationalized through job evaluation (Mahoney, 1983). This strategy is a major personnel function and the primary method for determining value in a single organization. Evaluations use employer-defined criteria which typically reflect aspects of work input rather than output, e.g., knowledge and skills, mental demands, and accountability. In addition to this normative criterion (job evaluation), employers also rely on empirical criteria (market surveys). These two approaches conflict when job evaluation scores indicate that a salary for a particular job is different from the market rate.

### Comparing the Theories

These four theories can be analyzed further by comparing them to three common dimensions: (a) process-outcome, (b) level of analysis, and (c) person-job focus (Mahoney, 1983). These dimensions are important elements in determining wage policies and thus are relevant to comparable worth. On the first dimension, neoclassical economics defines job worth as a process of market exchange, while social equity and radical economic theories place more emphasis for pay determinants on jobholder characteristics. Personnel administrative theory combines process (market surveys) and outcome orientations (job evaluation, collective bargaining).

The second dimension concerns levels of analysis. Three levels determine job worth: micro (organization), macro (societal), and market (Mahoney, 1983). Social equity's major concern is wage discrimination, while economic theory stresses competition and productivity. Personnel administration theory considers job worth from two levels: inter/intragroup comparisons within the organization and comparability with the marketplace. Where society is the level of analysis for social equity, economics concerns the market, and personnel administrative theory centers on the job.

Comparable worth recognizes the virtual impossibility of reaching consensus on job worth from a macro level.

Recognizing that societal attitudes take a long time to change, advocates call for an intervention. They argue that the wage gap problem needs to be corrected at two micro levels: (a) organizational (personnel administration), and (b) structural (compensation policy).

Thirdly, a person-oriented approach concentrates on employee characteristics, whereas a job-oriented focus looks primarily at those characteristics associated with the job itself. Pay policies concerned with social equity maintain that job worth is a matter of personal investment and contributions. Personnel administrative theory, on the other hand, contends that only those personal characteristics which are job-related are valuable because the basis of worth is in the job itself. Where the former argues for human worth, the latter measures value by job content differentiation. Comparable worth promotes the idea that job evaluation procedures should expand to include personal characteristics.

In conclusion, comparable worth's roots are more compatible with equity theory than with neoclassical economics. Although the latter informs comparable worth conceptually, the practice of comparable worth, i.e., distributive justice, is inconsistent with the basic principles of market theory (Aldrich & Buchele, 1986). However, incompatibility with market theory carries political liability, because laissez faire is a strong

American value (Emmert & Lewis, 1987). The issue becomes a political one, and politics along with fairness are driving forces in conceptual development.

The following section reviews the two theories which underlie occupational segregation. This analysis provides important background information, because comparable worth assumes that the wage gap is caused by the sexual division of labor and the devaluation of women's work (Aldrich & Buchele, 1986).<sup>2</sup>

### Occupational Segregation

Two explanations help us understand the persistence of occupational segregation: (a) employer practices and (b) worker choice. Based on diverse premises, each theory suggests a different solution to the wage gap problem. Employer practices stem from societal bias. Bergmann (1986) argues that occupational segregation ("crowding") is due in large part to discrimination, and is at the root of women's inferior position in the work place. Segregating jobs by sex fails to take into account the relative numbers of males and females in the labor market and is instead a process of exclusion and relegation (Ibid.). The result is creation of a dual labor market and two-tier wage scale.

Discrimination is the outgrowth of prejudice (Cain, 1986). Male and female employees receive differential treatment because of stereotypical notions that men's work



is more valuable, and women's labor, because of its attachment to the home is of secondary importance (Porter, 1986). The theory assumes that wage discrimination and job segregation are inextricably related (Blumrosen, 1984).

Proponents of this theory argue that employment practices perpetuate the stereotype of women's undervalued economic status. An example of a discriminatory practice is hiring women into female-dominated jobs when they are equally qualified to do men's work. Another example is where an employer attributes to one woman the characteristics of women as a class (Ricardo-Campbell, 1983). Accordingly, when women accept these jobs, it is not a reflection of their value as workers, but rather that sex determines job placement (Porter, 1985).

Comparable worth seeks to eliminate that portion of the wage gap due to structural discrimination. Its underlying premise is that the cause of pay inequity is due primarily to the undervaluation of women's work (Willborn, 1986). It argues that women's work is valuable and therefore should be compensated accordingly. The solution is to correct the problem where it occurs--the work place--by paying women their evaluated worth.

The second explanation suggests that pay differentials between the sexes are due to voluntary choices. Women choose to work in female-dominated occupations (Polachek, 1981). These choices reflect family considerations, i.e.,

women work to "help" their families; therefore, they choose jobs which are compatible with domestic responsibilities and overall life plans (Berger, 1984).

The theory assumes that women prefer inside work, pleasant working conditions, flexible hours, and jobs with limited mobility (Judd & Gomez-Mejia, 1987). Because work is secondary to their primary wife/mother roles, women make job choices on that basis. A further assumption is that women's work is fulfilling and offers opportunities for human interaction. Women train specifically for female professions, and they don't want to compete with men (as they would with job integration) (Blum, 1987). Thus discrimination is not a consideration in job placement because women are free to decide what work they do. Occupational limitations (and other discriminatory features) are merely the consequences of making choices.<sup>3</sup>

Voluntary choice theory suggests that the solution to the wage gap problem is to encourage women to seek higher-paying positions. The theory assumes that women's work earns the proper amount because it reflects market pricing; therefore, if women want more money, they can do men's work. Based on this premise, affirmative action (or job integration), rather than comparable worth, is the appropriate remedy. Economists argue that raising wages without an increase in productivity adds to the cost of labor and pushes up prices, thereby causing employers to lay

off workers (Samuelson, 1985). A better solution, they maintain, would be to integrate the work place instead of raising wages artificially.

This analysis indicates that the sexual division of labor, as revealed in occupational segregation, determines to a large extent the terms and conditions of women's employment. However, the problem goes beyond the structural to a more fundamental level, namely, the value of women's work. Both of the viewpoints discussed here--employer discrimination and worker choice--assume that women's work is secondary to their domestic roles and/or is more suitable to female preferences. The two perspectives differ in their solution to the wage gap problem. Comparable worth addresses the first explanation. Rather than moving women out of female jobs, as affirmative action proposes, it seeks to increase the wages of women's work, thereby acknowledging the value of their labor.

#### Issues Which Comparable Worth Addresses

Comparable worth challenges two fundamental issues: the value of work, and the politico-economic structure. The following section examines these two issues from the perspective of the proponents and opponents of comparable worth. Those who oppose the concept come down on the market side, while advocates base their rationale primarily on social equity theory.

## 1. The Value of Work

This issue rests on three assumptions: (a) every job has an inherent value which can be measured and compared, (b) wage structures are created and altered by employers, and (c) women's work is valuable. The heart of this discussion centers on pay determination in relation to the value of work.

Proponents argue that women's work is undervalued because of clear and persistent patterns of sex bias (Treiman & Hartmann, 1981). For example, Remick (1986b) notes that similarities between job values resulting from collective bargaining and employer-initiated systems are surprisingly uniform, to such an extent that we can speak of a cultural value system as the main determinant of wages. To correct systemic sex bias, comparable worth is a concept which focuses on "relative" worth, as determined through job evaluation (Blumrosen, 1984).

Measuring job value for equal worth purposes is not the same as it is for equal work purposes. The latter uses whole job analysis and compares equal jobs, while comparable worth measures key job content factors in order to determine how much those factors are present in dissimilar jobs. To measure jobs across occupations, it is necessary to use a single job evaluation. Absent a unified system, there is no basis for making comparisons (Bergmann, 1986).

The intent is to make the system more applicable to

internal equity. Proponents argue that traditional job evaluation systems generally mimic the status quo and perpetuate sex discrimination (Remick, 1984). Applying comparable worth to job evaluation methodology requires a mechanism for determining whether male and female-dominated classes which are paid differently are comparable in knowledge, skills, effort, responsibility, and working conditions. If they are, the inference is that pay differentials result from sex discrimination and should be remedied (Willborn, 1986). Rather than abandoning the methodology entirely, job descriptions are rewritten and corrected for bias.

Two steps are involved in making job descriptions more accurate and comprehensive. The first step reviews the present salary structure and looks for discriminatory aspects such as sexist job titles, occupational segregation (where at least 70 percent of the incumbents are of one sex), and indefensible differences in pay grade assignments (Sullivan, 1985). The second step examines the job evaluation system for evidence of built-in bias. Does the system favor male work and devalue those factors which are relative to women's work? For example, the use of certain male criteria such as job experience, muscle fatigue, and on-the-job training ignores the contributions and conditions of women's work experience. Remick (1986b) argues that women's education, training, and decision making

responsibilities are not given as much weight as men's. All work activities should be included in job descriptions, because they are major sources of information for determining job value.

Critics of comparable worth are concerned that: (a) applying comparable worth to a point factor job evaluation methodology is problematic and subjective, and (b) jobs do not have inherent value per se, instead, worth depends on an open competitive market. A key point is that it is impossible to compare dissimilar work with a single job evaluation system (Neuse, 1982). For example, analyzing positions such as secretary and truck driver is like comparing apples and oranges. A unified system is an unwieldy procedure which is neither manageable nor efficient. Not only is a single job evaluation methodology unrealistic, but any criterion of pay equity rests on value judgments (Schwab, 1984). Opponents also contend that an internal evaluation system ignores the market.

Another concern is that no objective method exists for comparing jobs (Levine, 1988). Seligman (1984) argues that comparable worth job evaluation systems float "in a sea of subjectivity." He maintains that consultants themselves cannot agree about what factors to measure or what weights to assign each factor. Some consultants prefer an a priori approach which uses those factors the consultant considers to be compensable. A policy capturing approach incorporates

factors which the employer determines to be of value. In either case, decisions are value judgments, and the fact that plans differ is further evidence of subjectivity.

Subjectivity is present also in evaluation committees, which determine total job worth scores. Krauthammer (1984) calls a system like the Willis method "absurd" because committees determine the value of jobs. Such a system, he maintains, is a "mandate for arbitrariness" and masks the evaluation process in "scientific trappings." Arbitrariness exists, for example, when job points translate into wage rates (Aldrich & Buchele, 1986). This notion of value is one of the most controversial aspects of comparable worth application (Balkin & Gomez-Mejia, 1987).

Job evaluation for comparable worth purposes says nothing about the market (Seligman, 1984). For example, two dissimilar jobs may have the same point scores, however, if one is a hard-to-fill position, it must pay more than the evaluated rate to attract workers. Failure to use market-based criterion is a major argument against comparable worth. Opponents contend that the "worth" of a job is the "price" assigned to it. Whether determination comes from collective bargaining or management, the market drives the process (Hildebrand, 1980). It limits subjectivity, because the forces of supply and demand predominate (Fahner, 1984); consequently, prevailing rates are fair because they reflect market forces (Hildebrand, 1980).

Comparable worth advocates address the market critique from the premise that women's work is undervalued. Neoclassic economic theory argues (and courts seem to agree) that the market is an objective, relatively bias-free arena for wage setting. However, comparable worth takes issue with this position and maintains that market pricing is itself a judgmental process. Rynes & Milkovich (1986) argue that wage surveys, the conventional method for setting pay, are based on discretionary decisions: defining the appropriate sample, deciding how to collect data, matching jobs to benchmarks, and determining pay rates and ranges. These practices suggest that employers are more than "pricetakers" (as economic theory presumes) and "pricemakers" as well.

Inherent in the notion that women's work is devalued is the issue of fairness. Economists do not discuss this idea because for them fairness is irrelevant. Justice is not the issue, since there is no provable evidence that women are discriminated against in pay (Baird, 1985).<sup>4</sup> They believe that qualified women are not dealt with unfairly (Bergmann, 1986). Thus fairness is a fictional ideal when it comes to setting pay in a complex economy--life is a matter of choices (Samuelson, 1985).

However, for comparable worth purposes, the problem is fundamentally an issue of fairness in the work place (Steinberg, 1984; Bergmann, 1986). At issue is the value of



work performed by women. It is not a question of treating men and women equally per se; but recognizing their different contributions (Majors, 1985). In this way, comparable worth challenges cultural norms and seeks to redistribute economic resources and labor market power. By moving wage determination away from a sole reliance on the market, traditional values are redefined.

## 2. The Politico-Economic Structure

The major premise of this issue is that compensation decisions are made in the context of political economic environments. The political economy is defined as "an interrelationship between a structure of rule (polity) and a system for producing and exchanging goods and services (economy)" (Wamsley & Zald, 1973:64). "Political" refers to legitimacy and power, while "economy" implies the division of labor and the allocation of resources (Ibid.).

Comparable worth questions the traditional approach and argues that wage-setting practices should be determined at the micro (organizational) level. Advocates call for a greater emphasis on internal equity and less reliance on market pricing. Comparable worth is a controversial policy which questions the market structure and seeks a redistribution of economic resources and labor power (Steinberg, 1984). The following discussion analyzes the issue from two perspectives: economic and political.

### The Economic Perspective

Comparable worth advocates argue that market forces work differently for men and women. Because women crowd into relatively few occupations, their labor supply is much greater than it would be if they had more job options. Conversely, when demand for certain female labor is greater than the supply (e.g., nurses), wages do not always increase as market theory suggests (Remick, 1984). Bergmann (1986) maintains that occupational segregation perpetuates a two-tier salary scale and a dual labor market; therefore, the market is not free and unitary. Oppenheimer (1976) argues that because the sexes perform different work, women compete only with other women. Also, market dualism perceives that women bring less human capital to the work force (Ricardo-Campbell, 1985) and they work to supplement rather than maintain family income (Berger, 1984). Friedman (1984) argues that women's education does not result in the same payoffs for women, thus their human capital has less value. For these reasons, women have an inferior position in the market.

Comparable worth proponents offer other reasons why it is unrealistic to rely solely on a market standard. First, the market is different for government. Aaron & Lougy (1986) point out that it is questionable whether employers in the public sector really know the direct output of most workers because the majority are service deliverers. Thus

productivity (an important aspect of the market model) is difficult to measure in government. Also, the market is less constraining in the public sector: revenues come from taxation, services are provided rather than sold, and an agency may be monopolistic (Rosenbloom, 1982).

Secondly, in general, only entry-level positions rely on the market for hiring; whereas promotions and transfers are usually internal (Treiman & Hartmann, 1981). Once hired, workers acquire organization-specific skills and do not compete with outsiders; therefore, it is employers, rather than the market, who determine those wages.

A third reason concerns market surveys. Neuse (1982) suggests that paying "the going rate" is costly if the rate is greater than the employee's contribution to the organization. Also, these surveys may not be an indication of labor availability. Another limitation of prevailing rates which is particularly applicable to government, is that many jobs are not comparable because similar positions are not present in the external market (Willborn, 1986).

However, comparable worth proponents do not advocate complete elimination of all market criteria, because this indicator is one of the best sources of labor information (Steinberg, 1984). There are times when supply and demand factors are present with certain jobs, especially hard-to-fill positions (Diegmiller, 1985). Also, many employers, especially state governments, survey market rates and use

this information to set pay schedules. In cases where job evaluation points conflict with market rates, adjustments conform to the evaluated rate. Yet primary reliance on the market ignores built-in bias (Neuse, 1982) and validates unfairness (Treiman & Hartmann, 1981). For these reasons, advocates seek a limited market reliance.

In addition to the market arguments, other economic conditions are also present. The disemployment factor assumes that pay increases destroy women's incentive to move into nontraditional work by keeping them in female-dominated jobs (Judd & Gomez-Mejia, 1987). Critics maintain that comparable worth reduces female options. Consequently, they believe the strategy is counterproductive to the objectives of affirmative action, a policy which seeks to expand women's employment opportunities. Another result is that men's wages will either decline or be frozen until women catch up (Simpson, 1985).

Unemployment is seen as yet another consequence. The assumption here is that when wages of low-productivity workers rise, without an increase in productivity, employers reduce the size of the work force (Hildebrand, 1980). To further offset increased labor costs, employers mechanize labor, hire fewer women, and lay off male workers (Abram, 1985).

Concern for employment rests on the premise that funding comparable worth is so costly that it will require

new taxes or bankrupt employers. Consequently, more government borrowing and/or cutbacks in services are necessary (Baird, 1985). Northrup (1984) argues that comparable worth is a costly policy, because in raising wages of undervalued jobs, it activates demands from groups who will not receive increases. O'Neill (1984) suggests that significant pay adjustments require public employers to lower male salaries or raise taxes. Indirect costs of the policy cause retention and recruiting problems. These types of "costs" may be more profound than the dollars required to raise salaries (Ibid.).

In addition, comparable worth evaluates jobs upward without an increase in productivity. Thus inflation is bound to occur (DeForest, 1984). Majors (1985) takes this point further by arguing that comparable worth will do for women what minimum wage laws have done for teenagers, price them out of the market. Reduction in competitiveness is perceived as "a hidden cost," because when wages increase, sales and revenue are lost (Ibid.).

Finally, opponents contend that government employers in particular have several reasons for their concern about the cost of implementing comparable worth: (a) lack of revenue in depressed economies, (b) prior revenue commitments to other programs, (c) constitutionally mandated balanced budget requirements, and (d) start-up and compounded costs (AFSCME, 1983).

Advocates see the issue differently. Remick & Steinberg (1984) argue that for many years government has been regulating the market through such practices as minimum wage laws, fair labor standards, protective legislation, and more recently, affirmative action. Employers themselves interfere with free enterprise through wage-setting and price-fixing policies. To oppose comparable worth on grounds that government will interfere with the market is no longer a reasonable argument (Blumrosen, 1984).

Proponents acknowledge that inflation is a possibility. However, they believe that over time, both the rate of inflation and the cost of implementation will decrease. They cite examples from state government to show that new taxes have not been necessary to generate money for salary increases (GAO, 1985). An early indication from Minnesota indicates that comparable worth only raised the state's personnel budget one percent per year (Ibid.). Costs appear to be manageable, however, more research is necessary before we will know the price of comparable worth.

Finally, advocates contend that disemployment is not a concern, because most women work in less competitive and/or monopsonistic markets (Remick & Steinberg, 1984). Also, comparable worth is being phased-in over a number of years, so reductions in force are minimal (GAO, 1985). Layoffs may occur, however, this condition must be considered a tradeoff for the greater benefit of improved wages (Bergmann, 1986).

### The Political Perspective

Proponents argue that judicial decisions and federal laws have not improved women's economic status markedly (Aldrich & Buchele, 1986). The courts have shown consistent reluctance to tamper with the market standard, preferring instead to further strengthen traditional economic theory (Remick, 1986a). For example, judges, in general, have held that paying market rates is not discriminatory under Title VII (Bergmann, 1986). The courts maintain that the market did not cause occupational segregation, hence it is not responsible for correcting sex-based wage inequities (Gradison, 1985). Further, Title VII does not compel an employer to eliminate an economic inequity it did not create (AFSCME, 1985a). The Equal Pay Act does not seriously address women's low pay nor does Title VII require that all jobs are paid their evaluated worth, only that sex cannot be the reason for differential pay (Blumrosen, 1984). Finally, advocates contend that neither law says anything about fairness (Ledvinka, 1987).

On the other hand, there are those who believe that legal remedies do exist and are adequate for eliminating the sex-based wage gap (Neuse, 1982). Hildebrand (1980) argues that Title VII provides an effective means of improving women's economic positions by opening opportunities for advancement. Clarence Pendleton (1985), former chair of the U.S. Commission on Civil Rights, believes that comparable

worth's greatest flaw is an attempt to legislate fairness under the assumption that wage differentials are caused entirely by discrimination. He maintains that EPA and Title VII are effective. More women are in the work place, the wage gap is considerably less for younger women, and the gap for all women is declining. From this viewpoint, more enforcement of existing laws, rather than additional legislation, is necessary. Instead of comparable worth, the more appropriate strategies are affirmative action and pay for performance (OPM, 1987).

#### Defining Comparable Worth

The operational or technical definition is:

The application of a single, bias-free point factor job evaluation system within a given establishment, across job families, both to rank-order jobs and to set salaries (Remick, 1984:99).

The legal definition of comparable worth is the policy codified in the Revised Code of Washington (RCW).

[t]he provision of similar salaries for positions that require or impose similar responsibilities, judgments, knowledge, skills, and working conditions (RCW 41.06. 020(5), 1983).

The literature frequently refers to the terms "comparable worth" and "pay equity" interchangeably, a practice which infers similar meanings.<sup>5</sup> However, they have distinct usages in the dissertation. Pay equity refers to a



policy goal or intent, whereas comparable worth implies a particular wage strategy for achieving pay equity. In other words, comparable worth is a means to the end. Equal pay for equal work also seeks pay equity; however, its purpose is to equalize pay for jobs which are the same, while comparable worth seeks to equalize pay for jobs which are dissimilar. Thus comparable worth takes pay equity to another level.

### The Historical Roots of Comparable Worth

Comparable worth is not a new concept, although there is some question whether its original usage carries the same meaning today. In fact, the history of comparable worth suffers from definitional problems. Perhaps the earliest reference to sex-based pay inequity for similar work is biblical:

And the Lord spoke unto Moses: Thy valuation for the male shall be 50 shekels of silver, and if it be a female, then thy valuation shall be 30 shekels (Leviticus 27:1-4).

The contemporary concept dates at least to the peace treaty negotiations following World War I which established the International Labor Organization (Johansen, 1984). The phrase "equal pay for work of equal value" is present in that document and in subsequent international conferences, e.g., the Treaty of Rome (Steinberg, 1984). Yet each time

the phrase appears, its meaning inferred "equal pay for equal work" (Johansen, 1984).

Historically, pay equity focused on the equal work principle. This pay standard was the goal of the trade union movement, although economic equity was more a concern for protecting male wages. Demands for an equal work standard received considerable attention during wartime, when women were doing men's work, and unions were concerned with protecting the wages of those jobs for the time when men returned from war. Of particular significance was the stimulus provided by the War Labor Board (WLB) which sought to regulate price, wage, and strike controls.<sup>6</sup> When the WLB approved increases for women performing men's work, it gave token credence to a broader concept of equal work. However, two years later, anticipating men's return to the civilian work force, the WLB cautioned that this equal work principal should not be used to abolish wage differentials between traditional male and female jobs (Freeman & Leonard, 1987). The standard was eventually codified in the Equal Pay Act (1963), an amendment to the Fair Labor Standards Act of 1938. Thus federal policy was official: work which is equal or substantially similar should receive the same rate of pay.

The 1960s redefined certain American values. Equality became the social issue of the decade and took on expanded meaning. Considerable equal employment and

antidiscrimination legislation addressed unequal treatment in the work place. Title VII of the Civil Rights Act (1964) is the best example of this type of legislation. However, the equal pay for equal work standard does not include the concept of different work. Apparently societal attitudes were not yet ready, nor was the political climate conducive to an equal worth concept. Equal work was understandable because it made sense and was easy to measure. On the other hand, comparing dissimilar work was a complex idea which seemed more difficult to conceptualize.

A major impetus for change came from women themselves, usually acting collectively. As more women entered the work force permanently and their economic needs gained greater significance, they became an important political force. Wage inequities and other discriminatory employment practices were an important emphasis of the women's movement (Steinberg, 1984).<sup>7</sup> Feminists became the voice of the movement and feminism emerged as the new political ideology (Klein, 1984). Taking as its slogan, "the personal is political," the movement advocated the idea that the private is often a matter of public concern (McCrane et al., 1987).

Consciousness raising was the vehicle for internalizing and informing women's issues--a strategy which assumes that before an issue can move to the institutional agenda, it must develop first at the individual level of consciousness. The premise was that women could not mobilize on their own

behalf, until they subscribed to a feminist ideology (Klein, 1984). The knowledge gained in the process imbued the movement with power and strength, and women perceived that collective action was the arena for addressing problems.

Certain key events occurred which indicate that women's economic issues were taken seriously. In 1961, President Kennedy established the President's Commission on the Status of Women and by 1980, 43 states had their own commissions (Johansen, 1984). In 1975, the International Women's Year Conference met in Mexico City and adopted an amendment supporting "equal pay for work of equal value" (Ibid.). The National Committee on Pay Equity (NCPE), founded in 1980, is the only national coalition working exclusively to achieve pay equity (NCPE, 1984). A conference on pay equity, funded by AFSCME and the Women's Bureau, called attention to the problem of women's wages.<sup>8</sup> EEOC also held conferences and commissioned a study by the National Academy of Science to assess the viability of comparable worth as a pay strategy.

Finally, the election of 1980 is noteworthy because "the women's vote" became a significant political resource (Klein, 1984). For the first time, feminist issues became partisan concerns and women voted more for the policy than for the candidate. Also, as women were elected to political office in their own right, pay equity became one of their top priorities. In order to move the issue onto the political agenda, women's interest groups formed coalitions

with power brokers.

Reform-minded unions such as the American Federation of State, County, and Municipal Employees (AFSCME), seeing the opportunity to respond to concerns of its female members and to expand its membership, began supporting the demands of women (Johansen, 1984). Traditionally, unions seek change first through political pressures, but when that route is unsatisfactory, unions use their power to bring employers to court. Several unions have filed lawsuits against state and local governments. However, in general, plaintiffs have been unsuccessful in court; consequently, most unions and women's groups seek redress through collective bargaining and legislative action. Unions believe that comparable worth is an issue which should be institutionalized, ultimately through governmental action.

Many states are taking an active role in addressing the problem of sex-based wage discrimination (GAO, 1985). Twenty-seven states are using a single point factor job evaluation system (or are in the process of converting), 28 states have completed pay equity studies, and 8 states are implementing salary increases for undervalued classes. By 1985, 14 states were moving towards some form of salary increase (Ibid.).

## Implementation of Comparable Worth

### Elements of a Comparable Worth Strategy

Certain conditions are necessary for moving comparable worth from concept to practice (GAO, 1985). This section discusses six conditions. The first four are more important because state governments which are implementing (or considering) comparable worth policies are using all or some of them: (a) pay equity studies, (b) a single point factor job evaluation system, (c) comparable worth legislation, and (d) funding. The other two elements may occur, but are not essential for implementation: (e) collective bargaining, and (f) litigation.

Each condition plays a significant role by itself, yet a state government is not implementing comparable worth fully until it has adopted the four primary elements (GAO, 1985). The last two conditions are problematic. Collective bargaining affects only those employees who are unionized and can bargain for wages, and litigation enters only when all other approaches fail. Although unions file most lawsuits, many cases are brought by individuals. Thus an organized work force is not a prerequisite for litigation.

### Pay Equity Studies

The first step in the implementation process is to gather information. A pay equity study is any type of data collection that compares the earnings and occupations of

male and female employees (GAO, 1985). Several reasons explain why civil service systems are suitable for pay equity studies. Salary data are public and open to analysis, many occupations are sex-segregated, classified systems are well-established, employees are accustomed to centralized control, and an outside mechanism exists to influence wage-setting policies, namely, the legislature (Remick, 1985).

The purpose of a pay equity study is to review the classification and compensation systems for bias: (a) to determine the extent of a wage gap between the sexes, (b) to ascertain probable cause of any pay inequities, and (c) to recommend corrective action. There would be no reason to change the structure if information did not reveal systemic discrimination against protected classes. Generally, three types of data are collected: (a) sex-based wage differences and/or occupational segregation by sex, (b) a job content study which compares pay among jobs with the same point factor scores, and (c) an economic study which compares pay among jobs requiring comparable worker characteristics (GAO, 1986).

Analysis often begins with a pilot study which examines a small sample of male/female-dominated job classes (70 percent single sex occupancy) (Steinberg & Haignere, 1985). Impetus for the study usually comes from women's advocacy groups, female legislators, and/or public sector employees.

Most often the personnel departments conduct the study because a small sample is used and the intent is to get some idea of the extent of the problem before analyzing a broader sample. If the pilot study reveals the existence of a sex-based wage gap, then the next step surveys a larger population.

For larger studies, the general procedure is to hire an outside consultant, because they have the necessary expertise and possess their own point factor job evaluation plans. Impetus for this type of study usually comes from legislation, administrative action, and/or executive order. Task forces or advisory committees representing interested and informed people may be appointed to manage the studies; however, they are actually conducted by the consultants with assistance from state personnel officials.

Responsibility for follow up action usually rests with the authorizing body, which in most cases is the legislature. In general, a number of activities can result from these studies: additional studies, adoption of a new pay policy, changes in existing pay policies, and/or payment of comparable worth increases. In addition to these in-state activities, further information comes from monitoring the pay equity activities of other governments.

The most common administrative action is to review present salary systems (Rynes et al., 1985). A majority of states have or are conducting pay equity studies of their



classified work forces (GAO, 1986). Thus most state governments have met the first condition. However, if the process stops at this point, a state has only addressed the problem, it has not corrected it. Failure to take further voluntary action could result in more aggressive action such as a lawsuit.

### Point Factor Job Evaluation

A second condition recommended for implementing comparable worth also takes place at the administrative level. This procedure examines the existing compensation structure and redesigns it to conform to an equal worth standard. Job evaluation is the primary method for determining the relative worth of an organization's jobs for purposes of setting pay (Glueck, 1978). A basic tenet of this methodology is that the job is evaluated, not the jobholder (Treiman, 1979).

Job evaluation, as a management tool, has a long history. It was used first by the U.S. Civil Service system primarily to classify positions (Aaron & Lougy, 1986). Although the public sector has used job evaluation for the last 100 years, it did not become widespread in the private sector until World War II with the War Labor Board (Steinberg, 1984). Thus the technical means for evaluating jobs have been in place for a long time. The basic criteria are that objectives should be explicit, comprehensive, and

applied consistently across occupations regardless of incumbents, and that they describe and measure job content (Ibid.).

Several management consulting firms have developed point factor job evaluation plans which they use to set salaries for comparable worth purposes.<sup>9</sup> These plans analyze work according to job content factors rather than from a whole job perspective. The selection, weighting, and scoring of these factors determines the value of each job.

For comparable worth purposes, job evaluation can measure dissimilar jobs (Stahl, 1984). It decides whether male/female-dominated classes are equal in skill, effort, responsibility, and working conditions (Willborn, 1986). Wage administration traditionally uses two criteria for establishing job worth: (a) a normative approach (job evaluation) which identifies job content (or compensable) factors, and (b) empirical criteria (wage surveys) which compare jobs to the market (Mahoney, 1983). The former equates the value of jobs within an organization (internal equity), while prevailing rates measure the value of jobs in the market (external equity) (Steinberg & Haignere, 1985).

Job evaluation methodology assumes that: (a) jobs are not of equal value; (b) wage structures are rational, i.e., pay-setting procedures are orderly, justifiable, and consistent; (c) an organization's compensation practices require periodical updating to reflect contemporary

socioeconomic conditions; (d) jobs are compensated proportionate to their worth to the employer; and (e) emphasis is on job classification, not the individual employee (Steinberg, 1984).

All job evaluation systems share a similar three-step procedure (Treiman, 1979). The first step is to conduct a job analysis for each job in the organization. Typically, job descriptions develop from interviews, questionnaires, and desk audits. The second step evaluates job worth. Personnel analysts, evaluation committees, and/or consultants carry out this procedure. The third step assigns jobs to salary levels (or ranges).

The four most commonly used job evaluation systems all include these three steps (Treiman, 1979). The first two methods use narrative criteria (qualitative) to determine value. Whole job ranking (the simplest procedure), establishes value by ranking all jobs hierarchically from most to least valuable. A position classification (or grading) method bases its criteria on an idealized hierarchy where such factors as degree of skill and responsibility define the categories. Jobs fit into the structure by how well their characteristics match the ideal levels.

The other two systems use quantitative criteria (numerical points). A factor comparison method selects a set of compensable factors and assigns a dollar value to each factor. The total point values yield a job worth

score. The fourth method, point factor, also uses compensable factors, but rather than assigning dollar values, each factor receives points. The latter method is preferred increasingly by more employers and is the most appropriate for comparing job content factors across occupations. Thus point factor is the job evaluation strategy used for comparable worth (Hearings, 1985).

The advantages of a point factor method are specificity and understandability, while its disadvantages are cost and subjectivity. This latter charge is the most frequently mentioned objection and receives the greatest coverage in the literature. Bias can appear at several stages in the process: selecting factors, weighting factors, applying a particular system, and setting salary. For example, bias is present when evaluation ignores female-related work factors and weights male factors more heavily. For comparable worth purposes, all areas must be bias-free before the job evaluation itself can be considered fair (Remick, 1986a). A further control for bias is to reach decisions through consensus, e.g., evaluation committees. Validity is another concern. When biases are removed or significantly reduced at each stage, then it is assumed that the end result is valid (Tompkins, 1987).

Whatever job evaluation method is used, a comparable worth strategy requires two considerations: (a) the plan should be as bias-free as possible, and (b) a unified system

should be used, otherwise there is no consistency. Not only does comparable worth require a single job evaluation method, but in addition, it seeks to identify and correct sex bias and make the wage system more gender neutral. The technology exists for using a point factor methodology; therefore, it is a system which can be incorporated quite readily into personnel administration.

### Legislation

Public sector wage setting is inherently political, thus legislative action is a third condition for implementation. Willborn (1986) argues that the democratic process is the best place to address broad social problems. At the state level, these problems are brought to legislative attention by those groups who are most affected, but lack the power themselves to resolve the issue. With wage discrimination, female employees experience the problem first because they are most adversely affected by the wage gap. However, these people lack the necessary political clout to effect major change (Rosen et al., 1983).

Those groups having access to the power brokers, e.g., employee unions and female advocacy organizations, move the issue into the political process. Merely recognizing that a problem exists is not sufficient to change the situation. In addition, advocates must build a power base and persuade the power brokers (Klein, 1984). Political success has come

for women when they participate in broad-based coalitions organized around specific issues (Gelb & Palley, 1982).

Political action for a controversial issue requires leadership, resources, organization, and publicity--a process which is expensive as well as time and energy consuming. Once the issue reaches the legislative body, it needs sponsorship not only to introduce the bill, but to steer it through the various legislative procedures. A radical idea like comparable worth almost always calls for a longer germination period because legislators need information. A high change policy takes considerable time and effort to gain consensus. For this reason, approval requires a broad and influential support base.

The common procedure is to amend the civil service statutes to include comparable worth language (GAO, 1985). To qualify as an equal worth standard, the language is more expansive than equal work wording. For example, if the policy denotes "the same work" under "the same working conditions," this language fails to meet comparable worth standards. Men and women work in the same establishments, but their working conditions are not always the same and their tasks seldom are. A comparable worth strategy stipulates that when job content factors are of equal value, the salaries are equal even though the jobs are different.

In addition to defining the concept, a comparable worth statute includes enforcement provisions. Most laws use

ambiguous language; therefore, implementation decisions reside with authorizing agencies. Within the broad statutory guidelines, officials have considerable discretion and responsibility for carrying out the legislative mandate (Van Meter & Van Horn, 1975).

### Funding

This fourth element of comparable worth implementation is crucial, for without appropriating money for salary increases, all of the other conditions are moot. Implementation cannot proceed until the legislature authorizes a specified amount of money and determines the source of that funding. The normal place to include the item is in the budget bill.

The usual procedure is for the personnel boards to adopt pay plans for their respective employees and submit them to the state's budget authority. Based on the amount of money appropriated by the legislature, this agency determines how much each department should receive. Thus a comparable worth policy goes into effect when employees actually receive increases in their paychecks (GAO, 1985).

### Collective Bargaining and Litigation

These two conditions are not essential to the implementation process. However, they affect some state employers, and for that reason are included in this section.

Collective bargaining applies only where employees are unionized and have rights to bargain for wages. Public employees in twenty-one states can bargain their wages, although in some cases the rights are very limited (GAO, 1985).

The largest and most active public employee union on pay equity matters is the American Federation of State, County, and Municipal Employees (AFSCME, affiliated with AFL-CIO), which has several councils throughout the country.<sup>10</sup> Those states where public employees have wage bargaining rights are most actively pursuing comparable worth (Hearings, 1984). The Washington affiliate is the Washington Federation of Employees (WFSE, or the Federation, Council 28).

AFSCME has been very active in organizing female-dominated bargaining units, especially clerical, and one of its major organizing issues is pay equity (AFSCME, 1985b). The national president believes "the battleground for women's rights is the work place . . . and pay equity is the issue of the Eighties" (Ibid.). In the past, unions were not interested in using their leverage power to advance women's wages. They were more interested in protecting male wages, but that situation is changing. Unions need more members and women need a collective voice (Freeman & Leonard, 1987).

Having the right to bargain, however, is a limiting



condition if those rights do not extend to all public employee units and to all conditions of employment. Absent the right to bargain wages, a union's only recourse is political: meet and confer, lobby, build coalitions. A union's most effective activity is legislative action and it is at the political rather than the economic level where unions have been more successful (Baird, 1985).

Unions are in the forefront of the comparable worth movement, because their leaders perceive the issue as an organizing and credibility tool. They prefer setting pay rates through collective bargaining, however, in those states where employees cannot bargain wages, some unions have used political clout. When this approach is not successful, unions seek redress through litigation--a tool of last resort, but a necessary one, nonetheless. All litigation to date has involved government employees (Baird, 1985). However, litigation does not have to, nor has it always, involved unions. Many pay equity cases have been brought to court which were not union sponsored, e.g., Christensen (1977), Gunther (1989), Spaulding (1985). However, costs are so difficult for most individuals to bear, that unions have become involved.

The possibility of a lawsuit is somewhat of a threat, although no plaintiff has yet prevailed in a comparable worth suit. Nevertheless, a few well-publicized and costly settlements like the Washington case are difficult to

ignore. As of 1985, seventeen states have had suits brought against them in federal district court or were defendants in EEOC complaints (GAO, 1985). All of these cases came from unions on behalf of their bargaining units (e.g., nurses, clericals, librarians, eligibility technicians). Almost all cases brought complaints of sex-based wage discrimination.

Litigation is a high-profile action, but it also has some drawbacks. It is costly and time consuming, the issues are complex and not easily understood by judges and juries, and it may not be the best solution for resolving broad social problems (Willborn, 1986). For example, establishing pay systems is a management function and not an appropriate issue for judges who are not experts on compensation (Stahl, 1984). Further, entrusting this type of managerial decision to the legal process is risky. Thus many states are turning to the legislative process, especially after seeing what happened in Washington.

#### A General Model for Studying Implementation Processes

The Van Meter & Van Horn (1975) model of implementation as process also informs the dissertation. This conceptual framework contributes two aspects which help us understand the implementation process: reference points and amount of change/consensus. The first contribution concerns actions directed at achieving policy objectives. The process begins with the policy itself, for it is here where goals and

objectives emerge. Implementation is defined as the linkage between policy and performance (reference points).

The model suggests five variables which link the process: (a) policy objectives, (b) policy resources, (c) communication and enforcement, (d) political and economic conditions, and (e) disposition of implementing officials. Policy objectives, as defined in the statute, include concept definition, implementing agencies, and enforcement provisions. Objectives are key components because they set standards for measuring performance.

Policy resources are those means which help develop and implement the policy. In general, two elements are present: economic and human. Comparable worth funding comes primarily from two sources--the state's general and special funds--and secondarily from federal monies which finance specific programs. The legislature, as part of its budget bill, determines the amounts.

Relevant actors are those people who advocate changing the existing pay policy and assist in developing and carrying out the plan. These actors bring many competing values into the political process. For example, personnel officials' concern is with the values of efficiency, effectiveness, and timeliness (Nalbandian & Klingner, 1981). On the other hand, legislators must balance the demands of their constituents within budget limitations as well as being aware of their own popularity. For budget analysts,

the process is more economically-oriented. Employees and union officials have different motivations, e.g., fair pay and social equity. Finally, governors' values emphasize leadership, public image, and government as employer.

The third variable in the model is communication and enforcement activities. Effective implementation requires that at every step in the process, implementing officials understand how to carry out the policy. For example, it is important that personnel analysts know how to apply points to job content factors and communicate these procedures to agency officers. Communication is also vertical when managers translate information from the institution to the technical level (Nalbandian & Klingner, 1981).

The fourth variable concerns economic and political conditions. Comparable worth is an economic policy, because it involves the allocation and redistribution of monetary resources. It is political, because it challenges the existing power structure and some fundamental values. Consequently, implementation takes place in the context of a political economy. This environment operates both internally and externally to governmental organizations. It focuses attention on specific issues: availability of economic resources, the nature of public opinion, and partisan characteristics which support and oppose the policy.

The final variable, disposition of implementing

officials, concerns the implementors themselves. The ability to understand and carry out decisions influences behavior. Personnel officials are technicians who are responsible for implementing the policy as directed by decision makers. In this role, their concern is not with the social implications, but the technical (micro) level. They work within definite guidelines and predictable outcomes; hence, in seeking efficiency, they shield themselves from uncertainty (Nalbandian & Klingner, 1981). Thus important considerations for a high change and controversial policy like comparable worth are competence and preference. Several questions address this concern. Are the staffs competent to carry out the technicalities of the new policy? Can a person who opposes the policy be an effective implementor?

The second contribution of the model is its determination that policies are characterized by the amount of change required and the extent of goal consensus among relevant actors. Amount of change refers to how much the new policy deviates from previous policy: incrementally, radically, and/or marginally. Despite its liberal roots, comparable worth has radical implications because it seeks to end women's economic dependency and questions the market basis of wage setting (Feldberg, 1984). It proposes a new pay standard; therefore, it is a radical change policy.

Although amount of change is an important variable, Van

Meter & Van Horn (1975) argue that the more crucial consideration is the extent of goal consensus. It is this condition which is of particular significance to the dissertation. When first introduced, a controversial and complex idea like comparable worth is a low consensus issue. Moving the concept from a societal to an institutional agenda requires much political maneuvering. It takes considerable time and effort to reach consensus when a concept is not well known or understood.

### Conclusion

These selected bodies of literature serve a dual purpose. Not only do they inform current thinking, but they lead the way to further inquiry. They inform the dissertation by providing theoretical guidelines to help focus attention on those concepts which relate to the problem. In addition, this literature structures the study as well. The relevant concepts help frame questions and guide inquiry during the data gathering phase (Chapter 3). They also direct analysis by providing a basis for thematically organizing the data (Chapters 4 and 5). In Chapter 6, the conceptual framework explains those forces which influenced events in Washington. Finally, the conclusions are better understood when read in light of the theoretical grounding.

## NOTES

1. For example, male employees do not want to work with women or compete with them. Customers and clients do not want to be served by women or treated by female professionals. To compensate for this "risk," employers pay women less, pay men a premium wage, and/or segregate jobs by sex.

2. One of the reasons for differentiating between male and female work, rather than incorporating both into an abstract concept of work per se, is to place the topic in a historic and normative perspective.

3. In a survey of Harvard Business Review readers, Rosen et al. (1983) found that women are more likely to attribute the wage gap to discriminatory employer practices, whereas men attribute the cause to women's choices.

4. Economists, in general, do not deny that discrimination is a factor, but they argue that its presence is hard to prove. The problem is to find a way to identify and measure it with precision (Hildebrand, 1980).

5. An interesting example of similar meaning, but different usage, is geographic. The east coast uses "pay equity," as noted by the National Committee for Pay Equity, which is headquartered in Washington, D.C. The west coast prefers "comparable worth," as exemplified by the Comparable Worth Project, located in Oakland, California. As a western state, comparable worth is the preferred terminology in Washington.

6. On November 24, 1944, the WLB issued General Order 16 which states: "Adjustments shall equalize the wage or salary rates paid to males for comparable quality and quantity of work on the same work or similar operation" (Freeman & Leonard, 1987:203).

7. Freeman (1975) argues that the cause of this wave of the feminist movement was rejection of the old definition of women's place and the acceptance of a new ideology based on equity.

8. The Women's Bureau was established in 1920. By placing it in the Department of Labor, it called attention to women's presence in the work place. Although the Bureau did not advocate structural change, over the years it has called attention to issues of inequity (Johansen, 1984).

9.The Hay plan is a frequently used system. Norman Willis and Associates adopted many of Hay's concepts, and it is this methodology which Washington state uses.

10.AFSCME was organized in the early 1930s in Wisconsin. It became affiliated with AFL in 1936 and in 1955, AFL joined the CIO. AFSCME has about 1.1 million members of whom 500,000 are women, primarily clerical workers (AFSCME, 1985b).



## CHAPTER THREE

### RESEARCH METHODOLOGY

#### Rationale for a Case Study Design

The dissertation uses case study as the research instrument. However, its usage here is different from the traditional use of the case in public administration (Stein, 1952). Stein's approach is twofold: to train students in decision making and to generalize the situation to similar settings. The prototype for public administration case writing is the Harvard model--short narratives which describe problem situations (Ibid.). It is not necessary for case studies of this type to present complete or actual descriptions because their purpose is to stimulate discussion and debate.

Yin (1984) calls for a new perspective, one which uses case study as a research instrument in its own right. The case approach is a useful tool in social science research for investigating and understanding complex politico-economic issues. The advantages of case study as research is that real-life events are investigated holistically. Field research (empirical observation) places the subject in its natural environment; thereby developing a more comprehensive data base. Thus the case approach contributes uniquely to our knowledge of institutional, social, and political phenomena. Public administration is a

particularly fruitful field for this type of research because actions and events interrelate at multiple levels and proceed from one reference point to another; therefore, a holistic process-oriented strategy is suitable.

As research tool, case study is empirical inquiry which: (a) investigates a contemporary phenomenon within its real-life context, and (b) makes use of multiple sources of evidence to understand and explain how and why things happened (Yin, 1984). This definition helps us understand how case research is different from other research strategies. For example, relevant variables are not controlled as they are in experimental research. With survey research the number of variables is limited; whereas in case research, the type and amount of data possibilities are expansive. Historical research is another example and even though this research strategy places phenomena into a context, it does not investigate contemporary events.

Case research incorporates elements of all three strategies, but does not have the same restrictions. It is useful for examining contemporary events where the relevant variables cannot be manipulated. Cases can work with a great deal of evidence: written documentation, direct observations, and interviews. This approach also incorporates both historical and ethnographic data. Finally, analysis is not limited to description. Instead, the purpose of case research is to explain actions and

events and give them meaning. A case study is the product of the researcher's reflective engagement with the data (Ruddick, 1985); therefore, how and why questions structure the research methodology (Yin, 1984).

The story of comparable worth implementation in Washington lends itself to a case approach in several ways. As the lead player in defining the concept and the first state to conduct pay equity studies of its classified work force, the Washington story is unique. With this type of situation, a more comprehensive analysis is helpful. Secondly, comparable worth calls for a radical (rather than an incremental or marginal) change in wage administration; hence, understanding such a concept requires more than just a cursory examination. Thirdly, an appropriate way to study new policy implementation is contextual, i.e., from an evolutionary and environmental perspective. As research tool, case study uses the concept of the state as laboratory, but not in a controlled sense, as in experimental research. For these reasons, case methodology is appropriate for telling the Washington story.

Yin's (1984) definition of case study as research tool is a useful model for the dissertation, because it suggests two standards. First, contemporary phenomena are investigated within their real-life context. Comparable worth is a contemporary pay strategy presently in the early stages of implementation. To fulfill the first requirement,

I spent several months in the state collecting and analyzing data. The other aspect of Yin's definition recommends using multiple sources of evidence to conduct field research. Implementing a high change/low consensus policy involves many actors and considerable documentation. To meet this standard, I interviewed most of the key actors and read the primary documents.

This chapter describes the research methodology: (a) components of the research design, (b) conducting the case study (preparing for data collection and collecting the evidence), and (c) case reporting (data analysis, interpretations, and conclusions). Discussion includes not only a brief description of each element, but relates how the study incorporates the various aspects of the research design.

### Components of the Research Design

The research instrument relies primarily on Yin's model of case study as research tool. "A research design is the logic that links the data to be collected (and the conclusions to be drawn) to the initial question of a study" (Yin, 1984:27). Although I use the model for overall design purposes, some aspects of the methodology are taken from other models (as noted below).

1. The research questions. Data collection began with an open-ended question and proceeded more specifically to

focus on responses to the initial question. The open-ended question which guided all aspects of data collection was: What do I need to know to understand how comparable worth is being implemented in the state? This question formed the basic structure of each interview and the responses determined subsequent discussion. For example, when respondents mentioned the lawsuit, the remainder of the interview focused on that theme.

2. Study propositions. The research design depends on theoretical constructs to focus the study and guide analysis. Not only do propositions inform the inquiry stage, they provide a basis for comparing Washington's experience with the conceptual framework. They direct attention to something that should be examined. Chapter 2 describes the propositions: (a) the ideological roots of comparable worth, (b) the historical development of comparable worth, (c) the elements of a comparable worth strategy, and (d) a general model for studying implementation processes.

3. Unit of analysis. This component defines the case and establishes its parameters. Determining the unit of analysis depends on the research question. The dissertation seeks to learn about comparable worth implementation in a particular setting; hence, an analytical framework defines the case. Washington state government is the case and the unit of analysis is its comparable worth policy.

4. Linking data to propositions. The fourth component of the research design connects propositions to themes. This procedure concerns data analysis and interpretation. Two elements structure case reporting: themes and driving forces. Themes are the topics which emerge from the data, i.e., the actions and events which took place during the implementation process. Theme development is a descriptive narration for telling the Washington story. Driving forces are the motivators or dynamics which propel the course of events. Where themes emerge directly from the data, usually in the form of factual information, drivers are moving forces which the researcher draws out of the evidence. They are the underlying streams which flow through the data and push actions in certain directions. Both types of analysis (themes and drivers) link the propositions, because the latter provides theoretical grounding.

5. Criteria for judging the quality of a research design. This component involves tests of quality control. Yin's (1984) model relies primarily on two tests--validity and reliability. External validity means that a study's findings are generalizable to other settings, while internal validity establishes causal relationships. Reliability suggests that the same procedures are replicable with similar results.

However, as traditionally used, these tests are not as useful to the dissertation for several reasons. First, a

single case limits generalizability because each state is different and the lessons learned from one setting have different applications in others. Secondly, the study relies to a great extent on nonstructured interviews as a major source of data and this methodology is not easily replicated elsewhere. Third, the purpose of the study is to describe the implementation process. It is not to find causal relationships (how one condition leads to other conditions). Instead, my intent is to examine the problem and seek analytical relationships. Finally, qualitative research is an open system. No amount of control can compel results because variables are not manipulable. It is inherent in this type of inquiry that a certain "aura of skepticism" exists (Lincoln & Guba, 1985).

Instead of using the criteria of conventional social science research, as Yin (1984) does, I rely on Lincoln & Guba's (1985) model of naturalistic inquiry. Where conventional research depends on internal/external validity and reliability, naturalistic inquiry relies on believability, transferability, and dependability. Since generalizability is less relevant with a single case, transferability is a more suitable concept. However, rather than transferring study results in their entirety, only certain aspects apply in other environments. At best, judgments are only tentative.

With regard to reliability, it is possible that another

investigator, asking the same research question of the same respondent in Washington, could find similar themes and driving forces. However, external reliability would be difficult because the instrument is designed for a particular context. A study which attempts from a single setting to suggest lessons for others, requires a high degree of credibility to be beneficial. I seek truthfulness in the way that an investigative reporter seeks credibility, by supporting analysis with ample evidence and corroboration.

One test for credibility is triangulation: collecting data from a number of sources using a variety of methods (Lincoln & Guba, 1985). It is both a way to make the data believable and a form of validation whereby information is verified against other sources. My concern here is that the reader has confidence that my portrayal is accurate. Case study research relies mainly on human encounters, which are inherently subjective; therefore, truth-telling is in the eye of the beholder. One can have an intuitive sense that the data are accurate, however, that awareness by itself is not sufficient.

To be trustworthy, different methods of data collection are used: interviews, observations, and documentation; as well as multiple sources of each method. No single method or source by itself captures all the relevant features of a reality. For this reason, multiple methods and sources of



data evidence are necessary (Denzin, 1970). I interviewed 49 people in person and talked with another four by telephone. In addition, I examined over 50 separate pieces of documentary evidence and attended several meetings of the boards and evaluation committees of both personnel departments. (See References for a complete listing of data sources.)

Member checking is the most crucial test for credibility (Lincoln & Guba, 1985). With this method, respondents are able to verify facts, themes, and conclusions. They confirm the accuracy of the data analysis and interpretation. The researcher's concern is that reconstructions are accurate representations of their realities, so it is essential that respondents have opportunity to react. There can be no credibility without dependability.

Member checks were conducted in the following manner. After completing all interviews, I transcribed the tapes and notes into typewritten narratives, extracted themes, and sent copies to each respondent asking for verification. As a further check, I sent drafts of Chapters 4 and 5 (written during my last visit in the state) to 16 key actors requesting their comments. Corrections and/or suggestions have been incorporated into the study.

Bias and cooptation are other aspects of credibility. Bias refers to personal preference or prejudice, while

cooptation suggests either becoming a critic or advocate of an issue. The study does not claim to be value-free, instead it is value-bound in the way that all qualitative or naturalistic research is. Values are present in every action. For example, inquiry is value-laden when decisions are made about what to study, how to study, and what interpretations to draw from the data (Lincoln & Guba, 1980). Acknowledging this condition, I made every effort to let the respondents' voices guide inquiry and analysis. Interviews proceeded on the basis of how the respondents answered the open-ended question. To control for bias, I cite the data sources by name both in the text and references. I also include several direct quotations throughout the study.

Finally, to whom am I credible? Three sets of readers are relevant to the dissertation. First, the respondents who acted as data sources seek credibility in my reconstructions. Secondly, other state governments are interested in the lessons they can learn from Washington's experience. Third, my dissertation committee members require the study to address the problem and adhere to the research design.

## Conducting the Case Study

### Preparing for Data Collection

"Doing" a case study usually involves three preliminary activities: (a) defining the problem or issue, (b) developing the research instrument, and (c) acquiring the desirable skills for becoming an effective investigator. First, is the problem statement. The problem addressed in the dissertation looks at how comparable worth is being implemented in Washington and what benefits that experience can have for others. The second activity determines the methodology for conducting the study. The third activity involves the skills a case researcher needs to carry out the project effectively. Yin (1984) argues that good preparation begins with skill development. The following section defines six commonly required skills recommended by the model.

1. Question asking. The heart of case study inquiry is the question, for research is as much about questions as answers. Data, whether collected from respondents, documentation, or observation, come in response to questions; therefore, question structure determines the type of information received. The answer to one question generates subsequent discussion or further reading--all within the framework of theoretical propositions and the research question. By design, case research demands an inquiring and knowledgeable mind.

Before going into the field, I undertook a thorough grounding of the literature. I also studied several documents which I received from state officials: legal briefs, consultant reports, and administrative procedures. As a result of this preparation, I developed a preliminary data base and formulated the research question.

2. Listening. Case study research generates considerable data, most of which derives from interviews. Listening is an important skill, however, it is more than auditory. It also involves observing and sensing moods, behavior, and context, and reading "between the lines." I intended to practice active listening skills: to hear and record the "exact" words, to ask for clarification when necessary, to capture the mood, and to understand the context. Interviews with key actors (those who played major roles) were tape recorded to insure accuracy. Another approach seeks clarification on technical matters. This type of interview is the most complex and prone to inaccurate recording, thus it is important for credibility purposes that my notes are accurate. To capture moods, I asked feeling-type questions. For example, two respondents (a plaintiff and a state's attorney) described how they felt about Judge Tanner's decision.

3. Adaptiveness and flexibility. One of the characteristics of case research is that few of the studies end up exactly as planned. Being aware of this possibility

ahead of time, I knew scheduling adjustments might have to be made. When respondents were unavailable, information came from others who had similar perspectives on an issue. This situation occurred a few times during the data collection phase. For example, I wanted to interview Jim McDermott, chair of the Senate Ways and Means Committee and prime sponsor of the negotiations bill. He was in Africa, during the time I was in Washington, so I interviewed a committee staff member instead. This decision proved to be a good one because Grace Chien was the staff member responsible for compiling cost estimates for the first installment period.

Another aspect of flexibility is an awareness that conditions suggested in the theoretical framework might be quite different in practice. For example, the literature indicates that litigation can be a primary impetus for implementing comparable worth, and in times of economic depression, costly programs receive low priorities. Issues similar to these emerged during the data gathering stage, and I found it necessary to modify my questioning procedures accordingly.

4. Grasp of the issues. As noted above, case research requires thorough knowledge of the issue before going into the field. In most instances, respondents are professional practitioners who themselves are very knowledgeable and experienced; therefore, it is important for the researcher

to be well-informed. Case reporting is much more than recording the data mechanically. It requires an understanding of the information. The researcher needs to be able not only to interpret the information, but also to know when one piece of evidence contradicts another.

I conducted a pilot study to refine my interviewing techniques. This initial study was also helpful in other ways. It supplied me with the names of key actors, gave me a sense of how complex the agreement is, and made me aware of the possibility that some testimony would be conflicting and technical.

5. Lack of bias. Of the six basic skills commonly recommended for effective data gathering, Yin (1984) argues that bias is probably the most crucial to control. He believes that a researcher who goes into the field with the express purpose of substantiating a preconceived position negates all the preceding conditions. Case research is particularly prone to this problem. The researcher is well informed on the issue, and most likely selected the topic out of personal interest. Elements of case research are inherently judgmental, e.g., topic selection, questions structure, who to interview, data interpretation, etc. Therefore, a certain amount of subjectivity is present in the process. Thus the researcher must recognize bias and use discretion.

The exercise of this skill--the lack of bias--is

essential for credibility. It is appropriate at this point to state my position. I am a proponent of comparable worth and believe that at the present time, it is an appropriate strategy for correcting sex-based wage discrimination. Yet I do not expect it to eliminate the wage gap entirely, because factors other than discrimination also account for pay differentials. Comparable worth may not be the policy of universal or ultimate choice. However, until other strategies emerge, it is a viable alternative. We won't know how effective it is until we learn more about its implementation, and that is the purpose of the study.

6. Protocol. The final skill required of the researcher in preparing to collect data concerns the common rules of etiquette. When making arrangements for site visits, the model recommends the following behaviors: (a) obtain permission from respondents for interviews, (b) schedule interviews according to respondent availability, and (c) seek to build positive relationships and convey a respectful attitude.

With these rules of conduct in mind, I made the following preparations. Before my first visit to the state, I contacted officials at the Department of Personnel (DOP) requesting their support and expertise. It seemed appropriate to rely on this agency as my base of operation because DOP is the larger of the two administering agencies. They gave me office space where I could schedule interviews,

type field notes, and receive messages. Locating activities in a centralized place is an important aspect of field research, for it allows the researcher to coordinate her work and have ready access to many data sources.

When making arrangements for interviews, I explained both the purpose of my visit and how the information would be used. Interviews were scheduled at times and places convenient to the respondents and usually lasted no longer than an hour. Each person was asked if s/he would object to my taping the interview. Only one respondent objected. All requests for interviews were granted except one. Judge Tanner does not permit interviews of this nature.

In addition, I was mindful of my own behavior in these and other data gathering sessions. Realizing that intrusions into the subjects' world affects the process, I sought to balance my behavior to the situation. For example, interviews call for active participation, while observations require active listening. I wanted to build relationships on the basis of confidence and trust; therefore, I introduced myself as a serious and knowledgeable researcher. One particular incident illustrates this point. At first, there seemed to be a certain reluctance on the part of DOP officials to participate in the project. I interpreted this hesitancy to mean that they initially perceived me as a researcher who intended to criticize the program. This attitude was



understandable given that officials perceived Judge Tanner's decision as a serious criticism of the state. After assuring them that my purpose was to gather information and not to criticize, they were more accepting of my presence. At this point office space was made available. From then on, our working relationships were cordial and supportive.

### Collecting the Evidence

The second phase of conducting a case study is gathering evidence. This activity involves three primary methods: (a) documentation, (b) interviews, and (c) direct observation. Case research (and triangulation) require multiple pieces of evidence; therefore, I relied on all three methods to inform the dissertation.

#### Documentation

Documents are the written records of activities and events. They are important sources of information because they provide background data, augment and corroborate evidence, verify correct spellings, identify important names and events, provide details, and suggest inferences. I relied on the following documentary sources. (For a complete listing, see the References.)

- . letters and memos from personnel officials, governors, legislative staffs, attorneys, union officials
- . minutes of the personnel board meetings

- . written reports from consultants, task forces, evaluation committees, personnel departments
- . civil service laws, merit system rules, administrative policies
- . case law (e.g., briefs of the lawsuit filed with the district and appeals courts, the written agreement)
- . newspaper and journal articles
- . monographs

Some of these documents were mailed prior to my first site visit, while others were acquired later. Most of the newspaper articles came from the state library. I used these sources as background information during interviews, as verification for credibility purposes, and as substantive data sources for Chapters 4 and 5.

### Interviews

Yin (1984) suggests that interviews are one of the most important sources of case study information. Indeed, they proved to be the primary data-gathering source of the study. Denzin (1970) refers to interviewing as a "digging tool," in addition to the more commonly used metaphor of personal interchange.

The question is the basic unit of the interview process, because it translates research objectives into specific questions. Respondents need to understand each question clearly so they can communicate answers accurately and precisely. Reality can be present only to the extent

that it is defined. Therefore, the interview is a crucial medium for representing and interacting with the empirical world.

An interview is also personal interchange. Information from this type of communication is reciprocal, voluntary, and interchangeable. Respondents are the acknowledged experts on answers, while the researcher is the expert on questions. In addition to exchanging information, meaning is created during the interview process. For this reason, follow-up discussions focus on questions of a how and why nature. It is important to keep in mind at all times that the purpose of the study is to seek understanding of the problem and to structure interviews for theme-building.

During the data collection stage, I relied on Denzin's (1970) "unstructured-focused" model to guide inquiry. Each interview began with the same open-ended question: What do I need to know to understand how comparable worth is being implemented in Washington? I asked descriptive ("what") questions first to gain general information. It is important to ask the same initial question of each respondent. This procedure allows the researcher to stick to the main idea and prevent unnecessary rambling (Measor, 1985). A directed interview establishes the agenda and gives more space for theme development (Ruddick, 1985). This strategy fit the parameters of the study very nicely,

because it allowed me to phrase and order questions to match each situation.

I interviewed participants from a broad cross-section. They included personnel officials, a plaintiff, comparable worth recipients, administrators, legislators, attorneys, budget analysts, union officials, journalists, and committee staff members. They are cited throughout the dissertation by name and/or title. (See References for a complete listing of interviewees.) A few actors were interviewed more than once because their involvement warranted in-depth information.

#### Direct observation

This data collection method involves field visits to case sites. Direct observation allows the researcher to observe certain activities first-hand. Where the investigator is an active participant in interviews, here s/he is an active observer or listener. A case study by design is field research, and there is no better way to gather data than by collecting it in context. This method provides an opportunity to observe the process directly and to enter into the subjects' world. It also allows the observer to focus full attention on the event. Consequently, more contextual information is absorbed than is possible in interviews, where the researcher is in charge.

I received permission to attend meetings of the boards and the evaluation committees of both personnel departments. In those instances where comparable worth decisions were made prior to my visits, data came from written records, such as minutes of the board meetings. These groups convened regularly during my visits, so I was able to attend several meetings. In all cases, I observed the entire sessions. During breaks, I discussed various aspects of the proceedings with participants so as to clarify my understandings. In addition, I viewed a video tape which Norm Willis uses to train evaluators.

### Principles of Data Collection

When sources are used properly, there is a greater likelihood for credibility. The first principle, using multiple sources of evidence, refers to triangulation, a quality control factor. A major strength of case study data collection is the opportunity to use various sources of evidence (Yin, 1984). In this way the researcher is able to address a broader range of topics and develop converging lines of inquiry. As a result, findings and conclusions are more likely to be accurate and convincing. However, this approach also imposes a burden, because it requires proper use of these sources. One must be aware of the strengths and weaknesses of each technique.

The second principle, creating a case study data base,

involves organization and documentation. To control for bias and assure credibility, the researcher compiles a separate data base and makes it available for future review and investigation. The most common components are notes from interviews, meetings, and documents. I observed this principle by conducting a content analysis of the data and creating a document file.

The third principle, maintaining a chain of evidence, allows the reader to trace the progression of evidence from the initial research question to conclusions. In other words, the case report itself is the same evidence that was collected. Consequently, it is possible to trace a particular conclusion back through the report to its source. It is important, therefore, to cite relevant sources accurately and consistently. If this procedure takes place, then the researcher has gone a long way towards achieving credibility.

### Case Reporting

The third element of the research design is concerned with how the case is written. Three aspects apply here: (a) data analysis, (b) data interpretation, and (c) conclusion and recommendations.

### Data Analysis

Data analysis occurs when the data base is

substantially complete (Miles & Huberman, 1984). One way to know that sufficient data have been collected is when saturation occurs and no new information is forthcoming. At this point, formal analysis can begin. If data are the constructions offered by the sources, then analysis is the synthesis and reconstruction of the information (Lincoln & Guba, 1984). To analyze is to address the problem of the study by recombining the evidence (Yin, 1984). Inherent in the process is understanding, i.e., how description and explanation address the problem.

Yin (1984:99) argues that the data analysis stage is "one of the least developed and most difficult aspects of doing case studies." He believes the major reason is that most researchers do not know how they plan to use their data. Collecting the evidence seems to be the easy part. Examining and interpreting it is more difficult. Yin (1984) suggests that a general analytic strategy should structure the entire research process, rather than being left as an after thought. The goal is to examine the problem comprehensively so that credible meaning can emerge from the data.

Formal analysis is the process of drawing relevant information out of the data (Miles & Huberman, 1984). This method involves editing and rewriting field notes, transcribing taped recordings, and recording main ideas onto index cards. The latter procedure is similar to Miles &

Huberman's (1984) "display" format whereby information is presented in a compressed and orderly fashion. The nature of qualitative (naturalistic) research lends itself to handcrafted, rather than standardized forms. These forms are created by the researcher her/himself. The type of display depends on how the researcher intends to use the data. One of the limitations of this type of formatting is the probability of "strait-jacketing" the data and forcing it into shapes. The danger is that the data will be trivialized. To avoid this problem, I condensed the data narratively by themes rather than tabulations. In this way I separated the data by topic, while at the same time retaining a descriptive essence.

Chapters 4 and 5 introduce and develop the themes or main ideas. Themes are the primary actions and events which occurred in the state from the time comparable worth appeared as a controversial idea to its incorporation as a new pay policy. I followed a chronological approach for two reasons: (a) the nature of the problem suggests a historical perspective, and (b) this methodology conforms to the Van Meter & Van Horn (1975) model which defines policy implementation as a linkage from one reference point to another. The purpose of these chapters is to analyze the data as factual reconstructions. As descriptors of the Washington story, they enable the reader to understand my interpretations in Chapter 6.



## Interpretation

The second aspect of case reporting is explanation building (Yin, 1984). Case study, as a research tool, describes and explains particular social problems. To carry out this function, the researcher relies on data analysis and theoretical propositions. Where description focuses chronologically (Chapters 4 and 5), explanation is largely the researcher's own reflection and reconstruction of the data (Chapter 6). To this end, meaning is sought as experience in situations. This concept of situational understanding comes from action theory or phenomenology. This philosophical construct argues that (a) humans attach meaning to what they do, and (b) meanings vary among people (Harmon, 1981).

Chapter 6 explains why certain events and actions occurred. Since interpretation is personal understanding of meaning, subjectivity is inherent in the process. I protected myself from bias by frequently anchoring discussion to the data introduced in the previous chapters, corroborating through member checks, and frequently citing data sources. The reader can trace the derivation of my findings and conclusions. Trustworthiness requires that interpretations are credible. Credibility at this stage concerns the truth qualities of the story. In this sense, soundness becomes the standard of reason (Weick & Browning, 1986). Certain key questions guide the process. Are the

explanations reasonably sound? Does the evidence logically permit me to reach such an explanation?

The purpose of Chapter 6 is to explain the data by discussing the driving forces or dynamics which moved comparable worth from concept to practice. I frequently looked beneath the surface, because not all drivers were apparent in the data. The following question guided my analysis: What is driving my understanding of what happened? One theme which emerged from the data was pay equity studies. To understand this activity, I wanted to know the reasons for conducting the studies and who initiated the action. The motivation pushing these studies was a perception that wages were inequitable; therefore, a perception of fairness drove actors to address and resolve the situation.

### Conclusions and Recommendations

The final aspect of case reporting moves analysis and explanation to another level, namely, conclusions and recommendations. It is important to note that only tentative conclusions are possible for two reasons. First, comparable worth is an experimental pay strategy in the early stages of implementation; therefore, we have only limited knowledge of how it is working. Secondly, each state is different, so the lessons from Washington's experience are problematic. Thus applicability depends on

how conditions in other settings may or may not be similar to the case being investigated.

It is the researcher's responsibility to report accurately what the data reveal, and then to rise above the evidence and reach certain conclusions. This freedom, however, does not give license to stray too far. It is important to stay within both the theoretical and the empirical framework to keep things balanced. Theory is my guide, yet I am not rigidly bound to treat it as gospel. I do have an obligation to reconstruct the data faithfully and logically. My purpose is to begin with theory (Chapter 2), then observe and record the real world (Chapters 4 and 5), and finally to draw my own interpretations and conclusions (Chapter 6). To the extent that I am able to accomplish this goal, the dissertation is significant.

CHAPTER FOUR  
IMPLEMENTING COMPARABLE WORTH IN WASHINGTON  
PHASE ONE

Chapters 4 and 5 describe comparable worth's evolution from idea to reality in the state of Washington beginning at the societal level, to the political agenda, and finally to personnel administration. The story, which covers a 15-year period, takes place in two phases. The first phase (Chapter 4) is the period when the idea emerged (early 1970s) to when it became legitimate policy (1983) and a legally-binding agreement (1985). Phase two (Chapter 5) picks up the story from that point and carries it into the contract's second year (1988). Thus the first phase describes conceptual development, while the second phase describes the operational period.

This chapter begins with a description of the background conditions which were in place when comparable worth was introduced: (a) the two personnel systems, (b) the compensation policies which set salaries for classified employees, and (c) the state's political economy. The chapter concludes with an historical recounting of the twelve-year conceptualization period.

The case reports the story within the general framework of the ideal model. It includes those conditions which are necessary for full comparable worth implementation (as

defined in Chapter 2): (a) pay equity studies, (b) point factor job evaluation, (c) comparable worth legislation, and (d) funding. Although litigation is not a necessary condition, its inclusion here indicates the important role it played in the Washington story. The themes or topics which emerged from the data structure the analysis and provide the basis for explanation in Chapter 6.

### The State Personnel Systems

Two civil service systems govern the state's work force.<sup>1</sup> The Department of Personnel (DOP) and the State Personnel Board (SPB) administer the system for all classified employees in 71 state agencies. The Higher Education Personnel Board (HEPB) and its staff administers the system for all classified employees in the 29 institutions of higher education and three related boards.

DOP and its board were established in the general election of 1960 when voters approved Initiative 207. This initiative was proposed by the Washington State Federation of State Employees (hereafter, the Federation). Prior to 1960, the work of DOP was done by individual departments and/or several personnel systems, thus the initiative centralized the system under a single department. DOP is administered by the director, who is appointed by the governor upon recommendation of the board. The three board members, also appointed by the governor, serve six-year

overlapping terms and represent management, employees, unions, and the public interest. Agenda for the monthly meetings is set by DOP staff, and information is sent to all interested parties 20 days in advance of the meeting. The board is authorized to act on a variety of issues: appointment rules, merit system rule changes, job classifications, pay ranges, comparable worth applications, salary survey findings, and grievances. The department is responsible for approximately 40,500 classified employees (51.2% male, 48.8% female) and 1,650 exempt positions,<sup>2</sup> and 2,200 job classes.<sup>3</sup>

Nearly all employees of the general government come under DOP's jurisdiction. The agency is organized into six functional divisions: Administrative, Employee Development and Training, Operations, Standards and Surveys, Insurance Benefits, and Personnel Information Systems. The dissertation focuses on Standards and Surveys, because this division has primary responsibilities for administering the salary surveys and the comparable worth plan.

The Higher Education Personnel Board (HEPB) was established by statute in 1969. The Federation was also instrumental in forming this board, along with interested management groups. However, the University of Washington opposed HEPB, because it feared the loss of institutional autonomy. The purpose of the law was to form a separate board for higher education and unify the civil service

systems of the state's higher education institutions.<sup>4</sup> Five years later the system came under one common classification structure. HEPB staff writes the class specifications which are subject to board approval. However, individual institutions have authority to configure the work and classify their own positions, subject to audits and appeals. The Classification Compensation Section administers the comparable worth policy for the HEPB system. The department is responsible for approximately 16,100 classified employees (66% female, 34% male) and 975 job classes at six universities, 23 community colleges, and three related boards. Membership and responsibilities of the board are similar to SPB.

A distinction is made in job titles for people who administer personnel policies in the two systems. Central agency officials who work in classification and compensation are called personnel analysts. Officials working in state agencies are personnel officers. Analysts are specialists and managers/officers are generalists. These titles prevail throughout the dissertation to designate the people employed in various personnel positions.

The two personnel boards administer 56,600 classified state employees and 3,175 job classes. Two other classes of state employees in the personnel systems are outside civil service laws. They are the exempt positions and higher education faculty. Salaries for general government exempt

positions are set by SPB and higher education faculty salaries are set by the individual institutions.

### Washington's Compensation Policies

Washington uses two pay-setting practices to compensate its classified work force: (a) prevailing market rates, and (b) comparable worth.

#### Prevailing Market Rates

Jobs in the two personnel systems are classified by using traditional position classification procedures. Analysts fit each job into a predetermined hierarchy by comparing its characteristics with the idealized levels (Treiman, 1979). Personnel analysts define a whole job (job description), compare it against the qualifications and requirements (specification or "job spec"), and assign it to a salary range. The state uses a compensation structure composed of ranges in 2.5% step progressions. The two personnel staffs establish classes and salary ranges and submit recommendations to their respective boards for approval.

A system of prevailing market rates determines salaries for classified employees. The state surveys the following employers: businesses, local/federal governments in-state, and eleven state governments. Average state employee salaries are matched to the average rates paid by other



employers for the same work. Prevailing rates are the weighted averages for benchmark classes. The weighted average is the sum of salaries of all surveyed employees divided by the number of surveyed employees (DOP, 1987c). Benchmark classes are the survey drivers. Internal alignment (indexing) or job evaluation determines salaries for nonbenchmark classes. According to civil service law, salary recommendations should reflect results of the market survey.

In preparing classification and salary schedules . . . the department of personnel shall give full consideration to prevailing rates in other public employment and in private employment in this state. For this purpose the department shall undertake comprehensive salary and fringe benefit surveys to be planned and conducted on a joint basis with the higher education personnel board (Revised Code of Washington (hereafter RCW, 41.06.160, 1985).

The state conducts a comprehensive survey every four years and a trend or reduced survey, which measures salary movement, in the interim two-year period. The latter survey is a new procedure which will be carried out for the first time in 1988. Since 1978 the surveys have been conducted jointly by the staffs of DOP and HEPB. Both systems use many of the same benchmarks and salary ranges.<sup>5</sup> The data produced by the survey establish salary levels for the state employees under the jurisdiction of the two departments. The benefit portion of the survey compares the

cost of fringe benefits as a percentage of total payroll costs between the public and private sectors and includes direct benefit costs of social security, insurance, and retirement.

Salary data are collected only for benchmark classes. The in-state survey uses 49 benchmark, while the out-of-state survey uses 32 benchmarks in 11 states (DOP, 1987c). Typically a benchmark class:

- . is found in large numbers both in state government and in the universe to be surveyed,
- . can be readily identified and thus compared,
- . is usually the most representative class in a class series (largest population and/or journey-level class), and
- . the results can be used for setting salary ranges for a relatively large number of job classes (DOP, 1987c:3).

The in-state survey universe comprises employers who pay unemployment insurance, are on the employment security rolls, are nonagricultural, and employ ten or more employees. The standard is a "strata weighted average," or the average of all salaries quoted for a benchmark with weighting to reflect the proportion of each employer group size (large, medium, small) from whom response is requested and received. The goal is to reflect employment in the state and to get a feel for the average wage not of a firm but an occupation. The result is a determination of the prevailing rate.

Employers participating in the in-state survey are contacted first by letter and then personally by field interviewers. Descriptions of the benchmark positions for selected jobs present in state government are taken by interviewers to businesses and governments and sent to other state governments asking employers what they paid their employees doing similar work. The remaining jobs are indexed off these benchmarks. Several criteria determine how a class will be indexed: history of parallel salary movement, common or interchangeable minimum qualifications, nature of work, similarity of skills, a recognizable professional discipline, organizational linkage, and job evaluation.

After revisions and adoption by the boards, data are forwarded by September 30 of the survey year with a recommended state salary schedule to the governor and director of the Office of Financial Management (OFM).<sup>6</sup> The appropriations committees use the data to recommend salary funding for state classified employees. The Legislature determines the amount of money to spend, but it is not legally bound to set pay at the market rates. The law merely requires that rates "reflect" the market. Thus the personnel boards recommend salaries, the Legislature appropriates money and makes final decisions on method, e.g., across-the-board, flat increase, partial survey, and OFM allocates amounts to the agencies.

In the 28 years that the state has been conducting market surveys, full prevailing rates at the beginning of the biennium have been paid only once, in 1969. The recent pattern has been to authorize across-the-board increases, either a percentage or \$50, whichever is higher. The next salary increase, due on January 1, 1988, will be 2.65% or \$50.

Comparable Worth: Point Factor Job Evaluation

The second pay-setting plan which the state uses to compensate its classified work force is comparable worth.

. . . the rates in the salary schedules or plans shall be increased if necessary to attain comparable worth under an implementation plan . . . such adoption and revision subject to approval by the director of financial management (RCW, 1.06.150 (17), 1985).

A comparable worth strategy deviates from position classification, because it uses a point factor methodology. In this approach, a set of compensable or value factors identifies, defines, and weights job content. Analysts evaluate each factor separately and assign point values from the Willis charts. Points are then totalled to yield a job worth score. A formula determines the salary ranges through a simple regression statistic. Washington's formula is based on the actual average salary line in effect January 1, 1985.<sup>7</sup>

Comparable worth uses a job evaluation system to rate the relative value of jobs within an organization (internal equity). Since 1974, the state has used the Willis plan, a point factor methodology developed by a Seattle consultant, to evaluate job classes for comparable worth purposes. In 1974, it was the method used to evaluate male and female-dominated classes for sex bias. Subsequent studies used the same instrument to evaluate high-incumbency classes and benchmarks. At present, the methodology evaluates only new and revised classes.

The Willis job evaluation method rests on three premises.<sup>8</sup> First, job content, rather than present salary, market supply, or historical relation is evaluated. The criteria depend on actual job requirements as determined by the job description, specification, and oral presentations to the evaluation committee. Secondly, it is the job rather than the incumbent which is evaluated. The jobholder's sex, ethnicity, and race are not compensable factors. It is the level of responsibilities, not how well they are accomplished or by whom, which determines job worth. Third, jobs are evaluated by "stretch points," or point ranges up to a maximum (Table 1).

Compensable factors are those job components present in each job in the class and considered necessary to perform the job satisfactorily. Willis is a four factor evaluation plan. "Knowledge and Skills" (K&S) is the first factor

TABLE 1  
THE WILLIS POINT FACTOR JOB EVALUATION PLAN

<u>Compensable Factors</u>	<u>Dimensions</u>	<u>Max. Points</u>
1. Knowledge and skills	job knowledge managerial skills interpersonal skills	280
2. Mental demands	independent judgment problem solving	140
3. Accountability	freedom to act job impact	160
4. Working conditions	physical energy hazards discomfort	20

considered in the evaluation procedure. This factor assumes that each job requires a certain level of information and ability in order to meet the requirements. It does not matter how the K&S are acquired, whether through formal education, specialized training, or job-related experience. The factor has three dimensions: (a) job knowledge (breadth and depth as measured on a continuum of no specialized knowledge to advanced level of understanding in a specialized field); (b) managerial skills (the extent to which a position requires the exercise of all the elements of management); and (c) interpersonal skills (the measurement of people contacts ranging from normal courtesy, to influence, and motivation).

The next two compensable factors in the Willis plan are reflections of the first factor. They follow K&S determinations; however, neither factor scores at a higher level than K&S. "Mental Demands," which measures the requirements to analyze alternatives, has two dimensions: (a) independent judgment (opportunity for thinking), and (b) problem solving (difficulty of the thinking requirement). Where K&S and mental demands measure job complexity, The third factor, "accountability," evaluates the expected results, or the output component. This factor considers the freedom to take action and the size and nature of the job's impact on the organization and its clientele.

The fourth Willis factor is "Working Conditions." This

factor assumes that every position has an identifiable work environment. However, not all jobs receive working condition points, only those having unfavorable conditions. The three dimensions of this factor are: (a) physical energy (the amount of physical output required of the job), (b) hazards (relative exposure to potential bodily harm), and (c) discomfort (those environmental factors which could be mentally or physically disagreeable).

A committee composed of representatives from labor, management, and state agencies conducts evaluations. Ten members comprise DOP's comparable worth evaluation committee, while HEPB uses a seven-member committee. Generally, the committees meet once a month and observe the following procedures. The first step reviews documentation. Information about the job (or class series) is available from two sources: (a) written material (complete job descriptions/specs), and (b) subject matter experts (personnel officials, incumbents, supervisor or some other person in the agency who is knowledgeable about the job). Written material is given to each evaluator at the time the committee meets. The second step is group discussion. Evaluators listen to the experts' presentation and then ask questions which will help them in their deliberations. When there are no further questions, the experts leave the room and evaluation commences.

In the third step, each evaluator scores the job



individually by comparing the facts about the position to each factor on the Willis charts. During evaluations, members take several conditions into account. For example, frequent comparisons are made with previous decisions of similar classes ("sore thumbing"). However, when an agency proposes a unique class, the comparability aspect becomes irrelevant. Some of the easier characteristics to look for are the amount and source of education required, type of accountability, and supervision requirements.<sup>9</sup> Harder decisions involve issues of substitution (e.g., years of experience versus education), mental demands, assistance in decision making, and whether to go to the second or third level on the Willis charts. Also, classes are more difficult to evaluate for those committee members who lack familiarity with their requirements.

Consensus is the final and most crucial step in the evaluation process. It is at this stage when the committee arrives at an evaluation (total point score). Scores are recorded on a chalkboard and when differences arise, members discuss their reasons for selecting certain point levels. Where there is a clear majority, that score prevails. In cases where the committee cannot reach consensus or some members are uneasy about their decisions, an evaluation can be tabled.

During deliberations, present and proposed salary ranges are not discussed, although personnel analysts are

aware of them. Therefore, neither prevailing rates nor comparable worth eligibility is a consideration in the evaluation process. DOP analysts make those determinations later. HEPB calculates salary ranges at the close of the meeting when evaluations are complete.

A formula calculates comparable worth determinations. A new class receives a range assignment equivalent to its job worth score. The range for a revised class depends on a comparison of its current level and the proposed level. If the new evaluation is a higher point value, then the class moves accordingly. Following the judgments of the committee, recommendations go to the personnel boards for approval. If agencies or incumbents are dissatisfied with the job worth scores, they can file a complaint within the 20-day notice period and appeal to the board.

In summary, evaluation committees establish job worth scores. The comparable worth plan adheres to the terms and conditions of the agreement, which the state and Federation negotiated. The comparable worth line is the regression drawn on Willis points and average salaries for benchmark positions as of January 1, 1985. Two criteria determine comparable worth eligibility: (a) job classes which have been evaluated by Willis factors and have salaries more than 5% below the line (two or more ranges), and/or (b) classes which have not been evaluated, but are indexed to benchmarks which qualify for increases.

### Washington's Political Economy

A state's politics and economics are products of the past which evolve to shape the policies of the present, and will in turn affect future decisions. Most policies and practices are built incrementally into the existing structures. However, there are moments in history when the political economy produces a new idea. Comparable worth is such an example. This section reviews those aspects of the state's political economy which presaged development of the policy. Emphasis is on the environmental conditions which relate specifically to comparable worth. The history of Washington's political economy covers three periods: (a) colonial (1848-1939), (b) manufacturing-cold war (1940-1979), and (c) the current political economy (1980 to present) <sup>10</sup>

#### The Colonial Period (1848-1929)

The distinguishing feature of this period is dependency on outside influences and markets. The state for many years was a colony for absentee owners. It had an abundance of natural resources, a mild climate, a geographic location highly accessible to trade routes, and a labor class committed to the work ethic. These factors were conducive to a progressive and profitable economy. But it was an isolated region, far removed from the political and economic centers of power. Consequently, it was suitable to absentee

ownership and control.

The land was opened to white migration in the early 1840s via the Oregon Trail. Railroads eventually became the major source of overland transportation. Because the economy was primarily extractive (timber, agriculture), it depended on the railroads. A large proportion of these early immigrants were Scandinavians, who had first stopped in Minnesota before finally settling in Washington.<sup>11</sup> They brought with them a mindset of hard work, self-reliance, and independence. Men's work frequently took them far from home and for this reason, women often maintained families and communities themselves. Not only was women's work valued, but women themselves were not perceived as weak and dependent (O'Brady, interview).

Washington became a territory in 1853 and remained in that status for 36 years, longer than all but two states. The territorial government was very limited in its scope of activities and the people's only access to a political official was the territorial delegate they elected every two years. All other officials were appointed by the President, who exercised his party patronage powers. Residents resented this "carpetbag rule" and second class citizenship, thus they sought to return power to themselves.

With its Scandinavian influence and liberal traditions, populism emerged and challenged the political system. Two very important concepts developed from this ideology: (a)

proliferation of local governmental units and multiple elective offices, and (b) an ethos of bottom-up initiative action. This emphasis on local self-reliance was in direct response to outside control. The state became noted for the number of special purpose districts operating at the local level. As municipal services developed, they came under public ownership and Washington's public utility districts were models of local control. State government was perceived as a captive of outside interest groups. Its leaders freely made use of patronage appointments, a characteristic which resulted in widespread employee layoffs with each change of administration. The situation was not resolved until 1960 with passage of civil service legislation.

Two other significant outgrowths of populism, prohibition and women's suffrage, dominated politics for several years. These two issues are inextricably related because alcohol was a moral issue and women, as the moral carriers of society, tended to vote dry. Washington granted women the right to vote before the national government acted. Women won suffrage rights in 1883, lost them four years later in a territorial supreme court decision, and ultimately regained them by constitutional amendment in 1910 when progressivism was at its peak. Legislative issues further indicate the progressive nature of Washington politics. They include an eight hour work day for women and

workmen's compensation, the nation's first such law. Prohibition, approved in 1914 by the largest turnout of voters ever, became the driving force of the reform movement. These examples indicate that women's issues were regarded seriously, albeit sporadically.

In addition to the progressives, socialist and trade union activities developed during the early years of the twentieth century. Washington had more socialist party members than any other state except Oklahoma, and at one point was nicknamed "the Soviet of Washington."<sup>12</sup> The roots of socialism lay in the reform movement which had its base of support in urban trade unions. This collective attitude contrasted with individual self-reliance which populism fostered. Where socialists were active in the social reform movement, unionists were concerned with employment conditions. Craft unions existed first in Seattle in the late 1880s and then industrial unions eventually organized other workers.

Early personnel issues focused on accident insurance and working hours. Although the eight-hour work day ostensibly "protected" women from fatigue, in practice, it denied them access to overtime and night shift work, where wages were higher. This policy nevertheless became the prototype for the 40-hour week. Government's impetus to act on behalf of workers frequently came from union pressure. It is important to note that at this time, unions (and

government) were more concerned with protecting male employees, whereas women's work-related issues were important only insofar as they affected men's work.

The Depression had the most far-reaching influence on the character of state government.<sup>13</sup> Before this time, state government was relatively small, conservative, and concerned with efficiency.<sup>14</sup> Believing in citizen independence, Republican governors refused to sign applications for government relief. However, local governments could neither stem the tide of high unemployment, nor pay municipal debts which were among the highest in the country. As a result, in 1932, the Republicans were swept out of office and the state elected its first Democratic legislature. Legislators moved quickly to make use of federal assistance, to find new revenue sources, and build a centralized system. Major new sources of income were the sales tax, state licensing of taverns, a business and occupation tax, and the so-called sin taxes (liquor, gambling, and cigarettes). Also in 1932, a 40 mill limit on property taxes was approved by initiative. The income tax is the only tax that has never been approved. The citizens of Washington have an inherent antagonism to this tax. Consequently, the state lacks this revenue-generating capability and must look elsewhere for revenue.

The 1930s was a watershed decade in Washington's political economic history. State government became very

active administering relief programs. Consequently, the state was perceived to be the source of last resort for resolving society's most serious problems and for distributing the tax burden over a broad segment of the state's population.

#### The Manufacturing-Cold War Period (1940-1979)

This period was a time of modernization and integration. The economy expanded considerably with the introduction of a major new industry. The state's strategic location created a very suitable environment for wartime manufacturing.<sup>15</sup> The area developed as the site for strategic military bases and port facilities. As a result, World War II introduced a new economy into the state and created jobs it had never had before. Washington "came of age" and joined the rest of the country as a full-fledged economic partner. Although the federal government remained the largest landholder, the state's diversified economy broadened the political and social base.

Wartime and postwar prosperity made the state more middle class and brought in a new wave of immigration. The old issues and conflicts which had shaped politics prior to the war became less influential. No longer did the reform problems of the progressive era set the political agenda. Middle class values of the good life and conservation predominated.<sup>16</sup> People were better off economically than



they ever had been and Washington became a "thoroughly middle class state." Thus the 1950s can be described as a period of relatively inactive state government, conservative politics, and an emphasis on personal affluence. Not only was per capita income higher, but much of that income came from federal military and civilian employment.

While the notion of a good life permeated the middle class, it had quite a different connotation to the working class in general and to women and minorities in particular. Socioeconomic conditions which favored the white middle class operated differently for the working class and the disempowered. Inequitable employment opportunities and conditions characterized state personnel practices and these issues, rooted in the civil rights and women's movements, came to a head in the 1960s, a decade when everything seemed possible. Women and union members raised issues of unfair and discriminatory labor practices, especially pay policies. For example, the same work frequently earned different wages.

No unified state civil service system existed in the state prior to 1960. Only those agencies which operated with federal funds were covered by a merit system and then only for hiring and promotion purposes. Personnel structures were decentralized and there was no uniform policy for classifying and paying employees. For example, a secretary in one agency could be hired by another agency

because it had a different funding source and could pay a higher salary (Schut, interview). The patronage system, with its long tradition in state government, was another disruptive force. Employees took time off to campaign for politicians and each change in administration resulted in high employee turnovers. Consequently, work was often delayed while new people were trained.<sup>17</sup>

The number of complaints from agency directors prompted the governor to appoint a committee on standards. Its objective was to develop a centralized personnel system and a policy of uniform job classifications. The committee worked with six legislative sessions, but was unable to get a bill passed. With the backing of the Federation, an initiative to establish a comprehensive state civil service system was placed on the ballot and approved by the voters. The 1960 law brought all general government employees into one system (DOP) and set up separate civil service systems for the five higher education institutions. The policy of setting pay at prevailing market rates was included in the law.

Two other laws also had significant impact on state government. The Equal Pay Act (EPA, 1963) set the national pay standard as equal pay for equal work. Title VII (1964) made it unlawful to discriminate in terms and conditions of employment on the basis of sex. However, the full effect of Title VII was not felt until 1972 when the act was amended

to incorporate state government.

Two political conditions were now in place which made it possible for state government to become a strong, viable entity. First, a legacy had been handed down from the Depression that state government had the capability to solve problems. The events of this period forced the state to find new revenue sources and to build a centralized system. State government became the institution with the power and ability to act across populations and problems. However, absent authority to tax personal income, the state was forced to find innovative revenue sources.<sup>18</sup> Power shifted from a bottom-up to a top-down style, which further strengthened state government's capabilities. Secondly, the personnel structure was centralized, strengthened, and stabilized with passage of the civil service system. Now that turnover rates were reduced and employment practices unified, the administration of government could be integrated and proceed with continuity. A stronger political vehicle was now in place and ready for the relative economic boom which lasted until the bubble burst in the 1980s.<sup>19</sup>

The greatest expansion of state government capabilities occurred during Governor Daniel Evans administration (1965-1977). The proliferation of federal grants contributed to this growth. In 1969, 19% of the state's budget came from federal funding, with a peak of 22% in 1979. These grants

encourage state spending and replaced revenue the state would have had to raise. This situation eased the burden of taxation. One indication of growth is a 60% increase in the number of state employees. The majority were clerical and service workers in female-dominated occupations. Although state government was not the largest single employer in the state, Boeing had that distinction, nevertheless, it was the primary employer of women. Consequently, its policies and practices set standards for other governmental jurisdictions.

State government sought ways to enhance and expand its capabilities. Many changes were undertaken to achieve greater efficiency and centralized control. An important motivation was to attract and manage federal grants. In response, the following activities occurred. Legislative staffs and interim positions were funded, oversight committees expanded, and several agencies were established and/or reorganized. New constituencies also demanded attention: baby boomers, women, minorities, and the disadvantaged.

As state government's capability and resource base expanded, so did the scope of its activities. Because most issues were of an incremental nature, they were piggybacked onto existing policy in a relatively short period of time. However, new and major change issues such as a unified civil service system and comparable worth took longer to move

through the political process. Controversial issues originated at the grassroots' level and frequently entered the political agenda through the initiative process or heavy lobbying activities.

Yet an element of irony is apparent during this time. Whereas state government achieved a level of capability it had never known before, older notions of antigovernment, self-reliance, and middle-class morality were never far from the surface. Two examples indicate how these traditional values surfaced in the 1970s: (a) a taxpayer revolt (constitutional amendment) limited property taxes to 1% of market value, and (b) a public disclosure law (initiative) held candidates and office holders accountable for their financial interests. At the time when state government had reached the capacity to solve many more problems, its taxing base and ability to attract capable people were limited.

#### The Current Political Economy (1980 to Present)

Currently, Washington's politico-economic situation is characterized by important changes. Economically, the state is in a declining period. The manufacturing and timber industries are depressed. The overall economic base has shifted to retail and service occupations. Finally, cutbacks in federal funding for social services and revenue sharing have curtailed government's capabilities. Consequently, personal income levels have dropped, because

retail and service jobs pay less. There is also a growing split between affluence and poverty. This gap in the social structure creates a polarized, two-sector society. While middle and upper classes are prospering, the lower-middle and marginal populations are struggling. Unemployment rates remain high because of the shift away from manufacturing jobs and the seasonal nature of work in timber, agriculture, and fishing.<sup>20</sup> These economic conditions are important indicators for state government, because public employee wages "reflect" prevailing rates in the market. Politically, the effects of the state's new residents (Yuppies, retirees, and Southeast Asian refugees) are bound to create new demands.

The style of living which identifies Washington as a desirable place to live is creating strain on an economy undergoing major transformation. Interest groups who believe they are entitled to an equal share of benefits are making demands on a system which faces limited resources. The state government and legislature, with traditions of strong social consciousness and a belief that things can change, faces an uncertain future. The governor is asking agency heads to think in terms of a 3-4% cutback and his chief of staff is advising legislators to "introduce bills that don't cost anything but mean something" (Foster, interview). The state's general fund is expected to grow only 6.8% in the 1987-89 biennium. This rate is

considerably lower than the 22% average biannual growth of the 1970s (Baumgartner, 1987).

Public employee salaries and other high-cost programs will not have top priority.<sup>21</sup> There is a perception that the state has an unresponsive tax system and therefore cannot fund full prevailing rates (Seth, interview). Due to the decline in the state's general fund revenue, one of the governor's major priorities is to expand Washington's international export market.<sup>22</sup> Fishing and agriculture remain depressed, and lumbering, although somewhat improved, will never be as strong as it was. The state's taxation system is a major issue for the Legislature and many people believe it is unfair.<sup>23</sup> One way to address the problem is to again consider a personal income tax. Such a move, however, is almost political taboo, because the voters have consistently rejected it.

### Summary

Washington's character is clearly a reflection of its past. When the state depended on extractive industries, its population was primarily working class. Its political source of power lay at the local level. The people worked their issues through a populist and then a progressive reform movement, with underpinnings of radical and socialist ideologies. However, when the state's economy shifted to manufacturing, a middle class emerged with a different set

of values and a limited concept of government. The situation changed when a new wave of immigrants became dependent on government services. Their demands, plus the availability of federal grants, shifted political power from local to state government and a more liberal ideology.

The present political environment retains legacies of the past. These include a strong social consciousness, a desire for efficient yet responsive state government, grassroots' liberalism, union activism, and a leadership style which at times has been willing to take risks. This latter characteristic sets Washington apart as a bellwether state. Its legacy of progressivism makes it an appropriate laboratory for change. Many national policies were born there.

It is evident from this analysis that the political and economic conditions which allowed a concept like comparable worth to be developed were in place in Washington by the 1970s. With its history of social reform, equitable treatment, activism, and innovation, the state provides an ideal environment to address the problem of wage discrimination in particular and the value of work in general.

In addition to this ideological heritage, state government had several reasons for acting as a model employer: (a) it had unified its major personnel system, (b) it diversified its tax base and economy, (c) Governor



Evans had proven leadership skills, and (d) its work force had a high proportion of female employees. Finally, a long history of activism made it possible for the problem to be addressed by feminists at the societal level, and then institutionally by the Federation. When the issue came to the governor's attention, it entered the political arena. The Legislature had its own traditions of innovative policy making and constituency awareness.

### The Policy Implementation Process

#### Defining the Concept

Public policy is defined as "authoritative government action that states an intention to do something or to be guided by some principle" (Baumer & Van Horn, 1985:33). Most public policies are laws passed by the legislative branch and signed by the chief executive. The first stage in the process defines the issue and sets the agenda. Society has many problems, but only a few receive government's action. Determining which issues reach the agenda depends on the prevailing political economic conditions, the nature of the problem, and the supporters' ability to persuade power brokers that their problem merits attention. Issue definition raises several concerns. What are the root causes of the problem? What aspects of the problem require government action? How does an idea's time come?

Comparable worth questions how we value work. It

transforms evaluation criteria from a whole job perspective (equal work) to job components (equal worth). Value depends on how many aspects of each compensable factor are present in the job. To operationalize this new standard, personnel systems must alter their pay practices. In this way, comparable worth challenges the existing personnel structure. A call for change does not originate from within the system. Rather, it comes from the external environment. Those actors outside government who defined the issue and placed it on the political agenda in Washington were primarily female activists and union members.

#### Early Agenda Building

"Comparable worth did not just suddenly appear on the horizon in 1974."<sup>24</sup> At that point, Washington officially named the issue. However, the concept and the problem it addressed, namely, sex-based wage discrimination, had existed for a long time. At first the problem centered on men and women doing the same work but earning different wages. Norm Schut, past executive director of the Federation, recalled the time when as the business agent for a union in Tacoma, he learned that male elevator operators were paid more than women who did identical work. The problem of equity and fairness came to Schut's attention a few years later when he was working for Governor Langlie on some state labor relations matters. In the pre-civil

service years prior to 1960, secretaries earned different salaries depending on the funding sources of their agencies. Not only were agencies setting their own salaries, but directors were "stealing" secretaries from each other.

When Schut became director of the Federation, he examined the wage inequity problem from the expanded perspective of the value of certain work in relation to other jobs in the same organization. Examples of this type of situation are counselors and hospital attendants in the state's mental hospitals who were paid the lowest salaries in the institutions. When comparing their duties, 80% patient care, to others, they were not paid commensurate with the importance of their work to the hospital's mission. These classes were not applicable to prevailing rates, because the private sector had no comparable jobs.

Comparisons between clerical and maintenance workers is another example of the wage gap between female and male employees. Helen Castrilli was secretary to the head of the Pathology Department at Western State Hospital in Steilacoom, and a member of the Federation. She first became aware of salary differentials by reading the results of salary surveys in the union newsletters (Castrilli, interview). From this information she realized her salary was less than the gardeners who mowed the hospital lawn. Many could not speak English and their jobs required virtually no decision making or writing skills. Her

secretary 1 shorthand position required considerable expertise in both English and decision making. After lengthy discussions with coworkers, several employees brought the issue to union officials.

Meanwhile, women surfaced the problem at several other levels. Under pressure from business and professional women and in response to President Kennedy's national commission, the Commission on the Status of Women (CSW) was established in the early 1960s.<sup>25</sup> The CSW existed until 1970 when Governor Evans replaced it with the Women's Council, a state agency established by executive order. The 16 council members worked to identify key women's issues and lobby the Legislature. According to Gisela Taber, the first chair, the council had a 100% success rate with its legislative agenda. They gained considerable visibility and credibility. Their initial issues were community property laws, state/federal ERA, credit, insurance, and wage discrimination (Taber, interview).

Early in her administration, Governor Dixy Lee Ray dissolved the council. Several women's groups formed their own organization, Washington Women United (WWU),<sup>26</sup> which still exists. Their primary activity is to lobby the Legislature on issues of concern to women. WWU is an umbrella organization for over 80 women's groups statewide, and on most issues it takes a liberal stand. Other women's groups who passed resolutions in favor of a comparable worth

policy include NOW, the YWCA, AAUW, BPW, CLUW, the Women's Political Caucus, and the League of Women Voters. It is important to note that the women's organizations did not always agree on feminist issues. However, on comparable worth they were more unified, because the concept cut across occupations and affected most working women. In general, women's groups saw the problem as a fairness issue. Also, women's interests were easily mobilized in Olympia, because the majority of the city's employed women worked in state government.

Awareness of the problem also surfaced at the University of Washington when HEPB converted to a unified classification system. Female classified employees and librarians complained about the new system. Previously, they could negotiate in their individual institutions, but were afraid that with an integrated system, their salaries would be reduced. Also, female employees "eyeballed" the 1970 salary survey figures and saw that their pay increased only 2-3%, while male salaries rose 8-9% (Seth, interview). The unions advised their bargaining units to accept the proposed classification system, and they [union officials] would deal with the wage discrimination problem.<sup>27</sup> Although initially the problem focused on concerns for institutional autonomy, it became a comparability issue when women learned about their depressed salaries (Krachunis, interview). A group of radical socialist women and the Seattle chapter of

NOW also raised the issue at the university (Remick, interview). The socialists were especially vocal and at a hearing, held in the basketball pavilion, a "mob" scene developed (Seth, interview).

Evelyn Jaeger Whitney, chair of the State Personnel Board, attended an IPMA conference in the early 1970s and heard about comparable worth for the first time (Whitney, interview).<sup>28</sup> The idea seemed to her like an appropriate strategy for reducing the wage gap. She and others who attended the conference were eager to "throw out the idea" to Federation officials. At first they had a hard time explaining the concept, because most people associated comparable worth with equal work. The women decided to discuss the matter with Norm Schut, who had close political connections with Governor Evans. Schut had not heard of the term "comparable worth" per se. However, he was familiar with the problems it addressed and had worked on similar issues for many years. Larry Goodman, a Federation executive, took part in those discussions, and the two agreed that this problem deserved attention. They believed their union to be the most appropriate one to take the problem to the political agenda.

Pay equity was raised simultaneously by several groups in the state and became part of the larger women's liberation movement of the 1970s. One of the primary aspects of the movement called attention to those issues of

fairness and equity which affected women's lives. Another aspect had negative overtones. Women were described by the press as radicals who burned their bras and tried to overturn government. The political structure feared women's radicalism and did not understand the new pay concept they proposed. The compensation policy in place at the time was equal pay for equal work and comparable worth appeared to be a radical departure from that standard. By adding a complex issue which most people did not understand to a highly charged climate:

the makings for doing nothing in a political environment become the norm. If things are too complicated, the political system doesn't do anything about it; it waits until it can sort through things (Belcher, interview).

Comparable worth was more a philosophical, rather than an economic issue in its agenda-building stage. Debate did not focus on whether the state could afford to fund the policy. Instead, it concerned how to address the problem.<sup>29</sup> The existence of pay differentials was well known to female employees and women's interest groups, because they experienced first hand the effects of the wage gap. However, taking the issue from the societal to the political level required an educational process. The authority structure was male-dominated and assumed to be less informed and/or supportive of women's concerns. The atmosphere of radicalism had to be defused and women, who raised the issue

in the first place, needed to acquire political astuteness.

During this ten-year period before passage of the 1983 law, women's groups and the Federation lobbied the issue with key legislators and elected officials. They sought to move this seemingly radical, complex, and misunderstood idea through a process which would change it from low to high visibility and eventually to consensus. The political climate had to be receptive. In the early stages of issue definition, that factor was more important than the economic climate (Moore, interview). How the concept changed from outrageousness to legitimacy is the story of the Washington experience.

### Examining the Pay Structure for Inequities: 1973-1983

#### The 1973 Management Study

In 1973, the state contracted with Norm Willis and Associates of Seattle to conduct a study to compare executive positions in state government with executive positions in the private sector. Eight elective officials and 234 appointive managerial positions were selected and compared to top management positions in 30 companies in the private sector. The state regularly conducted salary surveys of prevailing rates for classified state employees, but exempt positions were excluded. So it seemed appropriate to conduct a special market survey of managerial positions to compare the two employment sectors. Although



it was assumed the state paid its executives considerably less, how much was not known.

The consultant used his three-factor job evaluation plan to measure job worth (working conditions were not included). Willis trained the evaluation committee to use his point factor system. They evaluated most of the selected positions, while Willis himself rated the elective positions. After plotting the job worth scores on a scattergram and drawing the line of central tendency, comparisons were made between the two salary groups.

The report concluded that appointive managers earned less than private managers at upper levels, and elective officials were paid less than both groups at all levels for jobs of equal point values (Willis, 1973). State salaries for exempt positions were neither internally equitable nor externally competitive. If those conditions remained, the state would find it increasingly difficult to recruit, retain, and motivate people for top positions. As a result of the study, salary adjustments were implemented in 1977, bringing those jobs closer to, but still less than, prevailing rates (Remick, 1986).

This study was significant because it set certain standards for subsequent pay equity studies. For the first time, an evaluation committee used point factor job evaluation to calculate alternative salary lines. The study called attention to the importance of maintaining internal

equity among managerial jobs within an organization, as well as remaining competitive in the external labor market. Because the state must frequently compete for qualified employees from a common labor pool, the study recommended the state develop "a salary practice that recognizes the competitive worth of positions" (Willis, 1973:20). Another significance was the state's recognition of pay differentials, and an unwillingness, or inability, to pay full full market prices. This condition characterizes public sector pay setting policies. Governments never pay their managers full market rates (Remick, interview).

#### The 1973 Pilot Study

A precedent had been established. A comparability study was one way to determine wage differentials. Subsequent studies not only compared other public employee salaries (nonmanagement) with prevailing market rates, but introduced a new variable into the process, namely, sex.

As noted above, considerable interest was building at the societal level regarding issues of fairness in general and women's economic status specifically. The relevant issue in the early 1970s was the growing wage gap between male and female classified workers. One place where the problem surfaced was higher education. Female nursing professors complained of being paid unfairly in comparison with male faculty (Spaulding, 1985). At the same time,

female members of the Federation voiced similar concerns. The Women's Council took on the issue and made pay equity a key item on its agenda. Council members saw the possibility of applying the same standard to female-dominated jobs that had been applied to top management positions.

Norm Schut, a Council member, recognized discrimination as a problem which would not go away. He believed it was something the Federation should deal with now, or another union would. Consequently, he discussed the matter with the governor's chief of staff. Jim Dolliver had become aware of the issue from two women on his staff--Jennifer Belcher and Jo Garceau. They raised questions of fairness and equity and wondered how to expand the equal work concept to another level (Dolliver, interview). Were there objective standards which could be used to evaluate work across occupations? Were there characteristics of women's work which could be rated as high as men's work and if so, why should male salaries predominate?

Governor Evans liked innovative ideas and seemed receptive to this new approach. As chief administrative officer, he was committed to sound personnel practices. He saw himself as a leader who could address the issue at the top level. However, neither Dolliver nor Evans had a sense of the enormity of the impact this policy would have on the salary setting structure. At the time, it seemed like "the right thing to do."

Schut also talked with the heads of the two personnel departments. The DOP director informed him that DOP was the proper agency to study the problem, rather than the Federation. However, it would not conduct a study without direction from the governor (Nord, interview). Eventually Schut drafted a letter for Governor Evans' signature. Although Evans supported the idea of a study, his concern about undertaking such a project was a fear that it might not be done right and would either raise false expectations or be unachievable.<sup>30</sup> A study of this type had never been done before, a "whole new ballgame." As with any new undertaking, the governor wanted it done correctly. In his letter, Schut (1973) noted the issue was not that

the Personnel Boards have ignored wages paid for comparable work in the private sector, but rather that the Boards have perpetuated the discrimination against women in salary setting that permeates through the private sector and other governmental units.

Schut acknowledged that the state had made considerable strides in its affirmative action practices to expand women's promotional opportunities. Nonetheless, the major issue of "blatant discrimination" remained unresolved. Although Schut recognized the problem was not the "sole fault of the state," he argued that:

the State has a unique opportunity to turn this thing around and set policy, at least as it affects State employment, which clearly will

eliminate and prohibit the discrimination in salary setting which adversely affects the incumbents of those positions substantially occupied by women (Schut, 1973).

The letter recommended that the two boards take up the issue immediately and act on proposals to rectify the situation. A week later the governor responded with a letter to the personnel directors stating that his administration would take the lead "by enforcement and example, in eliminating all forms of discrimination" (Evans, 1973). He directed the two agencies to conduct a "thorough study" of their job classes which were predominantly held by women and paid less than male-dominated jobs having comparable skills and responsibilities. He requested completion of the study in a month so the Legislature could consider possible action in January.

The two personnel agencies conducted what they called an introductory or pilot study, because there was not enough time to conduct a more comprehensive one. DOP selected 12 male and 12 female-dominated classes (2/3 incumbency of one sex) and HEPB selected 11 male and 11 female-dominated classes, for a combined total of 46 classes. The classes were not "directly comparable in duties or nature of work," but they did have "measurable job elements which allow for comparisons that can be illustrated" (HEPB & DOP, 1974). Analysts developed an in-house point factor rating system which used five job factors: working conditions, complexity

of work, physical effort, responsibility, and education/experience. A three-step rating scale calculated point values: 1 = minimum, 3 = intermediate, 5 = maximum.

Salary lines were drawn to show the relationships between salary rates (at entry level) and job worth scores for male and female classes. Variations revealed that in all selected classes, female jobs earned less than male jobs for work of comparable value. DOP findings indicated an average 15% or \$100 per month differential, while HEPB's findings were slightly less. The two agencies concluded that there were "clear indications of pay differences" between sex-specific classes, and these differentials were not due solely to job worth (HEPB & DOP, 1974). The report acknowledged that the following condition was present in the traditional market survey practices:

surveys perpetuate whatever apparent disparities or inequities are present in the salary universe. In government there are pressures against efforts to rectify such situations, since this would result in paying above prevailing rates for some occupations. Among these pressures are the competition of funds for salary increases with other governmental priorities and general inflation itself. In general, the state's compensation plan generally mirrors that of the general wage universe (p. 2).

#### The 1974 Comparable Worth Study

Personnel administrators requested a more comprehensive study with refined sample selections and rating methods. In

their cover letter to Governor Evans, the two directors noted that a "more technically valid study would support the conclusions" and suggested that such a study be completed in six months (Sayan & Nord, 1974).

Governor Evans, acting promptly, requested authorization. The Legislature, by resolution, approved a \$25,000 appropriation to finance the study. The firm of Willis & Associates was hired to conduct a more thorough study of the pay disparities between male and female wages in civil service jobs.<sup>31</sup> The purpose of the study, which began in April 1974, was:

to examine and identify salary differences that may pertain to job classes predominantly filled by men compared to job classes predominantly filled by women, based on job worth. Alternative suggestions to correct disparities that may be disclosed were to be provided (Willis, 1974:1).

Classes having at least 70% sex-specific incumbencies were identified as test samples.<sup>32</sup> No attempt was made to compare wages externally. The two personnel systems selected a total of 121 classes representing journey level skills: 59 male-dominated and 62 female-dominated. They typified high and low-populated classes (Willis, 1974).<sup>33</sup> Evaluation data came from job specs, updated job descriptions, and questionnaires sent to 1600 incumbents chosen at random from the selected classes. Additional information was gathered by a task force whose function was

to interview half of the selected incumbents. A 13-member evaluation committee rated the job classes on four factors: knowledge and skills, mental demands, accountability, and working conditions. By this time, the Willis plan had added a working conditions factor.

The consultants trained the evaluators. They stressed four guidelines: (a) concrete facts are required for effective evaluation, (b) job content (not jobholder) is evaluated, (c) interpretations must be consistent, and (d) ratings are achieved by consensus. Overseeing the study was a nine-member advisory committee representing a cross-section of interest groups including business, unions, government, and women's organizations. The Woman's Council was particularly concerned with involving women in every step of the process (Taber, 1978).

The report found that jobs held predominantly by women earned about 20% less than jobs of similar worth held predominantly by men. The gap widened as job value increased (Willis, 1974). The average pay differential amounted to approximately \$175 per month. For example, stockroom attendant 2 and retail clerk 1 both scored 120 points. However, the former, a male class, had a mid-range salary of \$700 per month, while the clerks, a female class, received \$484, or 69% of the male rate. Results from the two personnel systems also revealed differences. HEPB male salaries were higher than DOP men, whereas DOP women earned



more than HEPB women. In neither system did salaries for women's jobs surpass male jobs of equal value.

The report recommended three alternative courses of action to correct the pay disparities: (a) restructure the pay system by adjusting the average salary of all women's classes upward to the average of all men's classes, (b) modify the existing system, and (c) increase the mobility opportunities between male/female classes.

The 1974 study was significant for a number of reasons. First, it introduced the Willis point factor job evaluation system into the civil service structure. Although this methodology was designed for management classes rather than comparable worth, it has since been modified for classified positions. Second, the study standardized the procedure for subsequent analysis. Scattergrams plotted various pay lines: male, female, and the average of both. Simple regression statistics established lines of best fit. The formula used for forecasting pay rates is the same one incorporated in the negotiated agreement.<sup>34</sup>

Third, the findings and conclusions indicated that correcting the wage gap would involve alterations or departures from the existing salary setting method of prevailing rates. Internal alignments based on job content value are different from relationships based on the pay practices of the external market. A more far-reaching problem concerned comparable worth. If this policy were

established as practice, the state would have a two-tier or dual policy. Eventually, questions would arise about meshing the two plans into a uniform system. In recommending comparable worth as a possible strategy for correcting pay disparities, the report introduced the concept of using the average male salary line as the standard. The consultant inferred that pay equity would be achieved at this line. The state eventually went with the average actual salary line. It determined that equity would be 5% of the line, which is considerably less than full pay equity envisioned by the Willis report.

A fourth contribution of the study was institutionalization of the term "comparable worth." Washington originated the term, was the first state to consider it as a possible alternative pay strategy, and led the nation in conducting pay equity studies of its work force. Comparable worth was officially born in 1974. However, a decade passed before it became a legitimate pay policy. With the nation's first pay equity study, Washington assumed leadership and became the lead state. But no one in 1974 could have predicted the impact this study would have on the state and other governmental jurisdictions.<sup>35</sup> Schut referred to it as "a sleeping tiger" (interview).

### Passive Response to the 1974 Study

Despite evidence of a 20% wage gap, no corrective action was forthcoming. The Federation did not push for implementation. Schut retired about this time, and the new executive director, George Masten, did not see comparable worth as an important issue (Remick, interview). Instead, the Federation called for an update of the 1974 study and a request that the two personnel boards incorporate the job worth concept into their 1976 salary survey (Taber, 1978).

Tradition was a second reason for not promoting more decisive action. Unions customarily bargain for wages and negotiate for blue collar (male) job classes. Comparable worth was perceived as a restrictive strategy, which takes focus away from male jobs. With this new concept, job evaluation, rather than collective bargaining or prevailing rates, determines value. If the market became a less viable factor, men's jobs would lose some of their advantages. Although the Federation continued to lobby for comparable worth, it was never promoted as a replacement for the market. Instead, the union committed itself to full implementation of prevailing rates (Remick, interview).

The Federation was also assessing AFSCME's position. In the mid 1970s, the national union was heavily involved in the civil rights movement, and an affiliate's individual activities took attention away from the larger agenda (Schut, interview). AFSCME was reluctant to lend its

leadership and financial support. However, the Federation argued that in Washington, comparable worth was an important concern. Rather than spending time on the racial issue, which was considered a southern problem, Federation members were raising job-related issues, especially salary differentials. Because so many members were women, if the Federation did not address their concerns, other unions would.<sup>36</sup> Consequently, the Federation decided to keep the issue alive, with or without AFSCME's support.

The Legislature had its own reasons for not taking corrective action. Politically and economically, it seemed more feasible for the Legislature to commission a follow-up study than to implement a high change and costly new program. Although Governor Evans went on record in support of comparable worth, he preferred at this time to promote further research and extend analysis beyond a sex-based perspective.

Inaction at the political level did not mean that things had come to a standstill. Activity was going on elsewhere, and the issue was kept alive by concerned people. For example, the Network of Women in State Government was formed in 1975 and its task force on comparable worth organized extensive educational activities (Taber, 1978). From data collected in the 1974 study, they noted that with each across-the-board salary increase, the sex-based wage gap widened. The Interagency Committee on the Status of

Women also monitored the situation.<sup>37</sup> Of particular concern were the clerical classes, because they represented the highest concentration of female workers (Ibid.). The American Association of University Women passed a resolution at its 1976 state convention urging implementation of another study. Several women on the State Labor Council also kept the issue alive. These efforts assumed that by continually informing policy makers, the concept would be eventually understood and accepted.

State employees are forbidden from bargaining for wages, so the Federation relied on its political influence and lobbying activities. Since it lacked sufficient resources to conduct its own comparable worth studies, the leadership requested administrative action. Officials were concerned that no effort was being made to correct the situation. For this reason, the Federation asked the two personnel boards to incorporate the job worth concept into the findings of their upcoming salary survey (Goodman, 1976). The Federation also helped draft a civil service amendment, and beginning with the 1976 campaign, asked all legislative candidates to identify their position on comparable worth (Taber, 1978).

#### The 1976 Comparable Worth Study

The state decided to gather more information. The Legislature authorized a second study and instructed

Governor Evans to commission Norm Willis to conduct it. This time the sex-dominant classes would be augmented by benchmark classes, because the latter were more representative of the general classified work force (Hubbard & Revo-Cohen, 1987). The Federation favored this change in the sample population since its leaders and members were predominantly male. A sex-neutral study was preferred also by those who were uncomfortable with the possibility that the state had discriminated against female employees (Remick, 1986). Desexing the study drew attention away from labeling it a woman's issue, thus comparable worth would be more "palatable" (Taber, 1978). It is evident that early in the process, Washington intended to regard comparable worth as a wage strategy for all undervalued jobs.

The study, which commenced in September, had several objectives: (a) to evaluate each benchmark position used in the salary survey, (b) to evaluate key classes which match the benchmarks, and (c) to develop a comparable worth salary structure and cost estimate (Willis, 1976). This study was somewhat different from the 1974 study, because its objectives were not to show the existence of a wage gap nor to suggest corrective action. Instead, it provided comparable worth data which could be compared with prevailing rate data. In addition, 85 new classes, the 121 classes evaluated two years earlier were reexamined.

The 1976 study was significant because it developed a

formula for computing compensation rates based on a comparable worth salary line. With sex no longer a variable, the overall average salary line became the comparable worth line. Pay equity, in general, was emphasized, rather than sex equity. Subsequent studies followed this precedent. A second contribution was the establishment of comparable worth pay grades for each evaluated class. These grades were developed for all other classes through indexing procedures. Finally, the report suggested that the total estimated annual cost of full implementation by 1977 would be \$37.9 million (Willis, 1976).

#### Reactions to the 1976 Study

Two actions were taken immediately. First, shortly before completing his third term, Governor Evans included a \$7 million amount in his outgoing budget to begin implementing comparable worth. Second, the State Personnel Board (SPB), at its December meeting, adopted the following resolution:

The Board supports the correction of disparities identified by the study and that salaries will be based on prevailing rates except where such criteria do not adequately compensate the employee based on the concept of comparable worth (DOP, 1976).

By the end of the year, executive leadership appeared ready

to recommend specific corrective action, and the SPB had at least gone so far as to put a policy statement in writing into the record. However, this initial momentum got short-circuited with the change in administration.

Dixy Lee Ray, the newly-elected governor, was advised by her budget director to delete the \$7 million item (Belcher, interview). Although she supported corrective action in her campaign, she publicly questioned the Willis methodology arguing that it was impossible to compare "apples, pumpkins, and cans of worms." This comment hit the media head on and generated considerable publicity. However, there is reason to suspect that Governor Ray had definite motives for her action: (a) she believed that job comparability strategies needed considerable improvement (Taber, 1978), and (b) she did not understand the concept and was reluctant to commit state funding to a controversial policy (Belcher, interview). It wasn't for economic reasons that she removed the money. The state had a budget surplus during her administration (Remick, 1986a).

Towards the end of her term, Governor Ray had become better informed and renewed her concern about the growing wage gap. In her 1980 state-of-the-state address, she noted that:

the only thing that we . . . have done about that 1974 study was to have it updated . . . the inequality gap between men's and women's salaries for similar work has now increased. The dollar



cost of solution will be high; it probably cannot be achieved in one action. But the cost of perpetuating unfairness, within state government itself, is too great to put off any longer (Ray, 1980:7).

The governor did not refer directly to implementation; nevertheless, she directed DOP to "pay particular attention to action on this matter" in its biennial salary survey. Her speech predicted that a phase-in period would probably be necessary. She noted also that cost is not a viable excuse for perpetuating discrimination. Judge Tanner made this same point a few years later in his decision against the state.

The other action taken in 1977 was legislative. The civil service laws were significantly amended. Lawmakers altered prevailing rate policy to diminish the state's responsibility and save money. Rather than paying full prevailing rates, as previous policy required, the new amendment introduced the following language:

Adoption and revision of a state salary schedule to reflect the prevailing rates in Washington state private industries and other governmental units (RCW 41.06.(17), emphasis added).

Since the state had only once paid full market rates and was unlikely to do so in the future, legislators reduced the cost obligations of the policy by requiring that salary schedules "reflect" prevailing rates in the market.

The civil service laws were also amended to require,

for the first time, that biennial salary surveys be conducted jointly by the two personnel departments:

. . . the department shall undertake comprehensive salary and fringe benefit surveys to be planned and conducted on a joint basis with the higher education personnel (RCW 41.06.160).

The statute acknowledged that the two systems had common job classes and could develop similar pay schedules. These were important conditions for eventually implementing a comparable worth policy. The movement toward comparability and a two-tier pay policy was significant. The following change was made in response to heavy lobbying by the Federation. In conjunction with the salary survey findings, the two personnel systems were to furnish the governor and the director of OFM with:

A supplemental salary schedule which indicates those cases where the board determines that prevailing rates do not provide similar salaries for positions that require or impose similar responsibilities, judgment, knowledge, skills, and working conditions. This supplementary schedule shall contain proposed salary adjustments necessary to eliminate any such dissimilarities in compensation. Additional compensation needed to eliminate such dissimilarities shall not be included in the basic salary schedule but shall be maintained as a separate salary schedule for purposes of full disclosure and visibility. (RCW 41.06.160(5) emphasis added).

This section of the statute (SSB 2383, 1977) did not use the term "comparable worth." However, the language implied it. In fact, the underlined statement in section 5

(above) became the policy definition eventually incorporated into the 1983 comparable worth law. Another significance of this law was movement toward augmenting the prevailing rate system and the suggestion of adding another pay schedule onto existing policy. By calling for a separate salary schedule, it appeared that these salary adjustments were not to be considered in the same light as regular salary raises, but presupposed a corrective mechanism. Separate salary schedules would give the Legislature an indication of the cost of eradicating the pay gap.

Language was another key aspect of the 1977 amendment. "Adjustments" caused considerable discussion in later legislative deliberations. "Full disclosure and visibility" suggests the collection of evidentiary data, in the event a lawsuit would be filed.<sup>38</sup>

#### Foot Dragging: A Period of Inaction

Washington pioneered comparable worth studies, but it did not move quickly to implement corrective action. Instead, relatively little action occurred, while the concept gained greater understanding and support (Remick, 1983). After passage of the 1977 amendments, the Legislature seemed to drag its feet, and took no decisive action for six more years, until 1983 (AFSCME, 1985b).

Technically, the administrative level kept the issue alive with data gathering activities. The personnel systems

submitted three supplemental reports of prevailing salary surveys to the Legislature prior to each budget session.<sup>39</sup> However, no funds were appropriated for pay increases. The state conducted another study in 1980 as required by law. In that study, a nine-member joint committee evaluated 78 new classes.

A price tag was discussed at this time. Cost estimates varied depending on who supplied the information and what data bases were used. DOP estimated a cost of \$74 million per biennium to fund comparable worth increases (Taber, 1978). Willis (1976) and Governor Evans came in with different figures. The personnel departments lacked statistical expertise, preferring instead to "eyeball" results rather than using regression analysis (Remick, 1986). Comprehensive data bases and computer runs were not developed in centralized locations (Chien, interview). Personnel officials were skeptical and doubted that implementation would take place.<sup>40</sup> Effect on the private sector was another cost factor. For example, if the state adopted a comparable worth policy, spillover effects would undoubtedly be felt in the business community (Taber, 1978).

This period of "dormancy" was characterized as a time of data collection, concerns about cost, and fear of what radical change would do to the status quo. Because the issue lacked understanding, the administrative level did not promote it, nor did the Legislature seem willing to take

corrective action. Conceptual development had to concentrate elsewhere. Interest groups and the Federation concentrated their efforts primarily with legislative candidates. Washington Women United (WWU) was the major lobbyist for women's groups. It became a "mouthpiece" by assuming a very important role in citizen education. WWU had a committee which trained people to speak on the issue to community organizations. It also hired a lobbyist to testify at committee hearings and to educate legislators and their staffs.

#### Taking Legal Action

By 1981 it became apparent that neither the governor nor the Legislature was going to take any serious action towards implementation. Consequently, AFSCME, on behalf of its affiliate, the Federation, filed a complaint with the Equal Employment Opportunity Commission (EEOC) on September 16 (AFSCME, 1985b). Title VII requires this procedure as a prerequisite to filing suit in district court (AFSCME, 1985a). The complaint charged that the state's practice of sex-based wage discrimination violated Title VII of the U.S. Civil Rights Act.

The state of Washington has and is discriminating on grounds of sex in compensation against women employees in state service by establishing and maintaining wage rates or salaries for predominantly female job classifications that are less than wage rates for predominantly male job

classifications that require equal or less skill, effort and responsibility (AFSCME, 1985a:853).

EEOC failed to act, so AFSCME requested the Justice Department for a notice of right to sue. This action was granted on April 23, 1982, with no statement of the merits of the claims (Eikenberry et al., 1984). On July 20, 1982 AFSCME brought suit in federal district court seeking full implementation of comparable worth increases plus back pay (AFSCME, 1985a). The case was filed on behalf of nine plaintiffs. They were chosen by the executive director because they typified a variety of job classes represented by the Federation.<sup>41</sup> The plaintiffs believed their action was justified because the state had given "only lip service" to the issue (WFSE, 1983a).

George Masten (WFSE, 1983b), executive director, argued that it was fitting for Washington to file this lawsuit. He predicted that the case would be of national significance. By this action, the Federation served notice that it was taking matters into its own hands.

#### Taking the Issue Seriously: Comparable Worth Legislation

Simultaneous to this legal action, things began happening at the legislative level. Senator Eleanor Lee (R-Seattle) introduced a bill in the 1982 Legislature committing the state to comparable worth. However, she included no appropriation. 1982 was an election year and

while the Republican-controlled houses were not enthusiastic about the bill, neither did they want to be on record opposing it. Debate centered on language, namely, whether to use the word "adjust" or "increase."<sup>42</sup> The former suggested that salary rates could go up or down. Business and conservative legislators favored this concept because it would cost less. However, the federal Equal Pay Act requires that when addressing an issue of wage discrimination, rates cannot be reduced. "Increase" prevailed, because the majority favored it. The bill passed the Senate, but died in the House in the rush of legislative activity at the close of the session. Senators were able to go on record in support of the bill, while representatives did not have to vote against it (Remick, 1983). Although the bill failed, its introduction suggested at least a symbolic act which gained constituent support and media attention.

The election of 1982 is noteworthy, because the Democrats regained control of both houses. The change was particularly dramatic in the House where 45 of the 98 representatives were new members--almost a 50% turnover. Many were "new wage" people (Belcher, interview). They were elected, in part, because of the gender gap, a political phenomenon attributed to the national election of 1980. For the first time, women voted differently from men as a majority (Klein, 1984). Eleven women were elected and 14

were reelected to the House, giving women a 25% membership.

Policy issues, rather than party affiliation or candidate preference, influenced the women's vote. Equity and fairness were of particular importance. These values, combined with the awareness that women composed a viable constituency, made women's issues a visible priority. Pay equity was uppermost on these newly elected representatives' agenda.

Legislators who were knowledgeable in this area pressured colleagues of the same philosophical persuasion. They sought to convince them that comparable worth had been working its way through the "pipeline" for ten years. Its time had now come. The experts became the educators, lobbyists, and prime sponsors of the comparable worth bills. Heavy lobbying also came from the Service Employees International Union (SEIU). By 1982, the union had organized 3,000 workers from the University of Washington, making it one of the largest bargaining units in the state (Krachunis, interview). In addition to SEIU, the Washington State Nurses Association, women's groups, and the Federation pressured legislators to pass a comparable worth law. The other driving force for legislative action was the lawsuit which was scheduled to be tried in August, 1983.

In the 1983 session, the first comparable worth bill (EHB 1079) amended the budget bill to include a \$1.5 million item for comparable worth. The Republicans, still reacting



to their loss of majority control, introduced over 100 amendments to the budget bill. This action necessitated an all-night session. About 4:00 A.M. when things were relatively quiet and many members were off the floor, Representative Shirley Galloway decided to draft an amendment and put some money into the budget for comparable worth. She thought that "just a little bit" would not wake everybody up.<sup>43</sup> A combination of the lateness of the hour, the inexperienced leadership "who didn't quite know how to handle everything yet," and a realization that it was easier just to let it pass than to call a caucus, allowed the \$1.5 amount to pass in tact and survive in the Senate as well. For the first time, money was in the budget for comparable worth. The appropriated amount, payable July 1, 1984, authorized increases of \$100 a year, \$8.34 monthly, for employees in job classes indexed to benchmarks which were 20% (eight ranges) below the comparable worth line as shown by the 1982 supplementary schedule.

Appropriation preceded the policy statement. At the time of passage, no law defined comparable worth, nor determined when and how it would be implemented. In 1983, Senator Lee again introduced her bill and once more the debate focused on whether salaries would be adjusted or increased. The bill entitled "An act relating to comparable worth for salaries for persons in public employment" (SSB 3428), eventually passed with heavy lobbying by coalitions

of feminist groups, unions, and bipartisan support of female legislators and male Democrats (Remick, 1983). Persuasive arguments focused on the conviction that comparable worth's time had come, and women as constituents could no longer have their issues ignored. However, it was not "sold" as a woman's issue per se, but as a compensation policy and a matter of internal equity and fairness.

On June 15, 1983, Governor John Spellman signed the bill into law, after intensive pressure from female Republicans. They argued it was time the party did something for women (Remick, interview). The governor acknowledged that funding was insufficient to correct all the inequities, but he believed it was "a step in the right direction" (Seattle Times, 1983). It was also a political action. In signing the bill, he could demonstrate that Republicans were not anti-women. Washington became the third state, behind New Mexico and Minnesota, to appropriate money for comparable worth increases.

The 1983 bill revised the civil service statutes:

Comparable worth means the provision of similar salaries for positions that require or impose similar responsibilities, judgments, knowledge, skills, and working conditions (RCW 41.06.020(5), 1983).

. . . but the rates in the salary schedules plans shall be increased if necessary to attain comparable worth (REC 41.06.150(17), 1983, emphasis added).

Salary changes necessary to achieve comparable worth shall be implemented during the 1983-85

biennium under a schedule developed by the department in cooperation with the higher education personnel board. Increases in salaries and compensation solely for the purpose of achieving comparable worth shall be made at least annually. Comparable worth for the jobs of all employees under this chapter shall be fully achieved not later than June 30, 1993 (RCW 41.06.155, 1983, emphasis added).

This statute, codified in DOP's civil service laws, uses "increases" to define salary schedules for comparable worth purposes. The state's higher education personnel law contains basically the same language, but uses the term "adjustments":

Salary changes necessary to achieve comparable worth shall be implemented during the 1983-85 biennium under a schedule developed by the board in cooperation with the department of personnel. Adjustments in salaries and compensation solely for the purpose of achieving comparable worth shall be made at least annually. Comparable worth for the jobs of all employees under this chapter shall be fully achieved not later than June 30, 1993 (RCW 28B.16.116, 1983, emphasis added).

These two terms are used interchangeably in the language of the agreement. Comparable worth payments were considered to be increases, or add ons, to the base salary, and no salaries of any employees would be reduced. By these actions, the state committed itself to a new compensation standard--equal pay for equal worth. This legislation did several things: it defined the concept, created a two-tier salary-setting policy, appropriated \$1.5 million, designated the two personnel systems to be the implementing

organizations, and authorized yearly increases with full implementation by 1993. The legal mechanism for implementation was now in place, yet wide-scale payments beyond the token funding were tabled, pending results of the lawsuit. Nevertheless, legislators hoped this correction would be seen as a good faith indication of the state's intent to implement comparable worth (Belcher, interview).

#### The Lawsuit: AFSCME v State of Washington

##### In Federal District Court

AFSCME selected Washington as the lead case, because by this time the Federation was recognized as an influential and progressive council. It had plowed the comparable worth ground. Its lobbying activities initiated the original study and amended the civil service laws. Washington's long history with the issue made it a suitable state to take to court. Its ten-year old studies had been largely ignored, and many statements by government officials supported the concept (Remick, interview). The Federation, tired of inaction at the political level and unable to bargain for wages, felt litigation was the only route remaining. AFSCME, by now, saw the issue as sex discrimination in the work place. Absent collective bargaining rights, comparable worth would not affect that process.

The courts have consistently demonstrated strong resistance to adopting comparable worth as a legal doctrine.

Consequently, AFSCME's special counsel, Winn Newman, filed it as a wage discrimination case. He based his reasoning on two cases. First, Gunther v County of Washington (1981) held that disparate treatment (intentional discrimination) was illegal. Also Gunther extended EPA to Title VII holding that the latter's coverage reached beyond equal work claims (Mann, 1984). At issue was not whether jobs were essentially the same, but whether female jobs paid less because incumbents were primarily female (AFSCME, 1985a). The court did not go so far as to base its decision on comparable worth, nor did it define the concept (Mann, 1984). The second case, school desegregation (Brown v Board of Education, 1955), was based on the theory that segregation by race implies inferiority (Warren & Boone, 1984). By inference, segregation of the sexes in the work place results in inferior wages (Hutner, 1986).

AFSCME argued that because the state recruited and assigned employees on the basis of sex, it was guilty of disparate treatment. The state's reliance on salary surveys, while facially a "neutral employment policy," adversely affected women. The union charged the state with perpetuating wage discrimination in its pay structure by paying female-dominated jobs less than male-dominated jobs. The plaintiffs argued also that indexing relationships had a negative effect on women's wages.<sup>44</sup> Due to these adverse employment practices, AFSCME charged the state with

disparate impact.

Two types of wage discrimination are prohibited by Title VII: (a) disparate treatment (intentional, unfavorable treatment), and (b) disparate impact (facially neutral practices having a discriminatory effect not justified by business necessity). Each party has a different burden of proof: (a) the state as defendant must show evidence of a legitimate nondiscriminatory reason for the differential treatment and must justify the practice as a business necessity; and (b) the plaintiff must show that the employment practice had a disproportionately adverse impact on a protected class, and that sex discrimination was the more likely explanation for the wage gap (Warren & Boone, 1984).

The state believed this was a comparable worth case and thus not justiciable under Title VII, since proof of employer's intent to discriminate cannot be based simply on a study of comparable worth. For this reason, the state's attorneys requested summary judgment (dismissal). The court denied the request, relying instead on the disparate impact theory. Christine Gregoire, deputy attorney general, argued that this theory was not available to the plaintiffs, because they failed to prove that the state's pay system was a facially neutral practice. The argument here was that market surveys were not objective because salary decisions were determined by subjective employer criteria: union

negotiations, supply and demand, individual employer preferences and biases (Hutner, 1986). In addition, the state argued that the Willis job evaluation method was inherently subjective and statistically uncertain.

State's attorneys argued that intent was the only theory available to plaintiffs. This they did not prove, because the state, in mirroring the market, did not intentionally discriminate (Eikenberry et al., 1984). The market was a given and a legitimate basis for determining employee salaries. The other business necessity was that the state's need to recruit and retain qualified employees required it to reflect the market (Ibid.). Therefore, the state concluded that its employment practices were appropriate and in compliance with state law.

On September 16, 1983, Federal District Court Judge Jack Tanner ruled in favor of the plaintiffs. He found the state guilty of Title VII violations on both grounds--disparate impact and treatment. He held that the court's intent was not to ascertain whether comparable worth was a reasonable plan for setting salaries. The Legislature had already determined this in its 1983 law. Instead, determination focused on whether the state's pay practices were discriminatory (Remick, 1984). On December 14, he issued his comprehensive decision ordering back pay and an immediate end to discrimination (AFSCME, 1985b).<sup>45</sup>

Judge Tanner described this as a case of "first

impression," insofar as it concerned implementation of a comparable worth plan. However, he believed it was more accurately a "failure to pay" case. The state continued to maintain a discriminatory compensation system when it failed to remedy the wage disparity between sex-dominated job categories (AFSCME, 1983). It had made no progress in incorporating the findings of its own studies into a compensation plan. Therefore, failure to pay plaintiffs their evaluated worth constituted discrimination under Title VII. For these reasons, the judge ordered immediate implementation and back pay remedy to the female-dominated classes, retroactive to 1979. Tanner also appointed a special master to assist the court in carrying out the terms of the decree.<sup>46</sup>

The state objected to injunctive (immediate) relief on grounds of cost, the constitutional mandate for a balanced budget, and statutory intent to implement comparable worth by 1993. However, Judge Tanner ruled that cost was not a defense under Title VII. Instead, compensation should be equal to the remedy and class members were entitled to immediate relief (AFSCME, 1983). The state had a budget surplus during the 1970s and failure to remedy the wage inequities was a show of bad faith. Its "good faith" legislation in 1983 was too little, too late. In addition, Judge Tanner noted that the Legislature had received three comparable worth supplementary salary schedules and failed



to act on any of them, nor had its "token appropriation" of \$1.5 million yet been paid (Ibid.). Hence he declared that the time for remedy was "now."

### Effect of the Lawsuit

The lawsuit was significant for a number of reasons. It was the first case where a state was sued for pay inequities between sex-dominated job classes. It "put pay equity on the map once and for all" (WFSE, 1983c). The suit reintroduced sex as a factor and directed remedy only to the group discriminated against (Remick, 1986). Secondly, as litigation goes, it was a unique lawsuit for the state. Previous discrimination suits had been individual cases, so this was the first class action.<sup>47</sup> It is also unique because of the work required in discovery. Initially, the Attorney General's Office regarded the case as a "normal lawsuit." However, as the work load increased and summary judgment was denied, it became apparent that this would be no ordinary case (Gregoire, interview). HEPB had a similar reaction. The staff saw the amount of data required as "a giant cloud of work descending over us" (Gerard, interview).

Third, the finding of disparate impact was significant. Until this case, courts tended to decide pay claims on the basis of disparate treatment (Mann, 1984). In finding the state guilty of disparate impact, Judge Tanner ruled that the state's practice of market surveys had an adverse effect

on a protected class. The state failed to justify this practice as a business necessity. Title VII does not require employers to use comparable worth or job evaluation studies to set wages (Warren & Boone, 1984). Yet when such studies were conducted, Tanner noted that they inferred a reasonable entitlement:

It would seem obvious that when the State passed the 1977 legislation requiring submission to the Legislature of comparable worth studies that the State knew its employees would be entitled to pay commensurate with their evaluated worth. Any other conclusion defies reason (AFSCME, 1983:870).

Finally, the suit generated considerable media attention and publicity for the state of Washington, its employees, and the Federation. The plaintiffs' attorney declared that the ruling was "a sweeping victory for working women in the state of Washington" because it opened "the door for a fundamental change in the value of work that many women perform" (WFSE, 1983c). The case became a litmus test for pay equity and put the issue in the national limelight (Hutner, 1986).

State employees who stood to benefit from the decision were pleased with the decision and felt that "judicial recognition is always nice." They were proud to be working in Washington where the issue was being addressed. Yet in light of the Legislature's history of inaction, they were pessimistic about seeing "an early windfall of money"

(Seattle Post-Intelligencer, 1983b). One of the plaintiffs was more optimistic and knew that eventually she would see an increase in her paycheck (Castrilli, interview). For this employee, the more important benefit was the effect on her retirement.<sup>48</sup>

For the Federation, the lawsuit had a two-fold effect. First, unions by tradition are concerned primarily with the welfare of their members. They use whatever approaches are most successful to achieve this end.<sup>49</sup> The Federation, realizing that the majority of its female members were in classes which paid less than male-dominated classes, recognized the political and organizational benefits of supporting comparable worth (Goodman, interview). The Federation led the way in taking the issue through the political process and onto the legal agenda. As a result of its activities, the second effect was influence. Not only was comparable worth an organizing tool, but the Federation's success on this issue gave it considerable political recognition.<sup>50</sup>

The suit's impact on the state is also significant. It publicized the fact that Washington pioneered comparable worth studies, yet revealed the state's reluctance to act. The lawsuit created confusion and sent a mixed message to the state, because the decree differed from the statute. For example, the court ordered immediate implementation, while the law called for a phase-in process. The court also

limited redress to female-dominated classe, whereas the law was sex neutral (Eikenberry et al., 1984). Hence if the Tanner decision were upheld on appeal, implementation would contradict legislative intent, and the court, rather than the Legislature, would dictate policy.

In addition, the lawsuit inferred the notion of the state as culprit. Washington believed it was carrying out statutory mandate. As "just one employer" mirroring the market, it did not intentionally discriminate in its pay practices (Gregoire, interview). The state was proud of its progressive personnel practices. It recognized its obligation to and respect for antidiscrimination law (Title VII). It was the first state to comply with the 1972 amendment, which brought state government into the Civil Rights Act, by conducting studies to determine the extent of wage discrimination.

Washington had a tradition of social consciousness, and its progressive/populist legacy prompted it to right the wrongs of inequitable treatment (Dolbeare, interview). It had moved pay equity theory beyond a sex-based focus to a broader internal equity perspective. For these reasons, the decision was demoralizing and a "big blow," particularly to the personnel agencies who participated in the studies and saw themselves as the "parents" of comparable worth (Boysen, interview). These officials argued that implementation would have occurred eventually because of the 1983 law. The

state merely needed time to develop a plan.

A further effect of the suit's publicity was the message it sent to other public employers. Failure to act on the findings of its pay equity studies appeared to carry a heavy cost. The judgment was rumored to be in the half billion dollar range. The lawsuit's effect was felt nationally. Many jurisdictions put their own activities on hold awaiting the appeals decision. They hoped it would give them some direction on how to proceed.

#### In The Ninth Circuit Court of Appeals

The state immediately appealed to the Ninth Circuit Court in San Francisco. Amicus briefs were filed in support of both parties. The Reagan administration considered filing as friend of the state, but declined because it feared the "gender gap" effect on the 1984 election (Hutner, 1986). Judges heard arguments in April and on September 4, 1985 issued their opinion, which completely overturned the trial court (AFSCME 1985a). Within 14 days of this decision, the Federation filed an appeal with the same court for an en banc review.

The appellate decision reversed Judge Tanner on both grounds. First, it ruled that the district court erred in finding liability under disparate impact. The three judge panel argued that such analysis should be confined to a specific employment practice.<sup>51</sup> The state's market-based

compensation system was established on a number of complex factors, which did not satisfy disparate impact criteria. Second, AFSCME did not show discriminatory intent by either circumstantial or direct evidence, thus disparate treatment was not proven.

The Ninth Circuit Court concluded that the market was a necessary business defense for employee retention and recruitment purposes. Reliance on market pricing was a legitimate employer practice, because it has been the basic foundation of economic policy. Washington based its system on prevailing rates in the market, without regard to the sexual makeup of the jobs. The alleged wage gap was due to the market, which was "a factor other than sex" (a Title VII defense). In addition, because a state conducted job evaluation studies, it was not bound to implement the results of those studies. Further, the court held that the state should be commended rather than penalized for undertaking these studies. In sustaining the market, the state as employer was not obligated to eliminate an economic inequity it did not create (AFSCME, 1985a).

Absent a show of discriminatory motive, which has not been shown here, the law does not permit the federal courts to interfere in the market-based system for the compensation of Washington's employees (AFSCME, 1985a:1408).

The Ninth Circuit Court of Appeal's ruling was noteworthy in several ways. First, the court acknowledged

that prevailing rates in the market compensated male-dominated jobs higher than female-dominated jobs, thus a wage gap existed. Relying on the market system did not in and of itself constitute a Title VII violation, but neither did it correct the disparity. The market was one factor to consider when setting salaries, yet it was not the only factor. Second, the court, in arguing that it was a matter of debate whether comparable worth were a feasible approach, inferred that comparable worth could be a strategy. At least "it may be useful as a diagnostic tool" (AFSCME, 1985a:1408). The opinion further recognized that the Legislature had discretion for enacting a comparable worth plan, if it chose to do so. Therefore, while a market-based system had been the state's traditional mechanism for setting salaries, comparable worth, or some other methodology, was not ruled out as a possible corrective measure.

The problem for the state now was how to deal with a two-tier pay policy. The lawsuit marked a significant turning point in the implementation process and made Washington's experience unique. All other states which have implemented comparable worth have done so without litigation. Whether comparable worth would have been implemented in Washington without court action is a matter of conjecture; nevertheless, it was a crucial intervention.

### Legislative Action During the Interim

In the two-year period between the court decisions, important activities took place at the legislative level. In addition to the 1983 legislation, a Joint Select Committee on Comparable Worth Implementation (JSCCW, 1985) was formed "to review and formulate ways to implement comparable worth in state government job salaries" (p. iv.). The 16-member committee met over a period of 14 months and presented its report to the Legislature in January 1985. The committee, acting in an advisory capacity, offered eleven recommendations, many of which were eventually incorporated into legislation and administrative policy. Particularly noteworthy are the recommendations to review the Willis method for gender bias, update the classification systems, educate state employees about comparable worth implementation, monitor personnel practices, and make sure the evaluation committees are well-trained and representative of the work force.

In the 1985 session, the Legislature passed budget bill SSB 3565. A provision of this bill provided for comparable worth increases of \$75, \$100, and \$175 per year to employees in job classes indexed to salary survey benchmarks eight or more ranges below the comparable worth line based on the 1982 and 1984 supplemental surveys. Three pay schedules were proposed for comparable worth increases. Plans were worked out by the personnel systems and approved by their



respective boards. The procedure was for all agencies to provide salary data and the number of people eligible for the increases to OFM so it could allocate funds (Taller, 1984). These "token" comparable worth increases were paid despite the fact that the state was not required to change its compensation system or pay monies as ordered by the district court while the case was on appeal (Eikenberry, 1984).

A second provision of the 1985 law appropriated money from the general fund to hire an independent consultant to assess the Willis methodology, a JSCCW recommendation. The Center for Women in Government (CWG) was hired to do the study. This consultant recommended that the Willis method should be used for comparable worth purposes, unless a more comprehensive system were available. CWG also recommended the state undertake a comprehensive study of its pay policy, to determine what job content characteristics the state valued (Haignere & Chertos, 1986).

#### The Lawsuit is Resolved

The 1985 law (SSB 3656) further authorized the state and AFSCME to try and settle the lawsuit out of court and develop a plan to implement the 1983 comparable worth law. Funds totalling \$41.4 million were appropriated and available for initial comparable worth increases, if an agreement were reached by December 31, 1985.<sup>52</sup> The

Legislature provided money to fund the state's negotiating team. To fully resolve the suit, legislative ratification and district court approval were necessary.

Impetus for negotiating an out-of-court settlement came from three levels: executive, legislative, and labor.

Booth Gardner became governor in January 1985. He "inherited" the case and promised during his campaign that he would try and resolve the issue (Partlow, 1985).

Believing it was the right thing to do, he challenged the legislators to "get on with it," settle the lawsuit, and implement the law (Remick, interview).

First, you have to look at what's fair, and I believe that comparable worth is fair. Secondly, you have to look at the state's potential liability. If we did nothing, and an appeal failed to reverse the decision, the provisions of Judge Tanner's decision would place the state in a severe economic hardship--that's something I definitely don't want, and I don't think state employees want that either. Our goal through these negotiations is to agree on a responsible compromise that will address the problems of wage discrimination between men and women, while still allowing the state to function within the current revenue base. Thirdly, the Legislature has made it the policy of the state to negotiate this issue by mandating that I hire negotiators, and by enacting a law that says comparable worth will be in place by 1993 (Gardner, 1985).

The Attorney General's Office suggested it would be better to wait for the appeals decision. At issue was not an unwillingness to settle out of court, because both sides, the governor and the Federation, wanted resolution. Instead

the concern was how best to resolve such a complex case. Underlying the situation was a more pervasive question: Who was to determine compensation policy, the state or the courts, and who would represent the state (Bogard, interview)?

The Legislature answered the question when it authorized the parties to negotiate a settlement. The legislators, not the courts, would determine policy. Senator Jim McDermott, prime sponsor of the 1985 negotiations bill, argued that the state should be represented by the governor and not the Attorney General's Office (Modle, 1985).<sup>53</sup> This argument proved persuasive and the Legislature appropriated \$100,000 to enable Governor Gardner to hire negotiators. Named to the state's team were three lawyers in private practice and two attorneys from the governor's staff (Gardner, 1985).

The Federation had its own reasons for negotiating. Time and money were the biggest concerns: the \$41.4 million and the New Year's Eve deadline presented an all-or-nothing situation (Goodman, interview). If resolution were not reached by that date, the money would revert to the state treasury and employees would continue getting the 1985 token adjustments. Further litigation would be costly (AFSCME had already spent \$1 million). The Federation also wanted a voice in determining how the law would be implemented. Like the state, it did not like the idea of judges making policy.

Finally, the union did not want to risk losing everything, which might happen on appeal. For these reasons, the Federation agreed to negotiate rather than appeal to the Supreme Court (Seattle Times, 1986). Named to the union's team were Federation and AFSCME officials and attorneys. Noticeably missing from either team were personnel experts, fiscal analysts, statisticians, and feminists.

The parties were confident that an agreement could be reached by the deadline. At the end of August both teams were ready to negotiate. When the Ninth Circuit Court made its decision on September 4, 1985, the state had already made a commitment to settle at the negotiating table, even though it won on appeal. With passage of SSB 3656, the Legislature bound the state to negotiate, and that condition was not affected in any way by the appellate ruling.

Negotiations began on September 9, 1985. The teams met sporadically at first, because they needed to determine what information was required. Towards the end, however, they met more frequently and sometimes held marathon sessions. Each side informed its constituent groups on how things were proceeding, especially the Federation's negotiators which met several times with the plaintiffs when crucial issues were being discussed. Negotiations proceeded in a manner typical of any bargaining situation: an offer would be presented by one side, considered, and then countered by the other side or accepted. Agreement, particularly on the

major issues, was a matter of compromise. For example, the state does not allow its employees to bargain their wages, even though it used that approach to resolve the lawsuit.

The state had three major concerns: (a) how to resolve the suit and avoid the risk of further litigation, (b) how to implement its own law, and (c) how to fund the policy within budget constraints (Younglove, interview).<sup>54</sup> The Federation's concerns were twofold: (a) how to increase the salaries of its underpaid female members while at the same time not jeopardizing salaries for its male members; and (b) how to integrate a two-tier pay system, i.e., implement comparable worth and maintain the prevailing rate system.

A major problem concerned "the line" (Moore, interview). Should an indexing basis be used for jobs that had not been evaluated, or where jobs had been rated, should points be the basis? A compromise was reached whereby payments would be based "on the actual average salary line calculated on salaries as of January 1, 1985, using benchmark jobs only" (Agreement, 1985:4). However, in another section, the line refers to "all jobs." This condition, of course, required that all jobs be evaluated, something which had not been done. The confusion cleared up during the ratification process when the Federation accepted the state's interpretation. The line would be based on benchmarks only and where nonbenchmark jobs had been evaluated, those points apply rather than the indexing

relationship.<sup>55</sup> The line was defined as 5% below the 1985 average pay line and all undervalued jobs, not just female-dominated jobs, would receive comparable worth increases.

Both sides agreed to compromise on other issues as well. In addition to accepting the state's definition of the comparable worth line, the Federation compromised on two other matters: (a) it agreed not to press for back pay,<sup>56</sup> and (b) it requested the Ninth Circuit Court to stay consideration of rehearing en banc petitions, pending legislative ratification and formal approval of the agreement.<sup>57</sup> The state accepted two conditions of the agreement itself. First, it would be enforceable as a contract, and binding after legislative ratification. Thus the state committed itself to a long-term commitment. Secondly, with regard to salaries, none would be reduced, and comparable worth payments would be "separate and apart from" regular salaries or cost of living increases. Consequently, comparable worth would be applied as a corrective measure and structured as an add-on payment.

By December some issues were still unresolved and time was running out. It had become apparent to the negotiators that comparable worth was a complex policy and not easily implemented (Younglove, interview). Final issues focused on how many dollars the state would spend and under what schedule. As it turned out, the \$41.4 million and the December 31 deadline proved to be the catalysts. An

"eleventh hour" agreement was reached and signed by state and union officials just before midnight (Seattle Times, 1986). The governor declared that the agreement was fair for both state workers and taxpayers, and a victory for people concerned with wage discrimination (Ibid.) Masten called it a major turning point for the state, because Washington could now reassert its leadership role (Ibid.). Only legislative ratification and court approval remained to resolve the suit.

#### The Agreement is Ratified

Legislative debate focused on four matters: (a) class eligibility, (b) annual appropriations, (c) contractual obligations, and (d) pay equity theory. Classes were eligible for comparable worth increases either by point factor scores or indexing. The initial cost of implementation was set at \$41.4 million, an amount authorized in the 1985 budget bill. The six yearly payments should not be less than \$10 million. At issue for the Legislature was the meaning of this statement. The House Ways and Means Committee interpreted \$10 million to mean the total annual commitment for new spending (Ammons, 1986).

The third matter also related to state commitment and concerned whether one Legislature could bind another. The Attorney General's Office resolved the matter by explaining that the agreement was an employment contract, similar to

any other "contract" the Legislature enacts, such as retirement benefits, and always carries into the future (Gregoire, interview).

Objections concerned pay equity theory in general, and more specifically, comparable worth intent. Representative Bob Williams argued that raises should go only to the most underpaid female employees (Partlow, 1986). Proponents countered this argument by noting that the purpose of pay equity is to "increase the salaries of all persons in all job classes one or more ranges below the . . . comparable worth line" (Agreement, 1985:5). In this respect, the agreement's scope actually was broader than the lawsuit itself, because underpaid male classes would also benefit. Finally, minority Republicans opposed the settlement on the basis of cost. They perceived it to be a "blank check" to the union, and businesses would be forced to implement comparable worth (The Olympian, 1986)

Ultimately, these matters were resolved and the Legislature ratified the agreement through a joint House-Senate resolution on January 31, 1985. Voting followed party lines with the exception of a few crossovers. Ten Republicans voted for ratification and five Democrats opposed it (Remick, 1986). In general, this pattern typified previous legislative decisions. Democrats by and large favored comparable worth, because they viewed it from a philosophical standpoint. They believed it was the right



thing to do and women deserved it.

On the other hand, Republicans took a pragmatic approach and argued that the market was the appropriate mechanism for paying employees. Therefore, the state should not disturb the indexing relationships. Women could change jobs if they wanted more money. Republicans were conservative and protective of the status quo, while Democrats tended to be liberal and concerned with matters of fairness and equity.

For these reasons, the political makeup of the Legislature was a factor in concept definition, although passage usually required bipartisan support. For example, Senator Lee, a Republican, sponsored the comparable worth bill which eventually passed. For her, it was a nonpartisan issue and a matter of fairness, equality of job worth, and constituent pressure. Sex was less a factor, although more women favored the policy than were opposed to it, and women were the prime sponsors.<sup>58</sup>

#### The Lawsuit is Approved by the Court

On April 11, 1986, the Federal District Court heard arguments to determine whether the agreement served the best interests of the affected class. Was it a fair and reasonable settlement of the lawsuit? Notices of the hearing date were sent to all classified employees, so they could register objections (Heath, 1986). Considering the

number of employees covered by the agreement, relatively few objections were filed. They mainly concerned the absence of back pay, misunderstandings of eligibility, and/or problems which were beyond the scope of the suit (Goodman, interview).

Judge Tanner ruled that none of the objections were significant to bar settlement and dismissed them all.<sup>59</sup> This final action resolved the lawsuit and removed the last barrier. The state could now proceed to implement its comparable worth policy. The agreement specified a seven-year phase-in period with final implementation by June 30, 1993, the time remaining in the law. Actual increases would total \$104 million, and when compounded, the total effect would be approximately \$482 million (Seattle Times, 1986).

#### The First Serious Comparable Worth Payments

Employees who were eligible for comparable worth received increases in their April 25th paychecks. Amounts ranged from a few dollars to \$539 monthly (32.5%), which went to higher education child care coordinators (Oakland, 1986). Clerk typist 3 had the most eligible employees. Of the 35,000 employees receiving increases, 70% were female. Hence one-third of eligible recipients were male. In Olympia, many employees celebrated payday with a "Breakfast of Champions" sponsored by the Federation (Ibid.). The day coincided with the last day of secretary's week. In

addition to the traditional flowers and lunch, clerical workers in Washington received a "historic reward."

When asked how they would spend the money, most state workers noted that the raises were not large enough to make much difference. However, many who received more than the average 5% had definite goals. For example, some hoped to go back to school or pay for children's education (Pulliam, 1986). Regardless of the size of the increase, a general feeling prevailed that raises were worth the wait. "Women's work was worth more than what we were being paid" (Castrilli, interview). Others saw the long-term effects of the seven-year agreement as the state's commitment to honor its statutory obligations. For these employees, the principle was more important than the size of the paycheck (Krachunis, interview).

### Summary of the First Phase

Comparable worth moved from concept to policy through a series of institutional levels. The idea was introduced into the political process by women's organizations, female employees, and the Federation. Sex-based wage discrimination had become a visible reality and a problem of equity for employees in undervalued jobs. It became evident to these people that conditions in the work place and society had changed to such an extent that the equal work standard no longer covered most employees. Comparable worth

appeared to be a viable mechanism for reducing the wage gap.

As a result of considerable documentation, education, and lobbying, the Legislature officially acknowledged the existence of pay disparities in the state's compensation structure. It voted to incorporate a comparable worth policy into its civil service laws. The 1983 law defined the concept, designated DOP and HEPB as the administering agencies, and specified a ten-year period to implement the plan.

However, believing that these were only token actions, rather than serious attempts to correct the problem, AFSCME filed suit. Absent the right to bargain wages, the Federation used the legal arena to pressure the state to commit itself to comparable worth and to correct its discriminatory pay practices. The lawsuit gave the issue and the state national publicity. Instead of risking further litigation, costly appeals, and not wanting the courts to determine the state's pay policy, the parties agreed to resolve the case out of court.<sup>60</sup> The result was a binding contract, which obligated the state to phase in comparable worth increases over a seven-year period. Although the agreement bound the state to implement the policy according to contractual conditions, it did resolve the lawsuit. Thus implementation was forced upon the state in a way that might have been different, if the policy had been allowed to proceed voluntarily.

## NOTES

1. Classified employees are subject to the provisions of the two civil service laws. DOP is governed by RCW 41.06 and HEPB by RCW 28B.16 (Revised Code of Washington).

2. Exempt positions as defined in the Washington code, include fourth and fifth level managers and their confidential secretaries, many protective service workers, judges and their clerical staffs, all assistant attorneys general, academic personnel in higher education, legislators, and state elective officers.

3. Both DOP and HEPB classify their employees according to the following EEO categories: officials and administrators, professionals, technicians, paraprofessionals, protective service workers, office and clerical, service and maintenance, and skilled craft workers.

4. Two other boards also govern aspects of higher education: the Higher Education Coordinating Board and the State Board for Community Education. The dissertation is limited to HEPB.

5. DOP sets salaries on a statewide basis, thus regardless of location, employees in the same class are paid equally. On the other hand, HEPB law authorizes special pay in cases where institutions can prove difficulties in hiring and retaining employees.

6. The Office of Financial Management (OFM) is the budget agency of the Governor's Office. Its primary purpose is to identify and plan the fiscal activities of the state (Chapter 43.88 RCW, 1985).

7. A salary range is a sequence of minimum, intervening, and maximum dollar amounts designated by the board as the monthly compensation for a class. Ranges are identified in the compensation plan by number (up to range 90). Those with a decimal suffix are point ranges for comparable worth; those with only whole numbers are base ranges (DOP Merit System Rule 356-50-370, HEPB rule 251-01-392, 1987). The salary formula is:

$$\begin{aligned} &\text{Points} \times 3.28 + \$983.72 = \$ \\ &\$ \quad \quad \quad \text{applied at step G of 6/30/83} \\ &\text{Salary Schedule} = \text{Range} \quad \quad \quad (\text{comparable worth}) \end{aligned}$$

8. This review of the Willis method comes from a brochure which the consultant prepares for the state, and field notes I took while viewing the training film.

9.This information on decision making was provided by several members of DOP's evaluation committee.

10.This section on Washington's political economy relies primarily on two sources: (a) an interview with professor Kenneth Dolbeare, and (b) notes from his unpublished monograph entitled, "From 'the Soviet of Washington' to Modern Managerialism: The Evolution of the Public Sector in Washington."

11.The association with Minnesota is an important relationship, because both states are leaders in supporting women's rights, especially comparable worth.

12.Socialist activities took on various forms. One interesting example is the Equality Colony, a utopian-socialist community established near Seattle between 1897-1907. Although the colony was short-lived, women had important privileges (O'Brady, interview).

13.Other major developmental forces of this period also stimulated the economy: discovery of gold in Alaska, the Spanish-American War, World War I, the Panama Canal, and land reclamation projects. The wars were particularly significant, because they established permanent naval facilities in the state. The most important private sector transaction was the sale of 900,000 acres of railroad land to Weyerhaeuser, who developed the timber industry and made it a dominant force in the Northwest.

14.In 1920, state government consisted of 2,000 employees, a budget of \$20 million, and 20 departments.

15.Boeing became the primary contractor of war planes and, with diversification into commercial jets, is now the major private employer and dominant power broker in the state. There is a saying that "if Boeing sneezes, Seattle catches a cold."

16.Dolbeare argues that the middle class does not need a highly capable government, "only a small and frugal one that maintains order effectively" (p. 127). Capability suggests being able to solve more and more problems, and the people's attitude in Washington was that they could take care of themselves.

17.A good example of high turnover occurred in 1948, when the newly elected governor fired 3,500 "undeserving Democrats" from state employment. Norm Schut described a situation in the Department of Labor and Industries, where so many employees were campaigning, that workmen's

compensation claims failed to be processed. With the change in administration, it took over a year before these claims were paid.

18.The most recent revenue-generator is the lottery, which passed in the early 1980s when the state was in an economic decline. Currently, revenue source generates about \$200 million annually into the state's general fund.

19.Washington had a boom in the late 1960s because of Vietnam, the SST project, and space exploration; a severe bust in the early 1970s with cutbacks in the aerospace industries; and another boom in the late 70s with Boeing's transition to commercial jet manufacture. Due to inflation in the late 1970s, voters repealed the sales tax on food and the gift-inheritance tax.

20.According to the most recent Department of Employment Security figures, the state's current unemployment rate is 6.5%. Skamania County has the highest rate (14%), because of the depressed timber economy. Unemployment rates are affected particularly by the time of year, logging activities, and the status of a town's major employer, e.g., Boeing in Seattle. Because of the seasonal nature, even in "good" times, Washington's unemployment rate is always higher than the rest of the country.

21.Public employee salaries are earmarked from the general government portion of the state budget. Although it is a small percentage (2.6% of the \$10 billion budget or \$264 million), nonetheless, it is the largest single expenditure in its category--human resources.

22.A lumber executive made this point. The state's new Pacific markets are China and Korea (Cromett, interview).

23.For example, the business and occupation tax is particularly unfair to small businesses, because of its regressive nature. Also, people cannot deduct state sales tax from their federal income tax. Taxes which are high in comparison with other states are the vehicle license fees, the sales tax (6 1/2% plus local option), and workmen's compensation (Krachunis, interview).

24.Much of this discussion came from an interview with Norm Schut, former executive director of the Federation. He was a key actor in the process, so I was interested in learning about his personal experiences with the issue.

25. Gladys Burns, a longtime political activist with the League of Women Voters, told me that Washington was one of the first states to establish a commission and to pass both state and federal equal rights amendments.

26. Burns offered two reasons why the Women's Council was disbanded: (a) the perception that women did not need a special agency, and (b) government had too many councils and commissions. She believed WWU is a more effective organization, because as a nonstate agency, it has more autonomy (Burns, interview).

Remick suggested a somewhat different version. In the mid 1970s, the Legislature voted to create a women's commission. However, in 1977 there was an "explosive" statewide meeting for International Women's Year in which some right wing feminists gained power. They undertook an initiative drive to abolish the commission. The initiative passed and as a result, Governor Ray disbanded the still-existing Women's Council, because she assumed the voters didn't want it either (Remick, interview).

27. The Federation was particularly interested in gaining new members and preferred a consolidated system, because unions have less power in separate systems (Boone, interview). At this time, the Washington Public Employees Association was picking up higher education employees. The Federation, anxious to expand its own membership, decided to make discrimination an organizing tool (Seth, interview).

28. Whitney referred to this experience as one of those meetings "you remember all your life." She and the other delegates came back "really fired up," because comparable worth seemed like an issue which "made so much sense."

29. The economy of the mid to late 1970s was strong. The state had just come off a period of recession and by the end of the decade, the state experienced a boom period. So money was not a dominant concern (Belcher, interview).

30. Governor Evans had two major concerns: the issue of fairness and the possible presence of discrimination in wage setting practices. In making a case to the governor, Schut argued that it would be politically unwise for him "to be beat over the head with this issue and to end up reluctantly doing something which no one will give you credit for because you were forced to do it" (Schut, interview).

31. The DOP director recommended hiring the same firm that had conducted the management study. In addition, a female



consultant, Ann O. Worcester, was hired to work with Willis in order to balance participation (Taber, 1978).

32. This 70% figure seems to be an arbitrary determination and is somewhat higher than the 2/3 figure used in the pilot study.

33. Examples of female-dominated classes were: clerk typist 1, power keyboard operator 2, and registered nurse 4. Traditional male-dominated classes selected for the study included: highway engineer 2, gardener 1, and park ranger 1.

34. The comparable worth line is expressed as the following formula (Willis, 1974):

$$y = mx + b$$

where:  $y$  = monthly salary dollars  
 $m$  = slope of the line (dollars per point)  
 $x$  = total evaluation points  
 $b$  = intercept of the line with the dollar axis

The vertical axis is total job worth points and the horizontal axis is the monthly salary.

35. Leonard Nord, DOP director, told me that when he was asked by Governor Evans to conduct a study, he [Nord] thought it would be "just a study in the abstract." The results would be discussed and then forgotten. He had no idea of its far-reaching effects, nor the interest and attention it would capture nationally.

36. The Service Employees International Union (SEIU) was an active supporter of comparable worth. It was the major union for University of Washington classified workers (Krachunis, interview). Other labor unions in the state expressed different levels of support. The Washington Public Employees Association (WPEA), although never as vocally out in front as the Federation; nevertheless, implemented a comparable worth plan for its own staff. WPEA's first executive director was an early supporter, but her successor opposed it on the grounds that professional workers would be hurt (Remick, interview). The State Labor Council was generally negative and did not support a resolution passed by its women's committee (Taber, 1978). The Council represented occupations which relied on collective bargaining, thus comparable worth was disruptive.

37. This committee, which predated the Women's Council, is composed of one female employee and an alternate employee from each agency. Agency directors submit a list of

recommendations to the governor, who then makes the appointments (Boone, interview).

38. Dorothy Gerard, HEPB manager, made this point. She believed that the language of the 1977 law paved the way for the lawsuit. Larry Goodman, Federation executive, had a different interpretation. He suggested that this language demonstrated how comparable worth was a different (add on) policy. The terminology was meant to keep comparable worth statistically visible.

39. Washington's budget is a biennial schedule. The legislative sessions which meet every odd-numbered year are longer (105 days) than the nonbudget sessions (60 days).

40. Two sources confirmed this assessment: Chien (interview) and Remick (1986a). They noted that personnel officials were accustomed to the market survey practice, and comparable worth added a dimension they were not familiar with.

41. The plaintiffs and their class titles were: Willa Mae Willis (food service worker 1), Louise Peterson (licensed practical nurse 3), Lauren Louise McNiece (library tech 3), Terry Emerson (attendant counselor 3), Helen Castrilli (secretary 1), Gail Spaeth (secretary 2), Milt Tedrow (licensed practical nurse 4), Peggy Holmes (secretary 4), and Penny Comstock-Rowland (job service interviewer 2). An interesting aside is that Emerson quit her position shortly after the suit was filed and took a male job (supply clerk) because it paid \$150 a month more.

42. The interesting debate over increase/adjust generally pitted liberals against conservatives. Liberal/Democratic feminists held firm for "increase," while Republican women preferred "adjust." Conservatives, by and large, favored adjusting salaries, because by lowering some, the plan would cost less money.

43. This information on how the appropriation made its way into the budget bill came from Jennifer Belcher, one of the "new wage" Democrats elected to the House in 1982.

44. An example was campus police assistant, a female class. Instead of indexing it to the male security guard benchmark, it was indexed to a clerical (female) benchmark. The male benchmark had a higher salary range (Hutner, 1986).

45. The first phase, liability, determined whether the state violated Title VII of the Civil Rights Act. Once this determination was made, the second phase sought remedy in

the form of immediate and back pay relief. Remedy was not automatic under Title VII, but was a discretionary decision of the judge (Hutner, 1986). Judge Tanner ordered backpay retroactive to 1979, two years prior to the EEOC complaint, because discrimination "occurred" at that point.

46. The special master, Ed Lane, an attorney from Tacoma, was involved in the process for about six months, until June 1984. At that time, stay motions were granted by the appellate court to delay immediate increases and back pay.

47. This information came from Christine Gregoire, deputy attorney general. Originally the suit was filed on behalf of nine plaintiffs, but in a pretrial motion, AFSCME requested and Judge Tanner granted class action status on March 31, 1983. Of the 45,000 classified employees in the two personnel systems, 15,500 were covered by the suit. The court defined the class as "all male and female employees of all job classifications under the jurisdiction of the Department of Personnel and the Higher Education Personnel Board which were 70% or more female as of November 10, 1980 or anytime thereafter" (AFSCME, 1983:853).

48. Retirement benefits in the state of Washington are based on earnings of the two highest years. In Castrilli's case, at the time of the court decision, she was three years from retirement. Her comparable worth increases would enhance her retirement benefits considerably.

49. Gary Moore, executive director of the Federation, told me that his union relied primarily on legislative action, since it could not bargain for wages. However, its political pressures and education efforts did not result in the new law being implemented, so the Federation resorted to legal action.

50. Although by now the Federation was the state's largest public employee union with 20,000 paid members and the most politically effective, the lawsuit gave the union added leverage and visibility (Goodman, interview). A respondent who chose to remain anonymous on this particular point told me about the tension that developed between feminists and union leaders during the early stages. Feminists perceived the unionists as being too ready to sell out the women, because they believed other issues were more important than comparable worth. On the other hand, unionists thought feminists were anti-labor. Publicly the two sides gave the impression they were going "in the same direction," but behind the scenes, "it was awful and got real nasty."

51. Members of the appellate panel were Edward Wright, Anthony Kennedy, and Thomas MacBridge. The first two were circuit judges, while MacBridge was a U.S. District judge from California (sitting by designation). Judge Kennedy now sits on the U.S. Supreme Court.

52. At this time, the cost of implementing comparable worth was estimated by OFM to be \$120.5 million. This figure represented 1.5% of the general fund state operating budget for 1983-85, or 2.6% of the budget earmarked for salaries and benefits (Tuominen, 1984). The \$41.4 million figure was the projected cost to fund comparable worth for the remaining six months of the biennium (Chien, interview). Of this amount, \$23,612,000 was earmarked from the general fund, and the remainder was to come from the special revolving fund (Agreement, 1985).

53. The attorney general at this time was a Republican who described comparable worth as "an emotional and controversial issue" (Eikenberry, 1984). He preferred to await the appeals court decision before deciding on the next course of action.

54. In light of the state's other budget priorities, some legislators argued that \$41.4 million was too high a price to pay for such specific salary increases, especially when general salary increases had to be considered (Seattle Times, 1985).

55. Gary Moore, a member of the union's negotiating team, believed this interpretation was the only way the agreement could be ratified. "When you have a gun to your head and 40 some million dollars riding on it, you don't have any choice, you have to say yes." Also, the Federation wanted to preserve internal alignments to benchmarks (Moore, interview).

56. This item was difficult to give up. However, after consulting with the plaintiffs, the Federation agreed that front pay was more important than back pay (Younglove, interview).

57. The request was granted, because the resolution rendered an en banc review moot. Judge Tanner had authority to dismiss the suit, but he could not dismiss the appeal. That dismissal required a separate decision by the Ninth Circuit Court (Wright, interview).

58. However, not all Republican women supported the concept. Of the 43 votes against the resolution, seven were female (Rothschild, 1986).

59.Despite the court's dismissal of the suit, opponents considered suing the state, because they believed the agreement violated Washington's constitution by binding future legislatures and burdening the state with an unlawful debt (Hatch, 1986a). However, as the dissertation is being written, no charges of this or any other nature have been filed against the state by opponents of the plan. The primary opponent in the Legislature is now a candidate for governor. Of course, parties to the lawsuit were barred from further litigation during the life of the contract.

60.On this point, Remick suggested that the Federation was pressured not to take the case to the Supreme Court, where a negative decision would apply to the entire country. Thus cost was not the only reason for negotiating (interview).

CHAPTER FIVE  
IMPLEMENTING COMPARABLE WORTH IN WASHINGTON  
PHASE TWO

Operationalizing the Policy

This chapter continues the story by describing how the state is carrying out its comparable worth policy. The time period of the second phase starts with the activities leading to the first installment and takes the process to the time when the study is being written (1988). Discussion begins with a review of the agreement itself and proceeds to describe the plan which operationalizes the terms and conditions of the contract. Particular emphasis is on the problems and complaints which are developing as the agreement matures. The chapter concludes with current assessments of comparable worth.

Terms and Conditions of the Agreement

Washington is now implementing the provisions of a legally-binding contract. (See Appendix A for a complete copy of the Agreement.) Although the state began paying comparable worth increases prior to negotiations, payments applied only to job classes eight ranges (21.8%) below the comparable worth pay line (DOP, 1987). With the exception of a few employees who are still receiving the \$100 increases, the agreement terminated the earlier comparable

worth schedules (HEPB, 1986). Serious policy implementation began when the following conditions were in place: (a) the Legislature ratified the agreement and the courts accepted it, and (b) eligible employees actually received comparable worth increases in their paychecks.<sup>1</sup>

Comparable worth is being implemented as a separate pay policy. As a corrective measure whose purpose was to increase the salaries of undervalued jobs, it is an "add on" policy which established a new salary base (Gerard, interview). Consequently, it is not special pay, merit pay, or cost of living pay. These salary increases rely on market demands, performance evaluations, and economic conditions respectively. Comparable worth goes beyond normal salary increases, because it is less affected by these factors and does not apply to all employees. Entitlement depends on the relationship of a job class to the comparable worth pay line.

Another indication that comparable worth is a separate pay policy is the provision that monies for comparable worth increases are not included in the appropriations for funding prevailing rates. The effective dates for paying comparable worth increases were set deliberately on a different time schedule. During the life of the agreement, comparable worth increases occur annually on July 1, except for the first installment, which was paid April 1. Regular salary increases can be effective any time.

In addition to specifying when comparable worth increases are payable, the agreement contains several other very specific provisions. For example, comparable worth payments cannot be diminished by any general salary increase, nor can the salaries of employees at or above the line be reduced in order to implement comparable worth. All classes which are more than two ranges below the comparable worth line shall, by the end of the agreement, be brought to within 5% of the line. This is the line of full implementation, although some argue that pay equity by definition is parity at the male line. Anything less than that standard is only partial equity. The argument contends that 5% below the average is not the same as the average (Remick, interview). The language in the agreement appears to conflict with the official definition of comparable worth:

the provision of similar salaries for positions that require or impose similar responsibilities, judgments, knowledge, skills, and working conditions (RCW 41.06.020(5), 1983).

The comparable worth line, as defined in the agreement, is a compromise for three reasons. First, all previous lines were based on prevailing wage data. The comparable worth line is drawn on actual average salaries. It became the standard on which cost estimates were figured and on which the state was prepared to pay. Second, except for the



1974 study, sex was not a variable in the comparable worth studies. Third, the comparable worth line relies on benchmark jobs only, because previous studies used prevailing wages. These data were available only for benchmarks.

Funding amounts for comparable worth increases are cited in two sections: (a) the initial \$41.4 million installment (effective April 1, 1986) was appropriated by the Legislature (SSB 3656, 1985); and (b) the yearly increases for the remaining six years of the agreement are specified to be "not less than \$10 million of new general and special fund monies." However, a long-term projection has not been officially modelled and this figure may not be enough (Remick, interview). The agreement is less specific with regard to "any additional cost necessary to maintain the comparable worth increases." This provision caused some major confusion when the second installment was costed out.

Besides stipulating how the state should implement its comparable worth law, the agreement fully resolved the lawsuit. Both parties agreed to file motions with the courts to dismiss the suit, including all claims and related issues. Neither side could seek further judicial review during the life of the contract. The latter provision is in reference to AFSCME's petition for en banc review and possible further appeal to the Supreme Court. Each party is to pay its own legal fees and other costs arising from the

suit. In addition, while the agreement is in force, the Federation and the plaintiff classes are barred from further litigation or financial claims on the state's implementation of comparable worth.

Finally, the agreement is enforceable as a contract and both parties are bound to its terms and provisions, none of which are "divisible, severable or otherwise subject to alteration . . . except upon mutual agreement in writing of all parties." The agreement is a contract whose terms were negotiated and compromised. It is also a legal document which constrains both parties to implement comparable worth according to specific conditions. Pursuant to state law, the agencies responsible for implementing the agreement are the two personnel departments--DOP and HEPB. The plans they submit are subject to approval by their respective boards (Chapter 41.06 RCW and Chapter 28B.16 RCW, 1983).

#### Preparing for the First Installment

The two personnel departments had to complete many activities prior to the first installment. This preparatory phase is best described as a "number-and-time-crunch" period (Gerard, interview). DOP and HEPB had to get the following information to their boards as soon as possible so salaries could be set: the number of eligible employees, identification of affected classes, proposed salary ranges for those classes, cost estimates, and reports to the

Legislative Evaluation and Accountability Program committee (LEAP).<sup>2</sup> Not only did the work load increase, but new knowledge was required: applying the formula, learning the terms of the agreement, determining class movement, and coordinating the information onto one data base. In addition, HEPB staff had to develop a centralized data base, since none existed prior to this point (Huart, interview).

All of this activity took place in a very short time. As soon as the parties signed the agreement on December 31, 1985, the staffs had only until their March board meetings to finalize plans, and until June 30, 1986 to hear complaints. The big push was to evaluate as many classes as possible, so the evaluation committees met several times a week.

The two personnel departments provided information on the number of employees eligible to receive comparable worth increases. Three criteria guided decision making: (a) classes with 70% female incumbency, (b) salary survey benchmark classes, and (c) large population classes. Many of these classes had been evaluated prior to the agreement, as per instructions from the special master. Nevertheless, DOP and HEPB had less than three months to evaluate as many classes as possible. DOP evaluated 64 additional classes and HEPB evaluated 70 (LEAP, 1986c). Although DOP did not evaluate all of its classes (1,029 out of a possible 2,200, or 47%), what they did represented 80% of the system's

classified employees. HEPB evaluated 82% of its employees. DOP determined that 23,880, or 62% of its work force, was eligible for increases (Davis, interview). Approximately 11,700 HEPB employees qualified for salary increases (Gerard, interview).<sup>3</sup> Of the 3,150 classes in the two systems, 2,224 received comparable worth increases (1,522 in DOP and 702 in HEPB).

A unique issue for HEPB is special pay. The Legislature informed the department that it had no intention of changing this policy, especially with regard to recruitment and retention. If comparable worth increases equalled the amount of special pay, the class would not qualify. If it exceeded special pay amounts, the latter would cease and the class would receive comparable worth monies according to the agreement. Particularly affected by this policy are nurses employed in Seattle at the University of Washington hospitals. They earn special pay in response to the labor shortage in that market, and thus do not qualify for comparable worth increases.

#### The Comparable Worth Plan

At their March 1986 meetings, the two personnel boards approved the comparable worth plans as submitted by their staffs.<sup>4</sup> Although two plans were developed, they are essentially the same, so discussion refers to a singular plan. For each year of the contract, the procedure is the

same. The two boards approve the plan and submit it to OFM. The 1986 plan specifies only the first year installment payable April 1. Employees eligible for comparable worth increases are male and female incumbents of all job classes covered by the agreement.

Advancement is by specific dollar amounts until the requisite number of ranges is attained, depending on the distance from the line. As classes reach 5% of the line, they drop out. By 1992, fewer classes will receive increases. Class movement is determined by job evaluation or the traditional indexing method. If a class had not been evaluated, personnel analysts used the established benchmark indexes. Instructions were to go with the best available data and not to evaluate all jobs.

For the first installment, classes moved in the following manner: (a) job classes one or two ranges out advanced one range; (b) job classes three ranges below the line advanced one range and thus received their full entitlement, because that move brought them up to 5% of the line; (c) classes four to six ranges below advanced one range; and (d) classes seven ranges or more were all brought up to within six ranges. The percent increases of the last group were the largest, as they were the most underpaid. These employees will require the full seven-year period to reach the line.

Entitlement schedules had to be set by the end of the

biennium, June 30, 1986. Errors and objections discovered by the staffs, or brought to their attention, required resolution by that date. However, the deadline does not preclude the boards from creating new classes and/or reclassifying existing classes. Objections could include computational errors, faulty data regarding class specs, and outdated job descriptions. However, they could not be judgments of the evaluation committee. Neither board would make adjustments based on the committee's point assignments.

In requesting approval, Bob Boysen, manager of DOP's Standards and Surveys Division, reminded the board that the purpose of implementation was to adjust the pay imbalance in the "large and diverse state work force." He described comparable worth as a "dramatically different concept in establishing employee compensation." In accepting the plan, Evelyn Whitney, SPB chair, recalled the early days when she, Larry Goodman, Norm Schut, and Gisella Taber first talked about the concept. At that time they had no way of knowing what a "great opportunity they would have as personnel people" to implement this plan and work in "such a new arena."

After the boards approved the pay plan, the Office of Financial Management (OFM), the state budget agency with authority to allocate appropriated funds, sent forms to the agencies requesting eligibility information. It also asked agencies to determine cost estimates for their affected

class. On the basis of this data, OFM allocated amounts from the \$41.4 million appropriation to each agency, which qualified for state funding, to implement comparable worth through the end of the biennium (LEAP, 1986a). Estimates were based on whole range movements as specified in the agreement. Actual expenditures totalled \$34,223,000, which was less money than had been appropriated. The remainder reverted to the state treasury (Eiden, interview). When compounded over the life of the agreement, the difference will save the state approximately \$120 million (Hatch, 1986b). The original \$482 million figure, estimated as the overall cost of implementing comparable worth, was readjusted to \$362 million (LEAP, 1986a).

### Problems and Complaints

Except for determining eligibility, funding amounts, and payment schedules, DOP and HEPB have few guidelines for administering the plan (Cutler, 1986). The agreement is written in general terms and involves such a radical change in salary setting procedures, that many questions are inevitable. Peter Cutler, an attorney with the House Office of Program Research, advised officials that interpretations should be made in a "fair, equitable, and consistent" manner (Ibid.). Hence it is left to the two personnel departments to translate the agreement into specific plans. Objections had to be filed prior to June 30, because at that time,

class eligibility decisions were to be finalized.<sup>5</sup> Decisions on other matters would be made as they occurred. Officials knew problems would arise, since they had no previous experience of dealing with this type of contract.

The boards hoped they would not have to deal with wholesale appeals immediately. The plan needed time to shake out and be more clearly understood by personnel officers and employees.

To some extent the problems have to be lived with. We are not repairing alignments nor recommending that the board change them. Our ultimate response is to say that the Legislature approved the settlement, and that is what we are implementing. However, if there can be a classification change, it would make sense to go that way, so we are not completely ignoring problems (Boysen, Interview).

Generally, most problems have focused on disruptions in traditional class relationships and eligibility. It was apparent as far back as the 1974 study that comparable worth would result in salary realignments. As implementation proceeds, other alignment changes are likely to occur. Comparable worth is a corrective mechanism to address wage inequities. There was no guarantee that the status quo would be maintained (Davis, interview). Instead, proponents argue that comparable worth is designed to change the status quo (Remick, interview). At issue is not the salary range, but whether jobs are undervalued.

Other conditions help explain these problems.



Officials did not have enough time to evaluate all classes before the deadline, so they had to make decisions on the best available data. Also, personnel agencies did not understand the concept of comparable worth and for this reason, some high range classes received increases (Holden, interview). Finally, two problems which occurred in the second year centered on legal interpretations of specific terms in the agreement. In addition to these problems, certain DOP/HEPB procedures have been criticized: evaluation committee membership, use and understanding of the Willis methodology, and failure to involve more people in the process.

#### Class Eligibility

The most common complaint deals with the short lead-in time. Because it was not possible by the deadline to evaluate the remaining classes with a high degree of accuracy, DOP and HEPB analysts were advised to go with the best available data.<sup>6</sup> If a class had not been evaluated, it went with indexing. For example, if the benchmark received a comparable worth increase, all classes indexed to it were given the same range increase, unless they had themselves been evaluated, and then they had to qualify on their own. Similarly, if a benchmark did not qualify for comparable worth, neither would the classes indexed to it, unless, again, they had been evaluated and were eligible on that

basis. DOP preferred to retain the indexing approach, because it was familiar with this strategy (Davis, interview). Intent was to make the transition as smooth as possible by reducing uncertainty.

Unevaluated classes were primarily low incumbency. DOP administers about 500-600 single incumbent classes, most of which are agency-unique, male-dominated, managerial, and not part of a series. Agency officials decided it was unnecessary to evaluate them or classes with fewer than five incumbents, because they were thought not to be contenders for comparable worth. DOP officials also believed a complete evaluation of all classes would slow the process (Seth & Boysen, interviews).

### Class Disruptions

Comparable worth disrupted some traditional class relationships. An example is the right of way agent class in the Department of Transportation. The benchmark received no comparable worth increases, so classes indexed to it, but not evaluated, got nothing. However, some classes in the series were evaluated. They were high population classes found to be eligible for comparable worth. As a result, opportunities for employee movement were changed and/or restricted. This situation suggests that some traditional alignments were not justified by differences in job duties.

The forester 1 and forest tech 2 classes in the

Department of Natural Resources were difficult problems for DOP analysts. Both classes performed essentially the same work prior to comparable worth. However, forester 1, received one range, because it was indexed to a benchmark which received one range comparable worth. It was not evaluated, since it was low incumbency and male-dominated. Forest tech 2, on the other hand, was evaluated. The score remained the same; therefore, it received no comparable worth increase. Forester 1 was assigned to range 39, while forest tech 2 went one range lower. The correction changed forester 1 minimum qualifications, thus employees from the forest tech class could enter it by transfer or promotion.

The following situation illustrates how policy intent was possibly misconstrued. Officials assumed that comparable worth increases were intended to benefit only low range, undervalued classes. However, some classes above the line qualified through indexing relationships. For example, at the Department of Employment Security, executives (assistant directors and branch chiefs) received comparable worth increases, not on their own merits, but by indexing to the interviewer 2 class. Eventually, assistant directors will earn more than senior assistant commissioners, because the latter are exempt and beyond the reach of comparable worth. Whether they would have qualified for comparable worth on their own cannot be known, since male-dominated, low-incumbency classes were not evaluated.

DOP contends that indexing preserves traditional relationships and makes the system "less disruptive" (Davis, interview). However, an agency officer argues that it makes no sense to award comparable worth to executives "just because they are indexed" (Holden, interview).

### Class Distortion

This problem is another example of how policy implementation altered the existing classification structure. The issue here is class alignment and movement, particularly where one class had been a path for career development. Three examples illustrate how the plan disrupted class alignments: fiscal tech (bookkeeping), payroll tech, and clerk typist 3. Prior to the agreement, the latter class was a stepping stone into the higher-level fiscal tech class. However, with the policy change, the positions were reversed. A similar example is clerk typist 3 which would normally have moved into the assistant cashier class. Due to equal skill requirements, it earned the same comparable worth points.

A third case with a somewhat different situation is payroll tech, a female-dominated class. After comparable worth evaluation, it received a lower point score than similar female-dominated jobs. Previously, employees left clerical positions for the higher-paying tech positions. They are now moving back to clerical because of the

comparable worth increases. Agencies are upset about this situation, because payroll tech is an important position which is present in every agency (Flynn, interview). These class disruptions have lowered incentives to transfer to other positions (Miller, interview).

The administrative assistant series is another example, which prior to comparable worth had a higher salary range level than the secretary classes. It was an option for employees seeking new career opportunities. After class reviews, the positions were reversed, thereby shortcutting traditional class movement (Miller, interview).

In addition to upward mobility, movement is also possible laterally. Here the incentive is not salary, but the opportunity to do different work at a relatively similar skill level. This condition made transfers attractive. When comparable worth altered these class alignments, access to different work opportunities is now restricted, although new opportunities are created. Three possibilities explain these conditions: grade creep,<sup>7</sup> previous over and undervaluation, and outdated class specs. Some personnel officers are concerned with these altered opportunities for movement and wonder how to explain the situation to their employees.

### Evaluation Committees

Two evaluation committees determine eligibility. DOP's

eleven-member committee consists of ten state employees. It includes four DOP representatives, four personnel officers from other agencies, two nonpersonnel representatives, and one representative from the Federation (LEAP, 1986b).

HEPB's seven-member committee represents labor and management: three people from each area, and a staff member as chair (Huart, interview). Committees in both personnel departments currently meet once a month to evaluate new and/or revised classes. When a class is common to both systems, selected committee members jointly participate in the evaluation process.<sup>8</sup>

DOP's domination of committee membership is criticized, because it gives an appearance of vested interest. In its defense, the department contends that having mostly personnel officers and analysts on the committee is an advantage. They are knowledgeable about jobs and state organizations. A multiple-background membership brings diversity of experience, knowledge, and values to the process (Boysen, interview). This approach assumes that a variety of perspectives broadens the information base, levels out bias, and makes consensus more meaningful. For this reason, DOP is reluctant to reveal individual decisions, preferring instead to indicate the judgment of the group. The committees are not attempting to get the most points for each class, but rather to reach agreement (Davis, interview).

Evaluation committees now use the Willis method to evaluate only new and revised classes. Previously they evaluated female-dominated and high population classes for comparable worth purposes, but the June 30 deadline froze classes into certain ranges and alignments. Although approximately 80% of employee positions were evaluated by that date, problems have occurred. The comparable worth plan had to be finalized then, and class alignments cannot be altered during the life of the contract. The committees are precluded from evaluating a class to correct its point score; therefore, the only way a class relationship can be altered is when its duties and/or qualifications have changed substantially. Employees are learning to live with a system flawed by certain inconsistencies.

#### The Willis Job Evaluation Method

Several respondents criticize the system's design and question whether it should be retained after the contract expires. Complaints generally focus on three aspects: (a) point assignment, (b) criteria ambiguity, and c) factor compensability. With regard to points, objections address the span of available points. Frequently, class evaluations are compressed and some class series end up being too close together. Also, not enough working condition points are given. The second criticism concerns language and argues that Willis' words are too generic, imprecise, and

inflexible. Terms and examples are so broadly defined that they are almost meaningless. The Willis system would be much easier to apply with accuracy if its factors and levels were described more precisely, with clear illustrations of those levels (Salisbury, interview).

Complaints also focus on the factors themselves. Some committee members believe the Willis method puts too much emphasis on knowledge and skills. The problem for them is that this factor drives the other factors (McGregor, interview). Some skills are overvalued, such as education, and others, such as decision making, are undervalued. Working condition points have since been adjusted. However, critics contend that not enough consideration is given for stressful and negative job aspects (Whitney, interview).

#### Limited Participation Rates

In addition to problems with the evaluation system, DOP is further criticized for not involving personnel officers in developing the comparable worth plan.<sup>9</sup> They perceive the department as operating in a "closet." However, one officer recognizes that the system is so large and complex and the plan so technical, that it might not be feasible to involve these employees (Miller, interview). Although there is general agreement that analysts are competent, many officers believe more involvement from the agencies would be beneficial, especially in explaining situations to their own



employees.

Class evaluation is another issue raised by personnel officers. They complain that no mechanism exists for agencies or employees to question point scoring, e.g., how the committee arrives at its scores. The concern is that too few people have been taught the Willis method. Agency officers contend that having this information would be valuable in understanding the system and challenging decisions.

DOP addresses these criticisms in several ways (Boysen, interview). First, agencies are asked to contribute employees to the evaluation committee, but most decline. Secondly, personnel officers from the various agencies have a standing invitation to attend committee sessions and observe the process. However, at this point, DOP is not conducting a broad-based training program. DOP's third defense concerns legitimacy. As one of two departments authorized to administer the comparable worth plan, DOP determines how that will be done. Rather than delegating authority across agencies, the Standards and Survey Division retains control over the employees it governs.

Another complaint concerns the absence of personnel and fiscal experts on the negotiating teams (Keller & Fitchitt, interviews). This criticism assumes that some of the problems could have been averted, if specialists had been involved more actively in defining terms and conditions.

For example, personnel analysts could have predicted that certain classes alignments would be altered and with indexing, some classes would receive increases even though theoretically, comparable worth was not designed for their benefit. According to an OFM attorney, many technical people were used as consultants during negotiations (Prevost, interview). However, a HEPB manager argues that her expertise was not requested until late in the process (Gerard, interview). Regardless, not all of the problems could have been known ahead of time (Prevost, interview).

#### Funding the Second Installment

The state is now in the second year of its seven year plan. The first payment on April 1, 1986 was the largest, because every eligible employee received an increase. Classes seven or more ranges below the line all came up to within six ranges. Thus the first payment brought everyone up to a certain distance from the line. The remaining six years will gradually take classes from where they were in 1986 to full implementation.

The agreement stipulates that "not less than \$10 million" should be appropriated annually (Agreement, 1985:3G). The Attorney General's Office interprets \$10 million as sufficient funding to achieve comparable worth pursuant to state law and the agreement (Gregoire, interview). OFM allocates this amount annually to the

agencies during the life of the agreement. The philosophy of the second installment is to determine how far classes can move toward the line, while staying within the \$10 million amount. This perspective differs from the first installment where classes moved first, and then increases were determined accordingly (Eiden, interview).

To fit the plan to the \$10 million appropriation, analysts established four new point ranges (DOP & HEPB, 1987).<sup>10</sup> A normal base range has no decimal point, but a point range for comparable worth purposes does. Thus the latter schedule is an addition to the salary grid. These point range levels correspond to the four categories of classes which qualify for the remaining comparable worth entitlements (LEAP, 1987). For example, a class three ranges below the line qualifies for a point one range increase (.1), and classes four to six ranges out become .2, .3, and .4, with monthly increases of \$15, \$21, \$26, and \$31 respectively. A class with a .4 indicator is six ranges from the line. at the time of the second payment, and eligible for a \$31 monthly increase. Because the agreement stipulates a partial range rather than a full range movement per year, each installment for the affected classes has a decimal suffix basis (Salisbury, interview). Hence a four range entitlement is distributed over six years. This plan was submitted to the boards and approved at their June 1987 meetings.

A difference arose over the understanding of what constitutes salary increases. The plan, as submitted to OFM by the two personnel boards, assumed "salary" to mean compensation only (Gerard, interview). Yet OFM has always considered "salary" to include social security and retirement benefits (Eiden, interview). The Attorney General's Office concurred with OFM's interpretation, and argued that the Legislature intended comparable worth increases to include no "hidden costs." Social security and retirement are the costs of salary; therefore, they should be included in each subsequent comparable worth installment (Gregoire, interview). The Attorney General's opinion determined that these benefits should not have to come from agencies' regular operating budgets. Because the cost of implementing comparable worth includes the same expenses as salaries in general, total funding comes from legislative appropriations.

The two personnel boards excluded these benefits from their calculations. According to OFM, the agencies would be required to absorb these costs or seek additional appropriations.<sup>11</sup> OFM proposed a new plan which set aside \$1,346,000 of the \$10 million amount (13%) for payment of these benefits. The two personnel boards could adopt this plan or formulate their own which should incorporate the reduced figures.

At the July 1987 board meetings, the two personnel

staffs came back with revised plans showing the \$1.3 million reduction in the amount available to cover employer contributions for fringe benefits. To make the payment schedule fit the available amount, analysts reapplied the formula using \$8.7 million: \$4 was deducted from the .4 and .3 ranges and \$2 from the .2 and .1 ranges. The new monthly amounts were adjusted to \$13, \$18, \$22, and \$27 respectively. As a result, the "salaries only" concept now includes social security and retirement. The Federation opposed the revised plan on the grounds that salaries should be interpreted literally. OFM argued that the language of the agreement--"any additional cost necessary to maintain the comparable worth increases"--includes fringe benefits.

The SPB chair expressed concern that unless the new plan were adopted, employees would not receive the increases to which they were entitled (DOP, 1987b). With assurance that full obligations of the agreement would be met by 1993, the two boards accepted the revised salary schedule. Although this adjustment means smaller monthly increases, over the life of the contract, agencies would not have to absorb \$27 million in fringe benefit costs (OFM, 1987). OFM calculates that \$48.8 million is necessary to reach full comparable worth implementation, and that cost estimate is within the remaining \$50 million appropriation (Ibid.). The provisions of the second installment are significant because they set the criteria for allocating the subsequent \$10

million appropriations. They also illustrate how the agreement is subject to legal interpretations.

### Assessments

This section analyzes the implementation process from a broader perspective: how monitoring organizations outside and within government assess the situation. What effects has the plan had on personnel practices in general? What issues should the state consider when the contract expires? The external assessment comes from two consultants who examined the state's compensation system and recommended improvements. The internal perspective is a legislative committee's evaluation of the first two years of policy performance.

### Consultant Reports

The Legislature authorized the Governor's Office to hire independent consultants to study the state's pay system (SSB 3656, 702(2), 1985). The Center for Women in Government (CWG) was hired to review the Willis plan (LEAP, 1986b). The report, "A Review of the Willis Method of Job Evaluation and Its Application to Washington State," was completed in February 1986 (Haignere & Chertos, 1986).

CWG concluded that class specs are not designed for job content information and thus not easily translated into Willis points. Further, it is questionable whether specs

include characteristics associated with women's work. The knowledge and skills and accountability factors are weighted more heavily for male job content characteristics.

Consequently, the Willis method is a better indicator of male (private sector) wages. In addition, each personnel system has its own evaluation committee. Although Norm Willis does the training, there is no assurance that they evaluate classes similarly. A greater occupational diversity is needed in the membership, because most members are personnel specialists. Based on these findings, CWG made the following recommendations:

1. The state should continue to use the Willis point system factor system until/unless a more comprehensive one is available.
2. The state should undertake a comprehensive study of its compensation policy to determine what job content characteristics it values. The study should be a policy-capturing analysis.
3. The relative Willis weights should be studied to establish consistency with what the state wants and has been valuing.
4. If the evaluation committee approach is continued, specific guidelines for uniformity and consistency should be established, and
5. Equity guidelines regarding membership and procedures should be instituted (e.g., classes should be evaluated in random order rather than in a series).
6. The state should examine the implications of its pay policy which ties wages directly to the market

A second consultant was hired--Hubbard Revo-Cohen (HR-C) of Virginia--to review the class specs and the benchmark/indexing systems. HR-C's report entitled, "Final

Report for Washington State: Job Classification and Compensation Review," includes the following findings (HR-C, 1987). The first set regards the classification system and is reviewed here, because criticisms directed to comparable worth are classification problems. In general, class specs and salary ranges do not differ significantly. No systemic gender bias is evident in the class specs, e.g., language, qualifications, responsibilities.

However, many specs are not up-to-date. They do not reflect changing technologies such as computerized systems in clerical and nursing classes. Some are outdated because the state lacks a systematic review process. The spec format itself is satisfactory, although it is not uniformly applied across all classes, and duties which overlap between classes do not reflect key differences between classes. For example, some clerical classes are so broadly defined that they obscure significant functional differences. In the older specs, minimum qualifications (MQs) are too specific and do not consistently include alternatives. Finally, class specs do not make reference to Willis factors. Based on these findings, HR-C (1987) suggests that Washington should:

1. implement a planned five-year cyclical review and maintenance program for all classes;
2. conduct a job analysis of the clerical classes to identify changes in job content characteristics and revise those classes where necessary;



3. analyze classes with respect to working conditions, mental demands, and accountability and reflect those characteristics in the class specs;
4. continue to use the committees in the evaluation process;
5. continue to incorporate alternative qualifications in addition to the stated MQs; and
6. establish guidelines for the creation of new classes and consistent standards for classification procedures.

The report also reviewed the compensation system. The consultant found that most benchmarks are representative of all salary levels, but certain categories do not represent higher salary level benchmarks in certain classes, especially clerical and technical (HR-C, 1987). The distribution of benchmarks across occupations is uneven. Some represent very few classes, while others represent a substantial number. Although the system is consistent in selecting benchmarks from the highest incumbent or journey level classes, inconsistencies exist in the point-to-pay relationship between a benchmark and its indexed classes. Finally, prevailing rates change over time and these changes may affect the relationships established by comparable worth adjustments. On the basis of these findings, HR-C (1987) offered suggestions for how the state might improve its compensation system.

1. Depending on the results of the job content review, increase the number of benchmarks for clerical and technical/paraprofessional classes, especially at the higher salary ranges;

2. reexamine those benchmarks which represent fewer than ten classes and/or 25 incumbents;
3. evaluate a key class within each class series using the Willis method in order to make the indexing system more consistent;
4. reexamine any class which is more than 15 ranges from its benchmark to determine if the relationship is appropriate; and
5. establish a consistent system between the two personnel departments for documenting new relationships with reflect comparable worth adjustments.

HR-C (1987) also suggested options for integrating the two plans (assuming the state would retain market surveys). This task required "a fresh approach to meshing the state's traditional concept of paying market rates with the goal of achieving internal equity" (p. es-7). What will the effect of ongoing general salary increases have on classes affected by comparable worth? Since comparable worth entitlements are frozen by the agreement, options are more appropriate for the post-1993 period.

The dilemma is that each pay strategy rests on different principles: prevailing rates reflect the market, whereas comparable worth prefers internal equity. The options range from minor alterations to major departures. One option is an innovative approach which involves collecting prevailing rate data across occupations, rather than specific jobs. A new comparable worth line is drawn on prevailing wages instead of state salaries. Jobs above the line receive the actual prevailing rate, while jobs below

earn the average prevailing rate.

#### Administrative Responses to the Consultants' Reports

The two personnel departments assigned task teams to formulate responses to the consultants' recommendations.<sup>12</sup> DOP responded to the CWG report as follows. The state will continue to use the Willis method, unless a change becomes appropriate. A policy-capturing study is beyond the normal scope of DOP activities and if it were done, should be conducted by a qualified researcher. Changes have already been made in standardizing evaluation committee guidelines and member participation. However, incorporating Willis factors in job specs requires analysts to be trained in the Willis method. The team does not support the recommendation that classes be evaluated in random order, because it is not an efficient way to use subject matter experts and other information. Finally, DOP does not make policy, hence any change in the wage structure is a legislative activity. DOP does agree, however, to document the procedures and criteria which guide the survey process.

The task team's response to the HR-C report includes the following assessments. The team agrees that an ongoing review of the classification system is appropriate, but only as necessary, not on a five-year cycle. A clerical class study could be conducted after the total classification plan is reviewed.<sup>13</sup> It agrees that (a) alternative

qualifications should be added to the MQs, (b) duties and responsibilities relevant to the Willis method should be identified in class specs, and (c) standardized classification procedures should be established between the two personnel systems.

Regarding HR-C's recommendations for the compensation system, DOP's task team feels that some aspects are appropriate now, e.g., reviewing benchmarks which represent fewer than 10 classes and reexamining classes which are more than 15 ranges from the benchmark. However, the other recommendations serve no useful purpose at this time, because comparable worth entitlements are set by the agreement. As to the number of clerical/technical benchmarks, DOP believes its current policy is appropriate. Finally, in response to the options for merging prevailing rates and comparable worth, the team considers this to be a policy matter requiring legislative authorization.

#### The LEAP Committee

Organizations and individuals within the state are evaluating and monitoring the implementation process as well. In response to a House Ways and Means Committee request, the Legislative Evaluation and Accountability Program (LEAP) issued three reports. It concludes that:

1. DOP and HEPB successfully accomplished the major transition to incorporate comparable worth salary adjustments into their pay plans beginning April

- 1, 1986.
2. Comparable worth implementation has changed the relationships between benchmarks and indexed job classes altering the results of prevailing rate surveys.
3. Consultant studies conducted for the Governor's Office did not produce a means for integrating comparable worth and prevailing rate pay methodologies.
4. DOP and HEPB administration of pay plans will become increasingly complex because of the need to accommodate separate salary methodologies.

The second finding is covered in an earlier section, so no further comments are necessary. Although finding #3 is reviewed in the previous section, its inclusion here is in response to a critical assessment. The following analysis concentrates on the first finding and only briefly reviews the last one, because it suggests a supposition.

Due to the structural change required by the agreement, the technicalities, and the short lead-in time; there is reason to believe that the two personnel departments would be unable to handle such widespread change. LEAP (1987:6) notes that:

DOP and HEPB were left with little time to develop, publicize, and finalize pay plans for the April 1986 pay period. Additional concerns arose involving potential challenges to interpretation of the agreement as reflected in the new pay plans.

These challenges are not inconsequential. The fact that entitlements had to be set by June 30, 1986 precluded

future class relationships from being changed. The disruptions to the status quo are being lived with and, in turn, are creating new alignments and different career paths. To date, the few appeals which have been brought to the board's attentions concern traditional alignments. The State Personnel Board has turned down these requests arguing that comparable worth has this particular effect on jobs, and "that's the way it is" (Whitney, interview). The system needs a chance to work; therefore, the board looks at comparable worth from a long-term perspective. At the present time the boards want no major changes (Alexander, interview).

The situation is likely to change, as certain inconsistencies become more apparent during the life of the contract. Implementing comparable worth is not an easy process because it requires a restructuring of the salary hierarchy. As salaries increase for female-dominated jobs and the market becomes less important, the power base is altered and this condition is uncomfortable for many people. The significance of the policy and the fact that implementation has proceeded smoothly are due to several conditions. First, key actors perceived comparable worth as an issue of fairness and a way to correct systemic wage inequities. Although the state had no obligation to negotiate an agreement, it did so because of a commitment to carry out its comparable worth law. Similarly, the

Federation wanted to resolve the suit so its members could receive their wage entitlements. Strong incentives motivated both parties to reach an out-of-court resolution and implement a reasonable and fair plan.

Secondly, implementation has not created conditions which the opponents feared would happen. For example, no employee layoffs have occurred in either personnel system (Davis, interview). However, some community colleges reduced child care services from 8 to 6 1/2 hours (Gerard, interview). Some feared the bureaucracy would expand, but that condition has not happened. DOP's Standards and Surveys Division expanded one FTE position to include comparable worth assignments. This position is shared by two analysts who are also involved in other division tasks (Seth, interview). The Audit Division expanded one position to enable that employee to chair the task team's work on the consultants' reports. That work has now been completed and the employee reassigned (Davis, interview).

In general, the implementing agencies are conducting their work requirements with existing employees. At HEPB the work load has greatly expanded. The existing staff has been able to carry on, so no new positions were created (Gerard, interview). In the two month period when HEPB was finalizing its plan, the staff worked overtime on many weekends. Following the March board meeting and until the June 30 deadline, activities were of a "clean up" nature.

Since then, the work requirements have been carried on as part of normal routines.

DOP required considerably less overtime work. For the most part, analysts were able to meet the demands during regular working hours (Davis, interview). Budget analysts at OFM and legislative staff personnel assigned to work with comparable worth added those duties to their ongoing assignments. The work load was eased somewhat because no separate regulations were necessary. Instead, each personnel department added new sections to their merit system rules. No employee salaries were reduced. The 1983 DOP civil service law defines comparable worth payments as "increases," thus no employees were "hurt" by the policy.

The economic effect on the state treasury is another fear that has not materialized. No new taxes were necessary, because money came from existing dedicated and special fund accounts. In comparison to the total personnel budget, the amounts of money are very small. The straight salary budget for classified employees in the two personnel systems is \$1 billion per year. The total salary package, including retirement and social security, is an additional 13% (Eiden, interview). The April 1, 1986 comparable worth installment represents 3% of the total salary base and each \$10 million payment will be .9 of 1% per year. By 1993, the total salary base will have increased about 10% (Ibid.).

Policy intent was established without causing an



extreme financial burden. Taking money from different accounts and distributing payments over a seven-year period, enabled the state to reduce the amount of each expenditure. However, this condition does not mean that cost is inconsequential. Instead, it suggests that cost per se has not been a major deterrent. The concern has always been to keep the plan within a reasonable cost (Keller, interview).

For these reasons, the major fears of disemployment, bankruptcy, and a greatly enlarged bureaucracy have not occurred. However, one issue raised in the literature concerns reduced options for employee movement. Comparable worth, as it is being implemented in Washington, has disrupted certain class alignments. Some employees are negatively affected by those changes. Whether the problem becomes more serious as the agreement matures, remains to be seen. As new alignments develop, new mobility patterns will emerge and employees will take advantage of them.

Criticisms of a conceptual nature are likely to be heard less frequently, but they will be mentioned. The major arguments raised against comparable worth as a concept are primarily of a subjective nature, e.g., bias in the job evaluation process itself and the assumption that dissimilar jobs are not comparable. However, when it is shown through a point factor methodology that comparability is possible, based on job content analysis and factor weighting, the concept is acceptable (Keller, interview). Another

conceptual argument concerns whether implementing officials fully understand comparable worth's intent, at least from a macro level.

Comparable worth is more frequently criticized on the way it is operationalized. Arguments do not focus on whether the state should implement a comparable worth pay strategy, but rather on how policy intent is being carried out. One of the problems is class distortion, a situation caused by the deadline, rather than comparable worth ideology. Another complaint concerns eligibility and the realization that male employees qualify for increases. The situation surprised some officials, because they assumed that only female-dominated classes should benefit.

However, comparable worth is not being implemented in the state of Washington as a woman's policy. It has moved beyond that concept to a broader perspective. As a pay equity issue and compensation policy, it establishes a new pay standard to reduce wage inequities and seek internal equity. For example, it is correcting skill levels in classes which had been either under or overvalued.

This new compensation strategy is not a salary increase in the same way that general salary increases are. It is a corrective mechanism which is added to the existing pay structure to form a new base. The problem here is a definitional one. Although not designed as a salary increase, comparable worth is perceived that way by its

opponents who use this rationale to argue against paying prevailing rates or higher across-the-board increases. Comparable worth is emerging by default as a scapegoat and taking the blame for the state not granting higher salary increases. Some workers who do not qualify for comparable worth fear these increases will reduce their chances for getting pay raises (Pulliam, 1986).

The complaint is that comparable worth is being implemented and salary surveys are not (Flynn, interview). Hence the more serious conflict is with prevailing rates. Comparable worth is not delaying prevailing rate payments, rather, the Legislature chooses not to pay full market prices.<sup>14</sup> Legislators and negotiators knew comparable worth might be perceived as just another salary increase. To avoid confusion, the agreement stipulates different payment schedules. This decision frees comparable worth from being thought of as a substitute for prevailing rates (Belcher, interview).

The third finding from the LEAP report (1987) addresses the consultant studies. It concludes that HR-C (1987) did not develop a method for integrating comparable worth and prevailing rate methodologies. The six options suggested for possible implementation are not viable until after the agreement expires in 1993. The problem the state will face then will be to reconcile the two-tier wage structure. By law, the state salary schedule "reflects the prevailing

rates" in the private sector and other governmental units. However, salary levels increase for those classes which qualify for comparable worth (RCW 41.06.150(17), 1985). According to the request for proposal (RFP, 1986), the state acknowledges it is at "a crossroads" and for that reason, is attempting to reconcile two different methods of salary setting.

We have done comparable worth differently than any other state and we're going to be the first one to really experience this massive system problem as it comes. We need someone to look at the system and tell us how to fix it (Belcher, interview).

Belcher argues that HR-C failed to live up to its reputation as an innovative consultant and rather than suggesting a "fresh" approach, as the RFP sought, the six options are merely alterations of the existing system. The result is a much more neutral report than the state expected. Belcher wanted advice on how the state could develop one system and get out of its present bind. Instead, HR-C (1987) told the state what data it needed to collect to prepare for 1993 when the contract expires.

LEAP's (1987) fourth finding notes that personnel administration will become increasingly complex because of the need to accommodate two separate salary schedules. These schedules are (a) the pay ranges for all public employee salary levels, and (b) the four comparable worth point ranges. Adding this latter schedule to the salary

grid expands the compensation plan. Although the point ranges receive the same comparable worth increase, adjustments may be necessary. For example, a class may get \$27 (.4 range) per month for one year, but if later it is reevaluated and goes down to a .2 range, it becomes eligible for only a one-time adjustment. As classes reach the line, they move back to the regular salary grid. Each yearly expenditure is set at \$10 million, regardless of new/revised classes, thus implementation must stay within fiscal limitations (Goodman, interview).

Administration of a growing number of salary ranges complicates the basic process of paying employees. In addition, it complicates the process of relating samples of prevailing rates in the market to the state's pay practice (LEAP 1987:8).

Further complicating the situation is the fact that prevailing rates will continue to fluctuate. The comparable worth pay line was fixed in the agreement at the January 1, 1985 level and cannot be redrawn (OFM, 1987). Thus pay adjustments do not reflect changing market conditions.

#### Summary of Phase Two

Despite the short lead-in time, the technicalities, and the problems, implementation of the comparable worth policy has been administered relatively smoothly (LEAP, 1987). For personnel officials in the two departments, this comes as

somewhat of a surprise, considering the major changes the new policy brought to the compensation structure (Nord & Davis, interviews). All things considered, it is a "minor miracle" that the policy came together as well as it did (Prevost, interview).

Other problems and complaints are likely to occur as the agreement nears expiration. Some of the problems may require legal interpretation and/or legislation. For example, how will DOP and HEPB coordinate salary surveys with the agreement? The first survey since the contract went into effect is scheduled for the summer of 1988. How will the departments deal with complaints about grade compression? The latter condition is bound to develop more frequently as the lowest classes approach the pay line. When these and other problems arise, they will undoubtedly be brought to the boards by the relevant agencies. Meanwhile, the hope is that time and a better understanding of the policy will temper some of the complaints.

## NOTES

1. Unless noted otherwise, discussion on the terms and conditions of the contract came from the Agreement (1985). The term "agreement" rather than "settlement" was used throughout because the former inferred that the two parties agreed to implement comparable worth in a certain way, whereas "settlement" implied settling one claim against another. Since the agreement absolved either party of blame, a settlement did not occur (Prevost, interview).

2. The Legislature, in a supplemental budget bill (ESSB 4762), directed LEAP to submit three reports on comparable worth implementation in the state.

3. DOP had two classes, reproduction technician and homemaker, which were 15 ranges below the line (their lowest classes). The 40 employees in these classes each received a 22.5% increase, or a nine-range movement, on April 1, 1986. The two classes (28 employees) farthest from the line in the HEPB system were 19 ranges out, child care coordinator and clinic assistant. Other occupational classes with high range movements were hearings examiner, nursing-technical, and investigation/enforcement (DOP, 1987c).

4. This discussion of the March board meetings was taken from the minutes of those meetings: SPB (March 13, 1986) and HEPB (March 21, 1986).

5. Most of HEPB's initial requests for review concerned errors with nursing classes at the University of Washington (Gerard, 1986). DOP's first written objections were from four classes: office assistant, medical assistance program manager, nursing care consultant, and forest tech 2 (Boysen, 1986). Prior to the deadline, DOP reevaluated 14 classes and HEPB reevaluated 26 classes (LEAP, 1986b). Most of the reevaluations resulted in classes receiving higher ranges.

6. A DOP analyst argued that given the time constraint, the 20-day notice requirement, and the fact that every evaluation had to be defended, it would have been difficult to do more evaluations (Davis, interview). However, a personnel officer suggested that DOP should have used more people in the process (Miller, interview). A further response to this point noted that the reason DOP did not evaluate all jobs was less a time factor and more a desire to maintain existing policies, especially with male-dominated classes (Remick, personal correspondence).

7. Grade creep is a condition where large numbers of employees are working at a level beyond what is described in the spec (Salisbury, interview).

8.I attended a meeting when the HEPB committee evaluated the fiscal technician 2 class. Because it is a class common to both systems, DOP sent two members of its committee to participate in the evaluation.

9.Information regarding criticisms came from personnel officers in the following state agencies: Revenue, Social and Health Services, Parks and Recreation, Natural Resources, and Employment Security.

10.Establishing a point range structure was a joint decision between the two personnel staffs (Thompson, interview). It seemed easier to calculate range movements by adding decimal suffixes to the existing salary grid. This pay structure will remain in place throughout the life of the contract.

11.Agencies most seriously affected would be those which had employees eligible for large comparable worth increases. For example, child care coordinators at higher education institutions received the largest increases. However, these programs are funded by student user fees and thus not eligible for state funds. Therefore, they had no surplus monies in their budgets to finance the increases (Oakland, 1986b).

12.This discussion came from the DOP task team's report. Both departments submitted similar reports to the Governor's Office. As of this writing, no decisions have been made with regard to the recommendations.

13.DOP and HEPB requested additional resources from the Legislature to establish units within their departments to conduct a five-year cyclical review of their respective classification systems, especially clerical and nursing classes (Gerard, 1987). However, the request came too late in the budget-setting process and was denied (Gerard, interview).

14.The situation is not likely to change soon because the present Legislature is conservative. A journalist, who has been covering the legislative beat for 20 years, told me that the Senate is the "worst" he's seen in years--a reactionary body more intent on cutbacks and against anything "new" (Layton, interview).



## CHAPTER SIX

### ANALYSIS: DYNAMICS AND IMPLICATIONS FOR ACTION

Dynamics are the driving forces that moved comparable worth through the political process in Washington. As major influences, they steered the course of events and determined how the idea evolved from concept to practice. Although each driver was a prime motivator by itself, implementation required an interdependent relationship. The six driving forces include:

1. Awareness of inequity. Comparable worth is primarily an issue of fairness and a perception of wage inequity.
2. Actions of key political actors. Key actors use influence and position to place the issue on the institutional agenda.
3. Economic pressures. The cost of implementing comparable worth did not become a major topic until later in the process. The first concerns were determining the extent of the problem and conceptualizing a remedy. Cost became a crucial factor with the lawsuit and the agreement.
4. The lawsuit: stimulus for action. The lawsuit advanced the implementation process and determined the course of follow-up action. The negotiated contract, which the state is now implementing, is a direct result of this legal intervention.

5. Time as liberator and constraint. It took ten years to move the issue through the political process. However, The Federation, believed a decade of inactivity was too long and filed suit in district court. Time also constrained the process in the form of deadlines.

6. Personnel management capabilities. Personnel officials are technically able to apply contentional pay-setting functions to the new policy. However, there is concern whether they understand comparable worth conceptually at the macro level.

The concluding section offers some final observations: (a) certain conditions were present in the state which enabled comparable worth to be implemented; (b) implementation is still a developing process in the state; and (c) comparable worth has made a significant impact in Washington.

Finally, I offer several implications for future action. Their inclusion fulfills the study's purpose, which is to suggest possible ways in which others can benefit from Washington's experience. They address specific issues which other employers might consider when implementing comparable worth.

#### Awareness of Inequity

Comparable worth emerged as a potential pay strategy when female public employees realized they earned less than

their male counterparts for work of comparable value. As they became aware of pay discrepancies, they determined that not only were these differentials unfair, but something needed to be done to correct the situation. Thus the initial driving force behind comparable worth was employee perception of and dissatisfaction with their share of the economic pie. The problem became an issue of fairness (Wells, interview). It didn't seem fair that some people earned more than others for work of equal value to the employer.

Awareness of the problem was activated by workers, primarily women, who had many opportunities to note the existence of pay inequities in the system. As employees in the system, they were the most adversely affected by the wage gap. The state regularly conducts surveys of prevailing rates in the market and the results are public record. For example, clerical workers at the University of Washington "eyeballed" the survey results and saw how their pay increased only slightly, while men's rates increased at a much greater rate. The classic example, and the one for which comparable worth has become noted, is the comparison between secretaries and truck drivers. When secretaries at the university learned that truck drivers earned three times as much, they resolved to take action.

Some of these women attended HEPB hearings and complained about the pay differentials, but were told

"that's how the survey goes. We can't do anything about it because that's the way it is" (Boone, interview). The more these activists encountered the problem, the more apparent it became that market forces worked differently for men and women. As a result of this inequitable treatment, they believed the state perpetuated discrimination by basing its pay practices on the market standard.

Although women were more active in calling attention to the situation, some men also voiced awareness of and concerns about the wage gap. Ed Lane, special master for the lawsuit, was shocked at some of the wage disparities. He believes the problem dates to when males were breadwinners, but with more women in that position, he questions the validity of paying them less. Leonard Nord, director of DOP, never felt it was right that a person taking care of patients in a mental hospital should earn more than a flag person on the highway. From a social equity perspective, it did not seem fair the way certain female occupations were paid, because they too are highly skilled jobs. Nord argues that value should be determined by what the work is worth to the employer. One way to conceptualize value is to calculate how much a job contributes to the organization's mission (Schut, interview).

Another aspect of inequity is recognition that socioeconomic conditions require more women to be fulltime

workers. In other words, the reality of the work place has changed. "Today's world does not have temporary women workers" (McGregor, interview), and many more women are single parents who are not working for "pin money" (O'Brady, interview). When women must work for economic reasons, "good salaries" becomes a crucial issue.

A lower salary was more acceptable when women knew they weren't going to work "forever." Work was a diversion or a way to earn extra money. Women are no longer willing to work for traditionally inequitable pay arrangements (Belcher, interview).

In addition, more women are graduating from college and acquiring higher skill levels. It seemed unfair to female activists that men who had lesser knowledge and skill levels earned more. For these reasons, female employees perceived the state's pay-setting practices to be unjust.<sup>1</sup>

Feminist activists in Washington believed that the compensation policy should rely more on internal equity and less on market forces. On the other hand, the state argued in the lawsuit that it was not discriminating when it paid market rates. The Ninth Circuit Court upheld the state's position when it ruled that the market is a legitimate employment practice. It is the basic foundation of economic policy in this country (AFSCME, 1985a). In so ruling, the court did not declare fairness to be a legal doctrine.

However, perceptions of fairness were at issue. As employer, the state believed that if its pay practices

treated some employees unfairly, they should be investigated. Washington's tradition of social reform and progressivism indicates a willingness to address and correct issues of inequity.

Another instance further suggests that the state was becoming aware of the presence and impact of possible discriminatory treatment. In 1972 when Title VII of the Civil Rights Act was amended to cover state government, classified employees came under the antidiscrimination provisions of the law. However, in 1971, Governor Evans signed into law a bill very similar to Title VII. Thus Washington was a year ahead of the federal government. This action reveals the state's willingness to acknowledge its responsibility as a just and fair employer. It also recognizes that sex discrimination in the work place is illegal. Although at this point no substantive action was taken to examine whether any employment practices were discriminatory, nonetheless, state officials knew the law.

The governor and personnel administrators agreed that the state's pay practices should be investigated for possible bias. By this action, officials indicated awareness of a possible problem. Because personnel systems were carrying out the law (market surveys), a practice which for many years had been the traditional pay-setting mechanism, the state did not believe it acted illegally. However, officials knew that wage differentials had existed

for a long time. For example, the primary incentive for establishing a unified merit system in 1960 was due to employees earning unequal pay for equal work. Market comparisons and the 1973 management study indicated that state employees earned less than their counterparts in the private sector. So the state knew about wage differentials. What was not known was the extent to which the wage gap existed between male and female earnings.

Even though this and subsequent studies revealed an extensive wage gap, the state did not believe inequities were caused by discriminatory practices. Instead, they were the results of market forces. However, the Federation disagreed, arguing that the state perpetuated discrimination by failing to pay employees their evaluated worth, as revealed by the state's own pay equity studies. For this reason, the union filed a lawsuit charging the state knew these pay inequities existed and chose to take no substantive action (AFSCME, 1983).

Based on the evidence, it is clear that the original driving force for comparable worth was a perceived inequity between men's and women's wages. This perception became the catalyst that focused the problem and gave it life. state

When the wage gap was perceived as an issue of fairness and a matter for government action, the problem advanced to the political level. If female employees and feminists had not called attention to the inequitable wage practices, it

is doubtful the problem would have politicized. However, merely perceiving an employment practice to be unfair does not by itself guarantee action. Existence of a problem must also be legitimated by the power brokers. Legislative procedures began when the issue entered the political arena.

### Actions of Key Political Actors

Key actors are the men and women who played major roles in steering the issue of comparable worth through political channels. They are driving forces because their leadership and actions determined the course of action. Included in the analysis are those actors who opposed the concept and seemingly acted as obstacles. Although at the time their influence had a negative effect, in retrospect, it delayed but did not stop the process. Their objections had a positive effect by motivating proponents to work even harder.

Absence of a central focus was another delaying factor. No single group consistently "carried the ball" for comparable worth (Remick, 1986a). Instead, many actors working at various levels and frequently for different reasons, were involved in the implementation process. Influence did not depend on the size of the group as much as on the power lodged in a particular office and the degree to which an actor was committed to correcting the problem.

Three sets of actors were the most prominent political



participants: (a) Federation officials, especially Norm Schut; (b) governors Daniel Evans, Dixy Lee Ray, and Booth Gardner; and (c) legislators Eleanor Lee, Jennifer Belcher, Bob Williams, and Jim McDermott.

### Norm Schut

When Helen Castrilli and her coworkers at Western State Hospital decided to take the pay inequity issue to the Federation, they did it for two reasons. First, as union members, they perceived their organization to be supportive of its membership. They also knew the Federation had a reputation as an influential lobbyist. This function is crucial, because by law, wages are not negotiable in Washington. In addition, the underlying premise of the Federation has always been that policy is made by the membership. Thus members were accustomed to raising issues (Moore, interview).

Secondly, bringing the issue to the attention of union leaders is a logical action, because women, in general, lack political clout (Klein, 1984). Although the Women's Council had been successful in passing some legislation, on most issues it needed to coalesce with powerful organizations (Taber, interview). The women knew that solutions to their problems were likely to be achieved more readily through collective action. Female activists perceived the Federation to be a power broker which could move the issue

farther than the council could on its own. However, placing the issue on the political agenda was not automatic.

Understanding and commitment on the part of union leaders was also required.

Norm Schut, executive director, knew from personal experience that the wage gap was a problem which concerned female workers. He remembered his early experience with wage inequities between male and female elevator operators, as well as situations where the equal work standard did not apply. Not only was Schut aware of the problem from a management perspective, but as a member of the Women's Council, he was knowledgeable about the issue from the grassroots' level. What makes Schut a key actor is that he believed wage inequities were unfair, and he willingly used his position to help correct the situation. He seized the opportunity to promote comparable worth as a vehicle for change, an organizing tool, and a chance to build the Federation into a stronger union. He had acquired important assets which are necessary for bringing about change: awareness of the problem, incentives for correcting the situation, and power to influence decision making.

Schut's power base included access to elected and administrative officials. Over the years he had worked for several of them in a number of capacities at both the state and national levels. In the process, he built a reputation as a respected labor leader. He was the only member of the

Women's Council who had political clout and instant entree to Governor Evans. During the latter's political career, the two men learned how to develop programs for "our mutual benefit." Schut had good political instincts and learned through experience that in politics, "you work with everyone you can, you aren't looking for friends, but allies" (Schut, interview). He knew that Governor Evans had a sense of fairness and was interested in innovative ideas. For this reason, comparable worth seemed like an appealing idea. He convinced the governor that it made sense to support this issue, rather than "be beat over the head with it and let someone else get credit" (Ibid.).

Schut's leadership was important not only for initiating action, but in keeping the issue visible as it moved slowly through the political process. From the first study to the lawsuit, Schut was a driving force. During this ten-year period, the Federation kept the issue alive in many ways: (a) calling for additional studies, (b) sponsoring amendments to the civil service laws, (c) lobbying for comparable worth legislation, and (d) contributing money to several legislators who promised to support comparable worth in the Legislature. However, these activities did not produce what the Federation ultimately sought to increase the wages of undervalued employees. The state failed to pay attention to the results of its own studies, thus the union filed a lawsuit in federal district

court.

Schut does not think of himself as the "father of comparable worth." Instead, he maintains that several others were just as important. Regardless of who parented the concept, Schut's leadership was crucial. He understood the problem of wage inequity. He had established a reputation as a powerful union leader, who in 24 years as executive director, built the Federation into the largest public employee organization and second largest PAC.<sup>2</sup>

In addition, he had access to important power brokers. Although the Federation itself lacked the money or staff to conduct studies, it had the clout to seek action from the chief executive. Schut was also known as a man of integrity who was concerned about issues of just and fair treatment (Taber, interview). His leadership and the power of the Federation were key drivers in policy implementation and without them, comparable worth could not have received such strong endorsement. However, controversial ideas require a broad-based support. Norm Schut was just one of many key actors who advanced comparable worth from rhetoric to reality.

### Key Governors

#### Daniel Evans

When Norm Schut took the issue to the Governor's Office, Daniel Evans was not altogether unfamiliar with the

issue. He and his chief of staff, Jim Dolliver, had heard about the problem from Jennifer Belcher. At this time she was an administrative assistant in the Governor's Office. Belcher raised Dolliver's consciousness by focusing her arguments on the value of work, especially women's work. She spoke from personal experience, having worked many years in clerical positions. For her, the wage gap problem was a matter of fairness and internal equity.

The issue is not addressed when we seek resolution by moving women into men's work; neither do we talk enough about how the market forces work differently for women (Belcher, interview).

Bringing the issue to Governor Evans' attention was a key move, because the governor had a reputation as an innovative problem solver and maverick. During his administration, state government expanded to a level of capability it had never known before (Dolbeare, interview). As chief administrative officer in charge of employment practices, he perceived his and government's role as model employer. Comparable worth was another way to improve personnel administration (Dolliver, interview). Just three years earlier, he had signed the state's equal employment law, so he knew that discriminatory practices were unlawful. Now he was concerned whether "we had a system which had built in injustice" and if that were true, he was anxious to correct the situation (Ibid). Governor Evans' other asset,

respect for women, was evidenced by appointing several to his staff (Boone, interview).

It is doubtful that the problem could have been addressed so decisively without Evans' executive leadership. Although he probably didn't understand the logic of comparable worth, his personal traits and skills were significant factors. He was receptive to new ideas and believed in justice and fairness. In addition, in 1974, Governor Evans was in his third term of office. As a proven vote getter, people endorsed his programs and leadership style. For a popular and respected leader, perhaps it did not seem as risky to advocate comparable worth, as it might have for a newcomer.

What neither he nor his staff could have known, however, was the impact such a radical idea would have on the entire salary-setting structure. Nevertheless, Evans proceeded with the issue, because he saw it as a matter of fairness and believed it should be addressed at the top level of government. For this reason, he instructed DOP to conduct a study (Evans, 1973).

It is clear that Daniel Evans was a key leader. Without his leadership and willingness to address a novel idea, comparable worth might have died before it was born. It was logical to begin the process from the Governor's Office. Legislative action was unnecessary at this point, because no funds were required nor was there a policy

change. DOP could have acted on its own, because data gathering was a regular personnel function. However, a study of this magnitude and significance was not routine. Further, when ordered by the governor, the activity received greater stature and priority.

### Dixy Lee Ray

One of Evans last acts as governor was to put \$7 million into the budget for comparable worth increases. His successor, Dixy Lee Ray, a Democrat and the state's first woman governor, removed that item from her budget. Although during her term of office she was liberal on many issues, she did not initially advocate comparable worth.<sup>3</sup>

Removing the money and calling comparable worth "a can of worms" not only gave the idea a bad name, but struck a serious blow to the movement. Her action stalled the momentum which had been building during Evans' last years. However, the money was not removed because of a depressed economy, for in the late 1970s the state was experiencing an economic boom. Instead, Governor Ray did not understand the concept and felt that more information was needed (Belcher, interview). She had never experienced first-hand the adverse effects of the wage gap, nor had she been financially dependent on spousal support. However, as she became better informed about the concept, she eventually became a supporter. By the end of her term, she declared

that comparable worth should be addressed (Ray, 1980).

It seemed like Governor Ray's action would doom the project. But to the contrary, it publicized the issue, especially in the media, and kept it visible. Calling for further study allowed additional data to be gathered, hence more people were educated. Complex and high change policies like comparable worth require a long germination period (Remick, 1986a). Ray herself is a good example. As people acquire knowledge, they are better able to understand the problem and more likely to seek a remedy.

What could have been a negative action eventually had a positive result. Governor Ray's statement gave the movement the impetus it needed to proceed more vigorously (Moore, interview). It also illustrates how advances often proceed on the heels of setbacks. While Ray's action slowed the process, it drove activists to expand their scope of activities.

#### Booth Gardner

Booth Gardner inherited comparable worth when he was elected governor in 1984. By this time, several studies had been conducted and comparable worth was codified in the civil service laws. His concern was the lawsuit which was pending in the Ninth Circuit Court of Appeals. The choices were to await the judges' decision, go ahead and implement the law, or resolve the suit out of court. Comparable worth



was an important issue and because Gardner wanted to be governor, it was a major plank in his platform. During the campaign he reminded voters that as Pierce County executive, he had implemented comparable worth. He believed "it was the right thing to do and we should get on with it."

Governor Gardner chose to settle the suit at the lowest level, the negotiating table, for several reasons. It was safe to proceed, because by 1985, comparable worth was a national issue. The lawsuit generated a great deal of publicity and many other jurisdictions anxiously awaited the appeals court decision. Washington was not accustomed to being in an unfavorable limelight, preferring instead to be known as a progressive state. Resolving the issue out of court was a courageous act. If the state won on appeal, it was freed from further action, so it could "wait and see." On the other hand, there were risks involved in judicial review. If the Federation won, it was almost certain an appeal would be taken to the Supreme Court and the state did not want judges determining pay policy. Thus there was a strong element of political pragmatism in the decision to negotiate.

It made good legal and economic sense to settle at the lowest level. Could the state afford to pay damages and back pay awards as proposed by Judge Tanner? A decision on behalf of the plaintiff class would be costly economically and could damage Washington's socially-conscious reputation.

If the state were going to live up to its image, here was the chance to resolve the problem and keep control at the state level.

Again, as with Evans, it is not clear to what extent Gardner internalized the concept. The fact is that he was anxious to resolve the issue and remove the state from further litigation. He did not want to obligate the state beyond its ability to pay. Finally, as chief executive officer, he had taken an oath of office to execute the laws, and comparable worth was legal policy. The choice was either to implement the law or risk further legal intervention. His decision to negotiate is another example of the importance of executive leadership. When actions originate at this level, they carry considerably more clout and move much faster.

### Key Legislators

In addition to union officials and governors, certain legislators were key actors in the political process. Their support for legislation and/or their arguments made them influential players. They came from both sides of the political aisle. In general, Democrats were the major supporters, while Republicans frequently opposed the issue. However, ultimately, comparable worth required bipartisan support.

The turning point came in 1982 when the Democrats

gained control of both houses. It also was the year when the so-called gender gap affected voting patterns. For the first time, women's issues became partisan concerns. Many of the new legislators were elected with the backing of women's interest groups and the Federation. Pay equity in the public sector was one of the top priorities for the key legislators.

### Jennifer Belcher

Jennifer Belcher (D-Olympia) was elected to the House in 1982 and took on comparable worth as her issue. Her secretarial experience gave her first-hand familiarity with the problem. While working as an aide in Governor Evans' office, she introduced the problem to him. As a legislator, she wanted to learn the technical aspects so as to counter the oppositions' arguments. She became the expert and leading legislator on comparable worth. Her resolution created the JSCCW, she chaired the committee, and she cosponsored the \$1.5 million appropriation bill. It was her idea which led to the hiring of outside consultants to assess comparable worth implementation. Her expertise convinced others to vote for these bills, because they trusted her judgment. As part of her duties, she spent a great deal of time speaking on the issue to various organizations and legislative committees.

Belcher was a key political actor because of her

proactive stance, her first-hand experience with the problem, and her technical knowledge. She was one of the few legislators who truly understood the concept. For her, comparable worth was a compensation strategy which went beyond the equal work standard and addressed more adequately the reality of the work environment.

### Bob Williams

Bob Williams (R-Longview) is a fiscal analyst and statistician for Weyerhaeuser, the state's largest forest products company. Although he disagreed with the concept and particularly the formula, his contribution lay in the arguments he raised. His position on the issue was understandable in light of the fact that as an employee in the private sector, he adhered to the market standard and opposed government intervention in wage setting. His major concern was that comparable worth raises wages artificially without an increase in productivity. Williams' emphasis focused on the cost of comparable worth and whether the state would get its money's worth (Partlow, interview). He feared that money would go to ineligible job classes, especially high level administrative positions. In other words, he believed the wrong people might benefit.

In addition, Williams was a key political actor because he introduced an ingenious idea during ratification--binding successive legislatures. Williams argued that the

lawsuit caused the Legislature to enter into a contractual obligation, which he thought was unconstitutional. Deputy attorney general, Christine Gregoire advised the legislators that the concept was not totally foreign. Bonds and appropriations guide succeeding legislatures in ways which are similar to contracts. Comparable worth is a contractual employment agreement and as such, carries into the future. At one time Williams considered challenging the constitutionality of the resolution, but to date, such a suit has not been filed and probably won't be, now that he is running for governor.

### Eleanor Lee

Eleanor Lee (R-Seattle) was a key political actor because her bill eventually became law. As a Republican, she was especially noticeable on the issue. She first introduced her bill in 1982. It passed the Senate, but died in a House committee. She reintroduced a somewhat different version in 1983, after the House had appropriated \$1.5 million for comparable worth increases. This procedure of appropriating money for a policy which had not yet been approved was an unusual step in the legislative process. It was urgent that a bill be prepared before the session adjourned. Because Lee's bill was ready, it was the one which passed. The other incentive for legislative action was the lawsuit, which by this time had been filed. She

feared the possible impact of its judgment, particularly the back pay penalties. Passage of a comparable worth bill would be a good faith indication that the Legislature was taking the problem seriously.

Sen. Lee's involvement in the political process was noteworthy because Republicans generally did not support comparable worth. However, she campaigned on the issue and constituents who normally would have voted for her opponent, supported her because of her stand. The bill would not have passed, however, without bipartisan support. Although Democrats controlled both houses, they lacked unanimity; therefore, Republicans were needed to insure a majority. Lee supported the concept because:

This is the right thing to do. It is important to me and women deserve it. If Republicans don't support this, we're not going to have any women members of the party. We have to do something strongly to show that Republicans are not antiwomen but are willing to support things that are important to women.

Her visibility was a major reason Governor Spellman signed the bill into law.

#### Jim McDermott

Jim McDermott (D-Seattle) was a long-term Senator, candidate for governor, and a respected leader. He knew the political process. Also, as a male, he defused the notion that only women supported comparable worth. His legislative

contributions were primarily in two areas: he chaired the Senate Ways and Means Committee and sponsored legislation to negotiate a resolution of the lawsuit. It was his idea to develop a data base for the first installment figures, which he assigned to the committee staff (Chien, interview).

His basic philosophy had liberal roots. He believed in supporting the most powerless including the poor, minorities, women, and children. He supported a comparable worth strategy, although at first he probably did not understand it conceptually. A journalist described him as a visionary, a believer in government, and a person with a strong desire to do things (Layton, interview).

He moved forcefully to resolve the lawsuit, because he had worked hard on comparable worth and had not been successful at passing any major legislation. This was his chance to earn credit (Belcher, interview). McDermott also had some experience with settling lawsuits. The year before he had pushed the Legislature to settle a huge case involving nursing homes. He was "riding high on the idea" that the state could negotiate suits and save millions of dollars (Ibid.). He believed he could do the same thing with the comparable worth suit.

In summary, each actor came to the issue from a different perspective, yet all were aware of the wage gap and recognized that something should be done. Correcting the problem became the focus, rather than debating how and

why the problem persisted. When comparable worth entered the political agenda, it gained supporters because they perceived it as an issue of fairness and social equity. In ten years it gained legitimacy, because by then it was an issue which would not go away and it addressed the needs of a large voting bloc. Legislators with their concerns for reelection, could not afford to antagonize so many voters. The lawsuit had also been filed, introducing a new dynamic, namely, the cost of funding comparable worth.

### Economic Pressures

Economic issues took on greater importance with the lawsuit and implementation of the agreement. Although economics, the cost of funding comparable worth, was always a consideration, it did not become a driver until Judge Tanner's decision called attention to the costly consequences of wage discrimination. At that point, the state knew that the price tag of remedying the undervalued wages of so many employees would be hefty. However, funding back pay was something the state had not anticipated, nor was eager to pay. Suddenly, the issue took on much more serious consequences, and money became a major incentive to settle the suit out of court.

Prior to 1983, the cost of funding comparable worth was not the overriding concern. Other issues received more attention such as class evaluations, supplemental salary



schedules, etc. However, when awareness of the problem surfaced, money was the reason women raised the issue. Female employee's financial needs were similar to males, yet their earnings were considerably less. Women workers were not interested in how much it would cost the state to rectify the situation, nor was this a primary concern of the other early supporters. For example, Belcher, Schut, and Dolliver did not talk about the cost of correcting the problem. They did not see the price tag as a reason for opposing implementation. Judge Tanner confirmed this viewpoint when he ruled that cost was no justification for discrimination.

The first study investigated the problem and determined that a sex-based wage gap existed (Willis, 1974). However, the consultant was not asked to develop a cost estimate until the second study (Willis, 1976). Other studies looked at costs, but early predictions varied depending on which agency and data bases were used. The first cost estimate between prevailing rates and evaluated points was done in 1977, when the personnel departments submitted supplemental salary schedules.

In the agenda-building stage, comparable worth was more a philosophical issue. Officials knew that ultimately implementation would cost a great deal of money, but in the beginning, they were more concerned with ascertaining the scope of the problem.

It is important to remember that in the late 1970s, the state had more money "than it knew what to do with." This condition also explains why cost was not initially a higher priority or a deterrent to implementation (Belcher, interview). The state's healthy economy during Ray's administration was apparent when the Legislature removed the sales tax on food (Chien, interview).

The economic issue took on a life of its own when the Federation, acting in conjunction with AFSCME, sued the state for wage discriminatory practices. It became apparent that discrimination carried a costly burden. The state's primary concern was the massive award of damages on back pay (Lane, interview). The question before elected officials was whether to take a chance on winning on appeal, or negotiate with the union and keep control of its own pay-setting activities. The cost of implementing comparable worth was one thing, but paying wages retroactive to 1979, was another matter. Back payments would double the burden of an already strained budget. Not willing to risk further liability nor extend the costs further, Governor Booth Gardner called for negotiations. Sen. Jim McDermott sponsored legislation to that effect.

McDermott knew that comparable worth was a big financial item which had to be controlled. As chair of the Senate Ways and Means Committee, he directed his staff to prepare the biennial budgets. He was familiar with how much

public employee salaries cost the state. He also knew it would be expensive to award comparable worth increases to over half the work force, although he didn't know how much. To get that information, he instructed the committee staff to come up with the figures. Their cost estimate set the initial payment at \$41.4 million, with \$10 million for each succeeding year. The monies actually paid the first year turned out to be less than estimated, thus reducing the compounded rate. By amortizing the plan over a seven-year period, the cost was made less burdensome per year and more palatable to the Legislature.

Cost became a dominant factor in the negotiations process and constituted major provisions in the agreement. One concern was whether to fund comparable worth all at once, or phase in the policy over a period of time. There were two reasons for using a seven-year period: (a) that was the time remaining in the 1983 law, and (b) this length of time made sense in a depressed economic period. The pay line became another major cost item. The two parties compromised on the actual average pay line. Either the male line or the prevailing rate line were more costly. Another cost-saving feature was to go with 5% of the line rather than parity.

Economic incentives were motivators for the Federation as well. The initial reason for the lawsuit was the state's failure to pay employees the evaluated worth of their jobs.

With this concern uppermost in mind, the union agreed to negotiate and compromise on certain conditions. The Federation wanted to get more money into members' paychecks as soon as possible. Union negotiators were also concerned about the cost of a Supreme Court appeal. AFSCME had already spent over \$1 million on the suit (Moore, interview).

The Federation had an additional economic reason, which was less pragmatic, but nonetheless convincing. This was the cost of discrimination. Gary Moore, executive director of the Federation, argued the point forcefully:

Regardless of cost, discrimination should be ended. You don't say "we can't afford to end it so we'll continue to perpetuate discriminatory practices." You play into the opponents' hands when you use the economics argument. The response should be that regardless of cost, discriminatory practices should be stopped. On a new idea, cost becomes the issue, you can't ignore it, particularly with comparable worth where so many employees were involved. If we were talking of a small unit of government where the cost wasn't that significant, I doubt it would be as big an issue as it was (Interview).

Moore's comments reflect the larger issue of public employee salaries and how economic pressures drive those decisions as well. Classified employees comprise the largest unit of state government and the biggest single budget item. Any monetary policy which affects a group this size is bound to be a large expenditure. There is general agreement that the state operates in an environment of

scarce resources. It is assumed that a limited amount of money is available for salaries. "Going to the well" for more funding is not politically advisable every year, especially when the request is for a new policy.

Economic pressures emerged as a driving force when Judge Tanner ruled on the lawsuit. The cost of correcting sex-based wage discrimination was one thing, but adding back pay to the budget would have been a very costly burden. For this reason, the state sought another solution and chose to resolve the suit out of court.

#### The Lawsuit as Stimulus for Action

The lawsuit makes Washington's story unique. Many of the conditions necessary for implementing comparable worth have been established by several states, but only Washington is administering an agreement. Litigation added a new dimension to the Washington story by showing how implementation can occur through a contractual obligation. Thus the lawsuit was a driving force. It pushed the state to act and influenced what that action would be.

AFSCME filed the suit as a wage discrimination case under Title VII, rather than comparable worth. The latter defense was not available as a legal doctrine. State law did not apply either, because at the time the suit was filed, Washington had not enacted comparable worth. The union charged that failure to pay employees their evaluated

worth, as determined by the state's own studies, constituted discrimination. Judge Tanner agreed and ordered immediate implementation.

The case was filed on June 20 so this action did not affect the 1982 Legislature, which convened in January. That session failed to pass a comparable worth law, an indication that either the time wasn't right or there was no compelling reason. However, when the Legislature took up the issue the following year, sponsors were aware of the lawsuit and its potential impact. Although the state had no experience with class action suits of discrimination, it was accustomed to having suits filed against it (Gregoire, interview). When suits were pending, it was not unusual for the Legislature to take action which might be viewed favorably by the courts (Belcher, interview).

Key legislators, hoping the judge would look more kindly on the situation, sponsored two bills. The Legislature responded by approving comparable worth as an amendment to the civil service statutes and appropriating \$1.5 million for initial payments. Although the makeup of the Legislature had changed considerably and the newly elected members were more supportive of women's issues, it seems logical to regard the lawsuit as the catalyst.

Governor John Spellman signed the comparable worth bill into law on June 15, 1983, three months before Judge Tanner's decision. Would the state have carried out its

policy without the lawsuit? Most respondents agree it would have, because the law obligated it to do so. Also, the Legislature had appropriated funding. However, the suit motivated the Legislature to enact a comparable worth law and put money in the budget.

Two aspects of the budget bill are noteworthy. First, \$1.5 million is only token funding and there is reason to question how serious the legislators were about comparable worth. Was it merely a "good faith" effort to influence the outcome of the lawsuit? Another possibility is that this amount was authorized to introduce the concept at a reasonable price and get legislators used to the idea of funding comparable worth increases.

Secondly, the money was appropriated before the Legislature enacted a policy--like putting the horse before the cart. This situation is not surprising in light of the sponsors' action when they felt they could get the item through with the least amount of attention. The politics of the budgetary process does not always make logical sense. Regardless of which came first, by mid 1983 there was a policy, and small as the amount was, both actions indicate that the state had accepted and made a commitment to comparable worth. What is even more evident is that these actions took place after the suit was filed, indicating the seriousness of the situation and the pressure of the lawsuit.

The lawsuit did three things: (a) it called attention to the wage gap problem, (b) it intervened in the implementation process, and (c) it determined how the policy would ultimately be carried out. For these reasons, the lawsuit was a major change agent. It altered the course of action and forced the state to respond in ways which might have been different if the suit had not occurred.

In calling attention to the wage gap problem and the state's pay-setting practices, the lawsuit heightened awareness of the issue. It served notice that employee organizations have a visible and effective mechanism for promoting their interests (Remick, 1986a). Absent the right to bargain for wages, litigation was a logical tool. The Federation took matters into its own hands because the state failed to act decisively. By taking this action, AFSCME forced the state to take notice that the issue was serious and warranted correction.

Except for the Federation, not many people in the state paid much attention to the case at first. It was considered as "just another lawsuit." Christine Gregoire, the chief trial defense attorney, did not become involved in the case until March, about the time the judge granted class action status.

We [the state] never really took it that seriously. We thought we were going to get off on summary judgment (Gregoire, interview).



However, when the request was denied, the Attorney General's Office became more concerned. It didn't take long to realize the amount of work required for preparation. As the media picked up on it, especially during the trial itself, the issue "exploded."

The lawsuit's second effect was its intervention in the implementation process. The state had declared that comparable worth "shall be fully achieved not later than June 30, 1993," according to schedules developed by the two personnel departments (RCW, 1983). The law authorized implementation to begin July 1, 1984. Accordingly, it appropriated payments of \$100 per year to eligible classes. Two months after the law went into effect, Judge Tanner ruled against the state and instructed the special master to carry out the court decree. Instructions included evaluating all female-dominated classes not previously rated and identifying all persons entitled to back pay (AFSCME, 1983). In interceding, the court required the state to undertake certain activities, which it may or may not have done on its own. However, the back pay issue was put on hold when the Ninth Circuit granted stay motions.

Finally, through the agreement, the lawsuit determined not only how comparable worth would be structured, but guaranteed that full implementation would take place.<sup>4</sup> Before the appellate decision, Governor Gardner and the Legislature decided it was in the state's best interest to

resolve the case out of court and settle the issue once and for all. The Federation's goal was to get increases for its members, thus it was just as anxious to settle as the governor. Neither party wanted to set a legal precedent, nor did they want the courts deciding how comparable worth would be implemented in Washington. Consequently, the suit brought the issue to a head and gave each side an option: take a chance in court or resolve the issue at the negotiating table.

If it had not been for the lawsuit and the agreement, implementation would undoubtedly be different. For example, instead of classes eight or more ranges below the line (20%), which was the cutoff point for the 1984 plan, the agreement extended coverage to all classes up to 5% of the line. The contract also included considerably more money: \$41.4 million the first year and \$10 million for each remaining year, as compared to the \$1.5 million in 1984. The agreement was more comprehensive and represented a serious commitment to pay equity.

It is hard to say what form implementation might have taken without the suit and agreement. On the basis of past performance, it would not have been so expansive. The agreement affected the implementation process in another way, namely, by setting deadlines. The concept of time as a dynamic was the next driving force.

Time: A Liberator and a Constraint

Regarding time as a driving force seems like a contradiction in terms. How can time, which is a constant, be a driver? Yet time can be a dynamic. When bounded, we feel constrained and pressured; and when nonbounded, we feel liberated and expanded. Time affected comparable worth implementation by constraining and liberating the process. Time acted as a constraint in two ways: (a) the midnight deadline pressured the negotiating teams to come up with an agreement or forfeit \$41.4 million; and (b) the short-lead in time limited the number of classes the personnel departments could evaluate.

Time as liberator also drove implementation. A sense of unlimited or nonbounded time allowed comparable worth to develop from an outrageous notion to a legitimate pay policy. The developmental period took a long time, because Washington was the leader, and the state had no chance to benefit from other's experiences (Remick, 1986a). Like a seed planted in untilled soil, a new and complex idea requires a long germination period. A considerable amount of time was necessary to understand the concept. From this standpoint, twelve years was not an reasonable time period to conceptualize such an idea.

Time's bounded and nonbounded characteristics served both to delay implementation and propel it forward. Four concepts guide our understanding: (a) new ideas need time

to develop, (b) certain times are right ("ripe") for action, (c) some time is in limited supply, and (d) new systems need time to "shake out."

For most problems, twelve years should be sufficient time to reach resolution. However, when the problem is as deeply-entrenched and culture bound as sex-based wage discrimination and the remedy as complex as comparable worth, it is not so long for the lead state. Comparable worth, by design, required a long-term education process (Boysen, interview). To become more knowledgeable, state and union officials carried out a number of information-gathering activities.

These actions kept the issue visible. Ultimately, supporters hoped that as people became better informed, their attitudes would change and the issue would gain greater consensus. The difficulty for most people was definitional. Since they thought in terms of equal pay for equal worth, understanding had to be converted to an equal worth concept.

Over the years, a lot of talk and effort took place on behalf of comparable worth. It was not an issue which developed overnight, but rather evolved slowly. The process of enlightenment took ten years, and debates were far from friendly.<sup>5</sup> Comparable worth needed that much time to mature. It was necessary for such a high change policy to be on the "back burner" for awhile.

I tend to think that we have better public policy when we have plenty of time to discuss the issue. I'm not one for believing that most public policy has to be made instantly. I like the idea of people having time to get involved, to really hear it, and try it (Belcher, interview).

Not all of the supporters completely understood the concept. Yet despite this lack of conceptual understanding, comparable worth seemed like a viable remedy, especially when policy makers learned it could be operationalized through point factor job evaluation (Keller, interview). This condition is important to keep in mind. One of the complaints mentioned in more than one interview was a perception that by overemphasizing technicalities, original intent was obscured.

Timing is another aspect. When the time is right, it is time to act. 1983 was comparable worth's year. The issue had been wending its way through the political system and that was the year when germination took root. Legislative leadership was in Democratic hands. The "new wage" legislators were prepared to pass a bill, because pressure had been building "to do something for women." Comparable worth was perceived as a woman's issue and to oppose it was seen as being antiwomen's rights (Sayan, interview). The problem which had no name in 1973, became an issue which wouldn't go away ten years later. The time had come, the actors were there, Lee's bill was ready, and the lawsuit was pending.

The third idea which explains time as driver is the concept of bounded or limited time. Two aspects are relevant here: (a) the deadline for negotiating an agreement, and (b) the short lead-in time for developing a pay plan. Each aspect depicts time as a constraining force and thus adds a different dimension to the analysis.

The negotiating teams had less than four months to reach an agreement. If they failed to meet the deadline, the money reverted to the treasury. Although money was probably the major incentive for both parties, time was the crucial element. If the deadline were not met, no matter how enticing the money, all would be lost. Each side would suffer major losses if time ran out. As so often happens under these conditions, it seemed like there was enough time to do the job, so the less substantive and easier matters were dealt with first. Also, it took time to gather the necessary information, thus the teams met infrequently in the beginning. But as New Years Eve approached and the substantive issues were still unresolved, the teams held all-night marathon sessions.

It is hard to say what effect this time constraint had on how the agreement is being administered. Some provisions are so restrictive that officials have very little discretion. Once the agreement was ratified by the Legislature and approved by the courts, the terms were "set in concrete," and no changes could be made. If personnel

and fiscal analysts had been consulted more frequently, some of the problems might have been avoided.

Another explanation suggests the agreement was written that way, because that's how legal contracts are stated. Would the terms and conditions of the agreement be different if the parties had more time? Or did the deadline force them to reach an agreement with the information they had? These questions are speculative, yet time was a driver. Failure to act would have meant consequences neither side was willing to risk.

The situation with the second deadline is more clearcut. The personnel departments had less than three months to develop a plan and get it to their boards in time for the April installment. Because of the time constraint, not all of the classes could be evaluated, thus the staffs were forced to go with the "best available data." As a result, certain problems occurred, which could have been averted if there had been more time (Davis, interview). Another effect of the deadline was that in the rush to evaluate as many classes as possible, there was very little time to gather new information on jobs (Gerard, interview). Consequently, some evaluations were done on incomplete job descriptions.

In addition to evaluating classes, both personnel staffs had to compile considerable data and get it on computers prior to the deadline. This information had to be

prepared in time for the 20-days notice required of each board meeting, and then sent to OFM which had responsibility for allocating money to each agency. Staff personnel also responded to objections about initial class entitlements. There was a lot of work to do and very little time in which to get it done. This period was hectic and frantic for the implementing officials.

A final way to look at time as a driving force is the idea that new policies require a chance to prove themselves before being challenged. Any new strategy needs time to settle down before being attacked. A "cooling off" period allows implementing officials time to assess how well the plan is working, where the trouble spots are, and where problems are likely to occur. A high change policy like comparable worth was bound to create uncertainty, because it introduced a new method of pay into the existing structure.

It takes awhile to get adjusted to looking at something differently. . . . Talk of change now could have an undoing effect (Davis, interview).

For these reasons, the two personnel boards were not anxious to hear grievances when the plan first went into effect. DOP believes the problems are due to the short lead-in time, rather than comparable worth itself (Davis, interview). The deadline explains in part why the department did not have enough time to prepare a more carefully constructed plan. The next section offers another perspective.



### Personnel Management Capabilities

Important as time was, it provides only partial explanation for why more classes were not evaluated. Personnel departments, by design, are technically-oriented organizations. Analysts are technicians who perform at the micro or programmatic level. However, comparable worth is a new pay strategy which is grounded in social equity theory. Dealing with conceptually complex issues goes beyond personnelists' capability or purpose. Examining implementation as ability to understand the concept adds another dimension to analysis.

Competency determined how the policy was implemented. Two reasons help explain implementation from this narrow interpretation. It is easier at the micro level to show competency as a driver, because its presence is more obvious here. Secondly, the model which informs the study infers an administrative perspective. Van Meter & Van Horn (1975) define implementing officials as "subordinates" who carry out "superiors" instructions.

Successful implementation implies an organization's capacity to meet certain expectations. Implicit to the definition is an assumption that implementors are aware of what needs to be done, and are capable of carrying out those functions. The policy itself determines the goals, but how they are carried out depends upon the "disposition of implementing officials" (Van Meter & Van Horn, 1975).

Implementation is unsuccessful when implementors fail to do what is expected, or they reject the goals of their superiors.

The first condition concerns managerial competence. Because personnel analysts in Washington are technically competent, they knew how to carry out the terms and conditions of the agreement. They did what their "superiors" in the Legislature expected them to do. They understood the compensation function and were able to transfer the necessary skills to the new plan. Their capacity to understand the technicalities of wage administration enabled them to carry out these functions, even though comparable worth was a policy they had never administered before.

"Technicalities" refers to the mechanics of wage administration. Many of the tasks required by the plan were already familiar to the implementors: determining salary ranges, identifying job content factors, and evaluating job classes. They were accustomed to performing these functions, thus applying a new standard to the existing structure was generally an extension of what they had been doing already. Even though new features entered the system, these tasks were not beyond the analysts' ability to comprehend.

The new behaviors which comparable worth introduced into the compensation structure were a point factor job

evaluation methodology, and the formula. These tasks were extensions of familiar functions. Adjusting them to comparable worth was just another way of applying skills the analysts already had. Consequently, when respondents described implementation as proceeding "pretty smoothly," they meant from a technical standpoint.

The technicalities of comparable worth were stipulated in the agreement: the payment schedules, funding amounts and sources, class or range movement, enforcement period, and the formula. These terms and conditions guided administrative behavior. The policy itself was the comparable worth law passed by the Legislature in 1983, thus the agreement operationalized the concept. The implementing agencies authorized to develop and administer the plan in Washington were the Department of Personnel (DOP) and the Higher Education Personnel Board (HEPB).

Implementing officials were the staffs of these two departments. Since they were already working in the compensation area, they were the logical people to administer comparable worth. In DOP, implementors included three analysts and a manager from the Standards and Surveys Division. Rather than a division, HEPB implementors were two coordinators and a manager.<sup>6</sup> Thus seven people had the major responsibility for administering comparable worth at the micro level, on a day-to-day basis. They wrote the plans, submitted them to their boards, determined indexing

relationships, chaired the evaluation committees, and applied comparable worth points to the formula.

Did the implementing officials refuse to meet expectations? There is no evidence that any of the officials failed to do what was expected of them. They carried out their assigned tasks, and in some cases, acquired new skills in the process. For example, HEPB analysts learned to do computer programming when they applied dollars to classes (Gerard, interview). A DOP analyst devised the point range methodology for moving classes up to 5% of the line (Seth, interview).

In addition to how well implementing officials successfully carried out the technical aspects of the agreement, another condition was present. An analyst's belief system also affects implementation (Van Meter & Van Horn, 1975). Values affect ability and/or willingness to carry out policy objectives.

Goals may be rejected if they offend implementors' personal values or violate their sense of interest, and alter organization procedures which analysts desire to maintain. In Washington, both personnel departments were committed to a market pricing standard, because that law governs pay-setting practices for classified employees. Implementing officials were accustomed to thinking of pay in terms of prevailing rates. Comparable worth's internal equity logic challenged that standard.<sup>7</sup> One implementor

was not "comfortable" with evaluating jobs by a strategy which replaces the reality of the market.

Comparable worth is a theoretical system which is greater than reality. But it is here and it is what we're doing--it is the system--and my job is to help run the system.

The nature of a state personnel system is reactive. Our department [DOP] doesn't see its mission as proposing, pioneering, initiating reforms and improvements. Others propose, we administer (Salisbury, interview).

Although he defined himself as a "market man" his first priority was to be a professional administrator. He did not accept comparable worth conceptually, because "point systems have no validity if they refute the market." Nevertheless, this attitude did not interfere with his job, which was to "run the system." I observed his behavior on the evaluation committee and saw no indication that personal bias affected his participation.<sup>8</sup>

In general, implementors believed their role as public administrators was to be neutral and do "a good job."

No matter how they feel personally about an issue, they are going to do the best job they can with their assignment. Bureaucrats carry out legislative intent and we are to be more or less neutral. The professional values are the most important (Davis, interview, emphasis added).

Davis defined "professional values" as "getting the best figures to OFM, not letting things get out of hand, and being concerned with efficiency" (Davis, interview).

Research is another professional value. Comparable worth is so technical that there has to be ongoing review and research: "We do not answer questions without researching the issue first, rather than giving off-the-head advice" (Gerard, interview). For this reason, HEPB worked closely with attorneys to interpret the agreement. The two boards had to rely more heavily on staff recommendations than they did in the past. In addition, the lawsuit made the state aware of its burden to be cautious and rely to a greater extent on research and documentation. For personnel officials, they were well aware that the "the court is always there" (Alexander, interview).

Another aspect of bias, in addition to a preference for market theory, is attitude towards the value of women's work. This element is less relevant in Washington, at least at the conscious level, because comparable worth is not being implemented as a woman's issue. The decision was made early in the process, when the state eventually chose not to use sex as a variable (Willis, 1976). Although sex reemerged in the lawsuit, the agreement and the comparable worth law were written in sex-neutral language. The state defined comparable worth as pay equity and a compensation policy. Thus it appears that bias against women's work was not an issue for DOP/HEPB officials. The feeling prevailed that that if the policy were not implemented consistently across occupations, the state would be discriminating. It

had no desire to be accused of that charge again.

Another aspect of goal conflict concerns maintaining the status quo and not altering organizational practices (Van Meter & Van Horn, 1975). To gain an understanding of this situation, data were gathered from people outside the personnel departments. Two legislators believed that both DOP & HEPB had "good people" in them, but DOP, especially, was tradition-bound (Belcher & Lee, interviews). Larry Goodman, a Federation executive, perceived that personnel officials were reluctant to do more than what they were asked, preferring instead to maintain the existing system. They responded to directives, rather than initiating them. Goodman referred specifically to the early comparable worth studies which, after they were completed, just sat on the shelf. Personnel officials did not take substantive action on the studies, because they were not asked to do so.

Yet even when implementing officials had authority to make decisions, a desire to maintain the status quo was a factor. For example, Bob Boysen, DOP manager, argued that it would have been too much work to evaluate all the classes. This statement suggests that he didn't want to disrupt the system any more than necessary. Or it might be, as he contended, that some classes just did not apply to comparable worth. Two explanations are likely here: (a) there was a desire to maintain the status quo and not alter procedures beyond a certain point, because officials did not

understand the concept; and/or (b) officials felt a need to keep the system under control. One thing seems certain, a total class evaluation would have resulted in different class alignments and payment schedules.

As technicians, personnel officials build their plans from blueprints which are drawn by project managers. They take instructions from their superiors, who in this case were the negotiating teams who wrote the terms of the contract, the legislators who ratified the agreement, and the judges who approved it. Implementing officials knew what they had to do, i.e., construct a plan to implement the policy. Thus the big picture had been drawn and personnel specialists filled in the details.

Problems emerged when officials focused on the "letter" of the law. In so doing, implementors lost sight of the "spirit" and original intent of the law. Comparable worth eligibility relies on a point system, not an indexing relationship. The latter prevailed whenever an evaluation was not done. In those cases, classes received comparable worth increases, not because they qualified on their own merits, but because they were "piggybacked" and got "free rides." Thus all jobs tied to a comparable worth benchmark received the same increase. For example, five people at range 66 are getting comparable worth increases, because their positions were indexed to a benchmark which qualified for comparable worth. Somehow awarding increases to this



range level seems to go beyond intent.

These higher-paying jobs shouldn't be getting adjustments because they did not qualify on their own. So again there is a dual standard: female-dominated jobs had to qualify on their own; while the mixed and male jobs are qualifying in some cases off the backs of women (Remick, interview).

Decisions to evaluate classes came from different criteria. All female-dominated jobs of five or more incumbents were evaluated by order of the special master (Huart, interview). All male-dominated jobs of similar incumbency were not required to be evaluated. The lawsuit involved sex-based wage discrimination, hence remedy was ordered for female classes. Benchmarks were evaluated, because Washington's traditional salary-setting policy reflects prevailing market rates (Willis, 1976). Several high population male-dominated classes were evaluated, because they were the control group against which female-dominated classes were compared (Willis, 1974). Other classes were evaluated to satisfy court orders and for data-gathering purposes. However, the argument that comparable worth is not being implemented as a woman's issue is weakened when the conditions for establishing eligibility were not applied consistently.

The decision to evaluate only selected classes was not made because of the time crunch. Instead, it was a judgment call by a DOP manager. He determined that classes which

were primarily male-dominated, single or low incumbency, and managerial "are just not contenders for comparable worth" (Boysen, interview). Consequently, they fell outside what normally was thought to be the purpose of comparable worth.

Failure to evaluate all classes, suggests that comparable worth at some level of understanding is still regarded as a woman's issue and only those characteristics which pertain to women's work, were considered when determining class eligibility. Yet implementing officials believe comparable worth is not regarded as a woman's issue, because male classes were evaluated and many qualified for increases. However, all classes could have been evaluated, for twelve years was sufficient time. Officials argued that their job was to follow directives; but isn't job evaluation a regular ongoing function of wage administration? If efficiency is a professional value, isn't it more efficient and less costly in the long run to apply the same practices consistently to all classes?

Another indication that implementors may not have completely comprehend the concept was a failure to understand the underlying premise. Comparable worth rests on an internal equity ethos. On that basis, full implementation should not take place until all classes receive equitable treatment. Even though approximately 80% of all classified employee positions were evaluated, the fact that not all classes were rated infers that practice

did not equal theory. The result is a "dual standard."

In conclusion, personnel officials were technically proficient and capable of carrying out their assigned duties. The letter of the law has been enforced, but the spirit is missing. Implementors did not fully understand the idea that comparable worth upsets traditional wage-setting practices. As a systems based strategy, it cannot be narrowly construed. Thus it is lack of conceptual understanding, rather than insufficient time, which has caused problems.

## ADDITIONAL OBSERVATIONS AND IMPLICATIONS FOR ACTION

When you start something new,  
you never know the long-term effects,  
. . . it's the nature of new ideas.

Daniel J. Evans

Concluding Observations

Washington had favorable conditions for implementing comparable worth. In addition to the six driving forces, certain conditions were present in the state which enabled comparable worth to be implemented. Many of the issues which comparable worth addresses and requires for support, were already in place in Washington by the 1970s. First, comparable worth is a pay strategy for reducing sex-based pay inequities. Washington officials had known since 1960 that its wage rates were different from the private sector. That was the year when the unified civil service system went into effect and the state began conducting market surveys of prevailing rates. Also apparent was the fact that these rates varied between male and female workers.

Job evaluation is another mechanism used for comparing pay rates. When the state used that strategy in the management study, it introduced point factor methodology into personnel administration. By 1974 when Governor Evans requested a study to determine the presence of sex bias in wage-setting practices, the technology was in place.

Washington has a history of independent women. Not only are women accustomed to raising issues, but they are familiar with originating their concerns at the grassroots level, particularly through the initiative process. By the early 1970s, women had formed their own interest groups and were emerging as a political entity in their own right. They were successful in getting many issues onto the institutional agenda.

The state's tradition of liberalism and progressivism is another condition which favors innovative ideas, especially those pertaining to social equity. Washington takes pride in its reputation as a socially conscious state. Many national employment policies were born there. State government is known as an employment sector which takes its role as employer seriously. For example, correcting wage inequities was a way to improve personnel administration, particularly if the pay gap were sex-based. Also, the state had gone on record making discriminatory practices illegal, so it was well aware of its responsibility.

Unionism is a fourth contributing factor in Washington's environment. Employees, particularly in the private sector, have a long tradition of union involvement. Thus it was not unusual for unions to organize public employees. Members expect the leadership to support their issues and, in turn, officials encourage policy initiation from the rank and file. The Federation promotes this

ideology and for this reason, it has become the most powerful public employer organization in the state. When female activists brought their problem to the Federation, they knew it had political clout and access to key power brokers.

Finally, Washington has a reputation for top-down leadership. When the problem came to the executive office, Governor Evans was the right person to place the issue on the political agenda. He had a proven record as an innovative leader and during his term of office, state government's capabilities had expanded beyond any previous administration. Evans was willing to address the problem, because as the state's chief administrative officer, he knew that if certain personnel practices were discriminatory, they were illegal.

Implementation is still a developing process in Washington. The state is only in the second year of its seven-year plan; therefore, complete information is lacking. Yet its experiences to date provide us with many examples of how comparable worth is being administered. Although pay equity has not been fully achieved, already there are indications of the kinds of problems officials will have to face as the contract matures. For example, as classes approach the comparable worth line, further distortions and compressions are bound to occur. Some classified jobs will

be at higher ranges than exempt positions. These problems were not anticipated and will eventually go to the boards for resolution.

A major concern for the state will be to decide what direction its pay policy should take. When the contract expires in 1993, the state will still have a two-tier wage structure. Although Washington is a market-influenced rather than a market-driven state; nevertheless, market survey is one of its pay practices. Comparable worth, the other policy, is an add-on strategy which sets pay on the basis of evaluation points. Will the state mesh the two systems, or come up with something entirely new? A theory in favor of a unified system argues that a single plan is more consistent and easier to administer. The choice may depend on what direction the Federation takes with regard to collective bargaining. Present state law bars employees from this right, however, that condition could change.

Washington's experience illustrates how comparable worth is "piggy-backed" onto existing practice. Whether the system continues, depends on the political economic climate in 1993. Particularly important is the effect comparable worth will have on the prevailing rate system then. This is something we don't know yet, but it could be a crucial factor. For example, if certain jobs earn higher rates than their counterparts in the private sector, why would the state continue to survey the market?

Another issue we don't know yet is the policy makers' attitudes towards comparable worth when the agreement expires. That response is contingent upon how things proceed in the next five years. If implementation continues to operate smoothly and doesn't seriously disrupt the system, the idea will be more acceptable. Comparable worth could become so integrated into the system that it no longer is administered as a separate or redistributive policy. It might not even be called comparable worth. Two viewpoints favor this direction: (a) after ten years, it will be much harder to revert to earlier salary-setting practices, and (b) as a legal matter, the courts would not look favorably on a state that ignored its own experiences.<sup>9</sup>

Attitudes are important aspects to consider when determining policy. How a person perceives an issue, determines how s/he responds. It is too soon to tell how comparable worth will be regarded in 1993. However, there are some early signs of trouble. Some people are already tagging it as a scapegoat. They are concerned that comparable worth is being paid, rather than prevailing rates. Comparable worth is getting blamed for siphoning scarce resources which normally would go to salary increases. As a result, the state is paying very low across-the-board raises.



Comparable worth has made a significant impact in Washington. Comparable worth threatens the status quo and traditional wage-setting practices. Conceptually, it questions how the state values work and structures its compensation system. For over 20 years the state has been conducting salary surveys of the market and using this information to determine pay levels. Then in 1983 it added a second policy to the existing structure, and rather than a unified system, the state now has a two-tier system.

The new policy is altering the traditional structure. Certain class alignments and pay ranges are distorted and these changes will continue during the life of the contract. Some jobs which at one time were stepping stones into other positions are now at lower levels, because of evaluation points. Thus they are no longer available for transfer or promotion opportunities. These changes are not necessarily negative, because comparable worth does not maintain the status quo. Instead, it sets pay on the basis of internal equity. Another explanation is that where evaluation alters class alignments, the classes were improperly rated or described to begin with. The Willis methodology is correcting some of those errors. Until all jobs are evaluated, however, problems of a similar nature will occur.

Comparable worth questions the traditional distribution of resources and the power structure. Rather than relying solely on market forces, it seeks equity across occupation

within the organization. This change is radical in a state which for so many years has relied on the market as its primary pay-setting mechanism.

### Implications for Action

The following recommendations may be useful for those employers contemplating comparable worth. They reflect the Washington experience and tell us what to look for. While all of them won't apply to any single setting, some aspects of the story should be transferable.

When comparable worth studies are conducted, some follow-up action should be forthcoming. Washington was the first state to study its compensation system for bias and to compare its wages to benchmark classes. Regardless of the variable which variable informed the studies, all findings were similar. Female employees on the average earned at least 20% less than men, and public employees earned less than comparable workers in the private sector. However, no attempt was made in that ten-year period to increase the wages of job classes which the studies had found to be undervalued. As a result of this failure to pay, the Federation sued the state in federal district court.

When comparability studies are done, employees and the union assume some action will result. Otherwise, why conduct the studies and gather so much data? Failure to

reduce the inequities is puzzling for a state which prides itself on being a model employer and trendsetter.

The Ninth Circuit Court of Appeals ruled the state was not compelled to carry out the results of its investigations. Nevertheless, in the minds of employees and union officials, it was not unreasonable to expect some corrective action. Such a good faith effort might have forestalled litigation. At the least, it would have sent a message to the Federation that the state was taking the matter seriously. Instead, the state appropriated only token funding, which Judge Tanner found to be too little, too late. An employer whose past experience indicates a willingness to address issues of unfairness, did not live up to its reputation by dragging its feet on this issue.

The concept of comparable worth should be understood before it is operationalized. The problems and complaints could have been avoided, in part, if implementing officials understood the concept at the macro level. For example, awarding comparable worth increases to ranges above the line is not what the concept purports to do. If personnel administrators had seen the bigger picture, they would have known these problems were likely to occur. Consequently, they could have designed the plan accordingly. In focusing on the technical functions and short-term decisions, officials lost sight of the broader perspective.

A comparable worth plan requires extensive preparation.

Comparable worth introduces a totally new pay standard into the compensation structure. Considerable time is required to formulate a program which adequately corrects the problem. The wage gap was extensive, i.e., it cut across all occupations in every state agency. Consequently, a great deal of information was needed not only to put the plan into effect, but to anticipate what might happen later.

Washington did not have sufficient time to prepare. The deadline imposed a time constraint on the process and precluded officials from designing a more-carefully constructed plan. Since eligibilities had to be in place by the end of the biennium and cannot be changed during the life of the contract, not all problems are correctible. Employees are having to live with these situations. This perception of inflexibility is painting a negative picture.

All job classes should be evaluated. Washington did not evaluate all of its job classes, so implementors had to go with the best available data. In those cases where evaluations were not done, eligibility determinations were based on indexing relationships. As a result, some jobs qualified for comparable worth, not on their own merits, but because they were indexed to jobs which did qualify. This situation would not have occurred if all jobs had been rated.

DOP/HEPB implementing officials believed that not all classes needed to be evaluated, because some fell outside comparable worth's intent. They also contended that because of the deadline constraints, there wasn't time to evaluate every class. However, comparable worth was legalized in 1983, two years prior to the agreement.

Evaluating over 3,000 jobs would have been a very time-consuming process. Yet additional people could have been trained in the Willis methodology to supplement the work of the ongoing evaluation committees. Good personnel practices dictate that policies should be applied consistently. Using different standards infers inequitable treatment, which is the very problem comparable worth seeks to eliminate.

All people who are going to implement comparable worth should be included in the planning process. The negotiation teams were criticized because key people were left out of the process or used only marginally. It seems illogical when designing a complex plan to not involve budget analysts and personnel experts. For example, budget analysts could explain how the state interprets "salaries." Their interpretation would have avoided the confusion which arose in the second installment payment. Compensation specialists know about range movements and class alignments. Their expertise would have alerted negotiators to possible problems down the road. Also, personnel analysts could have

advised the teams that by imposing a deadline, corrections were precluded.

Personnel officers in state agencies should have been included in the planning stages. Because they carry out policy at the organizational level, these officials have first-hand experience with matters concerning wages and fringe benefits. They are familiar with career ladders, transfer opportunities, and job specs. They know where their employees want to move and the requirements necessary to make those changes. Thus their knowledge should have been sought and used by DOP and HEPB. Since it wasn't, many complaints are not being answered satisfactorily and comparable worth is receiving a negative image.

Comparable worth uses the tools which are available.

Comparable worth does not require a total alteration of the existing compensation structure. Personnel officials are already familiar with the fundamental tasks. For example, Washington had used job evaluation for a number of years to rationalize its pay-setting policies. Comparable worth merely introduced a new way to use job evaluation, namely, a point factor methodology. Job specs and descriptions are other tools which personnel administration traditionally uses. Adapting them to comparable worth is a relatively easy process.

Comparable worth does not need to be implemented as a woman's issue. Although the problem was perceived initially as a wage gap between the earnings of men and women, Washington does not consider it to be a woman's issue. Instead, the state administers comparable worth as a compensation policy which increases the wages of all undervalued job classes.<sup>10</sup>

The majority of recipients are women, however, because most of their positions were underrated. Nevertheless, at least 30% of the beneficiaries are male employees. One reason for desexing the issue was to make it more acceptable to legislators. This rationale assumed that any issue associated with feminism is held in low esteem. Regardless of how the issue is labeled, the implication is not to diminish original intent. As long as we upgrade the value of women's work, it doesn't matter how many men benefit.

Comparable worth has to go through the same procedures that any new idea does, but there are some important differences. Awareness of the problem began at the grassroots' level by those people who had experienced its adverse effects. They brought the issue to the groups having access to power. Key actors took it from there and advanced the issue from their particular levels. Acceptance depended on the extent to which legislators agreed that the issue's time had come. To ignore it risked loss of

constituency support. Once comparable worth became law, the administering agencies developed their plans. The objectives reflected the policy statement, as written in the statute.

Comparable worth followed this general path. However, there are some important differences which make comparable worth noteworthy. The different approaches reflect conceptual underpinnings. Comparable worth is a high change idea which requires radical alterations in the wage-setting structure. Consequently, it needs a longer germination period than most new ideas. In Washington, much of that time was spent doing two things: (a) studying the scope of the problem, and (b) determining how to correct it. These activities were essential for educational purposes and for building a broad-based support network.

No idea which proposes to change the status quo so decisively can reach consensus and approval until policy makers take it seriously, understand it, and are willing to support it. Regardless of what course of action other employers take, Washington's experience adds a valuable contribution to our knowledge base. Despite its problems and complaints, implementation is going smoothly. The process has not been perfect, but neither is it insignificant.



## NOTES

1. Another perceived inequity is retirement, a factor mentioned here because it depends on contributions. Schut noted that in the early 70s women received considerably less benefits, because of life expectancy and number of years in the system. He argued that women were penalized for living longer and working less (Schut, interview).

2. In 1952 when Schut assumed leadership, the Federation had just a few hundred members. In 1976, when he left, it had grown to over 13,000 members.

3. Governor Ray was not a feminist per se. Although she supported a number of women's issues and appointed more women to high government positions than any other governor, she did not see herself as representative women (Belcher, interview).

4. Helen Castrilli, a plaintiff, made this point. She argued that the state failed to rectify its own study results. Only a legally-binding contract would guarantee that undervalued jobs would get the increases they were entitled to.

5. One problem female activists had to overcome was an image of radical feminism. They spent a lot of time trying to combat this image, much of which had been popularized by the press. Another stereotype they addressed was the notion that women only worked for "pin money." Belcher described some of these sessions as "ugly confrontations." Many of her male audiences perceived that "women didn't really have to work" (Belcher, interview).

6. HEPB is a much smaller agency than DOP and not as centralized. DOP implementing officials were Davis, Seth, Salisbury, and Boysen. HEPB's officials were Huart, Thompson, and Gerard.

7. For example, both Salisbury and Boysen have worked for DOP since the civil service system was established in 1960, so each had a long history with the market-pricing standard.

8. Donn Wells, director of staff personnel at the University of Washington, was another administrator who did not agree with comparable worth, "because it goes against the market". However, like Salisbury, he argued that his attitude had no affect on his ability to implement the plan (Wells, interview).

9. Several respondents made this point. Virtually all of them agreed that in some form or other, comparable worth will remain in the system.

10. Several respondents made this point. They agreed that comparable worth was at first a woman's issue, but is now perceived more inclusively. For example, a newspaper reporter saw it as a human rights issue, implementing officials perceived it as a personnel/compensation issue, and legislators regarded it as a matter of fairness in pay. Helen Remick took a different position. She argued that comparable worth has always been and remains a woman's issue. This was the primary reason for pushing it in the first place (Remick, interview). However, she believed that keeping it at that level requires an admission that the male structure systematically discriminates against women and undervalues all their work, thus the issue becomes rationalized as human rights and fairness. She argued that both the Federation and the state preferred this latter perspective, because men were less likely to oppose it and a sex-free policy benefits more employees.

## REFERENCES

- Aaron, Henry J. and Lougy, Cameran M. The Comparable Worth Controversy. Washington, D.C.: The Brookings Institution, 1986.
- Abram, Morris B. "Against Comparable Worth." New York Times, November 4, 1985.
- AFSCME v State of Washington. 770 F.2d 1401 (9th Cir. 1985).
- Aldrich, Mark and Buchele, Robert. The Economics of Comparable Worth. Cambridge, MA: Ballinger, 1986.
- Baer, Judith A. The Chains of Protection. Westport, CT: Greenwood Press, 1978.
- Baird, Charles W. "Comparable Worth: The Labor Theory of Value and Worse." Government Union Review, 6, 1 (Winter 1985): 1-29.
- Balkin, David B. and Gomez-Mejia, Luis, R. New Perspectives on Compensation. Englewood Cliffs, NJ: Prentice-Hall, 1987.
- Barrett, Nancy. "Women and the Economy." In The American Woman 1987-1988: A Report in Depth, edited by Sara Rix, pp. 100-149. New York: W.W. Norton, 1987.
- Baumer, Donald C. and Van Horn, Carl E. The Politics of Unemployment. Washington, DC: Congressional Quarterly Press, 1985.
- Becker, Gary S. The Economics of Discrimination. Chicago: University of Chicago Press, 1957.
- Berger, Brigitte. "Comparable Worth at Odds with American Reality." In Comparable Worth: Issue for the 80s: A Consultation of the U.S. Commission on Civil Rights, Volume 1, June 6-7, 1984, pp. 65-74. Washington, D.C.: U.S. Commission on Civil Rights, 1984.
- Bergmann, Barbara R. "The Economic Case for Comparable Worth." In Comparable Worth: New Directions for Research, edited by Heidi I. Hartmann, pp. 71-85. Washington, D.D.: National Academy Press, 1985.
- \_\_\_\_\_. The Economic Emergence of Women. New York: Basic Books, 1986.

- Blum, Linda M. "Possibilities and Limits of the Comparable Worth Movement." Gender and Society, 1, 4 (December 1987): 370-89.
- Blumrosen, Ruth Gerber. "Update: Wage Discrimination Revisited." Women's Rights Law Reporter, 8, 1 (Winter 1984):109-31.
- Board of Education v Roth, 408 U.S. 564, 1972.
- Bronfenbrenner, M. "Radical Economics in America." Journal of Economic Literature, 8 (1970):747-766.
- Brown v Board of Education. 349 U.S. 294, 1955.
- Business Week. "Women at Work." January 28, 1985, pp. 80-85.
- Cain, Glen G. The Economic Analysis of Labor Market Discrimination: A Survey. Madison, WI: Institute for Research on Poverty, Special Report, No. 37, 1986.
- Campbell, Helen. Women Wage-Earners. New York: Arno Press, 1972. Originally published by University Press, Cambridge, MA, 1893.
- Carlson, Allan C. "What Happened to the 'Family Wage'?" The Public Interest, 83 (Spring 1986):3-17.
- Christensen v University of Iowa, 563 F.2d 353 (8th Cir. 1977).
- County of Washington v Gunther. 452 U.S. 161, 1981.
- DeForest, Sean. "How Can Comparable Worth be Achieved?" Personnel, September-October, 1984, 4-10.
- Denzin, Norman K. The Research Act: A Theoretical Introduction to Sociological Methods. New York: McGraw-Hill, 1970.
- Diegmiller, Karen. "Equal Pay, Unequal Work: Just or Looney?" Insight, December 2, 1985, pp. 6-15.
- Emmert, Mark A. and Lewis, Gregory B. "Pay Equity and Politics." Review of Public Personnel Administration, 5, 3 (Summer 1985):50-64.
- Equal Employment Advisory Council (EEAC). Comparable Worth: A Symposium on the Issues and Alternatives. Washington, DC: EEAC, 1981.

Equal Pay Act (EPA). 29 U.S.C. 1963. P.L. 88-38, 77 Stat. 56.

Evans, Sara M. "Women in Twentieth Century America: An Overview." In The American Woman 1987-1988: A Report in Depth, edited by Sara Rix, pp. 33-66. New York: W.W. Norton, 1987.

Fahner, Tyrone C. "Comparable Worth: A Flawed Remedy." In Judicial Wage Determination: A Volatile Spectre: Perspectives on Comparable Worth. Washington, D.C.: National Legal Center for the Public Interest, 1984.

Feldberg, Roslyn L. "Comparable Worth: Toward Theory and Practice in the U.S." Signs, Winter 1984, pp. 311-28.

Freeman, Jo. The Politics of Women's Liberation. New York: David McKay, 1975.

Freeman, Richard B. and Leonard, Jonathan S. "Union Maids: Unions and the Female Work Force." In Gender in the Workplace, edited by Clair Brown and Joseph A. Pechman, pp. 189-216. Washington, D.C.: The Brookings Institution, 1987.

Friedman, Samuel R. "Structure, Process, and the Labor Market." In Labor Economics: Modern Views, edited by William Darity, Jr., pp. 175-217. Boston: Kluwer-Nijhoff, 1984.

Gelb, Joyce and Palley, Marian Lief. Women and Public Policies. Princeton, NJ: Princeton University Press, 1982.

Gradison, Willis D. "Comparable Worth and Pay Equity." Congressional Record, Proceedings and Debates of the 99th Congress. First Session, Vol. 131, No. 1. Washington, D.C., January 3, 1985.

Glueck, William F. Personnel: A Diagnostic Approach. Rev. Ed. Dallas: Business Publications, 1978.

Groneman, Carol and Norton, Mary Beth (Eds.). To Toil the Live-long Day: America's Women at Work, 1780-1980. Ithaca, NY: Cornell University Press, 1987.

Grune, Joy Ann & Reder, Nancy. "Pay Equity: An Innovative Public Policy Approach to Eliminating Sex-Based Wage Discrimination." Public Personnel Management Journal, 13, 1 (Spring 1984):70-80.

- Harmon, Michael M. Action Theory for Public Administration. New York: Longman, 1981.
- Hart, David K. "Social Equity, Justice, and the Equitable Administrator." Public Administration Review (January/February 1974):3-11.
- Hayge, Howard. "Working Mothers Reach Record Number in 1984." Monthly Labor Review, December 1984, pp. 31-34.
- Hearings Before the Subcommittee on Compensation and Employee Benefits of the Committee on Post Office and Civil Service, House of Representatives, Ninety-Eighth Congress, Second Session, on H.R. 4599. Federal Pay Equity Act of 1984. Washington, D.C.: U.S. Government Printing Office, 1984.
- Hildebrand, George. "The Market System." In Comparable Worth: Issues and Alternatives, edited by E. Robert Livernash, pp. 79-106. Washington, D.C.: Equal Employment Advisory Council, 1980.
- Hutner, Frances C. Equal Pay for Comparable Worth: The Working Woman's Issue of the Eighties. New York: Praeger, 1986.
- Illich, Ivan. Gender. New York: Pantheon Books, 1982.
- Johansen, Elaine. Comparable Worth: The Myth and the Movement. Boulder, CO: Westview Press, 1984.
- Judd, Kenni and Gomez-Mejia, Luis R. "Comparable Worth: A Sensible Way to End Pay Discrimination or the 'Looniest Idea Since Looney Tunes'?" In New Perspectives on Compensation, edited by David B. Balkin & Luis R. Gomez-Mejia, pp. 61-79. Englewood Cliffs, NJ: Prentice-Hall, 1987.
- Kessler-Harris, Alice. "The Just Price, the Free Market, and the Value of Women." Keynote address given at the Seventh Berkshire Conference on Women's History, June 19, 1987.
- Klein, Ethel. Gender Politics: From Consciousness to Mass Politics. Cambridge, MA: Harvard University Press, 1984.
- Krauthammer, Charles. "From Bad to Worth." The New Republic, July 30, 1984, pp. 16-18.
- Ledvinka, James. "The Legal Status of Comparable Worth."

In New Perspectives on Compensation, edited by David B. Balkin and Luis R. Gomez-Mejia, pp. 51-60. Englewood Cliffs, NJ: Prentice-Hall, 1987.

Levin, Michael. "Comparable Worth: The Feminist Road to Socialism." Commentary, 78, 3 (September 1984):13-19.

Levine, David. "Why Comparable Worth Won't Upset the Marketplace." San Francisco Chronicle, March 7, 1988, p. C6.

Lincoln, Yvonna S. and Guba, Egon G. Naturalistic Inquiry. Beverly Hills, CA: Sage Publications, 1985.

Livernash, E. Robert (Ed.). Comparable Worth: Issues and Alternatives. Washington, D.C.: Equal Employment Advisory Council, 1980.

Mahoney, Thomas A. "Approaches to the Definition of Comparable Worth." Academy of Management Review, 8, 1 (1983):14-22.

Majors, Bruce Powell. "Comparable Worth: The New Feminist Demand." Journal of Social, Political and Economic Studies. 10, 1 (Spring 1985):55-67.

Makela, Carole J. "From Equality to Equity: The Path to Comparable Worth." Educational Record, Fall 1985, pp. 14-20.

Mann, Pamela. "Pay Equity in the Courts: Myth v. Reality." Women's Rights Law Reporter, 8, 1-2 (Winter 1984):1-16.

Marshall, Ray. Work and Women in the 1980s. Washington, D.C.: Women's Research and Education Institute of the Congressional Caucus for Women's Issues, 1983.

McCrate, Elaine; Lapidus June; and Albeda, Randy. "What Price Economic Independence? Women's Access to Resources in the Post World War II Period." Paper delivered at the Seventh Berkshire Conference on Women's History, June 19, 1987.

Measor, Lynda. "Interviewing: A Strategy in Qualitative Research." In Strategies of Educational Research: Qualitative Methods, edited by Robert G. Burgess, pp. 55-77. London: The Falmer Press, 1985.

Meyer, Anne Nathan (Ed.). Woman's Work in America. New York: Arno Press, 1972. Originally published by Henry Holt, 1891.

- Miles, Matthew and Huberman, A. Michael. Qualitative Data Analysis: A Sourcebook of New Methods. Beverly Hills, CA: Sage Publications, 1984.
- Muller v State of Oregon. 208 U.S. 412, 1908.
- Nalbandian, John and Klingner, Donald. "The Politics of Public Personnel Administration: Towards Theoretical Understanding." Public Administration Review, September-October 1981, pp. 541-49.
- National Committee on Pay Equity (NCPE). The Cost of Pay Equity in Public and Private Employment. Washington, D.C.: NCPE, 1984.
- Neuse, Steven M. "A Critical Perspective on the Comparable Worth Debate." Review of Public Personnel Administration, 3, 1 (Fall 1982):1-20.
- New York Times. "States Leading on Pay Equity." June 22, 1987, p. 2D.
- Northrup, Herbert R. "Comparable Worth and Realistic Wage Setting." In Comparable Worth: Issue for the 80s: A Consultation of the U.S. Commission on Civil Rights, Volume 1, June 6-7, 1984, pp. 93-98. Washington, D.C.: U.S. Commission on Civil Rights, 1984.
- O'Neill, June A. "An Argument Against Comparable Worth." In Judicial Determination: A Volatile Perspective. Washington, D.C.: National Legal Center for the Public Interest, 1984.
- Oppenheimer, Valerie Kincaid. The Female Labor Force in the United States. Westport, CT: Greenwood Press, 1976.
- Pendleton, Clarence. "Thumbs-Down on Wage Revolution." Insight. December 2, 1985, pp. 16-17.
- Polachek, Solomon W. "Occupational Self-Selection: A Human Capital Approach to Sex Differences in Occupational Structure." Review of Economics and Statistics, 58, 1 (February 1981):60-69.
- Porter, Sandra. "The Wage Gap. . . What Does it Mean?" The Federal Managers Quarterly, 3, 3 (Summer 1985):24.
- Remick, Helen. "An Update on Washington State." Public Personnel Management Journal (Winter 1983):390-394.
- \_\_\_\_\_. "The Case of Comparable Worth in Washington



State." Policy Studies Review, 5, 4 (May 1986a):838-848.

\_\_\_\_\_. "Comparable Worth: Some Questions at Heart of Issue." Seattle Times April 24, 1986b.

\_\_\_\_\_. "Major Issues in A Priori Applications." In Comparable Worth and Wage Discrimination: Technical Possibilities and Political Realities, edited by Helen Remick, pp. 99-117. Philadelphia: Temple University Press, 1984.

\_\_\_\_\_. "Strategies for Creating Sound, Bias-Free Job Evaluation Plans." Paper presented at the IRC Colloquium, September 14, 1978.

\_\_\_\_\_. "Weighing Worth: The Tools of Job Evaluation." Educational Record, Fall 1985, pp. 21-26.

\_\_\_\_\_ and Steinberg, Ronnie J. "Technical Possibilities and Political Realities: Concluding Remarks." In Comparable Worth and Wage Discrimination: Technical Possibilities and Political Realities, edited by Helen Remick, pp. 285-302. Philadelphia: Temple University Press, 1984.

Ricardo-Campbell, Rita. Women and Comparable Worth. Palo Alto, CA: Hoover Institution, Stanford University, 1985.

Rosen, Benson; Rynes, Sara; and Mahoney, Thomas A. "Compensation, Jobs and Gender." Harvard Business Review, 61 (July-August 1983):170-190.

Rosenbloom, David H. "Public Policy in a Political Environment." Policy Studies Journal, 11, 2 (December 1982):245-253.

Ruddick, Jean. "A Case for Case Records: A Discussion of Some Aspects of Lawrence Stenhouse's Work in Case Study Methodology." In Strategies of Educational Research: Qualitative Methods, edited by Robert G. Burgess, pp. 101-120. London: The Falmer Press, 1985.

Ryan, Mary P. Womanhood in America: From Colonial Times to the Present, 3rd edition. New York: Franklin Watts, 1983.

Rynes, Sara L. and Milkovich, George T. "Wage Surveys: Dispelling Some Myths About the 'Market Wage.'" Personnel Psychology, 39 (1986):71-90.

- Rynes, Sara; Rosen, Benson; and Mahoney, Thomas A.  
 "Evaluating Comparable Worth: Three Perspectives."  
Business Horizons, July-August 1985, pp. 82-86.
- Samuelson, Robert J. "The Myths of Comparable Worth."  
Newsweek, April 22, 1985, p. 57.
- Sape, George P. "Coping with Comparable Worth." Harvard Business Review, 63 (July-August, 1985):145-152.
- Schwab, Donald P. "Using Job Evaluation to Obtain Pay Equity." In Comparable Worth: Issue for the 80s: A Consultation of the U.S. Commission on Civil Rights, Volume 1, June 6-7, 1984, pp. 83-92. Washington, D.C.: U. S. Commission on Civil Rights, 1984.
- Seligman, Daniel. "Pay Equity is a Bad Idea." Fortune, May 14, 1984, pp. 133-140.
- Simpson, Peggy. "If the Wage System Doesn't Work, FIX IT." Working Woman, October 1985, pp. 118-121, 159.
- Spaulding v University of Washington. 740 F.2d 686 (9th Cir. 1984).
- Stahl, O. Glenn. "Neo-Job Evaluation and Old Obstacles." The Bureaucrat. Spring 1984, pp. 12-14.
- Stein, Harold (Ed.). Public Administration and Policy Development. New York: Harcourt, Brace and World, 1952.
- Steinberg, Ronnie J. "'A Want of Harmony': Perspectives on Wage Discrimination and Comparable Worth." In Comparable Worth Wage Discrimination: Technical Possibilities and Political Realities, edited by Helen Remick, pp. 3-27. Philadelphia: Temple University Press, 1984.
- \_\_\_\_\_ and Haignere, Lois. "Equitable Compensation: Methodological Criteria for Comparable Worth." Paper presented for a conference at the State University of New York, Albany, April 19-20, 1985.
- Sullivan, John F. "Comparable Worth and the Statistical Audit of Pay Programs for Illegal Systemic Discrimination." Personnel Administrator, March 1985, pp. 102-111.
- Title VII of the Civil Rights Act of 1964, 42 U.S.C. 1964. P.L. 88-352, 78 Stat. 255.

Tobias, Sheila and Megdal, Sharon Bernstein. "Rethinking Comparable Worth: Do all Roads Lead to Equity?" Educational Record, Fall 1985, pp. 27-31.

Tompkins, Jonathan. "Comparable Worth and Job Evaluation Validity." Public Administration Review, 47, 3 (May-June 1987):254-58.

Treiman, Donald J. Job Evaluation: An Analytic Review. Washington, D.C.: National Academy Press, 1979.

\_\_\_\_\_ and Hartmann, Heidi I. (Eds.). Women, Work and Wages: Equal Pay for Jobs of Equal Value. Washington, D.C.: National Research Council, National Academy Press, 1981.

United States Commission on Civil Rights. Comparable Worth: Analysis and Recommendations. Washington, D.C.: U.S. Commission on Civil Rights, 1985.

United States Department of Labor. Current Population Survey. Bureau of Labor Statistics, 1985, 1987.

United States General Accounting Office (GAO). Pay Equity: Status of State Activities. Washington, D.C.: GAO/GGD-86-141BR. September 1986.

\_\_\_\_\_. Unpublished survey of state pay equity activities, 1985.

United States Office of Personnel Management (OPM). Comparable Worth for Federal Jobs. Washington, D.C.: U.S.O.P.M., 1987.

Van Meter, Donald S. and Van Horn, Carl E. "The Policy Implementation Process: A Conceptual Framework." Administration & Society, 6, 4 (February 1975):445-488.

Wamsley, Gary and Zald, Mayer N. "The Political Economy of Public Organizations." Public Administration Review, January-February 1973, pp. 62-73.

Weick, Karl E. and Browning, Larry D. "Argument and Narration in Organizational Communication." Journal of Management, 12, 2 (1986):243-259.

Willborn, Steven L. A Comparable Worth Primer. Lexington, MA: D.C. Heath, 1986.

Yin, Robert K. Case Study Research: Design and Methods. Beverly Hills, CA: Sage Publications, 1984.

## WASHINGTON STATE REFERENCES

AFSCME v State of Washington. 578 F.Supp.846 (W.D. Wash, 1983).

\_\_\_\_\_. 770 F.2d 140 (9th Cir, 1985a).

AFSCME. Winning the Fight for Pay Equity. 1985b.

Agreement. December 31, 1985.

Ammons, David. "Caucuses Inch Pay Equity Plan Along." The Olympian, January 29, 1986.

Boysen, Robert. Memo to Robert Fitchitt, May 12, 1986.

Cutler, Peter. Memo to Robert Fitchitt, May 12, 1986.

Department of Personnel (DOP). Merit Systems Rules. "New Comparable Worth Ranges," 1987.

\_\_\_\_\_. Minutes of Board Meetings. December 1976; March 13, 1986; June 11, 1987a; July 9, 1987b.

\_\_\_\_\_. State Salary Setting. January 1987c.

Dolbeare, Kenneth. "From 'the Soviet of Washington' to Modern Managerialism: The Evolution of the Public Sector in Washington." Unpublished monograph.

Eikenberry, Kenneth O. Letter to Seattle Chamber of Commerce, May 8, 1984.

\_\_\_\_\_; Gregoire, Christine O.; and Heath, Richard A. Brief for Appellants: U.S. Court of Appeals for the Ninth Circuit No. 84-3569. AFSCME v State of Washington, 1985.

ESSCR 126 (Joint Resolution Ratifying the Agreement), January 1, 1986.

Evans, Daniel. Letter to Douglas Sayan and Leonard Nord, November 28, 1973.

Foster, Dean. "How the Executive Branch Works with the Legislature." Lecture given to a Career Executive Workshop, November 4, 1987.

Gardner, Booth. Press conference, August 13, 1985.

Gerard, Dorothy. Memo to Robert Fitchitt, May 2, 1986.

\_\_\_\_\_. Letter to Rep. Bob Williams, April 15, 1981.

Goodman, Larry. Letter to Leonard Nord and Douglas Sayan, June 2, 1976.

Haignere, Lois & Chertos, Cynthia. A Review of the Willis Method of Job Evaluation and its Application to Washington State. New York: Center for Women in Government, 1986.

Hatch, Walter. "Comparable Worth Backers Unworried by Proposal to Wreck Plan." April 12, 1986a, p. C20.

\_\_\_\_\_. "Comparable Worth Cost Lower." Seattle Times, June 7, 1986b, p. A8.

Heath, Richard A. Memo to all personnel/payroll managers, February 18, 1986.

Higher Education Personnel Board (HEPB). Minutes of Board Meetings. March 21, 1986; June 19, 1987a; July 17, 1987b.

\_\_\_\_\_ and Department of Personnel (HEPB & DOP). Salary Study Report to the Governor. January 1974.

Hubbard & Revo-Cohen (HR-C). Final Report for the Washington State Job Classification and Compensation Review. Reston, VA: Hubbard & Revo-Cohen, Inc., March 31, 1987.

Joint Select Committee on Comparable Worth (JSCCW). Final Report, 1985.

Legislative Evaluation and Accountability Program Committee (LEAP). Report on Comparable Worth Implementation, June 1, 1986a.

\_\_\_\_\_. Report Two, December 1, 1986b.

\_\_\_\_\_. Report Three, June 15, 1987.

Modle, Neil. "Gardner Naming Team to Seek Comparable Worth Settlement." Seattle Post-Intelligencer, August 13, 1985, p. A9.

\_\_\_\_\_. "Union Backs Off in Pay-Equity Dispute." Seattle Post-Intelligencer, January 14, 1986, p. A6.

Oakland, Mike. "Pay Equity Wows State Employees." The Olympian, January 14, 1986.

Office of Financial Management (OFM). Comparable Worth.  
In-house report prepared for a meeting with the  
Federation, 1987.

Partlow, Bob. "Comparable Worth Plan Sails Along in the  
Senate." The Olympian, January 14, 1986.

\_\_\_\_\_. "Comparable Worth Settlement Stalled: What's the  
Hitch?" The Olympian, February 2, 1985.

Pulliam, Elizabeth. "Ironies that Comparable Worth  
Reforms." Seattle Times, May 4, 1986, p. D1.

Ray, Dixy Lee. "Message to the Legislature," January 15,  
1980.

"Request for Proposal." Governor's Office, 1986.

Remick, Helen. "An Update on Washington State." Public  
Personnel Management Journal (Winter 1983):390-394.

\_\_\_\_\_. "The Case of Comparable Worth in Washington  
State." Policy Studies Review, 5, 4 May 1986a):838-  
848.

\_\_\_\_\_. "Comparable Worth: Some Questions at Heart of  
Issue." Seattle Times, April 24, 1986b.

Revised Code of Washington (RCW). State Civil Service Law.  
Chapter 41.06.

\_\_\_\_\_. State Higher Education Personnel Law. Chapter  
28B.16.

Rothschild, Mary. "Legislature Approves Pay Equity  
Proposal." Seattle Post-Intelligencer, January 1,  
1986, p. A1.

Sayan, Douglas & Nord, Leonard. Letter to Governor Evans,  
January 8, 1974.

Schut, Norm. Letter to Governor Evans, November 20, 1973.

Seattle Post-Intelligencer. "Judge Will Order State to Pay  
Men and Women the Same for Equal Jobs." November 15,  
1983, p. A1.

\_\_\_\_\_. "Women Aren't Spending Pay Promises Yet."  
December 15, 1983b, p. A13.

Seattle Times. "Agreement Reached on Comparable Worth."  
January 1, 1986, p. A1.

\_\_\_\_\_. "Washington Approves Comaprabable Worth Law."  
August 15, 1983, p. 1A.

Senate Bill (SB 3248), 1983.

Senate Concurrent Resolution (SCR 126), 1986.

Smith, Orin. Letter to Leonard Nord & John Spitz, June 26,  
1987.

Spaulding v University of Washington. 740 F.2d 686 (9th  
Cir. 1984).

State Senate Bill (SSB) 2383, 1977; SSB 3428, 1983; SSB 3565  
(section 702), 1985.

Taber, Gisela. "Beyond Equal Pay for Equal Work:  
Comparable Worth in the State of Washington." Paper  
prepared for a conference on equal pay and equal  
opportunity policy for women in Europe, Canada, and the  
United States, Center for Research on Women,  
Wellesley College, May 1978.

Taller, Joe. Memo to all agencies, July 1, 1984.

The Olympian. "Tanner Gives His Blessing to Comparable  
Worth Pact," February 8, 1986.

Tuominen, Mary. Memo to Earlyse Allen Swift, May 25, 1984.

United States General Accounting Office (GAO). "State of  
Washington." Unpublished monograph, 1984.

Warren, Barbara & Boone, Carroll. "AFSCME v State of  
Washington: Title VII as a Winning Strategy to End  
Wage Discrimination." Women's Rights Law Reporter, 8,  
1-2 (Winter 1984):18-49.

Washington Federation of State Employees (WFSE). "AFSCME  
Wins Landmark Pay Equity Lawsuit." Newsletter,  
September 16, 1983c.

\_\_\_\_\_. Statement by Peggy Holmes, August 23, 1983a.

\_\_\_\_\_. Statement by George Masten, August 23, 1983b.

Willis, Norman D. & Associates. State of Washington:  
Comprehensive Salary Study. Seattle, WA: 1973.

\_\_\_\_\_. State of Washington: Comparable Worth Study.  
September 1974.

\_\_\_\_\_. Phase Two. December 1976.



## INTERVIEWS

Charles Alexander - member of the State Personnel Board

Jennifer Belcher - representative (D-Olympia), staff member to Governor Evans when comparable worth was first proposed, elected to the House in 1982, sponsored comparable worth appropriations bills

Rebecca Bogard - attorney and legislative liaison in the Governor's Office, member of state's negotiating team

Carroll Boone - attorney, president of NOW, legal researcher for the Federation during the trial, member of 1974 advisory committee

Bob Boysen - manager of standards and surveys division, Department of Personnel, member of DOP's first evaluation committee

Helen Brown - confidential secretary (exempt) to the director of the Department of Personnel

Helen Castrilli - secretary at Western State Hospital, plaintiff on the lawsuit

Grace Chien - staff member of the Senate Ways and Means Committee, member of the Higher Education Personnel Board

April Conrad - area representative of SEIU, member of HEPB's evaluation committee

Bill Cromett - lumber executive, Lumberman's, Olympia

Ann Davis - personnel analyst 3, Department of Personnel, chair of DOP's evaluation committee

Kenneth Dolbeare - professor of public administration, The Evergreen State College, author of monograph on Washington's political economy

James Dolliver - Governor Evan's chief of staff, now a justice of the state supreme court

Amy Eiden - compensation analyst, Office of Financial Management

Robert Fitchitt - executive director of LEAP

Jim Flynn - personnel director, Department of Revenue

John Frost - personnel manager 3, Department of Agriculture

Dorothy Gerard - human resource services manager, HEPB

Larry Goodman - director of personnel board activities of  
the Federation

Christine Gregoire - deputy attorney general, Attorney  
General's Office, state's defense attorney in the trial

Wendy Holden - assistant commissioner, Employment Security  
Department

Joannel Huart - human resource analyst, classification  
coordinator, chair of HEPB's evaluation committee

Hubbard Revo-Cohen - management consultant, Reston, VA,  
conducted a study of the state's classification and  
compensation systems

Dan Keller - senior executive policy coordinator, Office of  
Financial Management

Sharon Krachunis - secretary, graphic arts department,  
University of Washington, member of CSA/SEIU, activist  
during the early days of comparable worth

Edward Lane - special master appointed by Judge Jack Tanner

Mike Layton - newspaper correspondent, Seattle Post-Intelli-  
gencer

Eleanor Lee - senator (R-Seattle), prime sponsor of the  
comparable worth bill

Mike McGregor - classification and pay specialist,  
Department of Social and Health Services, member of  
DOP's evaluation committee

Jan Miller - chief, personnel and training, Department of  
Parks and Recreation

Gary Moore - executive director of the Washington Federation  
of State Employees, member of its negotiating team

Laura O'Brady - member of NOW, women's historian, legal  
assistant during the trial

Leonard Nord - director of the Department of Personnel

Bob Partlow - newspaper correspondent, The Olympian

Mary Prevost - attorney, executive policy analyst, Office of Financial Management, coordinator of the consultants' studies

Si Rasch - compensation analyst, University of Washington

Helen Remick - director of the EEO/AA office, University of Washington, comparable worth statistician and historian

Gail Salisbury - personnel services supervisor, member of DOP's evaluation committee

Douglas Sayan - director of HEPB when comparable worth was first proposed, now a representative (D-Shelton)

Norm Schut - former executive director of the Federation, member of the Women's Council

Russell Scott - affirmative action program administrator, DOP

Tim Seth - personnel analyst 3, member of DOP's evaluation committee

Pat Sisco - area representative for the Federation

George Smith - personnel officer 3, Department of Natural Resources

Gisela Taber - chair of the first advisory committee, member of the Women's Council, comparable worth historian

Mary Tuominen - staff member, House Ways & Means Committee, Joint Select Committee on Comparable Worth

Teri Thompson - human resource analyst, compensation specialist, member of HEPB's evaluation committee

Donn Wells - director of staff personnel, University of Washington

Evelyn Jaeger Whitney - chair, State Personnel Board, member of HEPB when comparable worth was first proposed

Telephone Interviews

Gladys Burns - member of the League of Women Voters,  
Washington Women United, early activist for comparable  
worth

Josh Dowell - personnel officer 3, Employment Security  
Department

Eugene Wright - appellate judge of the Ninth Circuit Court  
of Appeals, one of three judges ruling on the lawsuit's  
appeal

Ed Younglove - attorney for the Federation, member of its  
negotiating team

## APPENDIX A

### AGREEMENT

THIS AGREEMENT is entered into this 31st day of December, 1985, between the State of Washington, through its Governor, the Honorable Booth Gardner ("the State"), the American Federation of State, County and Municipal Employees, through its President, Gerald W. McEntee ("AFSCME"), the Washington Federation of State Employees, through its Executive Director, Gary Moore ("the Federation") and the nine individually-named plaintiffs, Peggy Holmes, Penny Hall, f/k/a Comstock-Rowland, Exa T. Emerson, Helen Castrilli, Lauren McNiece, Louise Peterson, Gail Spaeth, Willie Mae Willis and Milton Tedrow ("the individually-named plaintiffs"). The parties herein agree on behalf of all plaintiffs and defendants in the case of AFSCME v. State that Gerald W. McEntee as President represents plaintiff AFSCME and Gary Moore, as Executive Director, represents plaintiff Federation. All members of the class as certified by the Federal District Court for the Western District of Washington, Southern Division, are represented by the nine individually-named plaintiffs. These individuals in turn are represented in their personal and representative capacities by counsel for AFSCME and the Federation who also represent the class.

### RECITALS

A. In 1982 AFSCME, the Federation and the individually-named plaintiffs brought an action in Federal District Court for the Western District of Washington claiming discrimination in compensation based on sex, which they alleged resulted from the pay practices of the State. The case is cited as American Federation of State, County and Municipal Employees v. State of Washington, 578 F. Supp. 846 (W.D. Wash. 1983). In that action, the court entered judgment for the plaintiffs and ordered the State to "pay plaintiffs the amount of compensation they are entitled to receive as evaluated under the State's 'comparable worth' plan as adopted in May, 1983," and back pay for the certified class of people occupying jobs identified as predominantly female.

B. The judgment of the Federal District Court was reversed by the Ninth Circuit in AFSCME v. State, 770 F.2d 1401 (9th Cir. 1985). A petition for rehearing en banc has been filed.

C. By entering into this Agreement and settling plaintiffs' lawsuit, plaintiffs do not acknowledge the appropriateness of the Ninth Circuit's decision in AFSCME v. State. Correspondingly, the State by entering into this Agreement, does not admit liability for any of the claims raised by plaintiffs in AFSCME v. State. Rather, the parties wish to enter into this Agreement in order to implement the State's comparable worth law and to fully resolve the litigation in AFSCME v. State.

D. In June, 1985, the Governor signed 2SSB 3656 (Ch. 6, Laws of 1985, 1st Ex. Sess.). Section 702(5) of that law authorized appropriations of \$23,612,000 from the general fund and \$17,815,000 from the special fund salary increases revolving fund to be utilized for "settlement of all claims of all plaintiffs and class members" in AFSCME v. State and for "the implementation of comparable worth pursuant to RCW 28B.16.116 and RCW 41.06.155." It was the expressed "intent of the Legislature that salary adjustments for affected class members not exceed the adjustment calculated using the average actual comparable worth salary line as applied to the Willis evaluation points of the affected job classification and adopted by the state personnel board and the higher educational personnel board."

E. Representatives attending the negotiations were selected by the Governor, the Washington State Attorney General, AFSCME and the Federation. The Office of the Governor was represented by Susan R. Agid, Chief Negotiator and Bruce W. Hilyer of Cohen, Keegan & Goeltz, and Stephen Tallent and Scott Kruse of Gibson, Dunn & Crutcher, retained pursuant to Section 702 of said law, Rebecca L. Bogard, Legislative Counsel, and Terry Sebring, Counsel to the Governor. The Attorney General was represented by Christine O. Gregoire, Deputy Attorney General.

AFSCME was represented by Diana Rock, AFSCME Director of Women's Rights. The Federation was represented by George D. Masten, Chief Negotiator, former Federation executive Director and Vice President of AFSCME, Gary Moore, current Federation Executive Director, Larry Goodman, Federation Director of Personnel Board Activities and Edward E. Younglove III, of Swanson, Parr, Cordes, Younglove, Peeples & Wyckoff, attorney for AFSCME, the Federation, the individual plaintiffs and the class certified in AFSCME v. State.

F. RCW 28B.16.100(16) and .110 and RCW 41.06.150(17) and .160 require that State officials setting salaries of State employees give full consideration to prevailing market rates and to those classes where prevailing rates do not provide similar salaries for positions of comparable worth.

In addition, RCW 28B.16.116 and RCW 41.06.155 require annual increases in salaries and compensation "solely for the purpose of achieving comparable worth" and provide that comparable worth for the jobs of all employees under those chapters be fully achieved not later than June 30, 1993.

G. Pursuant to Ch. 6, Laws of 1985, 1st Ex. Sess., the Office of the Governor has contracted for a study to:

- 1) Review the Willis methodology;
- 2) Update job class specifications for all job classes with incumbents that have not been reviewed for the past five years;
- 3) Develop a new benchmark and indexing structure which reflects the evaluated worth of the job classes; and
- 4) Evaluate the job class specifications for the implementation of comparable worth.

THE PARTIES HERETO, having discussed and wishing to resolve their differences, effectuate a full settlement of all claims arising from the litigation pending in AFSCME v. State, and establish a plan for implementation of the State's comparable worth statutes, Now, Therefore, in consideration of the mutual promises contained herein, the adequacy of which each hereby acknowledges, agree as follows:

#### 1. Term

The term of this Agreement shall be from its effective date, as defined herein, through June 30, 1993.

#### 2. Comparable Worth Line Defined

A. Implementation of comparable worth as required by RCW 28B.16.116 and RCW 41.06.155 shall be based on the actual average salary line as calculated on salaries as of January 1, 1985, using benchmark jobs only, as shown on Attachment A.

B. References herein to any comparable worth line are to the line calculated as of January 1, 1985, on the actual salaries of benchmark jobs only and illustrated on Attachment A. If a comparable worth line based on the actual salaries (as of January 1, 1985) for all job classes is adopted by the State Personnel Board and the Higher Education Personnel Board, as of the date of adoption references herein shall be construed to be to that line.

Each class' entitlement to range increases provided for in this Agreement shall be based on the formulation set forth in Paragraphs 3A and 3C below. Salary adjustments pursuant to Paragraph 3C shall be made pursuant to the formula set forth on Attachment C.

### 3. Achievement of Comparable Worth

All obligations of the State to achieve comparable worth pursuant to RCW 28B.16.116 and RCW 41.06.155 shall be discharged as follows:

A. The \$41,427,000 appropriation allocated to comparable worth increases by Ch. 6, Sec. 5, Laws of 1985, 1st Ex. Session., and those funds appropriated by Sec. (1) thereof, together with any other funds appropriated for the purpose of continuing the previous partial funding of salary increases based upon comparable worth shall be used to: (1) increase the salaries of all persons in all job classes seven or more ranges below the actual average salary comparable worth line as of April 1, 1986 to six ranges from that line; and (2) increase the salaries of all persons in all job classes one through six ranges below the actual average salary comparable worth line as of April 1, 1986, by one range.

B. The salary adjustments to be made pursuant to Paragraph 3A of this Agreement shall be effective on April 1, 1986, and are payable on that date or on the effective date of this Agreement as defined in Paragraph 7, whichever is later. The parties agree to submit a joint request to the Legislature to make the funds to be distributed pursuant to Paragraph 3A available on April 1, 1986.

C. Those adjustments to be made over the period of implementation set forth herein after the 1985-1987 biennium shall be as follows: Between July 1, 1987, and July 1, 1992, those classes which are six ranges below the line on June 30, 1986, shall be entitled to the equivalent of a four range increase; those classes which are five ranges below the line on that date shall be entitled to the equivalent of a three range increase; those which are four ranges below the line shall be entitled to the equivalent of a two range increase; and those which are three ranges below the line shall be entitled to the equivalent of a one range increase. The dollar amount of range increases shall be based on the salary schedules in effect at the time of the increases.

D. The annual salary increases necessary to bring each affected job classification to two ranges from the actual average comparable worth line shall be paid commencing July 1 of each year. The increase shall be calculated in a manner that weights such increase by the



number of employees in each eligible class and by the number of ranges each job classification is from the actual average salary line, whether such line is calculated using benchmarks only or all jobs. This computation shall be applied to each group of classes according to the formula set forth and illustrated on Attachment C hereto. If any comparable worth salary increase paid pursuant to this paragraph in any year exceeds the amount necessary to bring a job class to two ranges below the actual average salary line, whether calculated on benchmarks only or on all jobs, such excess funds shall be distributed to other eligible job classes as illustrated on Attachment C.

E. In no event shall salaries of employees at or above the actual average comparable worth line (regardless of how it is computed) be reduced in order to implement comparable worth.

F. These comparable worth adjustments shall be solely for the purpose of achieving comparable worth and shall not be diminished by any general salary increases.

G. In order to fund the increases in salaries for all persons in all job classes eligible to receive comparable worth increases pursuant to Paragraphs 3C and 3D of this Agreement, to achieve comparable worth as defined herein by July 1, 1992, and in order to comply with the requirements of RCW 28B.16.116 and RCW 41.06.155 that comparable worth increases be made at least annually, there shall be appropriated not less than \$10 million of new general and special fund monies for fiscal year 1988 and each succeeding fiscal year up to and including fiscal year 1993, as illustrated on Attachment B hereto.

H. The appropriations pursuant to Paragraphs 3G and 4B shall be sufficient funding to achieve comparable worth pursuant to RCW 28B.16.116 and RCW 41.06.155 and this Agreement.

#### 4. General Salary Increases and Maintenance of Comparable Worth

A. In order to avoid reversing or undermining the effectiveness of the comparable worth adjustments agreed to herein, any and all salary increases to partially or fully implement prevailing rate salary survey findings and all other general salary increases paid to classified employees after April 1, 1986, shall be separate and apart from those appropriations required under Paragraph 3G for comparable worth adjustments.

B. Implementation of general salary increases

shall maintain the affected classes' proximity to the actual average comparable worth line as defined in Paragraph 2 hereof. In implementing a general salary increase, any additional cost necessary to maintain the comparable worth increases provided for in this Agreement shall be considered to be included in the monies appropriated for any general salary increase. Any monies to be distributed from such general salary increases to maintain the comparable worth increases provided for in this Agreement shall be determined in accordance with the formula illustrated on Attachment D. The State Personnel Board and the Higher Education Personnel Board shall distribute these monies for affected classes in accordance with the formula in Attachment C.

##### 5. Dismissal of Lawsuit

A. Upon execution of this Agreement, counsel on behalf of all parties will immediately seek a stay from the U.S. Court of Appeals for the Ninth Circuit to allow the District Court to conduct a Fed. R. Civ. P. 23(e) hearing. This Motion shall be in the form set forth on Attachment E.

B. Plaintiffs, individually and on behalf of the class, and defendants agree that, immediately after filing of the Motion in the U.S. Court of Appeals for the Ninth Circuit, they will jointly move the District Court for an order Approving the Settlement and Dismissing with Prejudice in the form set forth on Attachment F. Said order shall be entered after the Legislature's ratification of this Agreement.

C. Upon this Agreement's taking effect, plaintiffs, individually and on behalf of the class, and defendants each agree to seek no further court review including, but not limited to, review by the U.S. Supreme Court.

##### 6. Prohibition of Future Claims

Except as necessary to enforce this Agreement, AFSCME, the Federation and the nine individually-named plaintiffs agree that from the effective date of this Agreement through June 30, 1993, they will assert no claims in any court or administrative forum based upon the State's implementation of comparable worth pursuant to RCW 28B.16.116 or 41.06.155 and this Agreement. AFSCME and the Federation further agree that they will take no action through financial support, directly or indirectly, and will otherwise discourage any class member or other state employee from asserting any claims in any court or administrative forum based upon the State's implementation

of comparable worth pursuant to RCW 28B.16.116 or 41.06.155 and this Agreement.

7. Effective Date

This Agreement between the parties becomes valid and binding only after ratification by the Legislature of this Agreement in its entirety and entry of a final court order by a court of competent jurisdiction approving this Agreement and dismissing all claims and related issues with prejudice.

8. Enforceability

This Agreement shall be enforceable by either party hereto or beneficiary hereof as a contract between the parties. Its interpretation shall be governed by the laws of the State of Washington. Any action to enforce this Agreement shall be brought in a Washington State court of competent jurisdiction. The prevailing party shall be entitled to an award of reasonable attorney fees incurred in such enforcement.

9. Fee Waiver

AFSCME, the Federation, the individual plaintiffs on behalf of themselves and the class they represent and all defendants waive and relinquish any and all claims that each might have against the other for attorney fees and costs arising out of AFSCME v. State or any related matters, except as provided for in Paragraph 8.

10. Non-severability

This Agreement in its entirety represents the final settlement of this matter. None of its terms or provisions are divisible, severable or otherwise subject to alteration, modification or amendment except upon mutual agreement in writing of all parties hereto, and any change of any provision herein, unless otherwise approved by all parties hereto, shall cause the entire Agreement to become null and void for failure of consideration.

11. Incorporation by reference

Reference to Attachments hereto shall be sufficient by such reference to incorporate such Attachment as a part hereof as if fully set forth herein.

12. Binding Effect

This Agreement shall be binding upon the parties hereto, their successors and those they represent herein.

**The two page vita has been  
removed from the scanned  
document. Page 1 of 2**

**The two page vita has been  
removed from the scanned  
document. Page 2 of 2**