



# The Phyllis Schlafly Report

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## Parental Leave—A Windfall for Yuppies

The liberals and the feminists have come up with a new regulation which will impose a costly burden on employers, and at the same time grievously discriminate among classes of employees. It's called the Federally-Mandated Parental and Disability Leave Act.

This bill would force all private and public employers of five or more employees to provide 18 weeks of unpaid parental leave to both male and female employees within two years after the birth, adoption or serious illness of a child; to provide up to six months of unpaid leave annually because of any serious health condition; to guarantee that the employee can return to the same or an equivalent job; and to continue health benefits during the leave.

These benefits would be costly in cash and costly in productivity lost from having to train a substitute employee to work for only four or five months. Loose definitions in the bill would impose all sorts of other costs. For example, no length of service is required; the replacement employee who fills in for the one on leave would be just as eligible for reemployment as the original employee. Also, the male claiming paternity leave does not have to be married to the mother of the child (which could give rise to difficult paternity decisions).

The sponsors of this bill disdain to conceal their goals. Their aim is to force employers to pay full wages to employees on leave, and the bill would establish a commission to recommend ways to achieve this.

Advocates of this bill assert that the United States is backward among other nations because we lack a mandatory parental leave policy. That claim is out of touch with reality. You can't enjoy a "leave" unless you have a job in the first place, and the U.S. economy has created nine million new jobs in the last three years while most other industrialized countries have suffered a net loss of jobs. While some government regulations are surely necessary, the line must be drawn before the costs force the business to close its doors. A government-mandated job benefit becomes worthless at the point where the job ceases to exist.

Mandated parental leave is unfair and discriminatory because it requires every company to divert a portion of its employee benefit package (which should be equally available to all employees) and give it to one discrete class of employees. This is in contrast to the other federally-mandated employee benefits which are equally available to all employees, namely,

Social Security, worker's compensation, and unemployment compensation.

And which discrete class of employees is singled out for preferential treatment at the expense of other employees? It is those employees who live in two-wage-earner families — those in which the father and mother are both employed in the labor force. It is obvious that the single-earner family cannot afford to take four months of leave without pay. This is true whether the single-earner family is a single-parent family or is a couple made up of a father-provider and mother-homemaker.

The latest U.S. Census Bureau statistics show how grievously unfair it would be to give preferential employee benefits to two-earner families only. The median family income of married couples where the wife is *not* in the paid labor force is \$23,562, but the average annual earnings are \$34,560 if both husband and wife are employed. The Parental Leave Bill would thus give an expensive preferential benefit to a class of employees whose average earnings are about \$10,000 per year more than the average income of employees to whom this benefit is effectively denied.

If father and mother are employed by different companies (which is customary), they can double their benefits by mother taking an 18-week leave from Company A and father from Company B, simultaneously or consecutively. This would be a real fringe benefit to the well-paid yuppie couple who could use their mandated leave for vacationing instead of parenting.

The benefit package that accompanies wages in today's economy costs the U.S. employer up to 37 percent of payroll. Most of these benefits, including health/medical plans, pension plans, and educational assistance have grown up voluntarily, without any government mandate.

A voluntary system is the most cost-efficient, flexible, and fair to all. The Federal Government should not mandate regulations whose cost impacts too harshly on small businesses which are the source of most of the new jobs that are created. Most important, the Federal Government should not mandate regulations that discriminate in favor of some employees and against others.

# Comparable Worth Is Not Comparable or Worthy

The concept called Comparable Worth is based on studies which are not comparable and certainly are not worth the cost expended on them. That is the conclusion of a thorough evaluation of the evaluators made by the Center for the Study of American Business at Washington University in St. Louis. Research Analyst Richard Burr examined the job studies made by those states that have already plunged into Comparable Worth fantasies. The evidence shows that the Comparable Worth concept is so unscientific that it is ridiculous, and so biased that it is funny.

Comparable Worth advocates claim that their method of setting wages is scientific and objective because it is based on assigning numerical scores to the worth of various aspects of particular jobs, and then paying equal wages for jobs that result in the same numbers on the "worth" chart. They argue that this is fairer than the free market.

If it is valid to compare different jobs that are assigned the same numerical worth, then it should be even more valid to compare the same jobs in different studies. Burr did this, plotting on charts the three states that have done the most extensive Comparable Worth studies, Iowa, Minnesota and Vermont. The results are devastating to the concept.

Take librarian, a favorite job which the Comparable Worth advocates always say is presently underpaid. According to the Comparable Worth studies, a Minnesota librarian is worth 30 percent more than a Vermont librarian, who in turn is worth 20 percent more than the Iowa librarian. Such results are hardly scientific.

Take photographer. A Minnesota photographer is worth 25 percent more than the Iowa photographer, and the Vermont photographer is worth twice as much as the Iowa photographer. It's obvious that the "worth" scores are not objective.

In Minnesota, a registered nurse, a chemist and a social worker all have equal worth. However, in Iowa, the nurse is worth 29 percent more than the social worker, who in turn is worth 11 percent more than the chemist. In Vermont, the social worker is worth 10 percent more than the nurse, who in turn is worth 10 percent more than the chemist.

Comparable Worth studies do not attempt to compare all job classifications. The concept is limited to comparisons of gender-dominated jobs. If you work in a type of job that has half men and half women, you are not even on the chart for discussion.

When the Comparable Worth concept first surfaced, jobs were compared that were 70 percent or more dominated by men or by women. But when the 70 percent figure didn't produce the desired proof of discrimination, the Comparable Worth advocates began to play games with the 70 percent figure. For example, in New York, a job is considered to be female-dominated if it has 67.2 percent women, but male-dominated if it is 90 percent men. The Center for Women in Government admitted that using the same figure for women and men wouldn't show very much discrimination, so it arbitrarily chose the different cutoff figures.

Who does the job evaluations? Some states use fellow employees, one state used specialized outsiders, one state used

college students, and New York relied solely on "self-reports" from employees while rejecting information from supervisors.

Then there is the problem of what aspects of a job are evaluated and quantified. Usually, the factors are divided into four areas: knowledge and skills, problem solving, accountability, and working conditions, with many subheads under each.

But how do you weight and rank these factors and then assign numbers to them? Richard Burr concluded that the mathematical formulas are only a facade for preconceived notions. For example, Michigan ranks "knowledge" as 11 percent while Iowa ranks it as 25 percent. "Consequences of decisions/actions" counts for 30 percent in Michigan but only 14 percent in Kansas.

In Michigan, the factor for physical demands was defined in such a way that lifting a 75-pound box once every two hours is said to require the same effort as typing and lifting many smaller objects such as papers and pencils during the same period.

How do the evaluators determine the number of points for each factor? The instructions explain how: "Which one you choose is a judgment of your 'feel' of the strengths and weaknesses of the factors." So Comparable Worth is not objective after all. It is a "get-in-touch-with-your-feelings" methodology.

## Comparable Worth Cheats Blue Collar Workers

Comparable Worth is the concept of getting a government functionary to decide what jobs are "worth," and then forcing employers to pay wages based on that opinion. But "worth" is in the eye of the beholder, so the game plan is always to rig the system so that the evaluators are persons who share your own biases about job "worth."

Evaluators are usually professional or white-collar people who have little or no first-hand experience with the hard, grimy, unpleasant work which makes our economy function. As a result, the typical job evaluation is skewed to give lots of "points" for diplomas and other paper credentials, but very few points for adverse working conditions, physical effort and bodily risk.

The typical job evaluation system allows only 2 to 3 percent of the points for physical factors. The 97 to 98 percent goes for mental or intangible factors. I made my own personal survey, asking blue-collar men to describe some of the physical aspects of their jobs that they feel exceed 2 or 3 percent of what their jobs are all about. Here are some answers in their own words.

*Carpenter Foreman:* "Severe back injuries from falling, straining, lifting. Breathing insulation fibers. Injuries from working in refinery work. Developing asbestosis. Hearing impairment from working near noisy machinery and equipment. Hernias. Loss of fingers. Knee injuries."

*Automobile Technician:* "Lung damage from asbestos-laden brake dust. Ear damage from high decibel noises created

by air tools. Cancer from skin contact with gasoline and used engine oil. Liver damage from breathing vapors of gasoline and solvents. Lead poisoning from leaded gasoline. Headaches from high concentrations of carbon monoxide. I have suffered bodily injury from a hot coolant hose bursting, from a refrigerant line breaking, from a fire from a backfiring carburetor, from drive belts and fan clutches breaking loose and becoming deadly projectiles, and from shop equipment and tools breaking under stress."

*Chemist at a coal-fired utility plant:* "Constant exposure to very high voltage electrical areas. Working with hazardous chemicals: acids, caustics, carcinogens. Working in coal-related areas of high dust concentration."

*Equipment Operator in a steel mill:* "I operate a centerless grinder (a finishing operation) in a steel mill. I get paid well, but I do a job that a lot of college folks probably wouldn't do. Loud noise (I have to wear ear plugs), heat and cold (I don't have heating or air conditioning), and weight (I constantly deal with 5,000 pound bundles, some people in the mill deal with 20 tons). I am standing all the time. My fingers are constantly taking abuse (splinters, bruises, blood and water blisters, and I even broke off the tip of one finger)."

*Equipment Operator:* "I operate heavy equipment which is dangerous. I work around barges which contain extremely dangerous chemicals."

*Auto Body and Fender Worker:* "The shops are always terribly hot in summer (never air conditioned), and cold in winter because garage doors are open for cars to go in and out. The exhaust fumes from the painting area can be quite unhealthy. The shops are generally dirty, dusty, dark and unhealthy places to work in."

*Airline Mechanic:* "I work around jet aircraft which are dangerous if you don't watch out. One can easily wind up seriously hurt. The chemicals and fluids used in servicing the aircraft are also very harmful."

*Electrical Supervisor:* "I work in petro-chemical construction, around areas that contain dangerous chemicals and poison gases under high pressures. The structures are dangerous and the equipment very heavy. We work with high voltages that have the potential to injure or kill. Jobs are often short. I have been on 16 jobs for three different companies in four years. There is no guarantee of more work once a specific job is finished. Workers aren't kept on the payroll between jobs. Relocation is frequent and often expensive."

*Security Guard:* "I ain't got no diploma, but I've been trained for my job and have lots of responsibility. My job is a lot more dangerous than a nurse or especially a school teacher. We have women as guards but they can't really perform in crises."

No one is qualified to be a job evaluator unless he or she has actually worked in the real world and learned at first hand that physical discomforts, dangers and duties are why blue-collar jobs often pay more than inside jobs that require only paper credentials.

### **Comparable Worth Rejected by the Courts**

The legislative history of the Equal Pay Act of 1963 shows that Congress specifically rejected proposals that would have established an equal-pay standard based on "comparable worth," and instead chose "equal work." Nevertheless, the

American Federation of State, County and Municipal Workers (AFSCME) filed suit against the State of Washington demanding that the Federal courts read "comparable worth" into the law.

AFSCME won the first round in the case of *American Federation of State, County, and Municipal Employees v. State of Washington*. An activist U.S. District Judge at Tacoma, Washington (a Jimmy Carter appointee) held that Washington State had engaged in sex discrimination by not paying equal wages for entirely different jobs which the Willis evaluation had alleged were of "comparable worth."

On appeal, the Ninth Circuit Court of Appeals on September 4, 1985 rejected the concept called Comparable Worth, as well as the two legal theories on which AFSCME had tried to prove discrimination: "disparate impact" (the "effects" rule) and "disparate treatment" (the "intent" rule).

The court ruled that the "effects" rules cannot be used against an employer's decision to base compensation on the competitive market. "We find nothing in the language of Title VII or its legislative history," said the court, "to indicate Congress intended to abrogate fundamental economic principles such as the laws of supply and demand or to prevent employers from competing in the labor market."

Continuing, the court said, "Neither law nor logic deems the free market system a suspect enterprise. Economic reality is that the value of a particular job to an employer is but one factor influencing the rate of compensation for that job." Other factors include the availability of workers willing to do the job and the effectiveness of collective bargaining.

AFSCME tried to prove discriminatory intent by citing the Willis evaluation, but failed. Pointing out the subjectivity and unreliability of job evaluations, the court said, "The results of comparable worth studies will vary depending on the number and types of factors measured and the maximum number of points allotted to each factor."

Actually, the Willis point system itself deliberately and massively discriminated against blue-collar workers. The evaluator would grant points to each job classification based on his personal perception of the "worth" of four qualities. A maximum number of points was allotted to each category: 280 for knowledge and skills, 140 for mental demands, 160 for accountability, and 20 for working conditions. That meant that all the adverse working conditions and risks to health and limb endured by blue-collar workers would at most give only a little over three percent of the total points. No wonder the court called attention to "the possibility that another study will yield different results"!

The court held that the employer's reliance on a free market system, in which employees in male-dominated jobs are compensated at a higher rate than employees in dissimilar female-dominated jobs, is *not* in and of itself a violation of Title VII, notwithstanding that a "study" alleged that the positions had "comparable" worth. The employer should be able to take market conditions into account, added the court, and Title VII does not obligate the employer "to eliminate an economic inequality which it did not create."

This landmark Ninth Circuit decision has enabled Congressmen and state legislators to treat the radical notion of Comparable Worth with the scorn it deserves. Rep. Richard Armey (R-TX) pronounced the advocates of Comparable

Worth in Congress as "like Captain Ahab chasing Moby Dick, except that they don't even have one leg to stand on now."

America is a land of equal opportunity; it is not a land of equal results. Those who want the latter can look to the Soviet Union where all except the top bosses receive comparably low wages.

### Comparable Worth Colloquies

*"We're not talking about Comparable Worth. We're talking about pay equity."*

I don't blame anyone for trying to avoid the label Comparable Worth; it's a horrible idea. But when an animal walks like a duck and quacks like a duck, it's a duck no matter what you call it. It is Comparable Worth if it meets two tests—Comparable and Worth. "Comparable" means comparing jobs that are completely different, such as nurses and plumbers. "Worth" means having some wage commissar decide what employees are worth. Both ideas are wrong, and together they are an economic disaster.

*"These bills only call for a study; there's nothing wrong with that."*

That reminds me of the fish encountering a juicy bait on the end of a line. It looks delicious, but it has a fatal hook in it. What's wrong with a Comparable Worth study is the hook in it; it will hook us into endless lawsuits. That's the lesson of the costly *AFSCME v. State of Washington* case. The judge ruled that the State was bound to implement the study. In the case of the *Illinois Nurses v. State of Illinois*, the ink was scarcely dry on the study before the nurses filed suit to get the same pay as the electricians. The evidence is overwhelming that, if you order a study, you are buying hundred-million-dollar lawsuits.

*"All we want is fairness."*

There is nothing fair about these bills. The membership of all proposed Comparable Worth commissions is rigged so that the majority of the members must come from organizations that have endorsed Comparable Worth (either unions or the Democratic Party). Let's be honest and label them commissions of Comparable Worth Commissars. Don't pretend they are equitable and fair when they are not.

*"How dare you call the commissioners 'commissars'! What do you mean by that?"*

Commissars are officials who have extraordinary power to enforce their own political bias. That's exactly what a Comparable Worth commission is. The power to set wages is enormous. Not only is the membership of the commission loaded with advocates of Comparable Worth, but the commissioners are given extraordinary power to determine that whatever wage differences they cannot explain *must* be labeled "discrimination." The result is predetermined.

*"Comparable Worth has been put into effect in many places and is working well."*

That's not true. In Minnesota, the policemen and the firemen have filed suit to try to stop the Comparable Worth evaluations from being applied to them because they see that they will be devalued, as will all blue collar workers.

*"The bill is not an attack on blue collar workers."*

The whole point of Comparable Worth is *relative* or

*comparable* wages. The purpose of the proposed evaluation is to *compare* women and men. If some women are *under* paid, comparatively speaking, others must be *over* paid, — and those are the blue collar workers. The technique which the evaluators use to devalue blue collar workers is a point system in which physical effort and working conditions combined make up less than 5% of the points a worker can get. When all workers are evaluated into a single wage system by these Comparable Worth Commissars, the blue collar workers always lose.

*"35 states are doing Comparable Worth studies."*

Not true. They may be considering them, but most states are rejecting them. The momentum is going *against* Comparable Worth. Most states that have considered Comparable Worth have defeated it, including Illinois and Texas. North Carolina repealed its earlier endorsement.

## Still the best available reference on Comparable Worth!

Equal Pay  
for  
UNequal  
Work

*Equal Pay For Unequal Work* contains the published proceedings of Eagle Forum's landmark 1983 Conference on Comparable Worth, with both sides of the issue from leading authorities. This valuable 300-page resource is now in hundreds of college libraries nationwide. Give one to *your* local library, school, state legislator and Congressman!

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