

# THE UNEQUAL SCIENTISTS

A class-action suit against ERDA, the former energy agency, substantiates the claim that women get less than equal treatment

BY JANET RALOFF

She wasn't a militant feminist, just a dedicated professional who wanted to be treated fairly. In the end she decided she wasn't, and sued her employer. More than 200 other professional women at the Energy Research and Development Administration's (now the Department of Energy's) Washington and Germantown headquarters joined her in a class-action suit charging sex discrimination in hiring, pay and advancement. After reviewing the evidence, lawyers for the former energy agency conceded that June Chewning and colleagues had established a "prima facie" (self-evident) case of widespread discrimination throughout the entire range of scientific and other professional occupations.

The landmark case still is not settled: It awaits a judge's ruling on the requirements necessary for plaintiffs to win compensation. The women plaintiffs claim that in conceding evident disparities in salary and promotion between men and women, the agency owes back pay to all members of the "class." The government contends, however, that each woman should prove discrimination against herself.

Salary, hiring and promotion data that Chewning's lawyers liberated from ERDA-DOE computer files have been analyzed by independent experts. These analyses concluded:

- "... the difference between what similarly qualified females are paid as opposed to males is quite large and cannot be attributed to chance."

- "The evidence ... [shows] substantial differences between the salaries of men and women, year after year and occupation group after occupation group." The technique chosen here, multiple regression analysis, was selected because it was "the most conservative. The true differences between the sexes are larger than the tables of this study indicate. Figures of possible underpayment of female employees [totaling \$6,572,225.25 from 1972 to 1976] obviously are a strong understatement of the facts." (ERDA's own expert, Charles Mann, has estimated that same difference to be \$8,629,000, according to a memo filed with the court in June.)

- "... women's promotional opportunities appear to have been curtailed about 20 percent."

- "... ERDA had employed fewer women

Degree Level and Year	Field	Salary Difference at ERDA Headquarters				
		8-15 Years Experience		Over 15 Years Experience		
		All Exp.	Gov. Exp.	All Exp.	Gov. Exp.	
Below Bachelor's 1972	Scientists	—	—	\$ 9,014	—	
	Human Resources	\$ 2,467	\$ 3,101	4,564	\$ 5,080	
	1974	Scientists	—	—	—	—
		Human Resources	3,464	4,681	5,185	5,273
	1976	Scientists	18,792	16,081	—	—
		Human Resources	783	5,975	6,172	6,600
Bachelor's 1972	Scientists	—	—	10,659	—	
	Human Resources	7,058	5,183	10,263	11,812	
	1974	Scientists	4,031	11,628	9,414	—
		Human Resources	3,452	6,080	8,967	11,311
	1976	Scientists	2,534	8,110	7,551	7,517
		Human Resources	1,394	6,759	9,135	10,164
Master's 1972	Scientists	—	—	—	—	
	Human Resources	8,070	—	12,019	14,369	
	1974	Scientists	—	—	—	—
		Human Resources	4,755	5,573	10,751	14,818
	1976	Scientists	925	—	—	6,387
		Human Resources	7,203	4,824	10,577	15,003

B. Vetter

The difference represents the average annual salary for women subtracted from the average salary for men. Science professions include engineering, mathematics, chemistry, biology and physics. Human resources includes: accounting, computer science, economics, procurement and personnel. Results show that women who worked only for the government fared worse than those who had worked elsewhere before joining the government. Blanks occur where there were no matched groups of men and women with same experience, degree and degree field.

at high [professional] degree levels than were available, particularly in the science areas where ERDA's Ph.D.s are concentrated ... To have hired an appropriate number of women relative to their availability in the fields and at the degree level that hires actually occurred would have resulted in hiring 16.5 percent women (203 persons) rather than the 13.5 percent (166) actually hired." This means the agency hired 18 percent fewer women than were available with necessary qualifications. Availability data were supplied by the Scientific Manpower Commission, a member organization of the American Association for the Advancement of Science.

- "Annual salary differences between men and women range from a few hundred dollars in some of the levels of least experience to more than \$15,000 in some of the

higher experience categories."

- "The longer women serve in government, the farther behind they fall relative to men with similar credentials. The salary difference between men and women also increases with educational level."

In a document DOE filed with the court on its national affirmative-action plan, which it says it will issue this month, the agency admitted that "a recent review of the utilization of minorities and women in the DOE revealed that the department ranked tenth among the twelve Cabinet-level agencies in use of minorities ... eighth in utilization of women. The review also showed that both minorities and women were drastically underrepresented in upper-level professional positions."

The problem is not restricted to ERDA-DOE, however. In its July-August issue of MANPOWER COMMENTS, the Scientific Manpower Commission says few federal agencies can take pride in their employment statistics concerning women and minorities. Tables on page 22 of the publication show that women are underrepresented within professional ranks [noted as a GS-7 or -8 level and above] of the National Institutes of Health, even more so at the Nuclear Regulatory Commission. The NIH figures come from a 1977 follow up of a study made in 1972. "Based on the rate of

WOMEN AT NIH		
	1972	1977
GS-16+	2%	6%
GS-14-15	14%	16%
GS-12-13	30%	34%
GS- 9-11	58%	66%
GS- 5- 8	86%	88%
GS- 1- 4	72%	68%

Manpower Comments 1978

Numbers show the percentage of women of all employees at each grade level.



change demonstrated ... it will take women 76 years to reach equality with men at the GS-16 level and above, 109 years at the GS-14/15 level, and 34 years at the GS-12/13 level," SMC reports.

In the same issue, SMC notes that the Comptroller General of the House Committee on the Judiciary examined affirmative-action programs for Justice and found "some progress toward improvement" of women and minorities, but mainly in non-professional [lower grade, lower salaried] occupations."

While the wide and pervasive gender-related disparities documented in the *Chewing* suit will undoubtedly surprise some, they came as no surprise to Betty Vetter, executive director of SMC. Her discussions with other manpower experts, and statistics she has collected over the years, lead her to doubt seriously whether women fare any better in other federal agencies. Vetter says the real value of the *Chewing et al. vs. Seaman's* case will be in the education and encouragement it provides other dissatisfied women who may want to challenge their employers. Already word is out that a number of such suits are in the making.

Chewing's problems with ERDA [and its predecessor agency, the Atomic Energy Commission] began early. Having spent most of her career in government service, Chewing gave up her position in 1966 as an intelligence research specialist in the environmental office of the Defense Intelligence Agency, to "advance" her career. But the job she interviewed for was not the one she got. On her job application she stated she would not take a job rated lower than GS-12. During her interview she was told the job would be permanent. But only after "giving her notice" at DIA was she informed by letter that she was confirmed for a temporary job at level GS-11. She took it anyway. As consolation, she was told she would advance quickly. She didn't.

Repeatedly she notified the proper people in personnel that she wanted to apply for permanent jobs at the GS-12 level for which she was qualified. She never got an interview. Her suit lists about 40 jobs for which she was qualified and was never even considered, despite actively pursuing them. In 1969 she was made a GS-12, and in 1972, a GS-13. She is still a GS-13.

Chewing claims she also lacked the same recognition and "fringes" that male colleagues received. For example, she was among several ERDA employees selected as a panelist for the First European Nuclear Society Conference in Paris during 1975. She asked ERDA for funding. Although she got travel money, her male colleagues received both travel and *per diem* expenses. In another instance, she prepared a paper for presentation at a United Nations conference. When an article on ERDA employees presenting papers at the conference came out, her name was not in it.

*Continued on page 95*

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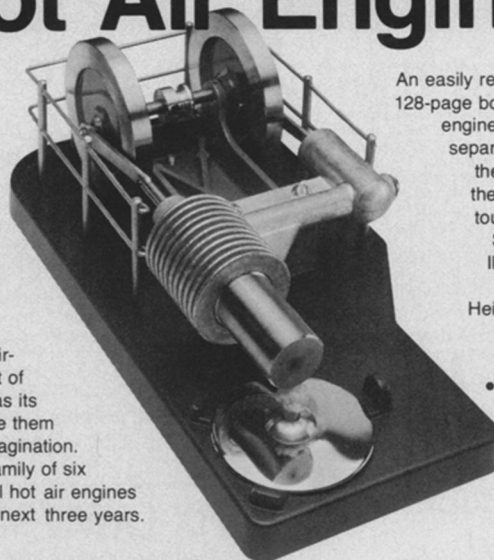
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## ... Scientists

She accepted what became a long string of disappointments until 1974 when she was assigned to a male supervisor "who belittled my work and accomplishments," who would not give her a job description and then tried to give her a negative personnel evaluation," according to a Washington Post interview. That's when she decided to sue.

Chewning's case is not unique. ERDA statistics show that men advance much faster than women. Since salary is generally related to grade level, men earn more sooner.

"Among all professionals, a typical man entering ERDA in 1972 right out of college spent about six months at grade 5, skipped to grade 7 where he stayed 12 to 18 months; skipped to grade 9 where he stayed a year; skipped to grade 11 where he spent 18 to 24 months before moving into grade 12 where he stayed for 24 to 30 months .... Thus, even if he is in the longer part of those ranges of time in each grade, he will typically advance beyond grade 12 in seven years," notes one of the manpower statisticians called in to analyze data.

In contrast, "a typical woman entering the same year at grade 5 spent six to 12 months in that grade; moved to grade 6 for 36 months; to grade 7 for 24 to 30 months; perhaps into grade 8, but may have skipped to grade 9 where she spent two to

three years. She may have entered grade 10, but probably skipped to grade 11 where she spent 24-30 months before moving to grade 12 for 30 to 36 months. Assuming she skipped grades 8 and 10, and is in the same longer ranges of time in grade as the man, it will take her fifteen years to advance beyond grade 12 — at least twice as long as the man." She has had a lower salary than he in every year since the first. "Since we have already found that the typical woman has entered ERDA at a somewhat lower level than the man with similar credentials, she will, of course, be even further behind him at every stage of her career with this agency," the consultant says. And those numbers are generally averages. In accounting, for example, women spent nearly four years in grades below GS-11 while men spent less than a year in those grades in 1972. "Calculations of time in grade show one additional fact: that women are faithful, long-term employees," the same expert concludes. "If this were not so, they could not have compounded such extraordinarily long average periods without a promotion. The much shorter time in grade for men either means that they are promoted more rapidly, as is assumed, or that they are much less faithful in staying with the employer."

The practice of giving preference in hiring and promotion to veterans, 98 percent of whom are male, also hurts women. Civil

Service Commission Chairman Alan Campbell said that in the face of veteran's preference, "it is against great odds that even the most forward-looking hiring policy could produce a representative federal labor force." There is talk of limiting the policy to only those that are disabled or limiting the period during which it can be used. Some 50 percent of all federally employed men are vets who qualify for preference in hiring and promotions throughout their career, Vetter says.

The irony, she laments, is that women must score significantly better on job qualifying tests — indicating they are probably better qualified than males hired — in order to be hired. Campbell says the limited number of job openings results in the hiring of few with test scores below 96. For women a perfect score is 100, for men with veteran's preference, it's 110, Vetter says.

Things are changing, albeit slowly. At DOE, the new draft affirmative-action plan requires that, subject to regional variations and availability, at least 25 percent of all new employees must be minorities, and that at least 25 percent of all jobs at the GS-9 level and above be filled by women. As prejudice fades and more women enter the job market — this year, for the first time, more than 50 percent of all college freshmen are females — the spectre of discrimination may be exorcised. □