

North  
Carolina

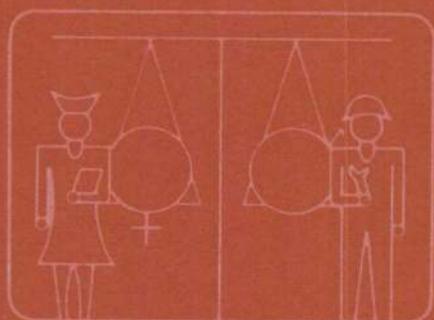
# Insight

October 1984

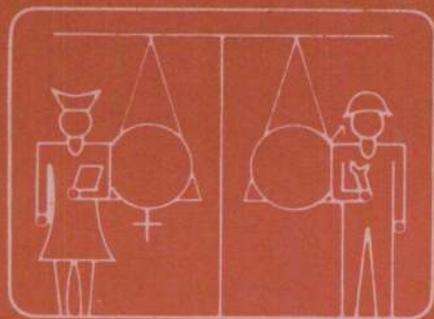
Vol. 7, No. 2



Equal Pay  
for  
Equal Worth?



Equal Pay  
for  
Equal Worth?



Equal Pay  
for  
Equal Worth?

*also: Polling, Legislative Effectiveness, and Regional Councils*



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A non-profit, non-partisan organization, the Center was formed in 1977 by a diverse group of private citizens "for the purpose of gathering, analyzing and disseminating information concerning North Carolina's institutions of government." It is guided by a self-electing Board of Directors and has individual and corporate members across the state.

Center projects include the issuance of special reports on major policy questions; the publication of a quarterly magazine called *North Carolina Insight*; the production of a symposium or seminar each year; and the regular participation of members of the staff and the Board in public affairs programs around the state. An attempt is made in the various projects undertaken by the Center to synthesize the integrity of scholarly research with the readability of good journalism. Each Center publication represents an effort to amplify conflicting views on the subject under study and to reach conclusions based on a sound rationalization of these competing ideas. Whenever possible, Center publications advance recommendations for changes in governmental policies and practices that would seem, based on our research, to hold promise for the improvement of government service to the people of North Carolina.

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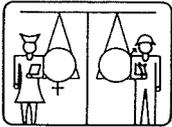
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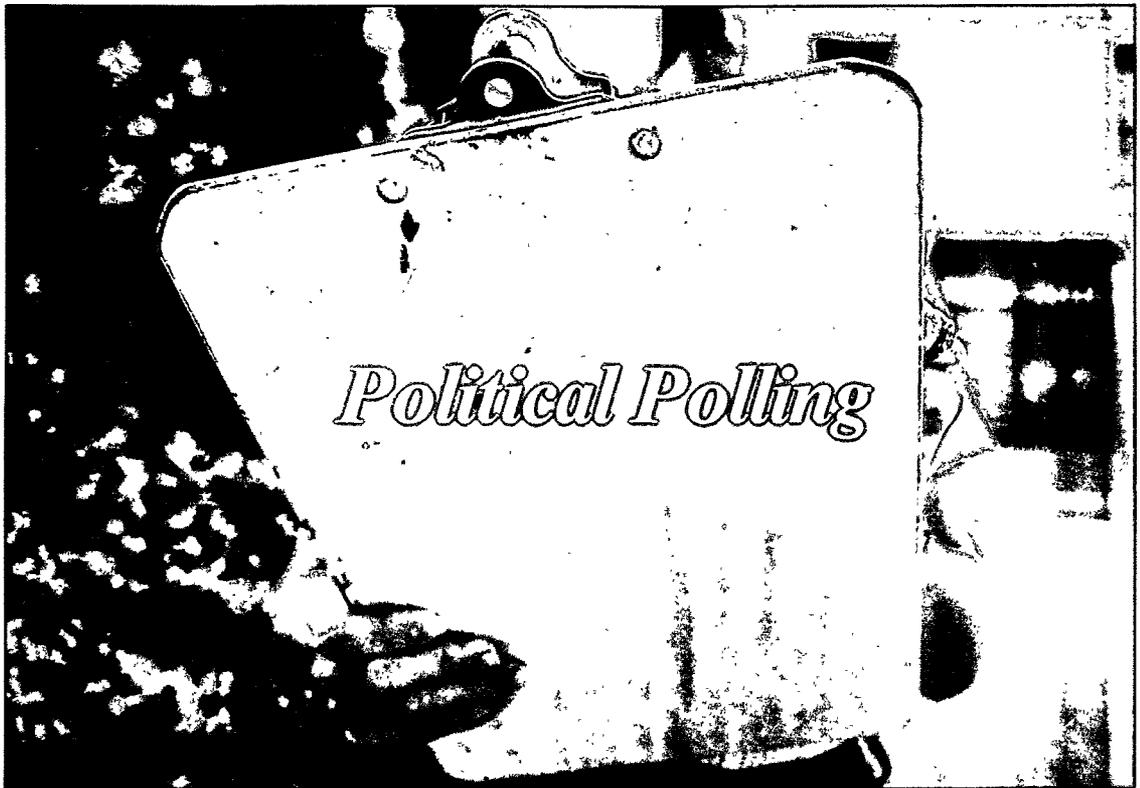
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Michael Marros

## Gauging the Political Winds

*Political polling has come to play a prominent role in elections. Many North Carolina candidates turn to national firms. In addition, 4 major in-state pollsters and another 10 Tar Heel companies are in the business. Meanwhile, various polling methods have evolved. Seven aspects of a poll demand the attention of journalists and voters—including the population surveyed, the wording of the questions, and the sample size.*

by J. Barlow Herget

**D**uring the final weeks of the 1984 Democratic primary campaign for governor, the major polls showed former Charlotte Mayor H. Edward Knox in the lead. The (Charlotte) Observer Poll had Knox at 24 percent and his nearest rival, Att. Gen. Rufus L. Edmisten, at 21 percent. Knox's own poll, taken by DeVries and Associates April 27-May 2, had Knox with 27 percent and Edmisten at 26 percent.

Nevertheless, in the days just before the May 8 primary, "I was very calm and reflective," recalls Michael W. Carmichael, Edmisten's campaign director for most of 1983 and coordinator for media and polling at the end of the primary campaign.<sup>1</sup> "We were very confident because we

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*J. Barlow Herget is a Raleigh-based writer.*

understood our strategy," he continues. "We maintain our exact polling data closely. Very few people know about it because the information can be misleading. We don't let the polling intrude [on other campaign activities.]"

When the election results came in, "our polls were on target, absolutely!" says Carmichael. But he won't release the results of the Edmisten polls, so no comparison can be made with the Observer and DeVries results—or with the outcome of the election. After the votes were counted, Edmisten had 31 percent and Knox 26 percent. Edmisten went on to win the June 5 runoff against Knox, who never overcame Edmisten's lead.

Why the difference in polls? The Observer Poll and the DeVries results missed the final Edmisten count by 5 to 10 percentage points. Did they have some methodological flaw that could account for such a large error? Did the in-house Edmisten poll come closer, as Carmichael implies?

Because of the large field in the first primary, there were a large number of undecided voters, say DeVries and Carmichael. "The undecideds went to Edmisten," says DeVries. "That's where the error came."<sup>2</sup>

John Koslick, director of The Observer Poll, claims another defense. "Our polls are not predictions of the ultimate outcome," says Koslick. "We are presenting the reality on the day the polls were taken."

What roles have polls come to play in politics? How advanced is the science of polling—the questions themselves, the margin of error, the process of selecting those to be interviewed? How do techniques vary among the pollsters? Can polls be relied upon to predict the results of elections?

"I look to see if a poll is consistent with my gut reaction," says V.B. "Hawk" Johnson, long active in Democratic Party politics. "If it's at a wide variance with what my gut tells me, I know there may be a problem with it."

David Flaherty, state Republican Party chairman, and many others echo Johnson's skepticism. "In 1982, every poll we had two weeks before the election showed us winning, and we got creamed," says Flaherty. "It can turn around in two days."

## Polling Comes of Age

Today, party pros might be cautious about polling results. But at the same time, many consider pollsters and campaign consultants the wise men of American politics. Why such a contradiction? As early as the 1824 presidential campaign, a Delaware poll predicted Andrew Jackson would beat John Quincy Adams. Even though the poll picked the wrong man (Jackson won four years later), the polling business had a foothold.

Polling was mostly campaign folderol until the 1920s when *The Literary Digest*, a popular magazine of the era, began predicting election results. The magazine canvassed prospective readers, a technique far removed from today's random sampling and screening of respondents for such factors as "likely voters." In 1936, *The Literary Digest* canvassed 10 million prospective readers on the Franklin Roosevelt-Alf Landon race and predicted a Landon upset. The magazine never recovered from the Roosevelt landslide, but political polling, ironically, not only survived but became serious business.

In 1932, George Gallup helped his mother-in-law run for office in Iowa, and with others, including Elmo Roper, began bringing a methodology to public opinion research. In 1936, Gallup and other pollsters achieved widespread recognition by calling the Roosevelt election right when *The Literary Digest* was wrong, thus gaining respect for their "scientific" approach. Gallup overcame several notable errors—such as predicting Thomas Dewey would beat Harry Truman—to reach the pinnacle of success long before his death in 1984.

A brood of hotshot newcomers are breaking their political necks to take Gallup's place at the head of the pecking order. But there is a significant difference between Gallup and the new polling whiz kids on the American scene. Many of the best known upstarts now work directly for candidates,



Photo courtesy of DeVries & Associates, Inc.

not only as pollsters but as consultants for overall campaign strategy. Some of the early pollsters worked directly for candidates (e.g., Roper for Jacob Javits, Lou Harris for John Kennedy), but not until recent years did so many pollsters become integral to the entire campaign operation.

"Pollsters pretty much work for one party or another," says Walter DeVries, who heads the only North Carolina-based company listed in the National Association of Political Consultants. "You want to be comfortable ideologically. Often you're giving advice, and your reputation goes with how the campaign goes."

The major national Republican pollsters, according to North Carolina Republican pollster Brad Hayes, are Richard Wirthlin of Santa Ana, Calif., Lance Tarrance of Houston, Arthur Finkelstein of Washington, D.C., and Robert Teeter of Detroit. Wirthlin moved his family to Washington

to secure the means to get elected," writes Blumenthal. "The parties were superseded by the consultants."

Pollsters are fixed in the landscape of North Carolina politics as well. In the current U.S. Senate campaign, James B. Hunt Jr. employs Peter Hart, while Jesse Helms uses Arthur Finkelstein. The top three finishers in the Democratic gubernatorial primary all had national agencies. Edmisten used Caddell and Joseph Napolitan of Washington, D.C.; Knox worked with DeVries (a national and "state" pollster); and D.M. "Lauch" Faircloth contracted with Hamilton and Associates of Chevy Chase, Md. In addition, state Sen. Robert B. Jordan III (D-Montgomery) hired Peter Hart's company in capturing the Democratic nomination for lieutenant governor.

Public opinion research, which includes but goes beyond polling on specific political races, is becoming a cottage industry in North Carolina. Compiling a complete list of pollsters is like trying to find all the dandelions in a yard. Some, like DeVries, work for particular candidates. Others, like The Observer Poll and The Carolina Poll, conducted at the University of North Carolina at Chapel Hill School of Journalism, have no affiliation to party or candidate. A fourth major pollster in the state, Long Marketing Inc., operates its state poll on a subscription basis, and is said to be associated with conservative candidates.

Besides the "big four," 10 other North Carolina companies, individuals, or agencies conduct political or opinion polls on a regular basis. Several of these, like the Carolina Poll, have ties to state universities: Steven J. Lerner (UNC-Chapel Hill), Yevonne Brannon (Center for Urban Affairs, N.C. State University), Roger Lowery (UNC-Wilmington), and Associate Dean Schley Lyons (UNC-Charlotte). Within state government, the N.C. Office of Budget and Management conducts a semi-annual survey on public issues, called the N.C. Citizen Survey. (See sidebar on page 6 for more on the 14 state groups and selected national agencies.)

Despite the recent growth of polling operations, the four largest and best established still set the tone for the quality of polling in North Carolina and the extent to which polls are taken as serious predictors of political races. Below are profiles of the "big four," in alphabetical order.

### **The Carolina Poll**

**I**n 1981, Phil Meyer brought his experience with the Knight-Ridder newspaper chain to the UNC-CH School of Journalism—and to the Carolina Poll. Robert L. Stevenson and Jane Brown, also faculty members at the School of Journalism, were operating the poll before Meyer came. Since

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*Public opinion  
research . . . is  
becoming a  
cottage industry  
in North Carolina.*

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because of the demands of the Reagan White House.

A threesome has emerged among the leading Democrats. Patrick Caddell rode the Jimmy Carter presidency to national prominence and recently has worked for Gary Hart, among others. Peter Hart polls for Walter Mondale. William Hamilton, whose company worked for John Glenn, also holds major national stature.

Some of these national pollsters call for a "continuing political campaign," as Patrick Caddell puts it, using polls to help officeholders overcome voter alienation and govern more effectively. In *The Permanent Campaign*, an analysis of the new breed of political consultants, Sidney Blumenthal links the increasing power of pollsters/consultants to the era of television and the decline of old-style political machines.<sup>3</sup> "A candidate seeking office had to go to a place other than party headquarters

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## THE CAROLINA POLL

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Meyer's arrival, he has worked with every poll, with either Stevenson or Brown.

Meyer began polling for newspapers in 1962 and later attended Harvard University as a Nieman Fellow in 1966-67 where he studied opinion research. He wrote a book called *Precision Journalism* in 1973 and today is happy to be back in Chapel Hill where he did graduate work.

The Carolina Poll, which conducts two polls a year, considers the public as its "client." Students and faculty decide the questions; Meyer, Stevenson, and Brown oversee the actual wording to reduce the chances of bias. They use student interviewers, who often lack the experience and professional objectivity needed in good survey work. The School of Journalism helps fund the poll, which means students usually conduct it as a part of course work or student jobs. Newspapers and associations also support the poll through donations to the School of Journalism.

Using students as the primary interviewers has its weaknesses, says Meyer. "We all suffer from the 'sample-of-one' problem. We tend to assume the rest of the world is like you and me, but it's not." Meyer and other pollsters interviewed for this article emphasized the importance of an interviewer being noncommittal in tone when sampling opinion.

The Carolina Poll normally takes 10 to 15 minutes per interview, short by many pollsters' standards. It also uses a distinctive screening process, surveying *those who will talk, whether they are registered voters or not*. "We're interested in various social indicators, not just how they will vote," says Meyer. "And we want to be consistent from year to year."

The interviewers, under Meyer's supervision, sift out the respondents and decide which ones to use in the final poll results, using criteria such as "registered voters" and "likely to vote." The Carolina Poll may interview as many as 600 to 1,200 but end up with a final sample of 400 or even fewer *who are likely to vote*.

In its February 1984 poll, "the scale of respondents most likely to vote was based on three questions," says Meyer: "if they were currently registered in the precinct in which they live; if they always vote; and if, on a scale of 1 to 10, they assign themselves the top rating on intention to vote in the May primary." After screening all respondents with these questions, the poll reported the results in two ways: "Support among all prospective voters in Democratic primary" and "Support among those most likely to vote."

Aware that such a sampling method has drawbacks, Meyer has sought advice from DeVries and from The Observer Poll. "We've made some enhancements," says Meyer. "I'm pretty happy with 400 respondents for a statewide poll if we minimize chance for errors on those," says Meyer. "We did pretty well on the (Democratic) primary with fewer than 300 voters."

Meyer justified this assessment in a May 14 memo to supporters of The Carolina Poll: "The outcome of the May 8 primary was remarkably close to the poll we took Feb. 17-March 1. . . . The average error among the six major candidates was 3.4 percent."<sup>4</sup> But the poll results missed the Knox vote by *6 percentage points* (20 percent in the poll, 26 percent in the first primary) and was under the Edmisten tally by a whopping *11 percentage points* (20 percent in the poll, 31 percent in the vote).<sup>5</sup>

### Walter DeVries and Associates

Walter DeVries, who holds a Ph.D. in psychology, came to North Carolina in 1971 after working for Michigan Governor George Romney and teaching at the Harvard Institute of Politics. In 1972, he gained statewide attention when he helped Hargrove "Skipper" Bowles upset then Lt. Gov. Pat Taylor for the Democratic gubernatorial nomination. For several years in the 1970s, DeVries based his work at Duke University, where he and journalist Jack Bass co-authored *The Transformation of Southern Politics*. DeVries, who has done polling for *The News and Observer* of Raleigh, currently works out of Wrightsville Beach and has clients from New Orleans to Alaska.

If you hire DeVries, you're not just paying to have someone poll for name recognition. DeVries will first want to know about you and why you're running for office. "I ask them what they want people to say about their administration once they've left office," says DeVries, referring to his initial sessions with prospective clients.

Next he will probably conduct a "baseline" poll. Many political analysts believe this is the most important part of a pollster's job. It tells a candidate the concerns of voters, the strengths and weaknesses of a candidate (e.g., name recognition), and those of his or her opponent. A baseline poll takes time and money, \$15,000 to \$30,000 in North Carolina. DeVries reviews the results of a baseline poll with a candidate and advises him or her on campaign

*Continued on page 7*

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DeVries  
ASSOCIATES, INC.

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## *Pollsters Working in North Carolina*

Name/Phone	Address	Major Clients (N.C. and Others)
Yevonne Brannon (919) 737-3211	Urban Affairs, NCSU P. O. Box 7401 Raleigh, N.C. 27695	N.C. Office of Budget and Management (N.C. Citizen's Survey, see below)
Pat Caddell (202) 223-6764	1750 Pennsylvania Ave. Suite 301 Washington, D.C. 20006	Att. Gen. Rufus Edmisten for Gov., Sen. Gary Hart for Pres., Gov. Mario Cuomo (N.Y.), Gov. Michael Dukakis (Mass.), Mayor Wilson Goode (Phil., Pa.), and Mayor Harold Washington (Chicago, Ill.)
Carolina Poll (Phil Meyer) (919) 962-4085	UNC Journalism School 109 Howell Hall Chapel Hill, N.C. 27514	N.C. Newspapers
DeVries and Assoc. (Walter DeVries) (919) 256-3976	Suite F, The Landing 530 Causeway Dr. Wrightsville Beach, N.C. 28480	Former Mayor Eddie Knox (Charlotte) for Gov., SEMTA (Detroit), Alaska Committee, Mayor Dutch Morial (New Orleans, La.)
Noel Dunivant (919) 821-5185	Suite 809 19 W. Hargett St. Raleigh, N.C. 27601	NA
FacFind Inc. (Pat Kyle) (704) 568-6820	7113 Lakeside Dr. Charlotte, N.C. 28215	Former Mayor Eddie Knox (Charlotte) for Gov., Cong. William Hefner, and N.C. Rep. James Black
Focus Group (Steve Lerner) (919) 929-7759	P.O. Box 3767 Chapel Hill, N.C. 27515	N.C. Sen. Robert Jordan for Lt. Gov., Susan Green for Congress, WBTV and WTVD
Gallup Poll (James Shriver) (609) 924-9600	53 Bank St. Princeton, N.J. 08540	News media, including a consortium of N.C. newspapers
Green, Smith and Crockett (704) 364-3855	3719 Latrobe Dr., Suite 830 Charlotte, N.C. 28211	NA
Brad Hayes Marketing Assoc. (704) 365-2832	P. O. Box 221488 Charlotte, N.C. 28222	Cong. James Martin for Gov.
Peter Hart Research Assoc. (202) 234-5570	1724 Connecticut Ave., N.W. Washington, D.C. 20009	Gov. James B. Hunt Jr. for Senate, N.C. Sen. Robert Jordan for Lt. Gov. and Walter Mondale for Pres.
William Hamilton & Staff (Harrison Hickman) (301) 656-2200	Suite 1345 5454 Wisconsin Ave. Chevy Chase, Md. 20815	Former Commerce Sec. Lauch Faircloth for Gov., Lt. Gov. Martha Layne Collins (Ky.) for Gov., Gov. Edwin Edwards (La.), House Speaker Tip O'Neill (Mass.), and Sen. John Glenn for Pres.
Long Marketing Inc. (Bill Long) (919) 292-4146	122 Keeling Road East Greensboro, N.C. 27410	NA
Roger Lowery (919) 395-3000	UNC-Wilmington College Rd. Wilmington, N.C. 28405	Wilmington <i>Star-News</i> , WWAY-TV
Schley Lyons (704) 364-4299	UNC-Charlotte, Highway 49 Charlotte, N.C. 28205	NA
N.C. Citizens Survey (Lynn Little) (919) 733-7061	N.C. Budget Office Administration Bldg. 116 W. Jones St. Raleigh, N.C. 27611	Public opinion (state funded)
The Observer Poll KPC/Research John Koslick (704) 379-6342	P. O. Box 32188 Charlotte, N.C. 28232	<i>Charlotte Observer</i> , <i>Miami Herald</i> , Knight-Ridder
Lillian Woo (919) 847-0113	1200 Hunting Ridge Raleigh, N.C. 27609	NA

strategy. If the baseline shows that voters above all want good public education, for example, and are willing to pay for it, then DeVries will encourage the candidate to make that one of the campaign themes.

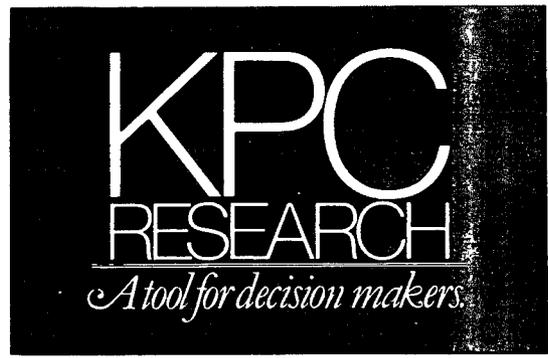
DeVries, like most national pollsters working with a specific candidate, will conduct "tracking" polls as well to see if the campaign strategy is working. Pollsters use a tracking system to keep abreast of shifts in voter opinions in critical campaign periods such as after a TV debate or a media blitz, or near election day. DeVries' tracking method, a rotating system, works like this. In a sample of 600, 200 persons might be interviewed every day for some specified number of days; each day, the 200 responses gathered first are dropped from the results and the most recent added. Hence, the results, based on a constant sample of 600, are constantly being updated—or tracked.

Tracking polls generally cost about half the price of a baseline poll, and they keep a candidate up-to-date on shifts in the electorate. The public changes its mind quickly. Tracking polls help candidates, particularly in major contests like the gubernatorial or U.S. Senate races in North Carolina this year, make strategic adjustments as the campaign unfolds right up to election day.

DeVries screens respondents for voter registration, party affiliation, whether the person voted in the last comparable election, and the probability of voting in the election covered by the poll. "What's the use of asking people their opinion if they're not going to vote," says DeVries, "and then basing a prediction on non-voter responses?" He supplements his polling with research on "focus groups" (women, minorities, etc.), often video-taped, and helps shape basic campaign strategy, select campaign issues, and produce TV/media ads. He works for moderate and liberal Democrats and recommends that a candidate for an average statewide campaign allocate about \$100,000 for public opinion polling. His current clients are in North Carolina, Alaska, New Orleans, and Michigan.

### **KPC/Research, The Observer Poll**

**J**ohn Koslick, marketing and research director of KPC/Research, has run The Observer Poll since 1978. Koslick, who has a Masters in Business Administration with training in psychology and statistics, came from Dayton, Ohio, and began building up the computer program used in the KPC/Research opinion research. "We had antiquated software and part-time interviewers. We purchased [the computer program called] Statistical Package for Social Sciences (SPSS) and started converting our part-time employees to full-time," he says.



KPC/Research, a subsidiary of the Knight Publishing Company (hence "KPC"), bills itself as "Charlotte's most sophisticated research firm." It conducts The Observer Poll and other special polls for Knight newspapers and private companies. Located in the Observer building, KPC/Research provides research and marketing for the paper's advertising and editorial department. It also does work on a contract basis for private companies, for county government, and for other Knight-Ridder newspapers such as *The Miami Herald*.

"We did one job for a South Carolina candidate awhile back," said Koslick, "but the company decided that it was too much of a conflict since we might have to report on the race, too. So, we don't do any polling for candidates now."

KPC also has a policy of not publishing results of its polls a week before an election. "You have to be careful about timing," cautioned Koslick. "A candidate might release a poll right after a heavy media blitz." The polls can be manipulated by candidates who may try to translate a front-runner's spot into fundraising success. There are parallels in other fields, says Koslick. "If you look at those baseball teams who are in first place or in the running, you'll find that they usually have good attendance. Those who aren't near the top have poor attendance."

Koslick has given the poll respectability, says DeVries, who ranks it as the best in-state poll. Republican pollster Brad Hayes, also based in Charlotte, agrees that Koslick has brought the poll into high regard. But everyone does not share that judgment, particularly persons who work for losing candidates.

Rodney Maddox, the campaign manager for Tom Gilmore in the recent gubernatorial election, thinks The Observer Poll hurt Gilmore's chances to raise money and to attract voters undecided between Gilmore and Knox, the former Charlotte mayor. "Shortly before the election, The Observer Poll gave us three percent when even the other candidates' polls were showing us with six and seven percent," says Maddox. Gilmore finished

fourth with 8.6 percent of the vote, nearly 6 percent more than the results of the last Observer Poll. Koslick says the poll has a typical margin of error of 3.5 percent.

But most pollsters agree with DeVries and Hayes that The Observer Poll has a high scientific quality to its work. Dr. Patricia Kyle of Charlotte ranks the poll as one of the best in the state "because of the academic purity of their work." Kyle, a former political science professor, is president of FacFind Inc., a research and planning firm that does political polling and consultation.

For a statewide election, The Observer Poll uses a sample of 800 to 1,000 and claims a margin of error of 3.5 percent. It screens respondents for voter registration, party affiliation, and to some extent whether the person voted in the last comparable election. The main factor in deciding whether to work for a particular paper, says Koslick, "is whether they will be objective with the data."

KPC/Research works most often for *The Charlotte Observer*, *The Miami Herald*, the *Lexington (Ky.) Herald-Leader*, and the Knight-Ridder Washington bureau. The poll works in such a way that reporters can call back respondents for in-depth interviews.



### Long Marketing North Carolina Poll

**A** Duke University alumnus who started his business in York, Pa., in 1945, Bill Long notes that his was one of two companies out of 50 national polls that predicted Truman would beat Dewey in 1948. He moved to North Carolina in 1961 and has operated his corporation's Long Marketing North Carolina Poll (LMNCP) since April 1970. He charges varying subscription rates for 12 monthly issues of his poll, currently from \$15 to \$132.

Of the "big four," Bill Long elicits the strongest comments from colleagues and bystanders and he returns in kind. "I couldn't ethically comment on other polls, and I don't give a damn about university pollsters," he said in a telephone interview. "We print our demographics at the top of page one of every LMNCP poll. What about the others?"

Long does not follow traditional polling methodology. Instead of using random sampling and telephone interviewers, like virtually all major polling operations, he uses a mail survey

to elicit the opinion of what he calls "decision-makers" in the state. He has copyrighted the term "Focused Sampling" for this method. "Via an eight-year test from 1970 through 1978, we found mail was the most productive and most reliable for North Carolina," says Long. "So since January 1979 we have used mail for our LMNCP poll; on other [polls] we use a combination."

The mailing system reaches into all 100 counties, says Long, and thus into all major and minor markets. For each monthly poll, Long uses 1,000 to 1,050 respondents, but he will not reveal the sample size nor the identity of individuals he uses for the mailed survey itself. "We developed it [the sample], and we're not going to tell anybody how it works," Long insists. "It's copyrighted."

He claims a zero margin of error, "because in a mail poll, [there is] no interviewer interjection—direct responses only," says Long. "All you have to do is tabulate it correctly." To defend the accuracy of his sample, he notes with pride that his poll forecast John East's upset of Robert Morgan in the 1980 U.S. Senate race. In the 1984 primaries, Long says his survey predicted correctly 13 out of 17 races for "major state offices."

In addition to working on a subscription basis, Long works for candidates and gets 50 percent down and 50 percent on delivery of the poll-results report. He said his prices "are competitive and the payment method eliminates the deadbeats."

While Long is said to be a maverick, he expresses concern for many of the same things that more traditional pollsters cite, such as adequate demographics, using registered voters, and location of people sampled. He also declares that if there are too many "undecided" returns, then the sample is worthless in predicting election outcomes.

"We wish to be properly classified as a public opinion research firm," Long wrote on his completed survey, which the N.C. Center for Public Policy Research sent to all major pollsters working in North Carolina. "We are not pollsters—it rhymes with hucksters."

### Conclusion

**V**.O. Key, the political scientist who broke much new ground in political analysis, described the old-style electorate like this: "It judges retrospectively; it commands prospectively insofar as it expresses either approval or disapproval of that which has happened before."<sup>6</sup>

Political consultants who double as pollsters have changed that classic depiction of the elec-

torate, perhaps forever. Their surveys of public mood can shape the issues as much as they reflect them. "The new political operators have hastened the weakening of the old-style political machines by identifying discontent and appealing to it, in order to create swing voters who can provide the margin of victory," writes Sidney Blumenthal.<sup>7</sup>

The pollsters working in North Carolina have a major impact on elections—shaping campaign strategy, generating news for the press, affecting how campaign contributors perceive the frontrunners, and perhaps most importantly, helping to shape the mood of the electorate. "In using polling data prior to an election, newspaper publishers should be sensitive that they may be creating news rather than reporting news," says Rodney Maddox, the Gilmore campaign manager.

Despite the growing power of pollsters, political savants still subscribe to that time-worn phrase, "If you live by the polls, you die by the polls." Or in modern jargon, don't rely entirely on pollsters' computer printouts. "They're not a precision instrument like a thermometer," says Ferrel Guillory, associate editor of *The News and Observer* of Raleigh. "They can pick up trends and movements."

Raleigh attorney John T. Bode, campaign coordinator for state Sen. Robert B. Jordan III in his successful race for the Democratic nomination for lieutenant governor, put it this way. Polls "tend to confirm your gut feelings. They don't tell you a whole lot you don't already know." But Bode finds them critical to overall campaign strategy and very helpful at the outset in determining voter issues and where a candidate needs to spend his time.

Political analysts and campaign operators view polls as essential to their work. Yet many view them with caution, both for their power over the electorate and for their imprecision. "Pollster and client prejudice not uncommonly shape a poll's results even before the data is collected," writes Larry Sabato in *The Rise of Political Consultants*. "The wording of questions is unavoidably prejudiced, sometimes culturally, always attitudinally."<sup>8</sup> (For more on the elements of a good scientific poll, see sidebar on page 12.)

Polls, continues Sabato, are "almost certain to be flawed in at least a couple of respects. The sooner this is accepted and understood by candidates, press, and public, the healthier and more realistic will be the perceptions of the polling consultant's role in the election campaign and beyond."

The possibilities for misusing polls, ironically, seem to be increasing even as the technology keeps improving. In North Carolina, as in the nation, polls have taken on a fundamental

new role in politics. "As political parties have weakened, polls have stepped in with new technology to replace the intelligence and feedback once provided by precinct captains," says Guillory.

In the end, polls are likely to be judged by their respective track records. The enlightened voter, meanwhile, will remember that a poll is only a snapshot in time of how the electorate is posed on a particular day. And a voter is advised to remember that tomorrow is another day. □

#### FOOTNOTES

<sup>1</sup>Carmichael has now returned to his duties as special assistant to the Attorney General.

<sup>2</sup>Phil Meyer, who directs The Carolina Poll at the University of North Carolina at Chapel Hill School of Journalism (see article text for more on the poll), believes strongly that undecided voters should be taken out of the sampling base for a direct comparison with final election results. In a prepublication review of this article by the leading state pollsters and others, only Meyer raised this concern. The comparisons made in this article between poll results and final election outcomes do not take out the undecided voters.

At the recent American Association for Public Opinion Research conference, a roundtable discussion on this issue concluded that undecideds should be taken out for comparison with election results, says Meyer. Polls have tried to allocate for undecideds before the election, but it's difficult, he says. Nevertheless, in November, says Meyer, The Carolina Poll will allocate the undecideds to the various candidates, and thus its pre-election poll results will show no undecideds.

<sup>3</sup>Sidney Blumenthal, *The Permanent Campaign*, New York: Simon and Schuster, 1982, p. 18.

<sup>4</sup>In the May 8, 1984, Democratic primary for governor, the six major candidates finished like this: Rufus Edmisten (31 percent), Edward Knox (26 percent), D.M. "Lauch" Faircloth (16 percent), Thomas O. Gilmore (8.6 percent), James C. Green (8.5 percent), and John R. Ingram (7.8 percent). Other candidates received 2.2 percent of the vote.

<sup>5</sup>Meyer believes these figures are misleading for two reasons. First, this article uses the poll's results on "prospective voters" rather than "most likely to vote." The poll released both sets of figures but highlighted the "prospective voters" in its press release. Newspapers covered the "prospective voters" figures, with quoted comments from Meyer on these results. In retrospect, says Meyer, "we should've stressed the most-likely-to-vote results since they are more accurate."

Second, Meyer says the figures shown in the text include the undecided voters reported by The Carolina Poll rather than the "repercentaged" results with the undecideds out (see footnote number 2 for more on the "undecided" issue). Applying a "repercentage" system *after an election* works like this, says Meyer: Say the sample was 600 with Edmisten getting 25 percent (150) and undecideds getting 20 percent (120). To repercentage Edmisten's percent to compare with election results (where there are no undecideds), the sample size would be reduced by the number of undecideds (600 - 120 = 480); then Edmisten's "repercentage" would be calculated by dividing his number of "votes" in the poll (150) by the reduced sample size (480), which equals 31 percent, the same as the actual result of 31 percent.

<sup>6</sup>Cited in Blumenthal, p. 333.

<sup>7</sup>Blumenthal, p. 300.

<sup>8</sup>Larry J. Sabato, *The Rise of Political Consultants*, New York: Basic Books Inc., 1981, p. 104.

# Polling the Pollsters on Polls

On June 18, six weeks after the first statewide primary in 1984, the N.C. Center for Public Policy Research sent a two-page questionnaire to 16 political pollsters working in North Carolina (see page 6).<sup>\*</sup> Eleven of the 16 returned completed surveys; some of them requested that the information remain confidential. Several of those surveyed responded with two-to-three page letters amplifying their answers. We attempted to incorporate the thrust of such material in the main article and the sidebar on "what to look for

in a good poll." Below are the questions from the survey with aggregate responses, where such tabulation was possible.

The tabulations show first the *number of respondents* and then in parentheses the *percentage of the 11 respondents represented by this number*. Where questions allowed for checking more than one response, the number of responses will total more than 11 and the percentage more than 100.

## The Techniques of Polling

- |       |  |  |  |
|-------|--|--|--|
| 1. a. | In a typical <i>statewide</i> campaign poll, how many persons do you normally include in your sample size? | up to 600: 2 (18%)<br>up to 800: 3 (27%)   | up to 1,000: 3 (27%)<br>up to 1,200: 3 (27%) |
| b.    | What is your typical margin of error?  | 0 percent: 1 (10%)<br>3 to 4 percent: 5 (45%)<br>up to 5 percent: 5 (45%)  |  |
| 2. a. | How do you survey your respondents in such a poll? (Check appropriate spaces.)                             | Personal (in-the-home) interview 2 (18%)<br>Telephone 10 (91%)<br>Mail 1 ( 9%)<br>Combination (please specify) 0<br>Other (e.g., CATV) 0   |  |
| b.    | What are the strengths and weaknesses of various methods?  | Responses varied but most mentioned: "telephone" strong on turnaround time and cost; "personal interview" strong on detail but expensive, time consuming, and hard to monitor.   |  |
| 3.    | When you survey, do you sample opinion from:   | Computer generated lists (e.g., random digit dialing) 10 (91%)<br>Voter registration list 6 (55%) (2 of the 6: "very occasionally")<br>Telephone books 5 (45%) (1 of the 5: "very occasionally")<br>Registered voters in a particular party 5 (45%) (1 of the 5: "very occasionally")<br>Other (please specify) 1 ( 9%) ("Long System Method") |  |
| 4.    | What criteria do you use in screening respondents?   | Whether person is registered to vote 8 (73%)<br>Whether person is member of particular party 7 (64%)<br>Whether person voted in last comparable election 6 (55%)<br>Other (please specify)<br>Probability of voting 4 (36%)<br>No screening (all adults) 1 ( 9%)<br>"Long System Method" 1 ( 9%)   |  |
| 5.    | What type of polling questions do you prefer?  | Closed question with multiple choice answers 3 (27%)<br>Open-ended questions 2 (18%)<br>Both 10 (91%)  |  |
| 6.    | Do you supplement your polling with research on "focus groups" (women, minorities, etc.)?                  | No 7 (64%)<br>Yes 3 (27%)<br>Sometimes 1 ( 9%)   |  |

<sup>\*</sup>Two of the 18 listed on page 6, Yevonne Brannon and the N.C. Citizens Survey, do not poll on political races but only on general topics. Hence, neither of these received a questionnaire.

7. Which characteristics do you consider most vital to an accurate political poll? Please rank the choices below in order of importance (#1 is first):	Population surveyed	1.6
	Wording of questions	2.0
	Interview method (telephone, etc.)	2.5
	Size of sample	2.9

Ed. Note: For each of the four choices, the respondents' rankings were added together and divided by 11. This provides an average ranking for each choice. The lower the number, the higher the ranking.

**Clients**

8. Who are your clients?	Corporations (includes media)	11 (100%)	Political parties	3 ( 27%)
	Political candidates	8 ( 73%)	Others (please specify)	
	Associations	7 ( 64%)	School board	1 ( 9%)
	Agencies	4 ( 36%)	Office holders	1 ( 9%)
			Ad hoc committees	1 ( 9%)

9. a. Do you work only with:		b. Do you work only with:	
Democratic candidates	3 (27%)	Moderate candidates	4 (36%)
Republican candidates	1 ( 9%)	Liberal candidates	3 (27%)
No preference	3 (27%)	Conservative candidates	2 (18%)
Not applicable	4 (36%)	No preference	3 (27%)
		Not applicable	4 (36%)

10. How many candidates do you normally work for in a year?	None	3 (27%)	15-30	1 (9%)
	1-4	3 (27%)	100+	1 (9%)
	5-10	2 (18%)	Confidential	1 (9%)

11. Do you do polling on issues as well as for individual candidates?	Yes	10 (91%)		
	No	1 ( 9%)		
If yes, do you do polling for (percentages for pool of 10 respondents):	Interest groups or associations		9	(90%)
	Initiatives		8	(80%)
	Referenda		7	(70%)

12. What types of campaigns do you do polling for most often?	U.S. Senate	8 (73%)	Initiatives and referenda	6 (55%)
	Congress	7 (64%)	Other statewide offices	5 (45%)
	Governor	6 (55%)	State legislative races	4 (36%)
	Lt. Governor	6 (55%)	Local races	4 (36%)
Which of these campaigns do you most prefer? Campaigns mentioned:	Governor	4 (36%)		
	U.S. Senate	3 (27%)		
	Initiatives and Referenda	2 (18%)		
	Statewide	1 ( 9%)		
	Local	1 ( 9%)		
	No preference	5 (45%)		

**Budget**

13. How do you charge for your polling services to candidates?	Flat rate fee	7 (64%)	Not applicable	2 (18%)
	Reimbursement for costs and personal expenses	3 (27%)	Commission	1 ( 9%)
			Confidential	1 ( 9%)

For flat rate fee responses: (7 responses)	% of normal campaign budget		average budget for statewide campaign	
5%		1	\$5,000 to \$10,000	1
7 to 8%		1	\$10,000 to \$25,000	1
6 to 11%		1	\$100,000	2
No response		4	No response	3

14. What would be a reasonable cost per poll if you were the pollster for a candidate for governor of North Carolina in 1984?	Reported (in \$1000s)	First Primary	Runoff Primary	General Election
	\$6 to 10	3 (27%)	3 (27%)	3 (27%)
	\$15 to 20	2 (18%)	1 ( 9%)	2 ( 9%)
	\$30 to 33	0	2 (18%)	0
	\$72 to 87	1 ( 9%)	0	1 ( 9%)
	Varies	2 (18%)	2 (18%)	2 (18%)
	No response	3 (27%)	3 (27%)	3 (27%)
	Total			
	Respondents:	11	11	11

Ed. Note: Responses varied significantly, primarily because of the difference in clients (especially candidates vs. newspapers).

# What to Look for in a Good Poll

by J. Barlow Herget

This fall, the public will be inundated by polling results on the presidential, U.S. Senate, congressional, gubernatorial, and other statewide and local races. At the same time, editors and reporters will be faced with constant decisions in analyzing polling data—reliability, timing of releasing results, and “making news” with polling results versus “reporting news.”

What should a journalist look for in a good poll? And how should a thoughtful citizen look behind the headlines and the gross percentage figures that make up the “horse race” factor in elections?

The National Council on Public Polls publishes guidelines for its members and political reporters. The council considers it essential that seven types of data, discussed below, accompany news stories on polls. To apply these seven criteria specifically to races in North Carolina, the N.C. Center for Public Policy Research mailed a questionnaire about the science and practice of polling to 16 of the organizations/individuals listed on page 6.\* Eleven of these 16 completed and returned the survey.

The discussion below is based on the National Council on Public Polls guidelines, interviews with the leading pollsters working in North Carolina, and the results of the N.C. Center’s questionnaire (see page 10 for full results). A poll that doesn’t provide information on each of these seven criteria could be considered suspect. Yet even with such guidelines, infinite numbers of variables exist that can skew a survey, as the pollsters themselves testify.

\*Two of the 18 listed on page 6, Yvonne Brannon and the N.C. Citizens Survey, do not poll on political races but only on general topics. Hence, neither of these received a questionnaire.

## Polling Checklist

If you are a journalist, a news release on a candidate’s latest poll might cross your desk near your deadline. Of if you are a concerned voter, you might have to rush through a news account on a recent political poll. If so, maybe the checklist below will help.

Always report (if you are a journalist) or look for (if you are a concerned voter) the following seven points:

1. who paid for the poll;
2. when the polling was done and any events that might have affected the poll results at that time;
3. how the poll was taken—by telephone, mail, or in-person;
4. the population surveyed and screening questions—registered voters, members of a particular party, voters in the last comparable election, and/or persons likely to vote in the upcoming election;
5. the size of the sample (which should be at least 600 for a statewide poll in North Carolina);
6. the treatment of sub-groups in the sampling process—e.g., underrepresentation of women or blacks;
7. the actual wording of the poll’s questions and whether the wording was as neutral as possible.

**1. Who sponsored the poll?** A good news report will do more than just name the polling operation. It should also make clear who paid for the poll—a specific candidate, the newspaper reporting the poll, or some other organization. This helps the reader judge the degree of possible bias and news “generation.” A reporter should also provide some background information on the philosophy and technique of the particular pollster. The chart on page 6 and the accom-

## Polling the Pollsters, continued

### Roles in Campaign and Other

15. What roles do you normally serve in a campaign in addition to doing polling?

Ed. Note: 4 of the 11 said “not applicable” or “none”; the responses listed come from the other 7 respondents.

Setting basic campaign strategy	7 (64%)
Selection of campaign issues	7 (64%)
Producing TV/media ads	3 (27%)
Conducting direct mail fundraising	1 ( 9%)
Other: General counsel	1 ( 9%)
Media strategy (debates, etc.)	1 ( 9%)

16. Have you ever worked with a candidate after s/he is elected?

Ed. Note: Of the 11 respondents, 2 said “not applicable,” 2 said “no,” and 1 said “confidential”; the responses listed come from the other 6 respondents.

Have done polling for an elected official	6 (55%)
Have done policy analysis	5 (45%)
Worked under contract with state agency	2 (18%)

panying article (for the "Big Four" in North Carolina) provide such information. A poll done for a news agency is not necessarily more free from bias than a poll done for a candidate.

**2. When was the polling done?** The timing of a poll can affect the results. A candidate, for example, may take a poll immediately *after* a big media blitz, and then try to show high standing in the polls. The percentage points might fall, however, after the immediate impact of the ad campaign fades. Similarly, if a candidate has just made a major public mistake—or a major coup—his or her standing could shoot down (or up) for a short period before settling out again.

The media not only have a responsibility to caution readers about when polls were taken but also should examine the timing when they report on poll results. Campaigns, quite naturally, release the results most advantageous to their position. Are there poll results that campaigns do not release? Why? Patterns of *when* campaigns release poll results make good story material for industrious reporters. News releases on the latest poll might well be pure propaganda.

**3. How were the interviews conducted—by telephone, mail, or in-person?** The major pollsters disagree on the best interview method. Walter DeVries considers mail surveys unwieldy and an anachronism while Bill Long lives by them. Michael Carmichael, the coordinator of polls for Rufus Edmister during the primary season, puts considerable faith in pollster Joe Napolitan's in-person interviews but concedes they are the most expensive.

Expense is the most important reason that the telephone poll has become the industry standard. Using telephones, a "baseline" interview will last usually 30 minutes, a "tracking" poll is much shorter (see pages 5 and 7 of main article for discussion on these terms).

Charlotte pollster Brad Hayes offers some street wisdom on the subject. "You have some quality control with telephone interviews and you don't worry about the 'bad dog theory' or the 'curb syndrome'."

"The bad dog theory and curb syndrome?" we asked.

"Yeah, that's when your interviewer skips a designated house because there's a bad dog on the front porch or you get bad data because the interviewer, tired after a hot morning, sits on the curb and fills out the forms himself."

DeVries, Hayes, and North Carolina pollster Phil Meyer also believe people are more willing to tell an emotionless voice over the phone the truth about private thoughts than reveal so much to a real live breathing person sitting across from them in the living room. As for missing those people who do not have telephones—nine percent of the households in North Carolina don't—most pollsters dismiss the worry by saying those persons are also the least likely to vote. Random digit dialing, the system employed by many pollsters, picks up unlisted numbers.

**4. What population was surveyed?** The science of random sampling has become much more sophisticated in recent years. The process of selecting interviewees and compiling their responses has vastly improved through the use of computers. Still, pollsters make critical judgments in whether and how they "screen" respondents. Specifically, does the pollster screen whether the respondents are registered voters, members of a particular party, voters in the last comparable election, and likely to vote in the upcoming election?

Reporters need to know the philosophy of the major pollsters on screening and may need to probe any twists in the screening of a specific poll (the main article covers this ground for the "Big Four"). In addition, pointing out the difficulties of proper screening is valuable.

For example, how do you know if respondents are registered voters? You ask them and hope they don't lie. To test whether respondents are indeed telling the truth, most surveys use a battery of screening questions to see if the interviewee is in fact a registered voter and more importantly,

a likely voter. Reporters and the electorate need to know the quality of screening questions in a particular survey. Without such analysis, accepting a poll's results is blind faith.

**5. What is the size of the sample?** As discussed in the main article, the major pollsters use varying sizes for a statewide poll in North Carolina. Most actually survey from 800 to 1,200, but many base their results on only a portion of the total sample. In other words, some pollsters screen out some of the responses.

Thus, reporting on the sample size is important, but not enough. In general numbers, pollsters agree that for a state the size of North Carolina, the results must be based on at least 600 respondents in order to give accurate data with a margin of error of 3-5 percent. But go one step further. How did the pollster decide on these 600 respondents?

**6. How big are the sub-groups in the sample?** The respondents must represent an accurate demographic spread among the respondents. Various segments of the population—by sex, race, age, urban/rural, location, etc.—should be represented approximately according to their percentage of registered voters. Are important sub-groups, such as blacks and women, underrepresented? In a poll of 600 people, if there are three too few blacks, the survey could miss a lot of black voters. Also, pollsters have difficulty in figuring voter sentiment when groups such as blacks tend to vote in blocs, sometimes for surprised candidates who are selected by a black voter organization the night before election day.

Pollsters working under contract for particular candidates are beginning to add special "focus-group" research to traditional polls. Walter DeVries, for example, did such work for the Knox-for-Governor campaign.

A polling analyst needs to dig for percentages on the sub-groups—the number in the total sample and results based only on specific sub-groups. With such information, the poll becomes much more meaningful.

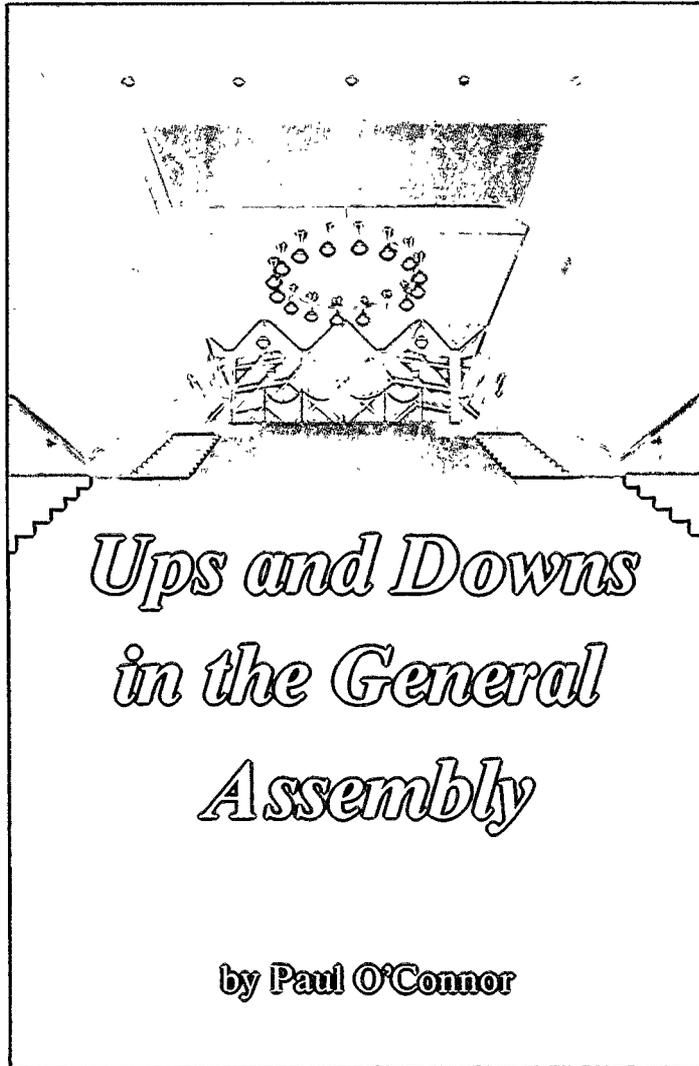
**7. How are the questions worded?** After all the scientific issues are probed—sample size, sub-groups, timing, etc.—the most important issue of all remains fuzzy at best. The science of how to word questions has not even begun to achieve the sophistication of the sampling process, says Duke University professor John McConahay. McConahay has worked for Jeffrey MacDonald, John DeLorean, and other defendants in major trials to help reveal through polling methods how prospective jurors might feel—possible biases, etc. "The science of sampling is very advanced, and very expensive," says McConahay. "But asking the right questions is not at all advanced. It remains the soft part of polling."

No one has a fixed proven formula other than common sense objectivity. The timing of a key question can also alter the response. For example, if the interviewer early on pops the big question—"If the election were held today, would you vote for X or Y?"—the respondent is less likely to be decisive than if he or she first has a chance to answer other questions on issues and likes/dislikes.

Questions might also shape opinions that a person never knew she or he had. A poll, for example, could ask, "Do you think education is the most important issue facing candidates for governor?" A respondent might have never thought that to be the case until answering "yes." Hence, the question itself tends to reinforce the biases of the poll's designer.

Most questions ask respondents to select a choice within a range of possible responses. If for instance, a pollster is screening for registered voters, he might ask you to respond on a scale from one to five of your intention of voting in November.

The wording of questions, perhaps more than any of the other six criteria discussed above, demands close scrutiny by the media, and in turn the public. The nature of the survey questions—i.e., the judgments and biases behind the choice of words—can make one a believer in or a skeptic of any poll. □



# *Ups and Downs in the General Assembly*

**by Paul O'Connor**

*Editor's Note: Published by the N.C. Center just before the legislature's 1984 short session, Article II: A Guide to the N.C. Legislature 1983-1984 profiles the General Assembly and each of its members. This fourth edition of Article II gives a page to each representative and senator, providing information about his or her education, profession, and legislative history. Each profile*

*examines the lawmaker's record in 1983 regarding introduction of legislation and voting record on 15 selected bills. Article II also reports the legislators' effectiveness rankings, as determined by a survey of lobbyists, capital press corps, and legislators themselves. To order Article II, see the insert card in this issue of North Carolina Insight.*

**C**all it "The Law of Political Relativity"—whenever one person gains political power someone else must lose it.

Take, for example, Rep. LeRoy Spoon (R-Mecklenburg) and Sen. Melvin Daniels (D-Pasquotank). From 1981 to 1983, Spoon and Daniels were the biggest losers of influence in their respective houses, according to a 1984 survey of legislative effectiveness conducted by the N.C. Center for Public Policy Research. Rep. Spoon fell 27 places among the 120 House members. Sen. Daniels dropped 18 in the 50-member Senate.

Or take Rep. Joe Mavretic (D-Edgecombe) and Sen. Gerry Hancock (D-Durham). From 1981 to 1983, Mavretic and Hancock scored the biggest gains in influence in the two houses. Rep. Mavretic jumped 46 places while Sen. Hancock rose 18 spots. (See sidebar on page 16 for more on risers and fallers.)

The rankings, published in *Article II: A Guide to the N.C. Legislature 1983-1984*, reflect subtle and non-so-subtle shifts in power in the General Assembly. The N.C. Center compiled the rankings through a questionnaire to every (1) legislator, (2) registered lobbyist, and (3) capital news reporter. In December 1983, the Center asked all three groups to rate the effectiveness of individual legislators on a scale of one to ten. Of the 472 surveys distributed, 212 were completed and returned. The Center gave each legislator four scores—first, an average of the responses within each of the three responding groups, and then an average of those three scores for an overall score. This *overall score* becomes the basis for the effectiveness rankings. All four scores for each legislator are included in *Article II*.

An analysis of the effectiveness rankings reveals numerous factors contributing to a legislator's standing. Party affiliation, significant committee assignments, and political friendships all bear on a ranking. So, sometimes, does luck. There is no precise formula for acquiring power and using it effectively. But when all the elements combine, the ride up—or down—can be swift. And sometimes a legislator can parlay a favorable set of circumstances into enduring power and influence.

### Who's Got the Edge—and Why

**S**ince 1978, when the Center issued its first effectiveness survey, the name of Kenneth C. Royall Jr. has stood atop the Senate roll. Much of Royall's influence results from his committee assignments—especially as chairman of the

powerful Ways and Means Committee (1977 through 1981). He also derives his legislative stature from close personal relationships within the Senate. Over the years, Royall has gathered immense personal influence among his 49 colleagues and gained important allies. In 1983, Lt. Gov. and Senate President James C. Green named Royall the first-ever "coordinator of all Senate Committees," giving the Durham furniture dealer a vote in every committee.

In the House, it seems to be position rather than personality that affords the edge in power. Speaker of the House Liston B. Ramsey (D-Madison) ranks first in effectiveness in that chamber. As speaker, Ramsey appoints members and chairpersons of all House committees and presides over House sessions. He earned the position through years of astute politics, but the position itself—in addition to Ramsey's enviable persuasiveness and connections—gives him the edge in influence. In each year of the Center's effectiveness rankings, the Speaker of the House has topped the list—first Carl Stewart (1977-79), then Liston Ramsey.

Chairing a major money committee also seems to guarantee a legislator a ranking in the top four or five of his chamber. "That's the Golden Rule," one legislator explained. "Him who's got the gold, he gets to make the rules, and that's what I'd call effectiveness." Therefore, Reps. J. Allen Adams (D-Wake) and William T. Watkins (D-Granville), House Budget Committee co-chairmen, and Sen. Harold Hardison (D-Lenoir), Senate Appropriations Committee chairman, take the next highest spots in the rankings. Following the budget leaders come the chairs of judiciary and finance committees and budget subcommittees.

In the House, ranking fourth, fifth, and sixth respectively, are George Miller (D-Durham, chairman of Judiciary I), Martin Lancaster (D-Wayne, chairman of Judiciary III), and Dwight Quinn (D-Cabarrus, chairman of Finance). Following Hardison in the Senate are Marshall A. Rauch (D-Gaston, chairman of Ethics and co-chairman of Finance), W. Craig Lawing (D-Mecklenburg, chairman of Rules and Operations, vice-chairman of Banking and of Ways and Means), Henson P. Barnes (D-Wayne, chairman of Judiciary III), and Robert B. Jordan III (D-Montgomery, co-chairman of Base Budget).

After committee chairmanships, the factor appearing most often among the highest ranked legislators is their profession—the law. In the

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*Paul O'Connor covers state politics for the N.C. Association of Afternoon Dailies, a consortium of 40 newspapers across the state. Photos by Michael Matros.*

Senate, 8 of the top 15 are attorneys or attended law school. Of the 16 lawyers, 13 are ranked in the top 24, 15 in the top 30. Only Sen. William Martin (D-Guilford), a freshman, who is black and relatively liberal in the otherwise all-white, conservative Senate, fared poorly, ranking 43rd. In the House, 9 of the top 15 are lawyers. The top 28 positions include all 15 of the veteran Democratic, white, male, lawyers. Of the 26 House attorneys, 24 finished in the top two-thirds.

Acquiring a high effectiveness ranking comes easier with membership in the ruling Democratic Party. With Democrats making the committee assignments, Republicans don't get the prized chairmanships which lead to power. In the House, only 2 of 18 Republicans (Coble of Guilford and Brubaker of Randolph) finished in the top two-thirds. In the Senate, the leading Republican was tied for 20th, another was 26th, with another 39th (Ballenger of Catawba, Redman of Iredell, and Kincaid of Caldwell, respectively). The other three finished among the last five (Harris of Mecklenburg was 45th, Wright of New Hanover 48th, and Allred of Alamance 49th).

Newcomer status usually hurts one's effectiveness, but not always. The highest ranking freshman in the Senate—not counting senators with House experience—was Sen. Charles Hips (D-Haywood), who finished an impressive 19th. On the House side, the highest rated frosh was Rep. Robert Slaughter (D-Stanly), who finished 46th. Most freshmen, however, finished in the bottom half of their respective houses. A few relative newcomers also scored impressive showings, like Sen. Anthony Rand (D-Cumberland), who finished 13th in his first full term (he'd served in the 1982 short session), and sophomore Reps. Dan Blue (D-Wake), 8th, and Joe Hackney (D-Orange), 15th.

Although blacks and women are virtually absent from the legislative leadership, some earn high rankings and therefore offer hope for their colleagues. Rep. Blue finished 8th and Rep. Kenneth Spaulding (D-Durham), 35th. Of the 12 black legislators, only Blue and Spaulding received top-half rankings. Each was heavily involved in a high-visibility issue, Blue in 1981 with redistricting and Spaulding in 1983 with altering the state's runoff primary. But the generally poor showings of black legislators is probably due less to their race than to their experience. All but 3 of the 12 were freshmen.

Women who did well were former Rep. Ruth Cook (D-Wake), 10th, Sen. Wilma Woodard (D-Wake), 16th, and Rep. Jo Graham Foster (D-Mecklenburg), 23rd. (Cook has since resigned to accept an appointment on the Utilities Com-

mission.) The 24 female legislators were fairly well distributed along the spectrum of rankings, except at the top.

Other factors can greatly affect a legislator's ranking. If, for example, fate or the governor puts you in charge of the year's hottest legislation, your score can soar. Blue had such good fortune in 1981 when he, as a black leader voicing moderation on redistricting, finished 30th in the rankings, despite freshman status. Rep. Martin Lancaster (D-Wayne) handled the Safe Roads Act in 1983 and vaulted from 17th in 1981 to 5th in 1983. Mavretic helped raise his ranking a whopping 46 spots by sponsoring a controversial hazardous waste disposal regulation bill and a measure to elect members of the State Board of Education.

## THE RISERS AND FALLERS

Years in the halls of the General Assembly usually bring lawmakers increased power and influence. But, according to the N.C. Center's effectiveness rankings, upward mobility from session to session is not necessarily inevitable. The wheel of fortune and the vagaries of power bring some lawmakers to grief even as others rise in influence. These senators and representatives moved the farthest up and down in the effectiveness rankings between the 1981 and 1983 sessions:

Risers			
	1981	1983	
Senators	Ranking	Ranking	Increase
William G. Hancock Jr. (D-Durham)	25 (tie)	7	18
Robert D. Warren (D-Johnston)	43	29	14
William W. Redman Jr. (R-Iredell)	39	26	13
Cecil Ross Jenkins Jr. (D-Cabarrus)	24	14	10
T. Cass Ballenger (R-Catawba)	28 (tie)	20	8
Representatives			
Josephus L. Mavretic (D-Edgecombe)	64	18 (tie)	46
Joe Hackney (D-Orange)	60	15	45
Martin L. Nesbitt Jr. (D-Buncombe)	65	21 (tie)	44
Harry E. Payne Jr. (D-New Hanover)	69 (tie)	28	41
Sam L. Beam (D-Gaston)	93	53	40
Fallers			
	1981	1983	
Senators	Ranking	Ranking	Decrease
Melvin R. Daniels Jr. (D-Pasquotank)	17 (tie)	35	18
Vernon E. White (D-Pitt)	20	37 (tie)	17
Dallas L. Alford Jr. (D-Nash)	31	46 (tie)	15
George W. Marion Jr. (D-Surry)	36	46 (tie)	10
Helen Rhyne Marvin (D-Gaston)	21	31	10
Representatives			
LeRoy P. Spoon Jr. (R-Mecklenburg)	79	106	27
John M. Jordan (D-Alamance)	84 (tie)	98	14
David W. Bumgardner Jr. (D-Gaston)	20 (tie)	29	9
J. P. Huskins (D-Iredell)	11	20	9
George M. Holmes (R-Yadkin)	92	101	9

Center intern Mike Davis assisted with this chart.

Friendship with the leadership also helps one's effectiveness ranking. Over the past two sessions, Rep. Bobby R. Etheridge (D-Harnett) has become a close ally of House Speaker Ramsey. Etheridge, who moved from 64th in 1979 to 16th in 1983, is rumored to be the leading candidate for House chairman of the Base Budget Committee. (Former chairman Al Adams did not run for re-election.) Such a position would almost certainly put Etheridge in the top five in 1985, just where Adams has been the last several rankings.

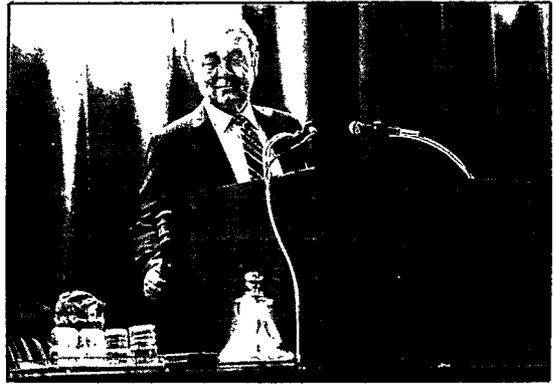
Bucking the leadership can sometimes hurt a legislator's ranking—but not always. Rep. John Jordan (D-Alamance) hasn't always played majority party ball with Gov. James B. Hunt Jr. and the Speaker. Jordan was one of few House Democrats who did not vote for an omnibus bill levying \$219 million in tax increases in 1983. As a result, some observers speculate, his district may have suffered a bit when it came time to determine local "pork barrel" appropriations. In 1983, Jordan ranked only 98th, despite his four terms in the House. Surprisingly, Sen. Marshall Rauch (D-Gaston), who bucked Lt. Gov. Green by supporting Carl Stewart for lieutenant governor in 1980, has remained in the top five. Rep. Parks Helms (D-Mecklenburg), who opposed Ramsey for the speakership, has managed to stay in the top 10. Much of their success is obviously due to the personal abilities of these two men.

Finally, a legislator's future political plans may color his or her ranking, if fellow legislators or capital correspondents become suspicious of his or her motives. The case of Sen. Daniels, the biggest Senate loser from 1981 to 1983, may illustrate this factor. Amidst rumors of his pursuing a U.S. Senate race, Daniels plummeted 18 spots.

### Effects of the Effectiveness Rankings

Regardless of how a legislator earns a high or low ranking, that ranking may become a political issue at re-election time. North Carolina newspapers report the findings, usually "localizing" the story to highlight the rankings of local legislators. Such coverage can lead to politically invaluable headlines when the rankings are good. The Durham delegation was rewarded, for example, with a *Durham Sun* editorial headed "Lawmakers Earn Respect." If the marks are low, as they were for bottom-ranked Sen. Wanda Hunt (D-Moore), the headlines can be politically unhealthy. "Hunt 'Least Effective' in Ranking By Peers," a *Sandhill Citizen* headline announced.

A legislator's ranking can also find its way into an editorial endorsement. Such was the case



Speaker of the House Liston Ramsey lowers the gavel.

for former House Speaker Carl Stewart, whose top ranking in 1977 and 1979 was noted when the *Lexington Dispatch* endorsed his bid for lieutenant governor this year. The *Greensboro Daily News*, on the other hand, endorsed Stewart's opponent, state Sen. Robert B. Jordan III, and mentioned Jordan's high ranking (#6) without mentioning Stewart's.

Since 1982, the effectiveness rankings have been receiving more attention from the candidates themselves. An in-house Center study conducted in early 1983 shows the rankings became an issue in the 1982 campaigns of at least 26 legislators. People like Rep. Adams and Sen. Russell Walker (D-Randolph) used their high rankings that year to seek votes. People like former Sen. Sam Noble (D-Robeson) and Sen. Cary Allred (R-Alamance) had their lower ratings used against them by opponents. People who finished in the middle put a positive light on their rankings. Rep. David Diamont (D-Surry), for example, 39th in 1982, ran a 1982 campaign ad reporting that he was "ranked highest of all northwestern N.C. House members." Diamont has since risen to a tie for 18th in the rankings.

It is highly likely that the increased political visibility of the rankings is responsible for a big increase in the response rate from legislators. In 1983, 86 percent of the senators and 63 percent of the representatives responded—presumably making sure they got a good word in for themselves. In three previous surveys, 50 to 58 percent of legislators had responded.

But does the use of a ranking influence the outcome of the election? That's impossible to say. Some legislators with low scores, who had the ranking used against them, have been unseated, notably, former Sens. Noble, George Marion (D-Surry), and Walt Cockerham (R-Guilford). But then their political problems didn't start with the rankings, either. For example, Marion's wife ran against him. Some low-ranked members continue to get re-elected and

some highly ranked members, like Sen. Hancock in 1984, lose at the polls.

According to Ran Coble, director of the N.C. Center, the purpose of the survey is to provide information useful to voters before they make their decisions at the polling place. But whether or not the rankings influence election outcomes, they've raised controversy in political circles. The ranking method concerns some, specifically the decision to base the final effectiveness ranking *on the average of the three separate scores* (from legislators, registered lobbyists, and capital reporters). Two Wayne County legislators, both of whom have done very well in the rankings, are among the most constructive critics.

"The legislative peer ratings should be given greater weight than the press and lobbyist ratings," says Rep. Martin Lancaster. "We have more intimate contact with each other than the press and the lobbyists." Lancaster goes on to say that press and lobbyists tend to concentrate on the visible legislative leaders, ignoring the good work done by behind-the-scenes type legislators.

Lancaster also complains that reporters for the big city papers tend to look after their local delegations in the ratings. His hometown paper (the *Goldsboro News Argus*) doesn't have a staff reporter in Raleigh, so he doesn't have that advantage.

Sen. Henson Barnes, who ranked fifth in 1983, says his concern isn't with his own score: "They've been extraordinarily kind to me." Rather, he says, he's concerned that a freshman legislator can get a low ranking because that legislator is keeping quiet, learning the ropes, like a freshman is supposed to do. "He'll get ripped apart in the rankings when he's done exactly what is necessary to be effective in the future." Barnes also complains that by concentrating on the leadership, the press and lobbyists ignore the contributions of women and minorities.

Rep. Joe Hackney (D-Orange) also criticizes the averaging of the three raw scores, arguing that more weight should be given to peer evaluations by the legislators. The legislators know each other's effectiveness best, he says. And why should the opinions of the 14 responding capital correspondents be weighted equally with those of the 75 representatives who responded to the survey? He points to Rep. Richard Wright (D-Columbus) as a victim of diverging legislator and press evaluations. Wright, who came in 6th in rankings by his fellow representatives, placed only 27th in the evaluations by capital correspondents. His overall ranking came in at 11th, just where the

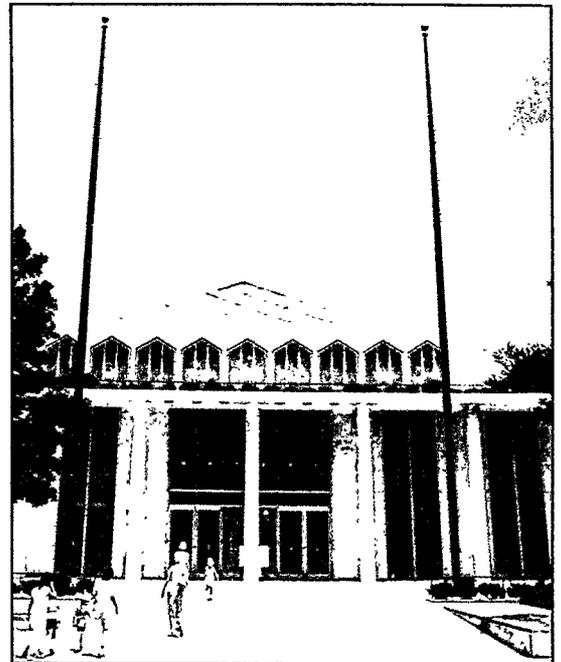
lobbyists had him pegged in their evaluations. Hackney, on the other hand, was actually a beneficiary of the averaging process he questions, ranking 19th in scoring by his peers but 10th in the press evaluations. With lobbyists rating him 14th, Hackney pulled an overall ranking of 15th.

Finally, Republicans complain that Democratic legislators use the rankings for political purposes, using their preponderance of responses to keep Republican scores low. (In 1983, there were 44 Democrats to 6 Republicans in the Senate, 102 Democrats to 18 Republicans in the House.) Republicans also charge that the capital press is politically liberal and intent on hurting the more conservative party.

An analysis of each of the four scores used by the Center in compiling the survey results revealed that some of these arguments seem to be accurate, others unfounded.

Barnes' concern about the scores women legislators get from the press appears accurate. The press regularly rated female legislators lower—not only in raw scores but in relative rankings, too—than did legislators and lobbyists. In the House, 12 of 19 women got a press ranking below their overall ranking. Five got higher press rankings and two were the same. In the Senate, two got higher and two got lower press rankings than their final scores. The low press score given Sen. Hunt assured her last place finish.

But Barnes is wrong about the press rating of black legislators. Of the 12 black legislators, 8 received higher relative scores from the press



## Effectiveness Survey Results: SENATE Top 20

Overall Effectiveness Ranking	Name of Senator	Legislators' Evaluation	Lobbyists' Evaluation	Capital Correspondents' Evaluation	Overall Effectiveness Raw Score
1.	Royall, Kenneth C., Jr. (D-Durham)	83.1	94.6	93.6	90.4
2.	Hardison, Harold W. (D-Lenoir)	78.4	89.0	94.3	87.2
3.	Rauch, Marshall A. (D-Gaston)	74.7	82.7	82.9	80.1
4.	Lawing, W. Craig (D-Mecklenburg)	72.6	80.0	80.7	77.8
5.	Barnes, Henson P. (D-Wayne)	71.6	72.2	89.3	77.7
6.	Jordan, Robert B., III (D-Montgomery)	64.2	81.3	77.1	74.2
7.	Hancock, William G., Jr. (D-Durham)	61.7	68.5	70.0	66.7 (tie)
	Harrington, J. J. (D-Bertie)	56.9	76.2	67.1	66.7 (tie)
9.	Walker, Russell (D-Randolph)	54.9	72.4	68.5	65.3
10.	Swain, Robert S. (D-Buncombe)	62.1	65.2	67.7	65.0
11.	Harris, Ollie (D-Cleveland)	57.9	65.7	64.6	62.7
12.	Tison, Benjamin T. (D-Mecklenburg)	51.4	67.9	63.6	61.0
13.	Rand, Anthony E. (D-Cumberland)	53.6	55.4	57.1	55.4
14.	Jenkins, Cecil Ross, Jr. (D-Cabarrus)	55.0	59.9	50.8	55.2
15.	Edwards, Elton (D-Guilford)	53.3	61.2	50.8	55.1
16.	Woodard, Wilma C. (D-Wake)	45.7	59.9	57.9	54.5
17.	Soles, R. C., Jr. (D-Columbus)	57.1	54.9	47.9	53.3
18.	Allsbrook, Julian R. (D-Halifax)	43.9	52.6	62.1	52.9
19.	Hipps, Charles W. (D-Haywood)	50.2	49.3	55.4	51.6
20.	Ballenger, T. Cass (R-Catawba)	50.0	52.2	49.3	50.5 (tie)
	Duncan, Conrad R., Jr. (D-Rockingham)	41.6	59.9	50.0	50.5 (tie)
	Staton, William W. (D-Lee)	51.7	55.2	44.6	50.5 (tie)

## Effectiveness Survey Results: HOUSE OF REPRESENTATIVES Top 20

Overall Effectiveness Ranking	Name of Representative	Legislators' Evaluation	Lobbyists' Evaluation	Capital Correspondents' Evaluation	Overall Effectiveness Raw Score
1.	Ramsey, Liston B. (D-Madison)	96.0	96.4	94.6	95.7
2.	Adams, J. Allen (D-Wake)	83.1	91.7	95.7	90.2
3.	Watkins, William Thomas (D-Granville)	87.7	87.4	90.0	88.4
4.	Miller, George W., Jr. (D-Durham)	77.5	81.9	80.8	80.1
5.	Lancaster, H. Martin (D-Wayne)	74.0	73.4	84.6	77.3
6.	Quinn, Dwight W. (D-Cabarrus)	73.6	72.3	74.2	73.4
7.	Helms, H. Parks (D-Mecklenburg)	63.1	75.6	78.5	72.4
8.	Blue, Daniel T., Jr. (D-Wake)	64.5	73.4	70.0	69.3
9.	Lilley, Daniel T. (D-Lenoir)	67.3	70.6	64.6	67.5
10.	Cook, Ruth E. (D-Wake)	58.9	71.3	70.8	67.0
11.	Wright, Richard (D-Columbus)	74.9	69.4	53.3	65.9
12.	Hunt, John J. (D-Cleveland)	75.5	64.6	56.7	65.6 (tie)
	Pulley, W. Paul, Jr. (D-Durham)	66.1	69.1	61.7	65.6 (tie)
14.	Barbee, Allen C. (D-Nash)	61.9	68.7	64.6	65.1
15.	Hackney, Joe (D-Orange)	62.5	65.6	66.7	64.9
16.	Etheridge, Bobby R. (D-Harnett)	67.2	64.1	62.5	64.6
17.	James, Vernon G. (D-Pasquotank)	63.8	63.9	59.2	62.3
18.	Diamont, David Hunter (D-Surry)	56.0	62.3	65.8	61.4 (tie)
	Mavretic, Josephus Lyman (D-Edgecombe)	55.6	64.4	64.2	61.4 (tie)
20.	Huskins, J. P. (D-Iredell)	63.3	61.4	58.5	61.1

than from lobbyists and legislators. Several, like Rep. Sidney Locks (D-Robeson) and Rep. Frank Ballance (D-Warren), received significantly higher relative scores. Only three received lower relative scores and one came out even with the press.

Lancaster's concerns about a press bias towards big city legislators also appears unfounded. Of the 9 representatives from the five biggest cities who finished in the top 30, 5 actually were hurt by the press evaluations. The rankings of 4 others were raised only by a point or two or were not affected at all by the press scores. In the Senate, 4 of the top 12 legislators came from the five biggest cities. Two were hurt a bit and 2 were unaffected by their press scores.

Center Director Ran Coble says that Hackney's suggestion of assigning less weight to press scores and more to legislator scores might be an overreaction to a problem affecting a minority of the legislators. He points out that the raw scores of only 26 House members varied by 15 points or more among the three evaluations by lobbyists, the press, and legislators. In the great majority of cases, the raw score evaluations by the three groups vary just a little.

"Giving additional weight to legislators' scores," says Coble, "would also build in an unfair advantage to Democrats, if you assume that legislators tend to value their party colleagues above those of the opposition." With Republicans by far in the minority, Coble says, giving extra weight to the scoring by legislators might double or triple the liability of GOP House members.

If the Republicans have a gripe, it's not with the press. In the House, the press gave higher relative rankings to nine Republicans, lower to five, and an average score to three others. Lobbyists were much tougher on Republicans, giving all six senators and nine representatives rankings below their combined scores.

When the effectiveness surveys were returned to the Center, five of them displayed an unusual pattern in the Senate rankings, with all 6 Republicans receiving the top score of 10 and all 44 Democrats given the low score of 1. To find out if these ballots affected the survey results substantially, the Center conducted statistical tests in consultation with a market research firm and a University of North Carolina statistician.

The result: "no statistically significant differences." Five ballots out of 137 responses (14 press, 80 lobbyists, 43 senators) could account for little variance in the overall results.

Obviously, the rankings come in for a great deal of criticism. Legislators feel slighted. Newspaper editorialists warn that a subjective rating such as this should never form the sole basis for a citizen's decision in the voting booth. *But the rankings obviously serve a public purpose.*

"This is an evaluation of legislators by their peers and by people who see them working every day," says Coble, the Center director. While Coble concedes that the rankings are somewhat subjective, he contends that the number of people responding and the averaging of their scores provides a fair indicator of effectiveness in the end. "If 43 of 50 senators or 75 of 120 House members agree that a certain legislator is less effective, then he or she is probably less effective," Coble says.

One state newspaper, *The Robesonian*, the daily in Lumberton, did a lengthy editorial on the rankings, finding fault in places but concluding that "there is not one grade on the entire survey that is entirely out of sync with the others." The newspaper went on to suggest that its readers use the rankings and other information provided in news stories about the local delegation in deciding if Robeson legislators deserved to be reelected.

Mavretic, the legislator who experienced the biggest gain in the House, says he doubts the rankings help or hurt most legislators with the voters. Those who score in the very top ranks may be helped, he said, and those at the very bottom may be hurt. He considers the rankings valuable for other reasons.

"The rankings stimulate thinking on the part of the three constituencies that respond; each is stimulated by what the other two groups perceive," Mavretic says. "It tests the judgment of each one of those three groups and makes people think about their rankings, whether they're in line with the others and, if not, why not."

In other words, the rankings, says Mavretic, test each player's perception of who is rising and who is falling in the game of political ups and downs. □

# Memorable Memo



North Carolina  
Department of  
**Human  
Resources**

Division of  
**Youth Services**  
William R. Windley, Director

James B. Hunt Jr.  
Governor  
Sarah T. Morrow, M.D., M.P.H.  
Secretary

April 11, 1984

MEMORANDUM

TO: Central Office Staff  
FROM: William R. Windley *W.R.W.*  
SUBJECT: Office Morale, Office Odors, etc.

There will be a meeting in the DYS Conference Room on Friday, April 13th at 8:30 a.m. for all persons interested in discussing office morale, Dix parking, office odors, an office lounge area, and related issues. If you have any comments or concerns, please make plans to attend.

WRW/jmh

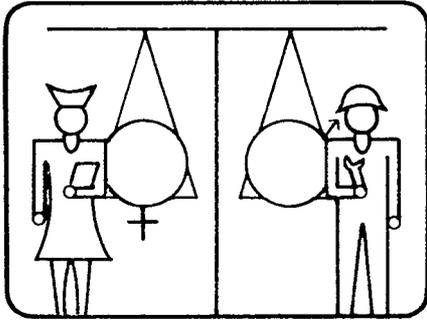
401 Glenwood Ave.



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Strunk & White, where are you?

*Cleaning out your files? Don't throw away  
your memorable memos; send them to **Insight**.  
As always, anonymity guaranteed.*



# Equal Pay for Equal Worth

## The New Frontier for Women (and Men)

*Job evaluation systems, together with market-rate factors, determine what employers pay various jobs. Historically, such evaluations have compared similar jobs. Some states have recently adopted quantitative, point-based systems to determine pay ranges for state employees in similar and dissimilar jobs. This system incorporates the concept of pay equity—or comparable worth—and may address possible discrimination in pay between men and women in dissimilar jobs.*

*A new pay equity study, mandated by the legislature, will examine whether the N.C. state personnel system should incorporate the principle of comparable worth.*

by Jane Smith Patterson

**I**n June 1984, near the end of its "short session," the N.C. General Assembly voted \$650,000 for a two-year pay equity study. This study will take the state of North Carolina much deeper into perhaps the most important personnel and women's issue of the 1980s—pay equity, or comparable worth.

Nearly three of every four state employees in North Carolina work in jobs dominated by males or females, according to a 1982 study by the N.C. Office of State Personnel.<sup>1</sup> A 17-page, single-spaced appendix to the study listed these jobs, including "elevator inspector" (all men) and "lead nurse" (nearly all women).

An elevator inspector, a Grade 70 job in the state classification system, must have a high school degree and five years of experience. A lead nurse, a Grade 68, must graduate from a state-accredited school of professional nursing,

be licensed to practice as a registered nurse in North Carolina, and have one year of experience. Elevator inspectors determine if a complex system of machinery merits a state certificate of approval and can safely transport citizens to the upper floors of a public building. They also investigate accidents involving elevators, chair lifts, and amusement rides. Lead nurses watch over medication dosages, interpret hospital policies, ensure quality care for patients, supervise staff nurses, and on occasion deal with life and death situations.

An elevator inspector and a lead nurse are

---

*Jane Smith Patterson is secretary of the N.C. Department of Administration. Also contributing to this article were Ann Chipley, director of the N.C. Council on the Status of Women, and, in the Department of Administration, Kathy Neal, Jack Nichols, and Martha McKay. Photos by Michael Matros. Artwork by Carol Majors.*

*dissimilar* jobs, not easily compared in terms of value to their employer, the state of North Carolina. In the current state job classification system, each is evaluated and compared with *similar* or related jobs; then market considerations are assessed and pay-grade levels assigned. Under this method, elevator inspectors, all men, fall within the Grade 70 pay range, \$19,716 to \$29,940. Under the same system, lead nurses, almost all female, earn Grade 68 pay, \$18,036 to \$27,204.

A lead nurse must have more education than an elevator inspector. More importantly, a lead nurse supervises other nurses and thus must possess management and interpersonal skills as well as the prerequisite skills of her trade. An elevator inspector does not have supervisory responsibilities of other staff. But lead nurses—almost all women—receive less pay than the all-male staff of elevator inspectors—\$1,680 to \$2,736 less a year.

Is this fair? Do the pay differences between these jobs represent a form of discrimination against women? If so, how can this discrimination in compensation be eliminated?

In 1963, Congress passed the Equal Pay Act, which outlawed pay discrimination between men and women doing substantially the same work.<sup>2</sup> With Title VII of the Civil Rights Act of 1964, Congress prohibited any discrimination on the basis of race, color, religion, sex, or national origin in hiring, promotion, pay, terms, conditions, or privileges of employment. Finally, the Equal Employment Opportunity Act of 1972 amended Title VII to cover public employers and to strengthen enforcement.

Despite these landmark legal protections, the pay gap between working men and women today remains roughly the same as 30 years ago, about 40 percent. In North Carolina, for every dollar earned by a white man, a white woman makes 60 cents and a black woman 53 cents. The gap is smaller for state government employees—women make 82 percent of men's salaries.<sup>3</sup> Much of this pay difference stems from education levels, supervisory responsibilities, seniority, and other predictable factors. But what about the remaining gap?

Before Title VII made sex discrimination in employment illegal, employers routinely hired men for certain jobs and women for others. And the women's jobs generally paid less. Since such overt discrimination has been outlawed, some changes have slowly emerged. But the tradition of certain jobs being dominated by men or women (for example, virtually all administrative secretaries are still women) remains firmly fixed, as does the tradition of paying "women's" jobs less.

## Comparable Worth—The Personnel Issue of the Eighties

**T**he Equal Pay Act and Title VII have not served to narrow the pay gap in 20 years. What will? The wage-gap remedy put forward most often is compensation on the basis of comparable worth, or equal pay for work of comparable value. Under a compensation system that incorporates comparable worth, if dissimilar jobs—like an elevator inspector and a lead nurse—are found to require similar levels of skills, effort, responsibility, and knowledge, and to have similar working conditions, the jobs would receive similar (or comparable) pay. Put another way, compensation is based on *job content and value to the employer*, as determined by accepted methods of job evaluation. Ultimately, therefore, the term "comparable worth" really means pay equity—for persons performing both similar *and* dissimilar jobs.

Comparable worth is not a new idea. Australia, Canada, France, England, and other countries have incorporated its principles into their personnel systems for much of the last decade. In this country, Minnesota, Washington, and other states have also begun to consider comparable worth in their state employee personnel systems. In the late 1970s, the Equal Employment Opportunity Commission (EEOC), under the leadership of Eleanor Holmes Norton, brought the issue of comparable worth widespread national attention.

"Market wages incorporate the effects of many institutional factors, including discrimination," the EEOC concluded in a major 1981 report.<sup>4</sup> "Policies designed to promote equal access to all employment opportunities will affect the underpayment of women workers only slowly." The report then spoke directly to the issue: "The strategy of 'comparable worth' . . . merits consideration as an alternative policy of intervention in the pay-setting process wherever women are systematically underpaid."

In addition to such federal administrative initiatives, a long line of complex litigation was moving through the courts. Over the years, debate arose concerning the interpretation of Title VII with regard to pay discrimination, particularly its so-called "Bennett amendment" (see article on page 38 for more on this amendment and the legal discussion that follows). Language in Title VII includes substantially the same exemptions as does the Equal Pay Act of 1963—i.e., pay differentials are not "authorized" unless they are based on seniority, merit, quantity/quality of production, or any other factor *other than sex*. But in 1981, the U.S.

Supreme Court ruled in the *County of Washington, Oregon v. Gunther* that Title VII had broader application than did the Equal Pay Act.<sup>5</sup> The Court thus opened the door for comparable worth or pay equity cases to be brought under Title VII.

In this case, Alberta Gunther and three other jail matrons in Washington County, Oregon, sued the county, charging discrimination on the basis of pay. The county's *job evaluation system* had determined their jobs to be worth 95 percent of what the male jailers' jobs paid, yet the matrons earned only 70 percent of what the male guards received. The matrons never claimed their jobs were equal, only that they should receive pay commensurate with the "worth" of their job as measured by the county itself. The U.S. Supreme Court ruled in favor of the matrons and declared that discrimination claims may be brought under Title VII even if equal jobs held by males do not exist within the organization. The Court made it clear that such comparisons are not required in order to show discrimination.

Although the *Gunther* decision pushed the Title VII litigation door open much wider, the Supreme Court specifically declined to address the issue of comparable worth. Jail matrons and guards do similar jobs, but the broad comparable worth issue involves both similar *and* dissimilar jobs, like an elevator inspector and a lead nurse.

But two years later, a federal district court did address comparable worth directly. In December 1983, U.S. District Judge Jack Tanner (Western District of Washington State) found Washington State guilty of sex-based wage discrimination.<sup>6</sup> This decision hinged on the fact that the state had officially adopted a quantitative job evaluation system but after 10 years had not implemented it. In other words, Washington had found that certain jobs dominated by women were worth more to the state, as an

employer, than the state was paying for those jobs. The final outcome of this case, now under appeal, will have a major impact on future litigation regarding sex discrimination in compensation, especially for state government employees.

### A New Job Evaluation System for North Carolina?

All job evaluation systems rank jobs in relation to other jobs in the organization. Indeed, assigning an elevator inspector a Grade 70 and a lead nurse a Grade 68—two grades on the same pay continuum—requires a weighing or evaluation process. Under the state's system of job grades, in place since 1949, the state Personnel Commission determines the salary range for persons covered by the State Personnel Act. This commission upgrades jobs from time to time, upon the recommendation of the Office of State Personnel or personnel officers within a department. Departmental personnel officers adjust job requirements as needed.

Under the current system, positions are analyzed in terms of difficulty, profession or occupation, management and supervisory responsibilities, and other factors. They then become part of a class of like or similar jobs. (For more on how the current system works, see article on page 32.) Assigning job classes to pay grades depends more on historical and market patterns than on job content. Historical and market pay patterns have often discriminated against women; thus the N.C. job classification system and pay scale tend to perpetuate the discriminatory effect of some traditionally "male jobs" being paid more than some traditionally "female jobs."

Some state governments have begun to use a quantitative approach to job evaluation. North Carolina has not. (See chart on page 30 for what



other states are doing.) Using point values, quantitative evaluation systems rate such factors as knowledge, skill, and responsibility and arrive at a point total for each job position. Hence, a point-weighted, quantitative system, together with prevailing market wages, becomes the basis for establishing pay grades for job groups.

Quantitative job evaluations are not new. The Hay Group, for example, one of the frequently consulted job evaluation firms, has been using its system for more than 30 years. In North Carolina, Duke Power Company, among many others, uses the Hay system in classifying its jobs for salary purposes. In recent years, the Hay system and other job evaluation methods have become household words among groups concerned with pay equity.

From 1980 to 1982, the Office of State Personnel studied pay patterns in state government. Designed to analyze rather than to recommend, the study identified and examined differences in compensation by race and sex among state government employees. The study report, called *Patterns of Pay in N.C. State Government*, contained the sex-segregated list of jobs (including elevator inspector and lead nurse) in its appendix.

This study first examined race/sex differences in pay while holding constant one other factor at a time (age, education, length of service, or job placement). It then went further, looking at race/sex differences in pay while "controlling" for *all* identified variables. Finally, the study took a preliminary look at the comparable worth or pay equity issue. It used the point factor ratings produced for the state governments of Idaho (the Hay system mentioned above) and Washington (which used a system developed by the Willis and Associates management consulting firm) and matched them to selected North Carolina job classes. From that comparison, the study made a preliminary analysis of differences

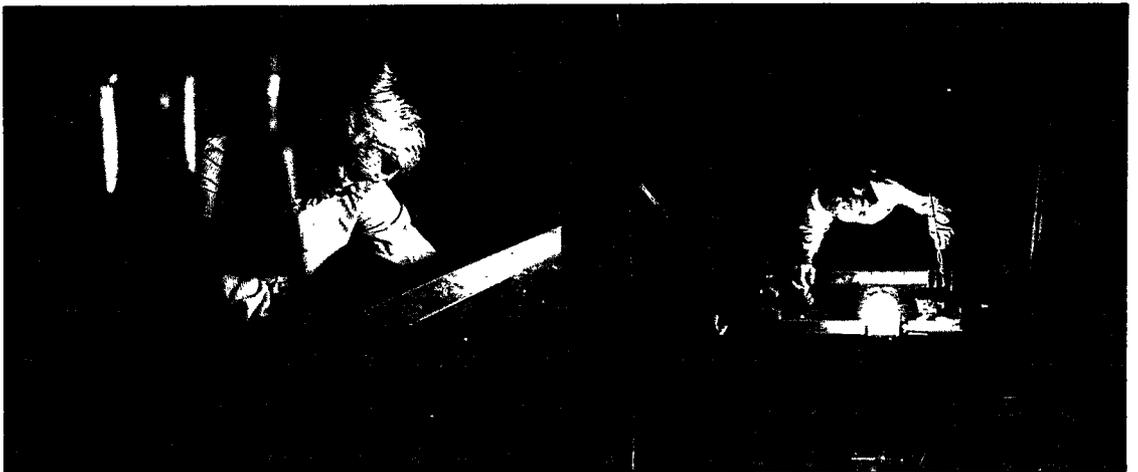
in pay by race and/or sex. (For a summary of the study's findings, see page 28.)

The 1982 report showed significant clusters of jobs dominated by women and minorities at the low end of the pay scale. And it suggested that such patterns may be discriminatory: "The considerable *direct effects* of race and sex (that is, those not transmitted through differences in educational levels, years of aggregate service, occupational placement, or supervisory placement) indicate that other, *perhaps illegitimate sources of salary disparities are present*" (emphasis added).<sup>7</sup>

While the report did not make specific recommendations, it did call for more research. "These results are a base of departure rather than a set conclusion; the *exact causes of these differences* [in pay by race and sex] are beyond the scope of this study and would require additional data and further analysis" (emphasis added).<sup>8</sup>

The N.C. Council on the Status of Women generated a second major effort regarding comparable worth under its statutory mandate to advise the governor, the major state departments, and the legislature on matters "concerning the . . . employment of women."<sup>9</sup> Concerned that the Office of State Personnel study was being largely ignored, the council decided to pursue the issue. In May 1983, the council authorized a task force to examine the issue of pay equity in North Carolina state government and to make recommendations to Gov. James B. Hunt Jr. and the General Assembly. That fall, the 1,000 North Carolinians at the Governor's Conference on Women and the Economy established comparable worth as a top priority, adding urgency to the push for further examination of the issue.

The task force reviewed the literature on comparable worth, examined the *Patterns of Pay* study, looked at job evaluation and clas-



sification plans, and reviewed actions in other states. The group also discussed with representatives of local governments the likely impact on them (as employers) of a state decision to identify and eliminate wage discrimination in its workforce. Then, in June 1984, the task force published its recommendations in the form of a report to the Governor and the General Assembly.<sup>10</sup> It called for a \$675,000 comparable worth study and for the General Assembly to make pay equity the policy of the state.

In 1984, the N.C. General Assembly, at the urging of Gov. Hunt, approved a \$650,000 appropriation for a pay equity study. The study would cover all job positions covered by the State Personnel Act, including those in the state university system. The lawmakers also created a new Pay Equity Advisory Committee to oversee the study, to be done under the N.C. Office of Budget and Management. The State Budget Officer must engage a consulting firm by December 15, 1984, "to study the State Personnel System so it can identify wage policies that inhibit pay equity and develop a job evaluation and pay system . . ."<sup>11</sup> The Committee, which consists of seven senators and seven representatives, must make a final report to the President of the Senate (the lieutenant governor) and the Speaker of the House by June 1, 1986.<sup>12</sup>

In voting \$650,000 for a pay equity study, the General Assembly adopted the heart of the task force's recommendation. Several of the suggestions remain to be addressed, however, either by the new Pay Equity Advisory Committee or by a future legislative session, including:

- \* studying job positions exempt from most provisions of the State Personnel Act, such as legislative staff and some policymaking jobs in the executive branch (the 1984 legislation requiring the study mentions only "classified" employees);

- \* prohibiting lowering the salary of any incumbent employee; and

- \* amending the State Personnel Act to establish specific pay equity policies for the state of North Carolina.

## Major Concerns for the Pay Equity Advisory Committee

As the new Pay Equity Advisory Committee gears up for action, what questions should its 14 members ask? In the states that have undertaken comparable worth or pay equity studies and in the rapidly growing literature on the subject, three major concerns often surface: 1) relationship with marketplace wages, 2) validity of job evaluation methods, and 3) potential cost of implementing pay equity. Some discussion of these three concerns might assist the Pay Equity Advisory Committee and the public in monitoring the two-year, \$650,000 study of the state job classification system.

### 1. RELATIONSHIP WITH MARKETPLACE WAGES

Opponents of comparable worth argue that the law of supply and demand alone should determine wage levels, not some subjective measurement of worth. These market-theory proponents claim that an oversupply of workers is willing to fill traditionally female jobs and hence keep wages down in those jobs. In an editorial in its monthly magazine, the North Carolina Citizens for Business and Industry summarized the free-market argument: "It may not be fair in the cosmic scheme of things that a dedicated teacher or nurse can earn only a tiny fraction of what is paid super-star professional athletes, or as much as a good plumber or



bricklayer. But that is the price of letting the marketplace establish levels of financial reward."<sup>13</sup>

Government interference in the marketplace, however, is a fact of life in the American economic system—from Lockheed and Chrysler subsidies to minimum-wage and child-labor laws, from utility and milk regulations to the Equal Pay Act and Title VII of the Civil Rights Act. Discrimination itself is an interference in the marketplace that may call for a countervailing interference.

The job evaluation process *does include* market surveys. Many recent job classification revisions by state governments first established internal equity and then surveyed the market for prevailing wage rates. A key question here, and one likely to arise increasingly in the future, is: What markets should be surveyed for which jobs or job groupings?

In specific situations, the marketplace theory must also be viewed in combination with other factors, like traditional, male- or female-dominated job patterns. A few years ago, for example, an acute shortage of nurses existed. According to the free-market theory, employers (including state governments) would have raised salaries. In theory, a substantial boost in salaries would attract more potential nurses to meet the shortage. But employers increased nurses' salaries only slightly; meanwhile they cut nursing services, adjusted nurses' hours, and spent large sums recruiting nurses overseas. The nursing profession remained virtually all women (97 percent), who made, on the national average, \$17,300.<sup>14</sup>

The market argument "falls flat on its face when there is a huge disparity between unskilled, entry-level male and female jobs," testified Winn Newman, the plaintiffs' attorney in the state of Washington case, before the U.S. Commission on Civil Rights in 1984.<sup>15</sup> Many entry-level

unskilled jobs dominated by males pay considerably more than entry-level unskilled jobs that are traditionally female, explained Newman, even though a huge pool of unemployed, unskilled workers exists to fill these jobs. In such a market, historical pay patterns—not supply and demand—determine the level of wages, argued Newman.

Moreover, in two separate cases, the U.S. Supreme Court appears to have rejected the marketplace theory as a defense to discrimination. In *Arizona Governing Committee v. Norris*, the Court ruled that Arizona could not offer its employees the option of receiving unequal retirement benefits calculated on the basis of sex. Arizona contended that it had not violated Title VII because the companies participating in its pension plan offered life annuities that reflected what was available in the open market. These annuities paid different monthly benefits because women as a class live longer than men. The Court rejected such a rationale: "If petitioners' interpretation of the statute were correct, such demographic studies could be used as a justification for paying employees of one race lower monthly benefits than employees of another race."<sup>16</sup> The Supreme Court made a similar ruling in another pension case, *Los Angeles Department of Water and Power v. Manhart*.<sup>17</sup>

## 2. VALIDITY OF JOB EVALUATION METHODS

Opponents of comparable worth contend that point-based job evaluation studies are inherently subjective and hence cannot compare the "apples and oranges" of dissimilar jobs. Certainly, individual and organizational values influence all job classification systems, whether point-based or not. But being "value free" in evaluating jobs differs significantly from being



"bias free."

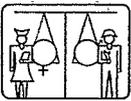
Good job evaluation systems minimize individuals' *biases*. Such systems usually assess job content on the basis of skill, effort, accountability, and working conditions, often through a point-rating method. Points can be assigned for such factors as freedom to take action, accountability, technical or managerial skills required to perform the job, dangers of the workplace, and other factors. Ideally, in an equitable pay system, jobs scoring equally receive comparable compensation.

Equitable compensation, however, does not necessarily mean that all jobs with the same point score must pay exactly the same salary, as some opponents of comparable worth fear. Market factors aside (and these might have some bearing, as explained above), a job evaluation system leads only to the *pay grade* assigned to a

certain job or group of jobs, not the exact salary within the pay grade. In North Carolina, all pay grades have nine salary steps based primarily on merit; each full step up is a five-percent pay increase.

A point-factor system, such as the Hay or Willis system, can enhance a merit, or pay-for-performance, system, depending upon its construction. Job content may well become clearer when based on a quantitative evaluation of individual positions—as opposed to the current N.C. job evaluation procedures, which are less systematic than quantitative methods. Under a point-factor system, an employee may understand more readily why his or her job has a given grade. For many reasons, employees often suspect that classification decisions, including the merit steps within a salary range, are arbitrary and capricious. Under a point-factor

## ***State Personnel Office Finds Wide Pay Gap Between Men and Women, Blacks and Whites***



### **State Government**

From 1980 to 1982, the Office of State Personnel examined pay patterns for state employees covered by the State Personnel Act. The data base included the persons holding jobs, job grades, and salaries as of December 31, 1980. The study, *Patterns of Pay in N.C. State Government*, consisted of two basic parts.

First, it examined differences in pay due to race and sex, using various economic tools of analysis such as "multiple regression analysis." Chapters 1 and 2 of the report contain the results of this analysis.

Second, it took a preliminary look at issues of comparable worth. It used the point factor ratings produced for the state governments of Idaho (the Hay system) and Washington (the Willis system) and matched them to selected North Carolina job classes. Chapter 3 contains the results of this work.

#### **Findings Reported in Chapters 1 and 2**

1. At every education level, white males enjoyed a salary advantage over black males and

over females of either race.

2. White males were more likely than any other subgroup (i.e., white females, black females, and black males) to hold jobs that require higher educational requirements than they actually had.

3. Increasing years of aggregate service paid off more handsomely for white males than for any other subgroup.

4. Twenty-three percent of all state employees worked in race segregated jobs.

5. Seventy-two percent of all state employees worked in sex segregated jobs.

6. Among the clerical and office service classes, with overwhelming numbers of female employees, a disproportionately high share of white males earned over \$13,000.

7. The categories of officials and administrators showed a distinct separation by sex but not by race.

8. Under a multiple regression analysis, which "controlled" for education, years of aggregate service, age, and supervisory responsibility, salary "penalties" due to race or sex were: \$2,213 for black males, \$2,529 for white females, and \$3,271 for black females.

9. Among the officials and administrators and the professional job categories, the "controlled" variables accounted for only one-third of the identified salary disparity.

system, the basis for decisions becomes clearer and can be explained more easily to employees.

In 1979, the firm of Hay Associates studied the Minnesota job classification system and assigned point values to 762 state job classes. The Hay study assigned a highway maintenance worker, for example, 154 points and a clerk stenographer IV, 162 points. At that time, the highway maintenance job (100 percent male) earned an average of \$19,752 a year compared to \$15,624 for the average stenographer IV (99.5 percent female). Similarly, the Hay study gave 183 points to a licensed practical nurse (94.7 percent female, \$16,584 a year) and 178 points to a highway technician (93.7 male, \$19,752 a year).<sup>18</sup>

In these cases and others, male-dominated jobs were often paying more than female-dominated jobs even though the female jobs had a greater worth, according to the Hay point

system. The Minnesota Task Force on Pay Equity analyzed the Hay study and found disparities between the pay scales of male- and female-dominated jobs. The task force then recommended to the legislature that it establish a policy of pay equity for jobs of comparable worth and that it raise the underpaid classes to the recommended pay levels.

A good job evaluation system, like that done in Minnesota, examines the content of *all state jobs, not just jobs dominated by males or females*. Such an analysis, many believe, would find that some jobs held predominantly by both women and men and by minorities, are underpaid. N.C. state Sen. Wilma Woodard (D-Wake) believes, for example, that prison guards, mostly men, would receive more pay under a job evaluation system based on the point-factor approach.

### Chapter 3: A Preliminary Comparable Worth Analysis

In the study, the Office of State Personnel was careful to qualify the findings in Chapter 3: "All of the findings contained in this section of the report must be viewed in the light of the non-random samples on which they are based."<sup>2</sup> The study identified the following four limitations to its comparable worth chapter:

- relying on job evaluations done for Idaho (Hay) and Washington (Willis);
- matching North Carolina job classes with job descriptions provided by Idaho and Washington;
- analyzing less than 10 percent of all permanent North Carolina job classes; and
- analyzing job classes where descriptions could be matched with Idaho and Washington jobs rather than selecting jobs representative of the total workforce.

The report emphasized that further work needs to be done. Such work will now be performed under the pay equity study funded by the General Assembly in 1984 (see page 26 for discussion of this study). But the limitations in the personnel office study may not be as major as many contend.

First, professional analysts in the Office of State Personnel matched the Idaho and Washington jobs to North Carolina jobs. These analysts would know best which "matches" would be most valid.

Second, while the personnel office examined less than 10 percent of all job *classes* (when combining the Hay and Willis studies), the office chose job classes with significant numbers of *positions*. Certainly the caution of the report itself must be kept in mind: this was not a

"scientific" random sampling. Even so, the Office of State Personnel chose job classes which in the case of the Hay system represented 32 percent of the state's employees, and in the case of the Willis system, 54 percent of the state's employees.<sup>3</sup>

The comparisons of North Carolina job classes to the Hay system showed:

1. Female-dominated jobs received \$25.71 per Hay point, while male-dominated jobs returned \$33.75 per Hay point. Similar results were obtained using the Willis system. Similar results were also obtained when substituting hiring rates for average salaries.

2. Almost two-thirds of job classes that paid more than one standard deviation *above* their Hay rating had *no* female or black incumbents.<sup>4</sup>

3. Jobs paying one standard deviation *below* their Hay rating were heavily dominated by females and blacks.

4. Among job classes of equal Hay point value, the mean salary<sup>5</sup> of female-dominated positions was 78.8 percent of the mean salary of male-dominated positions. □

#### FOOTNOTES

<sup>1</sup> The term "penalties" is a statistical comparison mechanism where one group is held constant as a standard for comparison. In this case, the group used as the standard for comparison was white males.

<sup>2</sup> *Patterns of Pay in N.C. State Government*, Office of State Personnel, 1982, p. 71.

<sup>3</sup> *Patterns of Pay*, Table 74, p. 86.

<sup>4</sup> "Standard deviation" is a statistical term that measures the distribution of a given value relative to a mean (see footnote 5 for definition of a "mean").

<sup>5</sup> A "mean" salary refers to a statistical calculation of the average salary. Specifically, in this case, all salaries in dollars were added and divided by the number of employees who received that salary.

**State Actions on Comparable Worth for Dissimilar Jobs, August 1984<sup>1</sup>**

States	Conducting/Completed Study of State Job Classification System for Comparable Worth	Passed Comparable Worth Statute	Implemented with Funds
<b>SOUTH (15 states)</b>			
Alabama			
Arkansas			
Florida			
Georgia	X		
Kentucky	X		
Louisiana	X		
Maryland	X		
Mississippi			
North Carolina	X		
Oklahoma	X		
South Carolina			
Tennessee			
Texas			
Virginia	X		
West Virginia	X		
<b>NORTHEAST (10 states)</b>			
Connecticut	X		
Delaware			
Maine	X		
Massachusetts	X		
New Hampshire			
New Jersey	X		
New York	X		
Pennsylvania			
Rhode Island	X		
Vermont			
<b>NORTH CENTRAL (12 states)</b>			
Illinois			
Indiana			
Iowa	X	X	X
Kansas			
Michigan	X		
Minnesota	X	X	X
Missouri			
Nebraska			
North Dakota			
Ohio	X		
South Dakota			
Wisconsin	X		
<b>WEST (13 states)</b>			
Alaska	X		
Arizona			
California		X	
Colorado			
Hawaii			
Idaho	X		X
Montana	X		
Nevada			
New Mexico	X		X
Oregon	X		
Utah			
Washington	X	X	X
Wyoming			

**3. POTENTIAL COST OF IMPLEMENTING PAY EQUITY**

Opponents of pay equity or comparable worth have pointed to the large potential costs to the state of Washington as a result of Judge Tanner's decision. Based on the experience of various jurisdictions, however, incorporating a policy of pay equity for all employees into the state budget may not be an unbearable cost, as some have claimed. If Washington State had fully implemented *on a voluntary basis* the salary adjustments called for by its own comparable worth study, adjustments would have totaled only about five percent of the state's payroll. The litigation drove the projected cost up dramatically, primarily because Judge Tanner's order included back pay awards (which are still under appeal).

In 1983, the Minnesota legislature responded to its Hay study and the recommendations of the Minnesota Task Force on Pay Equity with a \$21.8 million appropriation to begin adjusting the underpaid job grades. "The total cost [of pay equity implementation] was estimated to be four percent of the state payroll," says Nina Rothchild, former director of the Minnesota Council on the Economic Status of Women and now commissioner of the Minnesota Department of Employee Relations. "With a four-year period to achieve full equity, it would be one percent of the state payroll over each of four years."<sup>19</sup>

In 1984, the N.C. General Assembly adopted a 10 percent across-the-board pay increase for all state employees, costing \$302.3 million. All state employees are not covered by the new pay equity study. If the General Assembly can award a 10 percent increase in a single year, certainly an increase of approximately 4 percent for certain employees, phased over several years, will not cause economic disruption. Four percent was the level of adjustment in Minnesota.

<sup>1</sup>The sources listed below sometimes disagree on actions by particular states. In this area of study, semantics adds to the confusion. In addition, many actions are currently underway. Consequently, this chart should serve as a guideline for national trends. To be confident of exactly what actions a particular state is taking, please contact that state directly. Also, actions on university employees vary from state to state and are not included in this chart.

Sources: *Who's Working for Working Women?*, National Committee on Pay Equity and National Women's Political Caucus, 1984; *Pay Equity and Comparable Worth*, Bureau of National Affairs Special Report, 1984; data compiled from the U.S. General Accounting Office and The American Federation of State, County, and Municipal Employees, as published in *Public Administration Times*, May 11, 1984; and telephone survey of selected states.

Until the new North Carolina study is completed, no responsible estimate can be made of the cost to the state of implementing a revised job evaluation system incorporating pay equity for all employees. North Carolina can, however, draw on the experience of other jurisdictions, such as Minnesota. If the state must appropriate some 4 percent of its total payroll to adjust for comparable worth, the legislature would have to vote some \$36.8 million for this purpose.<sup>20</sup> Some jurisdictions are handling such increases by establishing a pay equity fund of 1 percent of payroll per year.

## Conclusion

No one outside the Office of State Personnel has examined the present state job classification system for discrimination in its 35 years of existence, says G.C. Davis, assistant director of that office. In light of the laws passed in the last three decades, subsequent litigation, and the changes in personnel methods and technology, it is certainly time for such an examination to be done. The 1984 General Assembly took the important step of funding such a study. But the most difficult steps lie ahead.

The N.C. Office of Budget and Management has the responsibility of completing the study, with the help of an outside consultant. The Pay Equity Advisory Committee then has the statutory charge to report back to the General Assembly on possible *actions to take as a result of the study*. Concerned citizens need to follow this process closely over the next two years. Not until 1986 will the legislature face the most difficult decision—correcting any pay inequities uncovered by the study. North Carolina, the largest employer in the state (with 83,000 employees under the State Personnel Act), has a special duty and responsibility to serve as a role model in providing equal access to jobs and pay equity for all its jobs. □

4. *Women, Work, and Wages: Equal Pay for Jobs of Equal Value*, Equal Employment Opportunity Commission, September 1981.

5. *County of Washington, Oregon, et al. v. Gunther, et al.*, 452 U.S. 161 (1981).

6. *AFSCME, et al. v. The State of Washington, et al.*, 578 F. Supp. 846 (Western District, Wash., 1983).

7. *Summary—Patterns of Pay in N.C. State Government*, p. 2.

8. *Ibid.*

9. NCGS 143B-393(1).

10. *Pay Equity in North Carolina State Government, A Report to the Governor and the General Assembly*, N.C. Council on the Status of Women, Task Force on Comparable Worth, June 1984.

11. Chapter 1034 of 1984 Session Laws (HB 80), Section 146(c).

12. The members of the committee are: state Sens. James H. Edwards (D-Caldwell), A.D. Guy (D-Onslow), Charles W. Hipps (D-Haywood), William N. Martin (D-Guilford), William W. Redman Jr. (R-Iredell), Kenneth C. Royall Jr. (D-Durham), and Wilma Woodard (D-Wake), committee co-chair; and state Reps. Anne Barnes (D-Orange), Louise Brennan (D-Mecklenburg), David W. Bumgardner Jr. (D-Gaston), Annie Brown Kennedy (D-Forsyth), Martin Lancaster (D-Wayne), Paul Pulley (D-Durham), and Richard Wright (D-Columbus), committee co-chair.

13. *North Carolina*, published by the North Carolina Citizens for Business and Industry, July 1984, p.6.

14. Figures from U.S. Department of Labor, Bureau of Labor Statistics, released in March 1982, reprinted in *Pay Equity: Equal Pay for Work of Comparable Value*, Joint Hearings before the Subcommittee on Human Resources, Civil Service, Compensation, and Employment Benefits of the Committee on Post Office and Civil Service, U.S. House of Representatives, 97th Congress, 2nd Session, Part II, p. 1679.

15. U.S. Commission on Civil Rights Consultation Hearing, Washington, D.C., 1984.

16. *Arizona Governing Committee v. Norris*, \_\_\_ U.S. \_\_\_, 103 S. Ct. 3492 (1983).

17. *Los Angeles Department of Water and Power v. Manhart*, 435 U.S. 702 (1978). In this case, the Supreme Court explicitly rejected the contention that women should pay greater contributions into a pension fund because they live longer.

18. Marion Reber, "Comparable Worth: Closing the Wage Gap," *State Legislatures*, April 1984, p. 29.

19. *Ibid.*

20. The estimate of \$36.8 million is based on the following calculation:

4 percent times \$919.2 million equals \$36.8 million. The \$919.2 million comes from the figures shown below, supplied by the N.C. Office of State Budget.

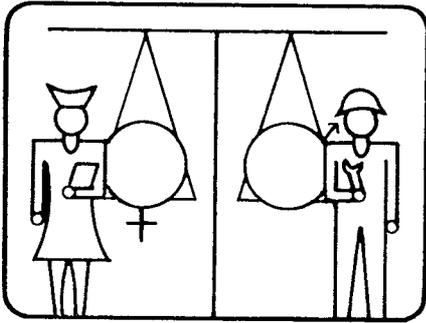
<u>Employee Group</u>	Total Annual Payroll (July 1, 1984)
Employees under State Personnel Act:	\$662.3 million
Employees in Governor and Lieutenant Governor Offices	1.9 million
Employees paid under Highway Fund	255.0 million
Total Payroll for Employees Covered by the Pay Equity Study	\$919.2 million

## FOOTNOTES

1. *Patterns of Pay in N.C. State Government*, N.C. Office of State Personnel, principal researchers Zaida Giraldo and John Ward, November 1, 1982, pp. 100-116.

2. PL 88-38, as codified in 29 U.S.C. 206(d). This was an amendment to the Fair Labor Standards Act, codified as 29 U.S.C. 201-219.

3. The 60 cent and 53 cent figures come from 1982 *Current Population Survey for North Carolina*, March Supplement, U.S. Census. The 82 cent figure comes from *Patterns of Pay in N.C. State Government*, N.C. Office of State Personnel, figures shown on p.1 of main report: \$12,620 (average female salary) divided by \$15,330 (average male salary) equals 82 percent. The smaller gap among state employees is due, in part, to the fact that white collar workers predominate.



## State Government

# *Some Characteristics of the N.C. State Government Personnel System*

by Harold H. Webb

North Carolina state government includes approximately 83,000 positions subject to the N.C. State Personnel Act. These positions will be included in the forthcoming pay equity study mandated in 1984 by the General Assembly. The positions are spread among 17 state agencies (50,000 positions), 16 campuses of the University of North Carolina system (15,000), and public health, social services, and mental health/mental retardation/substance abuse units in most of the 100 counties (18,000). Of the 83,000 positions subject to the State Personnel Act, approximately 45 percent are currently occupied by women and 55 percent by men.

The State Personnel system currently includes over 3,000 job classifications. These classes identify the work being done in such diverse areas as monitoring and protecting air and water quality, law enforcement (highway patrol, wildlife, prisons, campus police, etc.), treating the mentally and physically ill (psychiatric hospitals, mental retardation centers, N.C. Memorial Hospital), collecting taxes, providing maintenance for the thousands of buildings and acres of land owned by the state—the list could go on for several pages.

Of the states involved in various phases of pay equity studies, only New York is larger in terms of number of positions potentially affected

(well over 100,000). The next largest is Louisiana with 68,000, and the number goes as low as 9,000 in Idaho. The number of different job classifications in these states varies from 810 in Iowa to 3,400 in Maryland (57,000 positions) and well over 4,000 in New York.

In North Carolina, the job evaluation system is commonly known as the Position Classification system. Developed by Isman Baruch in the 1940s, the system has been used in public jurisdictions (including the federal government) and some private companies for many years. Positions are evaluated in terms of factors which most creditable systems would use, e.g., difficulty, scope, variety, and intricacy of work; responsibility; accountability and consequence of actions; interpersonal contacts; work environment and hazards; supervisory and management responsibilities; etc. Most job evaluation systems, whether quantitative or not, utilize essentially these same factors, though they may be combined in different ways or divided differently into sub-factors. Judgments are being made about the rank of positions no matter which job evaluation system is in place.

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*Harold H. Webb is state personnel director and past president of the National Association of State Personnel Executives.*

The system currently in use in North Carolina state government differs from the Hay, Willis, or any other quantitative system in this major way: While job factors are considered individually in each of the systems, the judgments are not *quantified* by the present North Carolina system, but are expressed *narratively*. In the point systems, those judgments are quantified through a process of weighting the factors and assigning point values to them.

In a 1982 study, *Patterns of Pay in N.C. State Government*, the N.C. Office of State Personnel found that females in State Personnel Act (SPA) positions made 82 percent of what males in SPA positions made (see pages 28-29 for a summary of this report).

On a national basis, females make about 60 percent of what all males make. In other words, the state of North Carolina, on the average, is ahead of employers nationwide in pay equity. Some of this difference stems from the fact that white collar jobs predominate in state government.

Females make 82 cents for every dollar men make in state government, when comparing *actual salaries*. But when comparing the salaries of female to male state employees in terms of *pay grades*,\* females are paid 95 percent of the salary grade of males. Within salary grades are 9 steps,

based primarily on merit. With each step, the employee receives a 5 percent pay raise. The 95 percent figure results from recruitment efforts, training, promotion, and other efforts to improve job equality for females.

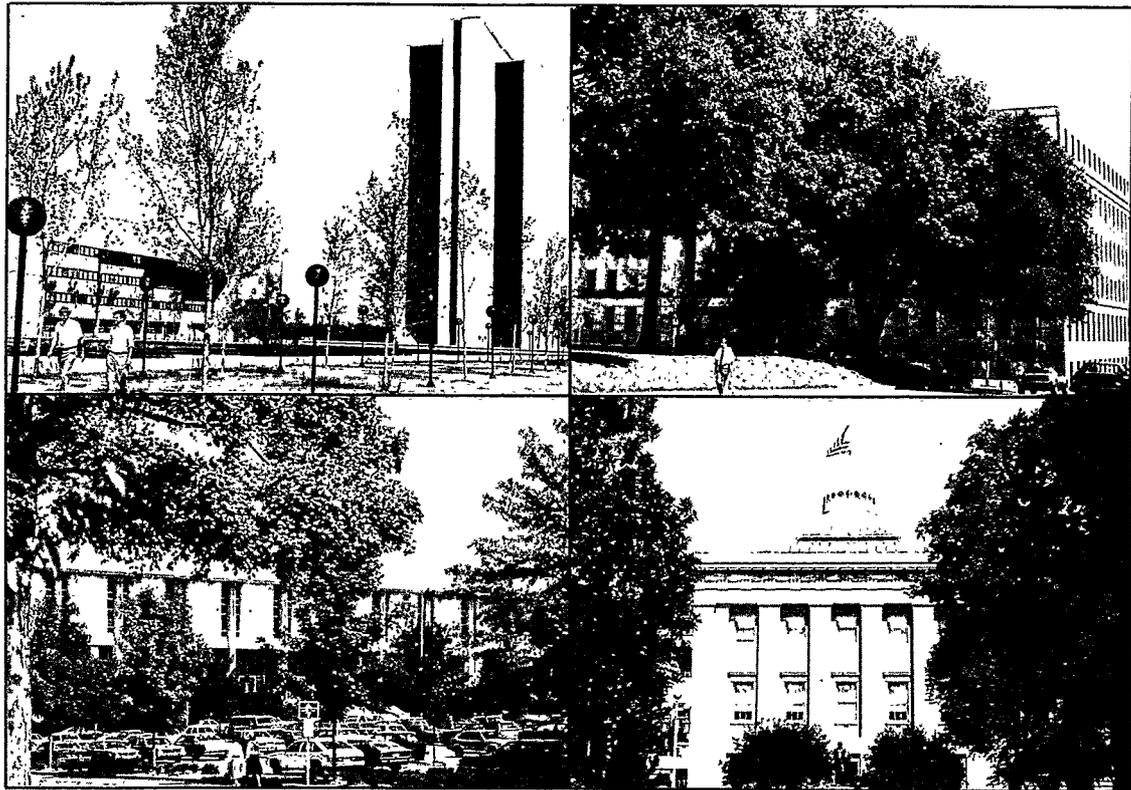
The terms "comparable worth" and "pay equity" mean the same thing to some people but different things to others. Comparable worth has come to have the connotation of a women's issue to many people, even though a job classification system incorporating principles of comparable worth might benefit men as well as women.

It is important to note that the General Assembly recently funded a "pay equity study" and went a step further: "The Pay Equity Study shall be conducted as a general examination of the pay equity issue, and shall *include but not be limited to a factor based on supply and demand on the relevant job market* for a given job category which factor shall be given equal weight" (emphasis added)—House Bill 80, Section 146(a).□

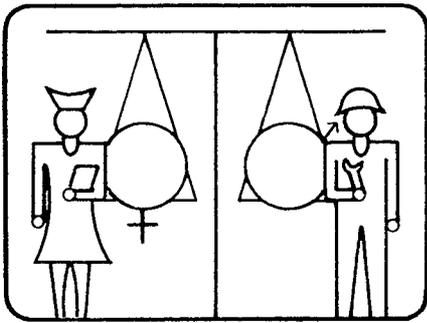
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*\*In the North Carolina personnel system, pay grades range from Grade 50 to Grade 96. Each grade includes nine steps, and each of the 3,000 job classifications is assigned one of the pay grades.*

#### The hub of N.C. state government.



Carol Majors



## Local Government

# *An Essay on Judgments and Implementation*

by Pat Crotts

As a personnel director in local government, comparable worth sets up a dilemma for me. I see that the labor market pays lower wages for jobs in which females predominate; as a woman I would like to see these pay inequities corrected. However, as a personnel professional with several years of experience in developing pay systems for local government organizations, I know the practical problems involved in implementing comparable worth and the variety of difficult judgments which would have to be made.

Compensation systems follow an ordered methodology. But the factors that establish this methodology depend more on art than on science. Any compensation system reflects a variety of judgments. For example, is caring for a human life (e.g., as a nurse does) worth more than caring for dollars (e.g., as a fiscal analyst does), all other factors being equal?

To establish a compensation system that incorporates the concept of comparable worth might require an employer to rely too much on *internal equity at the expense of market conditions*.

If I were charged to implement comparable worth in a compensation system, I would have to make three important and difficult judgments, as explained below.

**1. How will jobs be determined to be comparable?** I would have to use a point system to quantify judgments about the relative worth of



Michael Marros

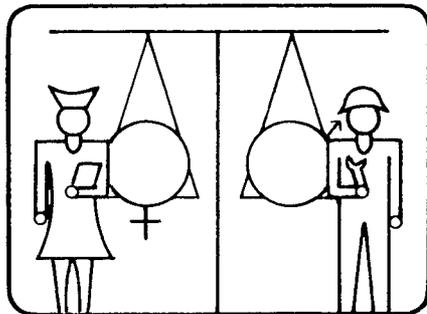
the jobs. A point system would assign numbers to factors like complexity of work, public contact required, fiscal accountability, physical effort needed, job hazards, and extent of supervisory or managerial responsibility.

*Continued on page 36*

*Pat Crotts has been personnel director for the town of Chapel Hill for three years and supervised the state's Local Government Position Classification Service for seven years. She has a Masters in Public Affairs from North Carolina State University.*

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# Private Sector



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## Comparable Worth —

## An Illusory Concept

by Allan Shackelford



Michael Matros

Proponents of comparable worth call it the women's issue of the eighties. Using highly emotional arguments and political intimidation, they have achieved greatest success through administrative and legislative efforts. Meanwhile, the court decisions in *Gunther* and *AFSCME* (see article on page 38 for more on these cases) have intensified the debate over comparable worth. To date, however, no court has decided a case in favor of a plaintiff based solely upon a theory of comparable worth. In fact, several courts appear to have rejected such arguments.<sup>1</sup>

Determining the standard by which an employer should pay an employee is the crux of the comparable worth issue. Proponents contend that a discernible, quantitative relationship exists between the "intrinsic" value of *dissimilar* jobs. They argue that an employer should base compensation primarily on a point-factor, quantitative analysis. Such a system often negates the effect of free-market economics.

Using a theoretical, point-value comparison, employers—in the public or private sector—are not able to rely freely on competitive, market-value pay rates. Private sector employers measure an employee's value *in terms of cost and profits*, not on theoretical constructs of "intrinsic" worth.

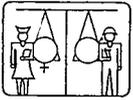
Comparable worth, in fact, is an illusion. Measurable, quantitative comparisons cannot be made of dissimilar jobs. Such comparisons—the cornerstone of comparable worth—can only be made by reference to subjective factors and will always reflect the subjective judgment of the evaluator; different methods of measurement will produce different results.

The differences in pay between jobs which have been dominated historically by males versus

*Continued on page 36*

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*Allan Shackelford, a Greensboro attorney, specializes in labor relations and employment law, representing management. He is with the firm of Smith, Moore, Smith, Schell & Hunter, which represents many of the largest companies in North Carolina.*



## Local Government

### *Crotts, continued*

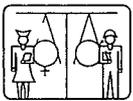
That sounds easy enough: choose a point system. But who decides? And how will the number of points be assigned to various factors? What is the value to the organization of contact with the public versus job hazards versus independence of action? What, for example, is the proper balance between physical strength required (which may favor male-dominated jobs) and dexterity required (which may favor more female-oriented positions)?

In addition to assigning weights among different job factors, I would have to define the levels within one factor. How would you define, for example, a scale for "job complexity," spelling out what characterizes little, some, more, and a lot of job intricacy or complexity? And how are points assigned within that hierarchy?

I could develop my own point system, or there are a number of systems already developed, some better thought out and more usable than others. Which system best fits my organization's values, without perpetuating the previous sex-related segregation which may have been present among jobs?

**2. How will a point/job evaluation system based on comparable worth be implemented?** Once a state or national agency (or a legislative body) has selected a job classification system, someone has to apply the system to specific jobs. Then the second round of judgments begins. Someone has to decide how many points each job is assigned, based on that job's duties and responsibilities. A personnel specialist, a supervisor, or a committee may make this determination, and these decisions will be closely scrutinized.

Since the number of points assigned to each job would have a direct relationship to pay, employees or supervisors may challenge each point assignment, trying to justify the assignment of more points. Whose judgment prevails



## Private Sector

### *Shackelford, continued*

jobs that have been dominated historically by females do not equate to discrimination. Personal preferences of both males and females have affected these job patterns. Proponents of comparable worth often state that they hope to eliminate alleged discriminatory pay inequities between jobs most often performed by men as opposed to those most often performed by women. But it frequently seems that the real impact of comparable worth would be to inflate artificially the wages paid for certain jobs dominated by women.

The N.C. General Assembly, by funding and mandating a "pay equity study" of the state government personnel system, has encouraged the intrusion of comparable worth into the

economy of this state. Such studies, and any attempts at implementing "pay equity" or "comparable worth," will almost certainly be used to support allegations of pay disparity within the private sector.

As attorneys representing management in employment matters, we are especially concerned about the possible ultimate impact of this study. Our concern is not only for the impact upon the cost of state government but also its inevitable spillover effect upon the private sector. Proponents of comparable worth are very shortsighted in failing to recognize several of the practical implications of implementing this doctrine.

First, the cost of comparable worth to government, to the private sector, to the taxpayer, and to the economy might well be exceedingly high. A spokesman for the U.S. Chamber of Commerce warned in a recently released Bureau of National Affairs report of a \$320 billion cost to employers if proposed federal laws adopting the comparable worth doctrine for federal and private sector employees are enacted.<sup>2</sup>

Second, employers who must compete in

as factor definitions and points are applied to specific job tasks? When consensus has finally been reached on the worth of the jobs, through points assigned, a third major judgment must be made.

**3. How does the value of the job—i.e., the amount of “points”—determine pay ranges?** As a personnel administrator, I would attempt to match job points with salary data. Where points are approximately equal, pay should be about the same—according to a system of comparable worth.

Three different kinds of jobs might have approximately equal number of points, such as: administrative secretary (female-dominated occupation), maintenance mechanic (male-dominated), and computer programmer (integrated by sex); or social worker (mostly female), police officer (mostly male), and accountant (mixed). In each of these groups, the differences in market salaries might range from \$1,000 to \$5,000 or more among the three different jobs. So how do I assign salaries?

If I pay the average of the salary ranges for the three jobs with equal points, I might “overpay” one job (according to market factors) but may not be competitive for another. If I pay the highest rate for all three, I overpay two of the jobs according to the market rates.

I might well take a midpoint line, paying the highest rate when 1) the competitive market required it, and 2) the salary didn't result in a male-dominated job being paid more than a mostly female job with equal points. But meeting these two conditions might be difficult. I might instead have to bite the comparable-worth bullet and recommend paying the highest salaries to all jobs of equivalent point values.

This, then, is perhaps the most difficult judgment. I have to decide between two conflicting values: fairness to employees performing work which has been determined to be of comparable worth (i.e., paying all three jobs the highest salary), versus the mandate to government officials to provide services to its citizens at the lowest practical cost (paying the market, and hence, lower salaries to some female-dominated positions). □

the marketplace will respond to comparable worth by taking necessary steps to preserve their competitive advantages. Such steps would probably result in an overall loss of jobs as employers respond to increased labor costs through an accelerated use of mechanization, robotics, and a transfer of jobs to overseas labor markets.

Third, comparable worth could have a serious impact upon industrial recruitment in this state if our pro-business labor climate were to be threatened by higher labor costs in general or by unions beginning to attract female employees by promising that they would push for comparable worth in contract negotiations.

Fourth, higher paid workers throughout the country might well resist the erosion of existing wage differentials between themselves and lower paid workers. Inflation resulting from their efforts to maintain these wage differentials would result in an overall drop in real income.

The continuing debate over pay equity or comparable worth requires careful analysis regarding the ultimate impact of this doctrine. Comparable worth, in effect, could function as an inflationary wage control. It would be a mistake to

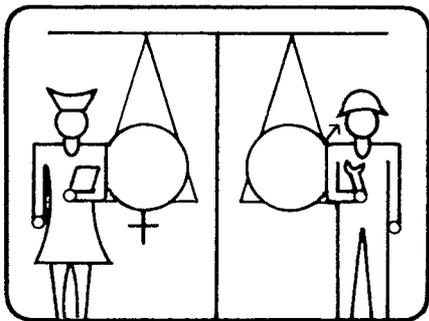
impose such a system of compensation as a politically expedient way to provide inflated wages for some female employees.

The issue of ultimate importance should be unlawful discrimination in employment, not comparable worth. Employers who intentionally discriminate in the payment of wages to female employees within the meaning and intent of the standards set forth in the Equal Pay Act, or as those standards are incorporated into Title VII, should bear the consequences of their actions. However, innocent employers, taxpayers, consumers, and the economy should not be subjected to the burdensome effects of this illusory concept called “comparable worth.” □

#### FOOTNOTES

1. See *Spaulding v. Univ. of Washington*, 35 FEP 217 (9th Cir. 1984). The Ninth Circuit Court of Appeals, the same court that will hear the appeal in the *AFSCME* case, appears to have rejected the theory of comparable worth. See also *Plemer v. Parsons-Gilbane*, 713 F.2d 1127 (5th Cir. 1983) and *Lemons v. City and County of Denver*, 620 F.2d 228 (10th Cir.), cert. denied, 449 U.S. 888 (1980).

2. *Pay Equity and Comparable Worth*, A BNA Special Report, The Bureau of National Affairs Inc., 1231 25th St., N.W., Wash., D.C. 20037, 1984, page 72.



# The Courts

## *Rulings on Comparable Worth Lie Ahead*

by Jody George

The jury is out on comparable worth. Lawyers and legal analysts from Washington, D.C., to Hawaii are scurrying around trying to figure out the implications of a recent court case in the state of Washington. Given the evolution of wage discrimination laws, their job is not easy.

### **The Equal Pay Act of 1963**

Until the mid-1900s, employers routinely paid men and women different wages for performing the same job. As the women's movement gained momentum in the late 1950s, women began to speak out against this practice and exert political pressure. In response, Congress passed the Equal Pay Act of 1963.

The Equal Pay Act prohibits employers from paying different wages to men and women who perform *substantially the same work*. For example, under the Equal Pay Act, an employer may not pay different wages to a male and a female computer programmer if the two have the same level of education, do the same job, and have worked for the same employer for the same number of years.

Under the Equal Pay Act, an employer may, however, pay different wages to men and women if the pay differences are based on:

- a seniority system;
- a merit system;
- measurements by quantity or quality of production; and
- any factor *other than sex*.

These exceptions have been important in litigation that affects the issue of comparable worth.

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

Congress also prohibited employers from discriminating on the basis of sex under Title VII of the Civil Rights Act of 1964. Title VII and the Equal Pay Act differ in two ways.

First, the Equal Pay Act is more narrow in scope. It applies *only* when an employer pays women different wages for performing substantially the same jobs as men. *Title VII, on the other hand, is a general prohibition against sex discrimination and applies in situations where the Equal Pay Act does not.* For example, some employers traditionally refused to hire women for certain jobs. Title VII makes this refusal illegal, but the Equal Pay Act does not. The Equal Pay Act only applies *after a woman has been hired*. In other words, the Equal Pay Act only requires that *if* women are hired, they must be paid the same wages for performing the same jobs as men.

Second, Congress had different intentions when enacting the Equal Pay Act and Title VII. With the Equal Pay Act, Congress specifically intended to address discrimination in pay for women workers. The inclusion of the word "sex" in Title VII was secondary to the main issue at hand—race discrimination.

As introduced, Title VII was intended to prohibit discrimination on the basis of race, color, religion or national origin in any phase of

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employment—hiring, promotion, pay, terms, conditions, or privileges. Meanwhile, the civil rights battles were raging. In an apparent attempt to defeat Title VII, then Rep. Howard W. Smith (D-Va.) added the word “sex” to “race, color, religion and national origin.” Much to the surprise of Title VII opponents, the law passed anyway, with sex discrimination prohibitions included.

During the debates over Title VII, several senators expressed concern that insufficient attention had been paid to possible inconsistencies between it and the Equal Pay Act. In an attempt to rectify the problem, then Sen. Wallace F. Bennett (R-Utah) proposed an amendment. His amendment allowed employers to pay different wages to men and women who perform the same work if the difference is authorized by the Equal Pay Act (remember the four exceptions to this Act, mentioned above). The “Bennett Amendment” passed.

The inclusion of the Bennett Amendment created an ambiguity in the law. The Bennett Amendment seemed to restrict the scope of Title VII, but by how much?

### County of Washington, Oregon v. Gunther

In 1981, the U.S. Supreme Court took a step toward determining how much the Bennett Amendment restricts Title VII. In the landmark case of *County of Washington, Oregon v. Gunther*, the Court ruled that the Bennett Amendment does not restrict Title VII's prohibition against sex discrimination to claims of equal pay for equal work.<sup>1</sup> The Court said that women's jobs do not have to be equal to, or compared with, men's jobs in order to bring charges of discrimination under Title VII.

The *Gunther* decision opened the door for sex discrimination lawsuits based on questions other than equal pay for equal work. But the Supreme Court in *Gunther* did not rule on the issue of comparable worth. That issue has yet to be decided.

### The Future of Comparable Worth And the Courts

Lawsuits involving comparable worth issues are pending in Hawaii and Wisconsin. But, at the moment, the case to watch is *American Federation of State, County and Municipal Employees (AFSCME) v. Washington*.<sup>2</sup>

In *AFSCME*, decided in late 1983, U.S. District Court Judge Jack Tanner ruled that the state of Washington was guilty of sex-based

discrimination. His decision hinged on the fact that the state of Washington had officially adopted a system of evaluating the worth of state jobs but had not, after 10 years, funded a pay system to implement it. Tanner ordered immediate relief *plus* back pay to women, who were making about 20 percent less than they should, according to the state's own study. Washington officials say that the decision, which was based on a wage discrimination statute, could cost up to \$377 million to implement.<sup>3</sup>

The state of Washington is appealing the *AFSCME* decision to the Ninth Circuit of the U.S. Court of Appeals. Recently, in *Spaulding v. University of Washington*, this same Ninth Circuit rejected a comparable worth claim by the female nursing faculty of the University of Washington.<sup>4</sup> It is not clear, however, to what extent *Spaulding* will be considered precedent when *AFSCME* is decided. The facts of *AFSCME* and of *Spaulding* are different, and the state employees will probably test lines of reasoning not addressed in the nursing faculty case.

What is clear is that the pressure to raise women's wages will persist and that *AFSCME* is being watched closely by other states. As legal analyst Keon S. Chi said recently, “Comparable worth has become one of the most prominent and important issues of the 1980s, and whatever comes out of the *AFSCME* case may have a lasting impact on compensatory practices everywhere.”<sup>5</sup> □

#### FOOTNOTES

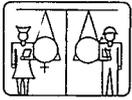
1. *County of Washington, Oregon, et al. v. Gunther, et al.*, 452 U.S. 161 (1981).

2. *AFSCME, et al. v. The State of Washington, et al.*, 578 F. Supp. 846 (Western District, Wash.), 1983.

3. The \$377 million figure is from a telephone interview with Dan Keller, Office of Financial Management, state of Washington. Wash. Gen. Stat. 49.12.175: “Wage discrimination due to sex prohibited—Penalty—Civil Recovery. Any employer in the state, employing both males and females, who shall discriminate in any way in the payment of wages as between sexes or who shall pay any female a less wage, be it time or piece work, or salary, than is being paid to males similarly employed, or in any employment formerly performed by males, shall be guilty of a misdemeanor. If any female employee shall receive less compensation because of being discriminated against on account of her sex, and in violation of this section, she shall be entitled to recover in a civil action the full amount of compensation that she would have received had she not been discriminated against. In such action, however, the employer shall be credited with any compensation which has been paid to her account. A differential in wage between employees based in good faith on a factor or factors other than sex shall not constitute discrimination within the meaning of RCW 49.12.010 through 49.12.180.”

4. *Spaulding v. University of Washington*, 35 FEP Cases 217 (1984).

5. Keon S. Chi, “Comparable Worth: Implications of the Washington Case,” *State Government*, Vol. 57, No. 2, 1984, p. 34.



## The Politicians

On June 29, 1984, the General Assembly voted \$650,000 to evaluate the state's job classification system and identify policies that inhibit pay equity for women. On July 25-26, North Carolina Insight asked the leading candidates for governor and lieutenant governor three questions. John Carrington, the Republican candidate for lieutenant governor, chose not to submit answers. The other responses follow (with gubernatorial candidates in alphabetical order).

### 1. Do you support this study?

#### *For Governor:*

*Rufus Edmisten (Democrat).* I support equal pay for equal work and the establishment of an objective, quantitative job evaluation system to provide internal pay equity for all employees of state government. It is my understanding that this is the purpose of the project funded by the General Assembly.

*James Martin (Republican).* I am in agreement with the general guidelines set forth in Section 146 of HB 80 for conducting a general examination of the pay equity issue. I applaud the General Assembly for requiring the inclusion of factors based on supply and demand of the relevant job market. The important issue to be stressed is to give appropriate weight to the free market forces of supply and demand and appropriate weight to job values.

#### *For Lieutenant Governor:*

*Robert B. Jordan III (Democrat).* Yes. The issue of pay equity deserves close attention by the legislature. The current classification system was implemented in 1949 and a study to look at possible inequities is long overdue. North Carolina's work force has changed dramatically since then, and the public sector must make every effort to recognize these changes, both in gender and types of jobs. Although the study will look for inequities in positions traditionally held by women, traditional male jobs stand to benefit from the study. A close look at fringe benefits and their

relative value must be included.

### 2. Do you favor making adjustments to the job classification system based on pay equity considerations?

*Edmisten.* It is my expectation that the classification system, which is simply one method of job evaluation, will be replaced by a point-factor or other quantitative system, and that the revamped system will analyze individual jobs and that these jobs will then be grouped for purposes of market comparisons. It is my further expectation and position that the state must be competitive with other public sector organizations and with the private sector and that pay for the job groupings, if it is out of line, must be brought into line if we are to maintain a first-rate work force. As a part of this effort, state employees must be provided with full information as to the rating of jobs, and each employee should have the right to appeal evaluation changes.

*Martin.* I am in favor of making adjustments to the job classification system to ensure the best possible pay system as can be provided within the means of the State of North Carolina. I would make adjustments based on the report of the consulting firm as outlined in HB 80, Section 146, and with the concurrence of the Pay Equity Advisory Committee and the General Assembly.

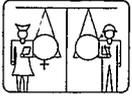
*Jordan.* Yes, adjustments need to be made based on a quantitative classification system using point factors such as experience, education, working conditions, levels of responsibility, and market supply and demand to determine salary levels.

### 3. Do you favor the legislature funding these adjustments?

*Edmisten.* If adjustments must be made, in order to achieve fairness, then I favor making necessary adjustments over a period of time.

*Martin.* I am in favor of the legislature funding any inequity within the State job classification system.

*Jordan.* The legislature must take responsible steps to fund the needed adjustments found in the study. A prospective phase-in of a new pay schedule with steps leading to parity would be the most reasonable approach.



## Resources

### Articles, Books, and Other Reference Materials

Keon S. Chi, "Comparable Worth: Implications of the Washington Case," *State Government*, quarterly of the Council of State Governments, Vol. 57, No. 2, 1984, pp. 34-45. A careful breakdown of the Washington State situation—legal basis, job evaluations, etc. Includes charts of activities in other states, various estimates of back pay amounts in the Washington case, and job classes affected by the Washington decision.

"Comparable Worth: A Summary of Information Relevant to the Salaries for Female-Dominated Jobs," California Department of Personnel Administration, December 1982. See also "Comparable Worth, An Issue Update—Special Report to the Subcommittee on Women in the Workforce," California Senate Office of Research, 1984.

"Comparable Worth," special issue of *Public Personnel Management*, Vol. 12, No. 4 (winter 1983). Also in *Public Personnel Management*, Helen Remick, "The Comparable Worth Controversy" (winter 1981).

"Comparable Worth," *State Policy Reports*, published by State Policy Research Inc., Arlington, Va. 22206, Vol. 2, Issue 12, June 22, 1984, pp. 9-23. A broad-based overview—historical, legal issues, various state actions, state policy options, and costs.

Geoffrey Cowley, "Comparable Worth: Another Terrible Idea," *The Washington Monthly*, January 1984, pp. 53-57. A reporter for *The Seattle Weekly* (who is familiar with the political impact of the Washington case), Cowley examines in a tongue-in-cheek style the practical difficulties of point-rating systems.

Michael Gold, *A Dialogue on Comparable Worth*, ILR Press, School of Industrial and Labor Relations at Cornell University, 1983. Stimulating discussion of policy issues involved.

"The Issue of Comparable Worth," *Tar Heel Economist*, Dept. of Economics and Business, N.C. State University, August 1984. Includes four short articles by Robert M. Fearn and Claudia G. Allen.

Robert Joyce, "Equal Pay, Equal Opportunity, Comparable Worth," *Popular Government*, quarterly of the Institute of Government, University of North Carolina at Chapel Hill, spring 1984, pp. 1-8. A legal analysis of the issue with good reference notes.

*Pay Equity and Comparable Worth, A BNA Special Report*, The Bureau of National Affairs, 1231 25th St., N.W., Wash., D.C. 20037, 1984. This excellent, 156-page report summarizes various studies, legal developments, federal legislative and agency actions, state legislation, and union activities. Includes a lengthy bibliography and some valuable appendices.

*Pay Equity: Equal Pay for Work of Comparable Value*, Joint Hearings before the Subcommittees on Human Resources, Civil Service, Compensation and Employee Benefits of the Committee on Post Office and Civil Service, U.S. House of Representatives, 97th Congress, 2nd Session. House Report 97-832.

"Pay Equity & Public Employment," Report of the Task Force on Pay Equity, Minnesota Council on the Economic Status of Women, March 1982.

*Patterns of Pay in N.C. State Government*, N.C. Office of State Personnel, 1982. A 216-page report on a two-year study (see sidebar on page 28).

*Pay Equity in North Carolina State Government: A Report to the Governor and the General Assembly*, North Carolina Council on the Status of Women, Task Force on Comparable Worth, June 1984. Good summary of issue. Includes recommendations, with background reasoning, to the legislature and governor and good summary of other state actions, including contact names and phone numbers.

"Pilot Project: A Study of Job Classifications Currently Used by the State of Illinois to Determine If Sex Discrimination Exists in the Classification System," Commission on the Status of Women, June 1983.

Marion Reber, "Comparable Worth: Closing a Wage Gap," *State Legislatures*, April 1984, pp. 26-31. Good overview with concentration on Minnesota situation.

Daniel Seligman, "Pay Equity' is a Bad Idea," *Fortune*, May 14, 1984.

Donald J. Trieman and Heidi Hartmann, eds., *Women, Work, and Wages: Equal Pay for Jobs of Equal Value*, Final Report of the Committee on Occupational Classification and Analysis to the Equal Employment Opportunity Commission, commissioned by the National Academy of Sciences, National Academy Press, 1981. Trieman also wrote a good summary of job classification systems in general: *Job Evaluation: An Analytic Review*, National Academy Press, 1979.

*Who's Working for Working Women: A Survey of Pay Equity Initiatives*, published by the National Committee on Pay Equity, summer 1984. This is probably the best and most up-to-date summary of activities in the various states. The National Committee on Pay Equity is a good clearinghouse of information (1201 16th St., N.W., Washington, D.C. 20036, 202-822-7304).

Eric Wiesenthal, "Comparable Worth: Issue of the '80s," *Public Administration Times*, May 1, 1984. A brief news analysis.

### Organizations Consulting on Personnel Systems

Booz, Allen, and Hamilton, 4330 East-West Highway, Bethesda, Md. 20814. This management consultant firm has worked on job classification systems in Alaska, Virginia, and Maryland (reviewing the Cresap study).

Cresap, McCormick, & Paget, 2101 L St., N.W., Suite 400, Washington, D.C. 20037. This management consultant firm has worked on job classification systems for Maryland and Louisiana.

Halcrest-Craver, 7316 Hooking Rd., McLean, Va. 22101. This firm has done studies for Alaska, Kentucky, and other states.

Hay Associates, 229 S. 18th St., Rittenhouse, Philadelphia, Pa. 19103 (with other major offices in Chicago and Washington). With some 5,000 clients around the world, Hay has done hundreds of job evaluation studies, including those for Idaho, Minnesota, Oregon, and other states.

Norman Willis and Associates, 812 Third Ave., Seattle, Wa. 98104. A management consultant firm, Willis has worked on studies in Washington State and Connecticut, among other places.

Arthur Young and Co., 277 Park Ave., N.Y., N.Y. 10172. A major management consulting firm.

# Pro: *An Effective Resource*

by Jonathan B. Howes  
and Bradley S. Barker

**R**egional approaches to planning and government in North Carolina have a long history. Nearly three decades ago, in 1957, the General Assembly created the Western North Carolina Regional Planning Commission. In 1959, concurrent with the creation of the Research Triangle Park, the Research Triangle Regional Planning Commission (RTRPC) formed. Anticipating the growth associated with the Park, the RTRPC provided a forum for coordination of government policies and a vehicle for regional planning. RTRPC became the first regional council in North Carolina created by local *elected* officials.

The composition of the governing board is one of the central issues affecting the future of regional councils in North Carolina. Most have moved close to the COG model [see introduction], and all have a majority of local elected officials on their governing boards. The extent to which the governing board is made up of elected officials strongly affects the attitude of local governments toward their regional council. Those which have adopted the COG model are viewed as extensions of local governments. On the other hand, some of those which grew out of economic development commissions are sometimes perceived as being beyond the control of local governments.

Close cooperation between regional councils and member local governments has been a goal of the two statewide local government organizations in North Carolina, the N.C. League of Municipalities and the N.C. Association of County Commissioners. These organizations together sponsor

*Continued, page 45*

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*Jonathan B. Howes is director of the Center for Urban and Regional Studies at the University of North Carolina at Chapel Hill. A member of the Chapel Hill Town Council since 1975, Howes chaired the Board of Delegates of the Triangle J Council of Governments from 1978 to 1980. Bradley S. Barker, formerly the city manager of Concord, is executive director of the Triangle J Council of Governments.*

## An Introduction

# *Regionalism in What Course*

by Bill Fingersh

Geography bestowed on the state of North Carolina three distinct regions in its coastal plain, its rolling Piedmont, and its western mountains. Economic development patterns, population trends, and political mores reinforced these three regions. As people and power moved from the farms "down east" into the urban corridor along Interstate 85, legislative alignments grew more subtle and complex. Likewise, regional loyalties evolved into new groupings, tied to county boundaries as well as watersheds, job opportunities, and other interests.

"Regionalism is a tradition in North Carolina," contend Jonathan Howes and Bradley Barker in their "pro" article. "And regional councils are its custodians."

Others argue that regional councils have become unwieldy creatures, an extra layer of bureaucracy rather than an essential government planning vehicle. "If regionalism is determined to be necessary by local governments, the concept must be far more rigorously defined and limited in scope than the system in place today," writes Jones C. Abernethy from the "con" viewpoint.

Regional governmental efforts blossomed in the 1960s. Over 20 federal programs required regional or areawide plan that cut across county boundaries. In addition, Congress passed in 1968 the Intergovernmental Cooperation Act (PL 90-577) which prompted the U.S. Office of Management and Budget to issue its well-known (to bureaucrats) "A-95" circular. The "A-95" review process mandated federal agencies to recognize multicounty regions when official and uniformly established by a state.

Such federal actions led to a rapid increase in the number of multi-county administrative units in the state. By 1969, more than 70 units existed, including 11 health planning agencies, 19 area manpower planning districts, and 21 law enforcement planning units. These overlapping districts caused the N.C. General Assembly and N.C. Gov. Robert Scott (1969-73) to begin moving toward a formal regional plan for the state.

# North Carolina— for the Future?

In 1969, the General Assembly charged the State Department of Administration to work cooperatively with counties, municipalities, federal agencies, and others to develop "a system of multicounty regional planning districts to cover the entire state..." (GS 143-341). On May 1970, Gov. Scott responded with Executive Order Number 3 which established 17 multicounty regions.

In May 1971, the N.C. Department of Administration formally announced the state's "Lead Regional Organization" (LRO) policy. The Department of Administration gave the LROs basic planning responsibilities, including administering the A-95 review process for federal grants distributed in an LRO's region.

In April 1978, Gov. James B. Hunt Jr. created the Local Government Advocacy Council and asked it to study the state's LRO structure.<sup>1</sup> On October 23, 1978, Gov. Hunt issued Executive Order Number 27 which in essence reconfirmed the Scott LRO policy. In 1979, after much political debate, the 11-county Region G was divided into a new Region I and Region G (see map on page 44). Today, then, there are 18 LROs.

Other local administrative structures still exist, such as the six health systems agencies that do planning in all 100 counties. But the 18 regional councils have greatly reduced the number of local administrative agencies.

In North Carolina, LROs evolved through two different routes. The federal Economic Development Administration (EDA) and/or the Appalachian Regional Commission (ARC) funded eight planning and economic development commissions in the mountains and on the coast (A, B, C, D, I, P, Q, and R; see map). These eight focused primarily on economic development until the state LRO policy broadened their mandate.<sup>2</sup> The other 10 began as Councils of Governments (COGs) or planning districts, which usually involved a more concentrated effort among the local governments—i.e., a council of local governments.

*Continued, page 44*

## Con:

# Time for a Change

by Jones C. Abernethy III

*Progress is man's ability to complicate simplicity.*  
—Thor Heyerdahl

**R**ecent history affords a number of misguided efforts to remedy a fault or gap in the natural order of things. Kudzu, imported from Japan to the South in the early 20th century, has halted soil erosion, but it has also swallowed vast stretches of farmland and timber. Similarly, North Carolina has suffered from the importation of the council of government (COG) concept—an idea born in Detroit and other metropolitan areas and nurtured by the federal government.

Formally established throughout North Carolina in 1970, the COG concept had laudable goals of eliminating duplication of effort in solving local problems with regional implications, providing planning services at lower cost, expanding the range of services available to local governments and their constituents, and providing a forum/clearinghouse for resolution of conflicts in solving common regional problems.

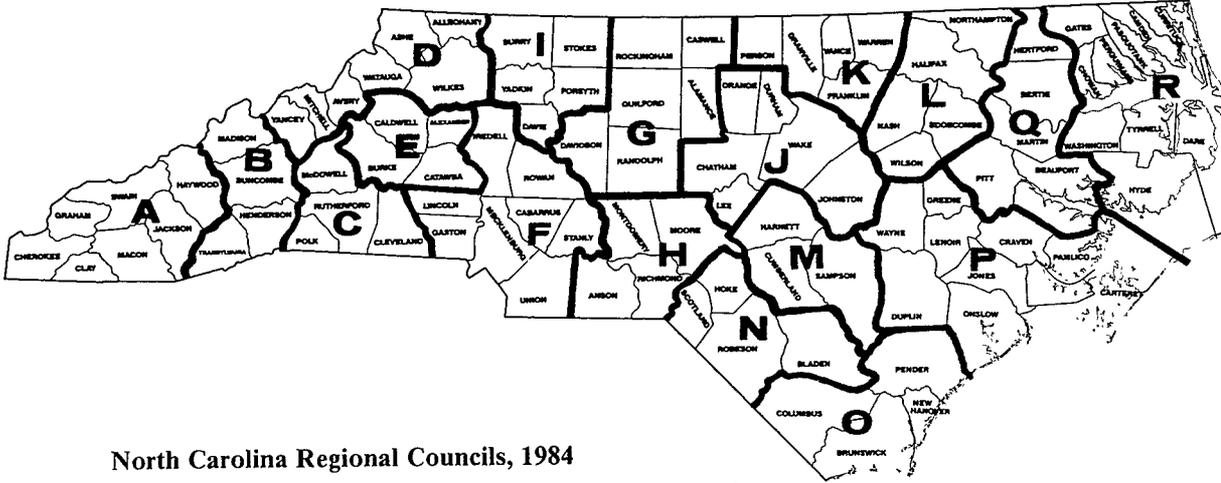
After more than 10 years of experience, however, the impact of COGs has been considerably less than their objectives—and altogether different in some areas from anything contemplated in the enabling legislation.

The COG concept came to fruition in the Great Society antipoverty and economic development programs of the 1960s—and in the proliferation of federal agencies and federal funds spawned by these programs. But COGs have lingered past the demise of many of these programs. In fact, in the Reagan era, some

*Continued, page 45*

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*Jones C. Abernethy III, a city planner, currently works as a private consultant to local governments in a 15-county region around Winston-Salem. He formerly worked seven years for the Division of Community Assistance, Department of Natural Resources and Community Development, Winston-Salem Regional Office.*



**North Carolina Regional Councils, 1984**

- |  |  |   |
|--|--|---|
| <p>A. Southwestern North Carolina Planning &amp; Economic Development Commission<br/>Bryson City</p> <p>B. Land-of-Sky Regional Council<br/>Asheville</p> <p>C. Isothermal Planning &amp; Development Commission<br/>Rutherfordton</p> <p>D. Region D Council of Governments<br/>Boone</p> <p>E. Western Piedmont Council of Governments<br/>Hickory</p> <p>F. Centralina Council of Governments<br/>Charlotte</p> | <p>G. Piedmont Triad Council of Governments<br/>Greensboro</p> <p>H. Pee Dee Council of Governments<br/>Troy</p> <p>I. Northwest Piedmont Council of Governments<br/>Winston-Salem</p> <p>J. Triangle J Council of Governments<br/>Research Triangle Park</p> <p>K. Kerr-Tar Regional Council of Governments<br/>Henderson</p> <p>L. Region L Council of Governments<br/>Rocky Mount</p> | <p>M. Region M Council of Governments<br/>Fayetteville</p> <p>N. Lumber River Council of Governments<br/>Lumberton</p> <p>O. Cape Fear Council of Governments<br/>Wilmington</p> <p>P. Neuse River Council of Governments<br/>New Bern</p> <p>Q. Mid-East Commission<br/>Washington</p> <p>R. Albemarle Regional Planning &amp; Development Commission<br/>Hertford</p> |
|--|--|---|

At one point, analysts distinguished between economic development commissions and COGs. Later, all 18 organizations were called LROs, even as they retained some distinctive features as planning or economic commissions or as COGs. Today, persons working in this area usually prefer the term "regional council" for all 18 organizations.

The state statutes authorize *local governments* to create COGs or regional and economic development commissions.<sup>3</sup> While the statutes are similar, the "Council of Governments seem to have the broadest range of power in terms of staffing, funding, planning and programming," according to the latest state report on regionalism.<sup>4</sup> The eight planning and economic development commissions in essence now have the powers of COGs.

Local governments, which actually created the 18 regional councils, may choose whether to join these councils. Almost all counties and municipalities maintain membership. The non-members include two counties (Henderson and

Moore), three towns over 5,000 in population (Burlington, Havelock, and Mint Hill), and 11 towns with populations between 1,000 and 4,999.

The enabling legislation for the regional councils is short and general in its language. The statute authorizing regional councils of government specifies eight powers. Besides such general powers as employing personnel and contracting consultants, the statute allows councils "[T]o promote cooperative arrangements and coordinated action among its member governments," and "[T]o make recommendations for review and action to its member governments and other public agencies which perform functions within the region in which its member governments are located."<sup>5</sup>

Some analysts who have worked closely with regional councils believe such enabling legislation may permit a lack of accountability. "I believe we should have more regional planning," says Betty Wiser, former director of the Wake County Council on Aging and a Democratic nominee for the N.C. House of Repre-

*Continued, page 46*

## Pro

the Joint Regional Forum, a body which includes a representative of each of North Carolina's 18 regions. Nine of its members are elected municipal officials; nine are elected county officials. The Forum keeps abreast of regional affairs and advises the Association of County Commissioners and League of Municipalities about such matters.

The Forum symbolizes the strong local government orientation of regional councils in North Carolina. This approach contrasts with the experience in such nearby states as Virginia, Georgia, and Kentucky. In each of those states, state government contributes funds to each of the regional councils. This provides a minimum level of operation among the regional councils in these states, but it sometimes distances the councils in those states from local government officials.

In North Carolina, the greatest strength of the 18 regional councils is their strong local government orientation. When regional councils function as an extension of local governments, with governing boards comprised of local elected officials, the councils can provide the services which the local governments *in that region* believe are most needed.

### Current Benefits

North Carolina's regional councils provide a mechanism through which local officials in adjacent municipalities and counties can know and work with each other. Small municipalities, particularly, benefit from this informal means of sharing information and resources. In addition, the regional councils help their local areas in three specific ways, through: 1) comprehensive regional planning; 2) technical assistance to member local governments; and 3) delivery of selected services.

1. *Comprehensive regional planning*, the cornerstone of regional council work since the 1960s, is particularly important in the programs of those regional councils serving growing metropolitan areas. Both the Land of Sky (Region B) Council and the Triangle J Council, for example, have developed regionwide watershed protection plans. As a result of the Triangle J study, almost all local governments—cities and counties—in the Falls of the Neuse and the Jordan Lake watershed area have adopted water quality control ordinances.

2. *Technical assistance* to member local governments is a staple in the program of most councils. All councils have assisted their local governments in preparing applications for Community Development Block Grants and other state and federal programs. Some councils have experimented with "circuit-riding" municipal administrators, persons who move among the member

*Continued, page 47*

## Con

COGs now compete with some local governments in obtaining federal funding and in providing services.

### Loss of Control by Elected Local Officials

In theory, COGs are subject to a system of checks and balances, through their board composition, their membership (local governments), and the absence of any taxing authority. In practice, however—as they have evolved in North Carolina—many COGs function as virtually autonomous entities. They obtain funding from a variety of sources other than from the local governments they were meant to serve. The federal government provides by far the largest portion of the funds, not local governments.

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*If regionalism is determined to be necessary by local governments, the concept must be far more rigorously defined and limited in scope than the system in place today.*

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Making generalizations about COG budgets and their sources of funds is difficult at best. Funds come from many federal programs. And reporting procedures and record keeping varies among the 18 councils. The councils do fall under the Local Government Budget and Fiscal Control Act and hence must submit their audits to the N.C. Local Government Commission for approval. The Local Government Commission has also developed a Regional Public Authority Accounting Manual, which many COGs use as a model for their record keeping. Still, extensive variations exist among the councils in financial reporting.

"Accounting principles for COGs are not as well defined as in the private sector," says Bob High, director of fiscal management for the State and Local Government Finance Division, State Treasurer's Office. "And governmental accounting standards address cities, counties, and states more specifically than COGs. Generally accepted accounting principles allow flexibility and management discretion within reasonable disclosure guidelines. Hence, the guidelines don't require the same reporting in every situation."

The number of federal agencies funneling

*Continued, page 47*

## Regionalism

sentatives. "But the enabling legislation only makes council membership optional for local governments. In addition, the councils are not accountable to people, to the voters, in the same way that a city, county, or state administration is."

Others believe proper accountability exists under the enabling legislation. "I view the [Triangle J Council] board of delegates as my board of directors," says Triangle J Executive Director Bradley Barker. "They hire me and I hire the rest of the staff. They establish the budget and decide which programs we undertake and which grants we apply for and accept."

Board composition has always been an issue for regional councils. In his 1978 executive order, Gov. Hunt addressed the issue like this: "The membership composition of governing boards of Lead Regional Organizations should be left to the discretion of the local units of government comprising such Lead Regional Organizations; however, the State urges the Lead Regional Organizations to *limit policy board representation to elected officials from member general purpose governments*" (emphasis added).<sup>6</sup>

Ten of the LROs have boards composed entirely of locally elected officials (regions B, E, F, H, I, J, L, M, N, and O). Three others have boards composed almost entirely of elected officials (A, D, and G).<sup>7</sup> The other five include substantial board membership from persons who are not elected officials (C, K, P, Q, and R).<sup>8</sup> Three of these five (C, Q, and R) are economic development and planning districts, which historically have involved more than just elected officials in their operations, often required by federal regulations.

In the mid-1970s, the budgets of LROs peaked, as did their mandatory involvement in state and federal programs and staff size. A 1976 survey conducted by the Fiscal Research Division of the N.C. General Assembly (15 of the 18 LROs responded) showed an average LRO budget of \$1.8 million (ranging from \$270,000 to \$4.7 million). The survey found that 10 to 25 percent of the funds (the amount varied among the LROs) went toward LRO administration; the rest passed through the LROs to local governments and private agencies delivering various services, such as hot meals for elderly persons. In 1976, according to the survey, 87 percent of the LRO budgets came from federal funds, 8 percent from local governments ("per capita" dues, often used to provide matching funds for federal dollars), 3 percent from state funds, and 2 percent from other sources.

Through the 1970s, the LROs offered

technical assistance to local governments, provided various planning functions, and raised federal funds for local governments. The role expanded in 1974 when Gov. James E. Holsouser Jr. "offered local elected officials, through their respective LROs, the option of assuming certain planning and administrative responsibilities for human services programs," explains Robert Hinshaw, formerly the coordinator of regional planning for the N.C. Department of Natural Resources and Community Development.<sup>9</sup> The Holsouser initiatives, the state-local counterpart of the New Federalism of the Nixon administration, covered such programs as manpower, child development, family planning, services to the aging, and food programs for women, infants, and children (WIC).

With planning responsibilities (including the A-95 reviews), technical assistance capabilities, hefty budgets drawn primarily from federal funds, and (by the mid-1970s) major services delivery functions, the regional councils had substantial power. But by the early 1980s, several factors began to cut away at their programmatic and financial base—especially the federal budget cuts and deregulation efforts of the Reagan administration.

As the Reagan administration cut domestic programs, the regional councils lost federal grants. For example, the Comprehensive Planning Assistance "701" program, a Department of Housing and Urban Development (HUD) program with funds earmarked for regional planning organizations, was eliminated. Similarly, the EDA and ARC lost funds for regional development districts. Federal deregulation efforts also reduced some regional council's functions, especially through the federal Office of Management and Budget's rescinding of the A-95 circular.<sup>10</sup> Despite these changes, today regional governments are still responsible for processing and reviewing applications by local governments, state agencies, service districts, and private non-profit agencies for over 200 federal grant programs.

Changes have also taken place at the state level. In the human services delivery area, for example, regional councils had once been the local administrative structure for five programs reviewed at the state level by the Department of Human Resources—family planning, child development, WIC, aging, and emergency medical services (EMS). By January 1983, all 18 councils were still administering only the aging and EMS programs in the human service area. (In addition, 17 of the councils still do planning for the Job Training Partnership Act.)

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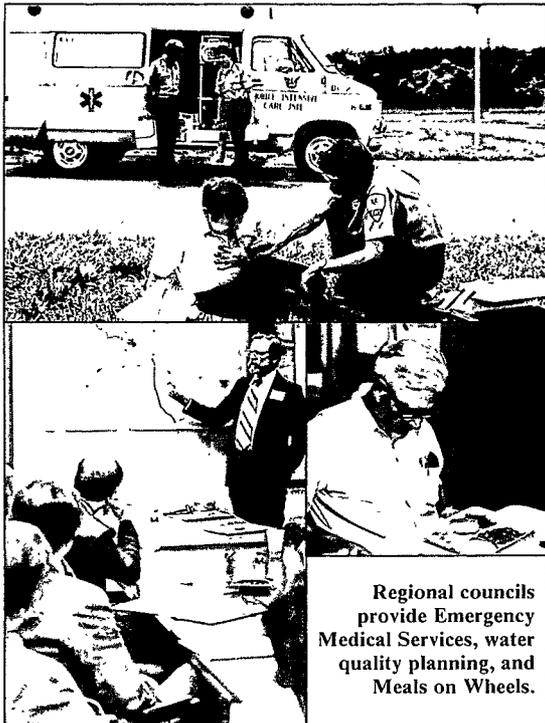
municipalities executing a particular task. Some specific examples of technical assistance are described briefly below.

•This year, over 17 jurisdictions in the Centralina Region (Charlotte area) participated in a new insurance management program. The council assisted the local governments in evaluating their insurance package (including health, auto, property, and liability) for duplication, proper coverage, and overall management. "Together they saved over \$309,000 on their premiums and got better coverage," says George Monaghan, executive director of that council. The city of Gastonia alone reduced its premiums from \$266,000 to \$89,000 and improved its coverage.

•Region D, headquartered in Boone, provides computer services to its member governments. Three counties in the council area are using COG-developed computer programs for water bills, payrolls, tax listings and tax billings. The COG purchases computer hardware in bulk, which results in substantial savings to member governments.

•The Land of Sky Regional Council (Asheville area) hired an industrial engineer and an energy conservation specialist who identified numerous specific cost saving measures, including: \$65,000 annual savings in a municipal garbage collection operation; \$15,000 annual savings by changing a county sanitary landfill procedure; and a \$20,000 annual savings on electricity bills for a health and social services building.

*Continued, page 49*



Regional councils provide Emergency Medical Services, water quality planning, and Meals on Wheels.

Courtesy Triangle J Council of Governments

## Con

money through the councils peaked during the Carter administration. During the Reagan years, a number of these agencies have either been abolished or forced to retrench. But the sources of funding to COGs are still bewildering in their complexity and well beyond the means of many local governments to track and evaluate. Many elected officials serving on COG governing boards are not equal to the task. Consequently, the councils are effectively controlled by their professional directors and their staffs. This can result in the goals of a regional council becoming those of the staff rather than the member local governments.

The most flagrant example of a staff attempting to build an empire was in Region D (Ashe, Alleghany, Wilkes, Mitchell, Avery, Yancey, and Watauga counties). In 1977, Region D's executive director and staff applied for and received a \$1.2 million grant from the Local Public Works Program operated by the federal Economic Development Administration to build a council office building. This action was taken without any formal approval by the COG's executive board or the member governments who, theoretically, would own the building.

The project encountered public disapproval which, nevertheless, was too slow in mobilizing to prevent virtual completion of the building. The N.C. Court of Appeals eventually ruled that COGs are not legislatively empowered to own land or construct buildings without the approval of the constituent governments.<sup>1</sup> Today, Appalachian State University manages the building.

Local government officials have not monitored COG operations sufficiently. As a result, the regional councils do not always serve the best interests of their member governments. COG professional staffs have made blatant power grabs (as happened in Region D) or have gradually assumed more and more independent stature and expertise. Consequently, member government representatives on COG boards have in many cases become dependent on the COG staffs for direction. COG professional staffs are not entirely to blame for nurturing their autonomy. Local governments, pressured by federal agencies, had to provide comprehensive regional plans to qualify for funds provided under the original Great Society programs and their descendants such as the Comprehensive Employment Training Act (CETA). And local officials, often without the knowledge and professional expertise needed, delegated too much to the COG staffs.

In 1977, John K. McNeill Jr., then mayor of Raeford, described the failure of local officials to

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Sources of LRO Funds

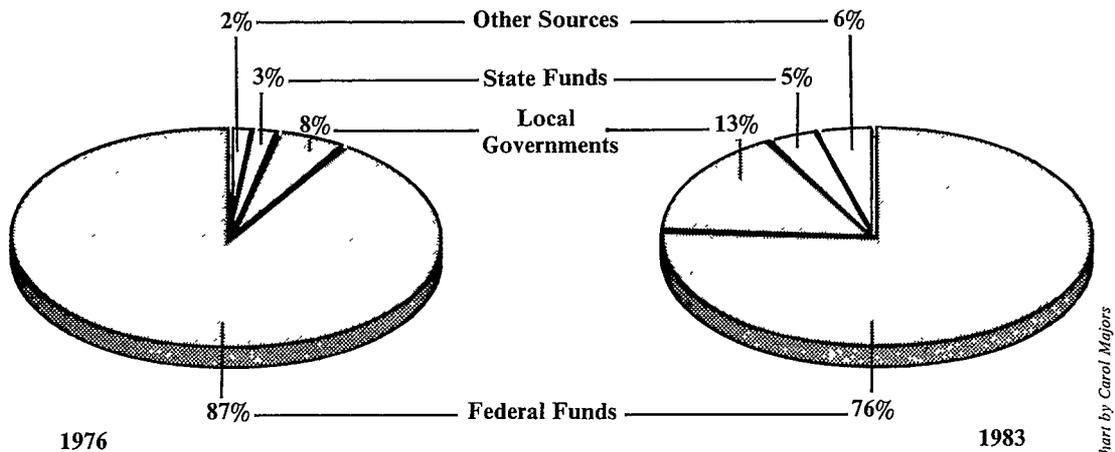


Chart by Carol Majors

Sources: Fiscal Research Division, N.C. General Assembly (1976 data); John Booth, Office of Policy Development, N.C. Department of Administration (1983 data). For similar, national data, see *Special Report No. 91* (January 1984), National Association of Regional Councils, 1700 K Street, N.W., Wash., D.C. 20006. Nationwide, according to this report, federal funding has declined from 76 percent of the typical council budget in 1977 to 48 percent in 1983.

According to the latest study available, the budgets of the LROs in September 1983 ranged from \$796,000 to \$3.1 million; their staff size varied from 5 to 30.<sup>11</sup> In 1983, federal funds accounted for 76 percent of the LRO budgets, compared to 87 percent in 1976. The portion of funds from local governments rose from 8 percent in 1976 to 13 percent in 1983 (7 percent in assessments and 6 percent in contracts for services). The portion coming from state funds also increased slightly, from 3 percent in 1976 to 5 percent in 1983. (State funds went mostly for administering the aging and EMS programs.) Finally, the portion from other sources increased from 2 percent in 1976 to 6 percent in 1983 (from foundation grants, interest on funds, and private contributions).<sup>12</sup>

What role should the 18 regional councils play in the 1980s and beyond? The accompanying articles offer two viewpoints on this question. □

FOOTNOTES

1. See "Recommendations for the State Policy on Regionalism, Report to Governor James B. Hunt Jr.," submitted by the Local Government Advocacy Council, October 1978. The report includes 16 recommendations to the Governor, most of which Hunt incorporated in his executive order. The tone of the report emphasized the importance of local government involvement in the regional councils: "It should be well understood that regional organizations... are by their very nature creatures of local government, guided and directed by local officials, and should be considered such by each respective state agency" (p.17).

2. For more on how an initial regional *planning* approach influenced the development of some LROs, see David M. Lawrence, "Aspects of Regionalism in North Carolina," *Popular Government*, summer 1974, pp.20-24.

3. Four different statutes apply to organization of regional councils: NCGS 153A-391 to 400 (regional planning commissions); NCGS 158-8 to 15 (economic development commissions); NCGS 160A-460 to 469 (joint exercise of powers); and NCGS 160A-470 to 484 (regional council of governments). None of these statutes allows an LRO to condemn property or levy taxes. All of them allow LROs to receive and disburse funds, grants, and services from federal and state agencies, local governments and private groups.

4. "Regionalism in North Carolina, 1980," published by the N.C. Department of Natural Resources and Community Development, Howard N. Lee, Secretary, August 1980, p. 10. While dated in places, this booklet is a good background reference on LROs in general and on each of the 18 LROs.

5. NCGS 160A-475 (6) and (7).

6. Section 2, Executive Order Number 27, October 23, 1978.

7. Region A: two non-elected minority members. Region D: one non-elected minority member. Region G: two non-elected, non-voting members.

8. These five have a number of non-elected board members as follows: C, 9; K, 10; P, 15; Q, 12; and R, 32.

9. "Is Regionalism Working in North Carolina?" by Robert Hinshaw, *Popular Government*, summer 1981, p.35.

10. See Federal Register, June 24, 1983, pp.29096-29414. While these regulations did rescind the A-95 circular, a new presidential executive order allows states to continue a similar review process. According to Chrys Baggett, director of the State Clearinghouse, N.C. Department of Administration, 49 of the 50 states have retained a review process similar to that under the A-95, and most of these 49 are continuing the review process through regional councils. For more information on this, contact Ms. Baggett at (919) 733-4131.

11. "Regional Councils Today," September 1983, presented to the Local Government Advocacy Council by a committee of LRO directors headed by Bradley Barker of Region J.

12. Data prepared by John Booth, Office of Policy Development, N.C. Department of Administration, for the Local Government Advocacy Council.

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*Regionalism is a tradition in North Carolina, and regional councils are its custodians.*

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3. *Direct service delivery* is performed by all councils. Regional councils provide or coordinate services to elderly persons (daily hot meals, home assistance, and other services), coordinate and plan job training programs, and coordinate and plan emergency medical service (EMS) activities. The EMS programs link local rescue squads to all hospitals in the respective region. This regional EMS system helps to get patients to the hospital best suited to the patient's particular medical problem, even if in a neighboring county.

Regarding programs for elderly persons, regional councils coordinate the hot meal programs. The councils are able to receive bids on a regional scale, saving local governments substantial money. In the late 1970s, the Piedmont Triad Council began taking bids on food for the noonday group meal program (over \$400,000 annually). "Food prices came down dramatically and the quality improved," says Lindsay Cox, executive director of the Piedmont Triad Council.

### **New Roles for Regional Councils**

**T**he promotion of three sometimes conflicting objectives will challenge regional councils in the years ahead. Fundamentally, regional councils must work to develop a *sense of regional community*, identifying those objectives which are shared across the region and which require inter-jurisdictional cooperation to achieve. Regionalism is a tradition in North Carolina, and regional councils are its custodians.

Second, regional councils must work with their member governments to maintain special *features of local identity and interest*.

Finally, regional coordination must promote a *sense of efficiency* in the delivery of public services. Government at all levels is being asked to do more with less; this requires that public service agencies meet all the reasonable tests of efficiency.

Against this background, what benefits can regional councils offer in the future? We see increased opportunities in the following areas: public facilities and service, environmental planning and regulation, and economic development. Important work will continue in a variety of human service programs, from services to the elderly to employment skills training.

*Continued, page 50*

monitor COG operations in a speech to local government officials: "If you have decided that the COG is your pass-through agent [for federal funds], then your task is to see that the programs really do pass through and that the funds are not used to staff COGs with positions that should be at the point of delivery—that is, in your county or municipality."

### **Excessive Costs of Administration**

**I**n 1977, COG staff payroll peaked at more than \$5 million paid to more than 500 employees. Was too much used on unnecessary administrative costs? Some specific situations are instructive, such as the evolution of the Upper French Broad Economic Development Commission (UFBEDC) into Region B.<sup>2</sup>

In its six years of existence, the UFBEDC never spent more than \$70,000 for administration in any one year. Then after the commission became Region B, the staff grew from 6 in 1973 to 31 in 1976; by 1982, the staff had shrunk to 21, with a planning and administrative budget of \$690,325. After that, the staff was cut to 14 and the administrative budget to \$399,731. Undoubtedly, Region B did perform some valuable services for the local governments in its region, and many of the new staff members and administrative costs may have involved some consolidation of existing services.\* Nevertheless, from 1971 to 1982, per-staff-member costs increased 182 percent, from \$11,667 to \$32,873. Was this increase worth it?

If regionalism is determined to be necessary by local governments, the concept must be far more rigorously defined and limited in scope than the system in place today. Special purpose economic development commissions and regional planning commissions, established as specific needs arise and locally funded, would be a more cost-effective and efficient solution to problems than the current system of COGs in North Carolina.

In 1978, John A. Donnelly, then director of the Winston-Salem/Forsyth County Planning Department, explained his concern with the COG system like this:

*Continued, page 50*

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\**Editor's Note:* In a pre-publication review of this article, Region B Executive Director Robert Shepherd said that most of the "growth" described by these figures "was actually absorption of staff and program of single-purpose existing agencies or addition of major new areas of responsibility." For a description of Region B's work in environmental areas, see "Is Regionalism Working in North Carolina?" by Robert C. Hinshaw, *Popular Government*, summer 1981, p. 38.

## *Pro (conclusion)*

**Public facilities and services.** The nation is facing severe long-range deficiencies in water and wastewater facilities, highways, solid waste facilities, and public buildings. Regional councils play an important role in assisting local governments to find innovative ways to set priorities and combine resources to meet these needs.

**Environmental Planning.** Protection of reservoirs and watersheds from pollution is an important regional issue for the 1980s. Safe disposal of hazardous and toxic wastes, modern resource recovery facilities, and traditional functions such as landfills all require interjurisdictional cooperation. Regional councils play a major role in this area.

**Economic Development.** Planning in this area offers still another opportunity for interjurisdictional cooperation. Regional councils are helping local governments pursue innovative approaches to economic development, critical for the state if it is to maintain economic progress. For example, the Triangle J Council has been named the grantee, from the U.S. Department of Commerce, for the authority to operate a Foreign Trade Zone in the Research Triangle area. This authority gives an added competitive edge to the state in recruiting foreign industries and in giving existing local industries some marketing advantages. The Neuse River Regional Council (New Bern area) has implemented a similarly innovative effort in its revolving loan fund for local companies.

## **Conclusion**

**W**e believe that regional councils can become increasingly effective vehicles for inter-governmental cooperation. They remain important to local governments in planning functions, in the delivery of services, and in the providing of technical assistance. Regional councils are run efficiently and in a cost effective manner. The 18 councils spend between 5 and 9.6 percent of their budgets on administration, comparable to the percentages of counties and municipalities.\*

To grow increasingly effective, though, regional councils need political support at the federal, state, and local levels. A consistent federal policy must emerge, beginning with Congress. The state of North Carolina must view regional councils as extensions of their member local governments and assist them in performing this role. At the local level, officials need to participate actively in their regional councils. Local officials can build—and in turn depend on—regional councils as an ever stronger resource to help meet the demands of an effective, performance-oriented local government. □

\*So-called "indirect costs," sometimes assumed to be administrative costs of councils, are an entirely different figure and include actual major program costs. In the 1960s, the federal government imposed this "indirect costs" accounting system on the councils.

## *Con*

"If you press me to say what benefit they [COGs] have given to the community, I'd have to say that there are some federal projects that were funneled through COGs and require regional planning. If I were pressed to say so, I would say it's not the only way to do it, and I'm not sure it's the most efficient way to do it."

## **Duplication of Local and State Efforts**

**M**any state, local, and regional organizations and agencies provide similar services as COGs, especially in the areas of social services, health programs, and planning.

**Social Services.** COGs administer programs ranging from child care and employment to youth programs and services to the elderly. During the 1970s, when federal funds were most plentiful for COGs, duplication in this area was particularly worrisome. In 1980 for example, 35 community action agencies covering 78 counties spent \$68.3 million in federal funds. Community action agencies include the Blue Ridge Community Action Agency (Burke and Caldwell counties), Yadkin Valley Economic Development District (Yadkin, Stokes, Surry, and Davie counties), and others whose county service areas are similar to the COG areas.

**Health Programs.** From 1974 to 1978, federal and state funds for local family planning agencies went from the Department of Human Resources (DHR) to the regional councils. They, in turn, contracted with county or district health departments or local non-profit groups to deliver the services. In many instances, DHR distributes funds to a single agency for both administration and service delivery (e.g., for welfare, to county departments of social services; for mental health, to area mental health agencies). But in the family planning area, passing funds through the regional councils added an extra administrative layer.

In 1978, Secretary of DHR Sarah Morrow, at the urging of the Henderson County Health Department and others, ended the system of passing family planning grants through the COGs and funded the county health departments directly. "The new funding route was consistent with our other public health programs," says DHR Budget Officer Jim Woodall. "Having the program administered by the provider agency improved its efficiency."

The direct funding route saved thousands of dollars, says George Bond, director of the Henderson County Health Department. In addition, says Bond, "There was no decrease in services. I don't think the program suffered in any way."

Similarly, Henderson County saved \$22,227

## Con (conclusion)

Table 1. Selected State Agencies Providing Services to Local Governments

Subject Area	Agency	Service
Land use planning	Div. of Community Assistance & Office of Coastal Management (NRCD)	Planning, zoning, subdivisions, land management, community development
Recreation planning	Division of Parks and Recreation (NRCD)	Funding for park development; recreation planning
Social services, aging, health	County Social Services Depts. Div. of Health Services (DHR) State Health Planning Agency	Planning for health, aging, nutrition, etc.
Transportation	Dept. of Transportation	Transportation planning
Water resources	Office of Coastal Management & Office of Water Resources (NRCD); Soil & Water Conservation Districts	Water and sewerage systems; air and water pollution monitoring and control; soil erosion planning
Economic development	Depts. of Commerce & NRCD	Economic development planning

by routing state funds for feeding women, infants, and children (WIC) directly to the health department rather than through the regional council, according to Bond.

**Planning.** Federal, state, and special purpose agencies, as well as private consultants, provide ample planning assistance to local governments in many fields. Table 1 summarizes some of the state and local agencies and the areas in which they work.

### Conclusion

The concept of regionalism in the state of North Carolina demands a cold, hard uncompromising assessment to determine whether it is a bane or balm to the taxpayer who must support it. Local governments should set their own priorities and plan for the future. Programs should be conceived, established, and administered on the local level to the maximum extent possible, with technical assistance from state staff or private consultants.

This does not mean that local governments should adopt an isolationist stance as they face an increasingly complex world. Local elected officials and their professional staffs should be able to meet in an organized forum and deal with legitimate regional problems, like watershed management, or other issues determined by these officials to be important. Regional planning by elected officials and their professional staffs is a very good concept and should be

promoted further—not planning by a third party (i.e., a COG), which may be attempting to build an empire for its own purposes.

Special planning and economic districts should be established as needed, *to deal with specific issues*. Regional councils of government, first mandated by the federal government and now operating on their own momentum, depend primarily on federal funds to survive. They have become an expensive, complicated, and unresponsive luxury—a luxury we can no longer afford.

Regional councils of government have the ability to apply for grants and administer programs with minimal input from the electorate. As such, they do indeed constitute another layer of government. "Some [COGs] have seen the opportunity to use federal and state monies to create a bureaucracy and perpetuate jobs through local grants," says former Henderson County Commissioner Candler Willis. "The monster we have created is no longer the type of thing we need to serve the community."□

### FOOTNOTES

<sup>1</sup>*Kloster v. Region D Council of Governments*, 245 S.E.2d 180, cert. denied, 246 S.E.2d 215 (1978).

<sup>2</sup>Haywood County, originally part of a different ARC region, became part of Region B in 1971 under the Scott administration policies.



# FROM THE CENTER OUT

## Letters to the Editor

Vol. 7, No. 1:

### Theme Issue on Local Governments

The latest issue of *North Carolina Insight* entitled "Local Government Facing the Future" is well done. I believe it provides a balanced and timely description of local government finance. For this reason, I would expect it to be very useful to inform legislators, especially study committees of the General Assembly, and interested citizens about current relationships between state and local finances.

I hope you and others at the North Carolina Center for Public Policy Research will continue your excellent work on timely public policy issues in North Carolina.

Hilda Highfill  
Senior Fiscal Analyst  
N. C. General Assembly

Perhaps I can add to your "Insight" by introducing you to the best source of information for local governments going. The heart, backbone and muscle of North Carolina cities and towns are their CLERKS. Please make yourself familiar with the North Carolina Association of Municipal Clerks and the International Institute of Municipal Clerks.

Corinne Webb Geer  
Town Clerk  
Pine Knoll Shores

*Ed. Note: Ms. Geer suggests an excellent addition to the listing of resources in Vol. 7, No. 1, page 75.*

I want to congratulate you [Lanier Fonvielle] for the fine article on school finance you wrote for the June issue of *Insight* ("Disparity in Local School Financing"). Debates on appropriate education services needed by children can make little headway until we attack financing.

Although North Carolina funds a large portion of the expenses of the State's public schools, educational opportunities do vary across the state. That we are in better shape on the equity issue than other states does not mean we are in good shape. You are pointing us in the right direction when you point us toward program equity.

Figures do not always tell the story. Whatever their purpose, for example, federal funds do not "serve to equalize funding disparities." Because federal funds can be used only for certain purposes—primarily providing critically needed help for disadvantaged youngsters—they cannot "equalize funding disparities" which result in disparities in arts, math, science, or foreign language instruction.

I hope your article enjoys the wide readership it warrants.

Howard Maniloff  
Special Assistant, Policy Development  
N. C. Department of Public Instruction

I very much enjoyed your recent "Local Government" issue (June 1984). *N. C. Insight* always goes directly to the top of the ever-present pile of professional reading in my office.

I did notice what I consider a significant omission in Jody George's article "Courts Split on School Finance Issue." North Carolina courts have not spent much time on the "free public schools" clause of the Constitution, Const. 1970, Art. 9 § 2(1), but the section was discussed in reference

to fees in *Sneed v. Greensboro City Board of Education*, 299 N.C. 609, 264 S.E.2d 106 (1980). Among other things, Justice Exum said: "It is clear, then, that equal access to participation in our public school system is a fundamental right, guaranteed by our State Constitution and protected by considerations of procedural due process." *supra*, S.E.2d 113.

Equal protection law is a murky subject at best but North Carolina courts follow the United States courts in applying "strict scrutiny" where there is an infringement of a "fundamental right," *Texfi Industries, Inc. v. City of Fayetteville*, 301 N.C. 1, 269 S.E.2d 142 (1980), rather than a lesser "rational basis" test. A fair reading of the quoted *Sneed* language strongly suggests that a challenge of school funding formulas under the equal protection clause of the North Carolina Constitution would be subject to the tougher "strict scrutiny" standard.

Equal protection relief was accorded the plaintiffs in *Sneed* in the area of "equal access": the school funding formulas lead directly to the issue of equality of "participation in our public school system." Defendants, it seems, do not often win equal protection cases where the standard of review is "strictly scrutiny." I hope the work of the School Finance Project goes well—and speedily too.

Douglas A. Scott  
Attorney at Law  
Central Carolina Legal Services, Inc.  
Greensboro

*Ed. Note: Mr. Scott adds a valuable and needed comment. Ms. George's article, however, was designed to summarize school finance decisions in other states, not in North Carolina.*

I noted on page 58 in the interview with Leigh Wilson an error under the discussion of joint tax collection. One of the examples cited is the Hickory Catawba County effort, but Lenoir County is mentioned instead of Catawba County.

J. Thomas Lundy  
County Manager  
County of Catawba

### Vol. 6, No. 4: General Issue with Special Utilities Section

I have glanced over the latest issue of *North Carolina Insight*. I again express my admiration for it. It seems to fulfill well this role, if not that of others: that of providing an intelligent audience, one interested in North Carolina public policy, with a great deal of facts and interpretation to enable it to make rational judgments on policy. The writing in the journal is not too filled with jargon, not too technical, yet it seems to get to the heart of the problems investigated. The audience either has a college education or its equivalent in the "school of hard knocks."

Gibson Gray  
Chair, Department of Political Science  
Pembroke State University

## Vol. 6, No. 2-3: Theme Issue on State Programs For Handicapped Persons

Your October 1983 volume on the handicapped is superb. An obviously thoughtful series of studies coupled with readable articles and clear statements summarizing otherwise complex reports is a genuine service to the several professions involved. More important, it provides an understandable basis for moving forward on the key issues you have addressed.

Donald J. Stedman  
Associate Vice President  
for Academic Affairs  
General Administration  
The University of North Carolina

I wish to commend [Bill Finger] and Kendall Guthrie for the comprehensive report on "Willie M." in the October 1983, issue of *Insight*. The article provides a balanced and thorough account.

My appointment as the fifth member of the [Willie M.] review panel was agreed upon and approved by the defendants and by the attorneys for the plaintiffs as required by the consent decree. Your statement that the fifth member of the review panel was appointed by the other four (p. 59) represents a significant error. My colleagues cannot claim credit for my appointment to the panel.

Carolyn I. Thornton, ACSW  
Director  
Social Work/Mental Health Services  
Lincoln Community Health Center

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