

CONDUCTING GENDER-RELATED AUDITS OF FEDERAL AGENCIES

PACIFIC NORTHWEST INTERGOVERNMENTAL
AUDIT FORUM

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AGENDA

- ⦿ What prompted these audits?
- ⦿ The story of two gender-related audits
 - Compliance
 - Data analysis
- ⦿ Challenges and risk management
- ⦿ Ongoing and future work

WHAT PROMPTED THIS WORK?

- Congressional requests from members with a longstanding interest in issues related to gender equity
- Usually from a Committee Chair, Ranking Member, or both
- Occasionally, other members join the request

#1: ENFORCEMENT OF FEDERAL PAY LAWS IN THE PRIVATE SECTOR AND GENDER PAY DISPARITIES IN THE U.S. FEDERAL GOVERNMENT

Requested by:

- Senator Hillary Clinton (at the time of the request)
- Senator Tom Harkin, Chairman, Senate Appropriations Committee Subcommittee on Labor, HHS, Education, and Related Agencies
- Senator Ted Kennedy, Chairman, Senate HELP Committee
- Representative Carolyn Maloney

#1: ENFORCEMENT OF FEDERAL PAY LAWS IN THE PRIVATE SECTOR

Key questions for Part 1 of the request:

- How **Equal Opportunity Employment Commission (EEOC)** and **Office of Federal Contract Compliance Programs (OFCCP)** enforce laws addressing gender pay disparities
- How EEOC and OFCCP provide outreach
- What is known about EEOC and OFCCP's enforcement and outreach performance

#1: ENFORCEMENT OF FEDERAL PAY LAWS IN THE PRIVATE SECTOR

Background on the Equal Opportunity Employment Commission

- ⦿ Enforces two laws prohibiting gender pay discrimination:
 - The Equal Pay Act of 1963 (EPA)
 - Title VII of the Civil Rights Act of 1964 (Title VII)

#1: ENFORCEMENT OF FEDERAL PAY LAWS IN THE PRIVATE SECTOR

Background: Equal Opportunity Employment Commission (EEOC)

- EEOC conducts outreach covering broad topics, including gender pay
- EEOC provides two types of outreach:
 - *free events*
 - *fee-based conferences and training*

#1: ENFORCEMENT OF FEDERAL PAY LAWS IN THE PRIVATE SECTOR

Key findings: EEOC's Performance Monitoring Related to Gender Pay Enforcement Is Limited

- EEOC reports enforcement statistics by law, but gender pay charges can be resolved under multiple laws. As such, EEOC cannot readily:
 - discern trends that result from new legislation, court decisions, or media coverage; and
 - know how its gender pay efforts contribute to overall performance, relative to other types of discrimination.

#1: ENFORCEMENT OF FEDERAL PAY LAWS IN THE PRIVATE SECTOR

Selected recommendations (abbreviated):

- EEOC should devise a cost-effective method to improve its ability to monitor the performance of its gender pay enforcement efforts, using information already captured in its databases.

Impact:


- Recommendation was implemented and data was put to use as EEOC implemented the Lilly Ledbetter Fair Pay Act.



#1: GENDER PAY DISPARITIES IN THE U.S. FEDERAL GOVERNMENT

Key question for Part 2 of the request:

To what extent has the pay gap between men and women in the federal workforce changed over the past 20 years and what factors account for the gap?



#1: GENDER PAY DISPARITIES IN THE U.S. FEDERAL GOVERNMENT

Scope and methods:

- Descriptive and multivariate analyses of OPM's Central Personnel Data File
- Reviewed existing literature and reports on gender and pay
- Consulted agency officials at the Office of Personnel and Management, and the Equal Employment Opportunity Commission.
- Statistical criteria

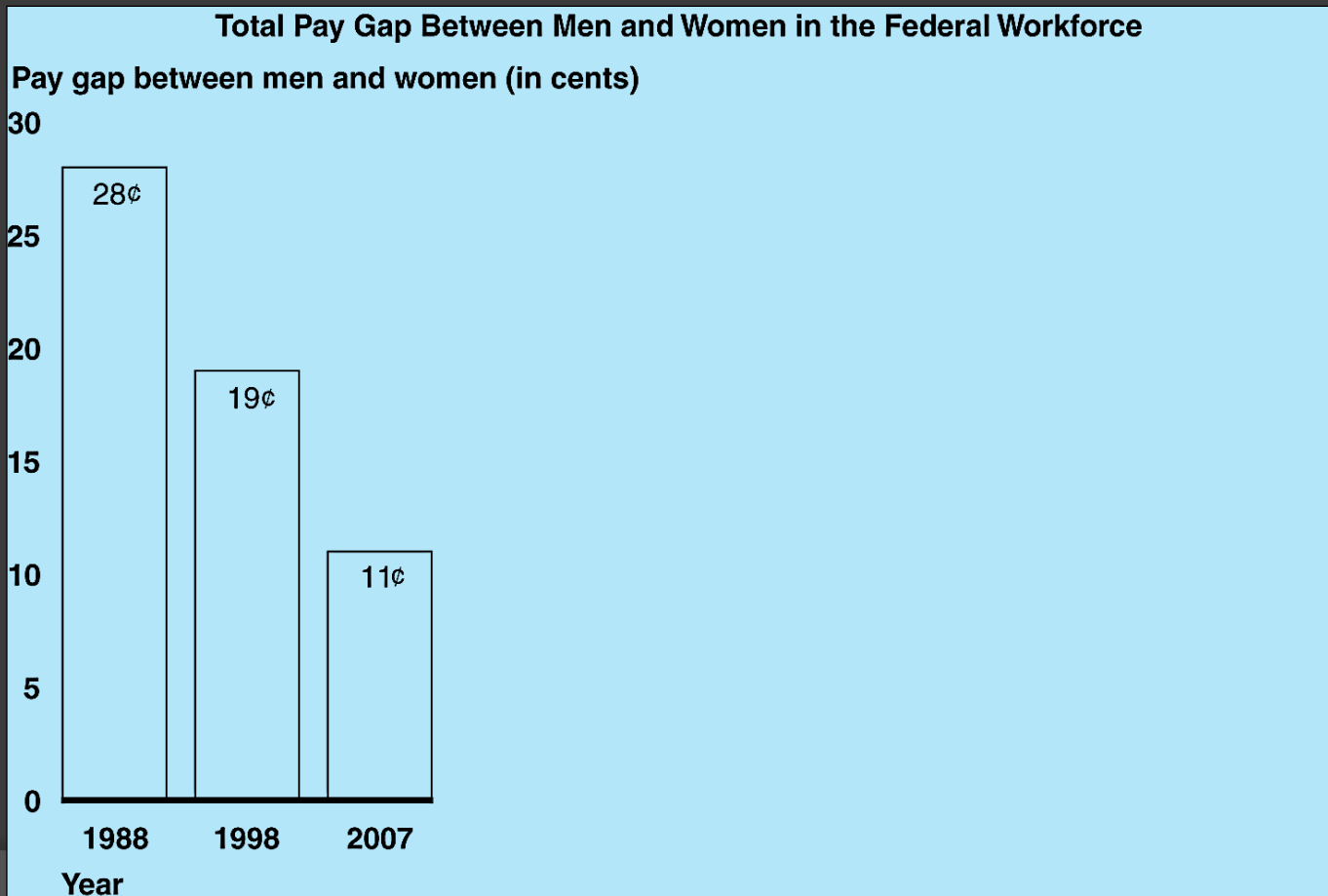
#1: GENDER PAY DISPARITIES IN THE U.S. FEDERAL GOVERNMENT


Summary of Results:

- The gender pay gap decreased significantly from 1988 to 2007.
- Much of the pay gap over this period was due to differences between men and women in factors related to pay.
- After accounting for many of these differences, women earned 8 percent less than men in 2007.
- Some of the factors that we could not control for, such as differences in priorities and negotiation skills, may have accounted for some or all of the 8 percent difference.

#1: GENDER PAY DISPARITIES IN THE U.S. FEDERAL GOVERNMENT

The Pay Gap—Before Accounting for Differences Between Men and Women in Factors Related to Pay—Decreased Significantly from 1988 to 2007





#1: GENDER PAY DISPARITIES IN THE U.S. FEDERAL GOVERNMENT

The Pay Gap Does Not Take Into Account Differences In Measurable Factors Between Men and Women

- ⦿ The gap is a measure of the differences in pay for all men and all women in the federal workforce before accounting for any factors, such as differences in occupation or education
- ⦿ We found that some of the gap can be accounted for by differences in measurable factors

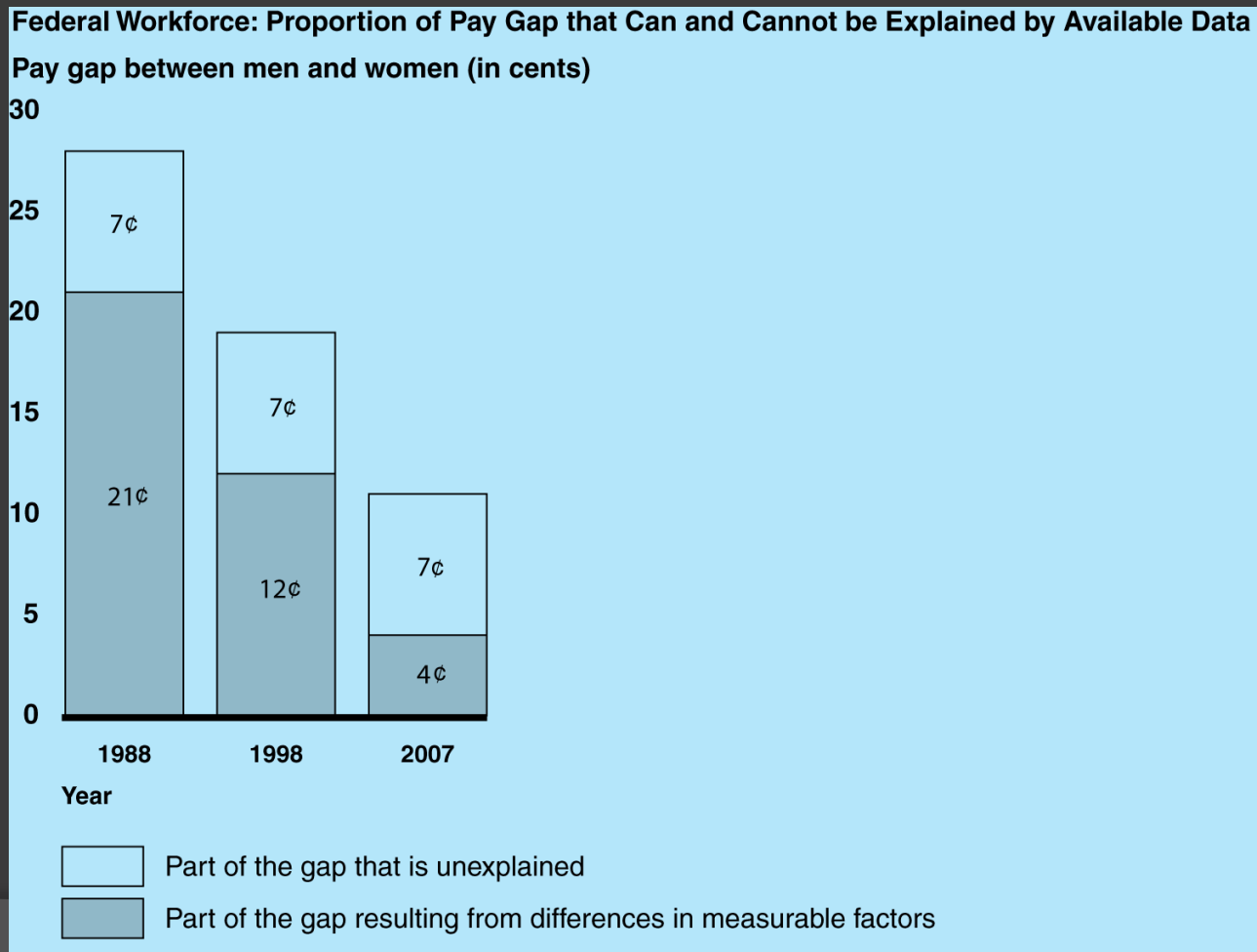
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We Used Multivariate Analysis to Account for the Following Factors:

- Work characteristics including occupational category, agency, and state
- Worker characteristics including education level, federal experience, bargaining unit status, part-time work status, and veteran status
- Demographic characteristics including gender, age, race and ethnicity, and disability status

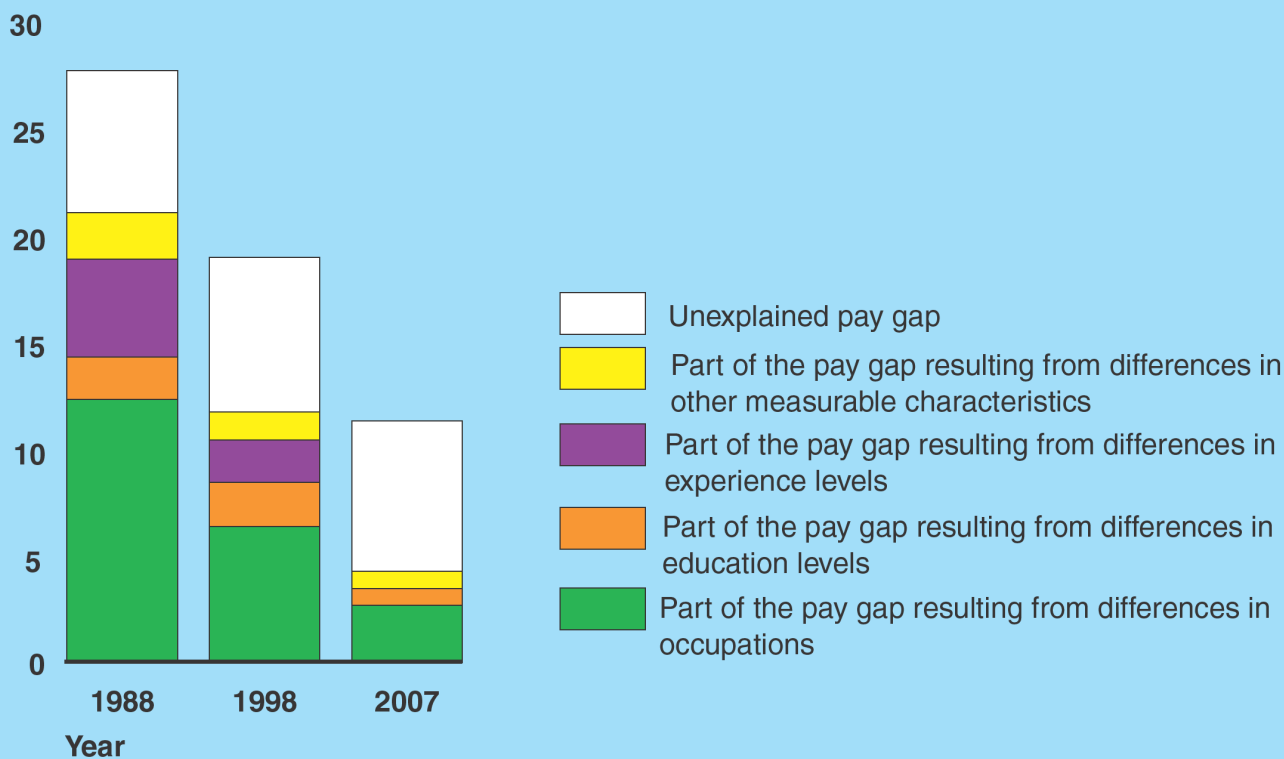
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Measurable Factors Accounted for a Significant Portion of the Gap



Federal Workers: Proportion of Pay Gap Due to Differences in Measurable Factors between Men and Women

Pay gap between men and women (in cents)



Source: GAO analysis of CPDF data.

#1: GENDER PAY DISPARITIES IN THE U.S. FEDERAL GOVERNMENT

Concluding Observations

- Our analysis shows a narrowing pay gap between 1988 and 2007, but our data cannot show if this trend can be attributed to government actions over this period.
- While women and men in the federal government were more alike in 2007 than twenty years before, there are still differences between them in education level and occupations. Not taking these differences into account could lead to unsound policy-making.
- Our analysis does not cover federal contractors and some agencies. Given the increasing amount of outsourcing and its limited oversight, important questions regarding the pay equity of these contractors remain unanswered.



#2: WOMEN IN STEM RESEARCH

Requested by:

- Reps. Louise Slaughter, Eddie Bernice Johnson, Rosa DeLauro of the House Committee on Space, Science, and Technology
- Original request included inquiries regarding differences in research funding to male and female researchers, Title IX enforcement with respect to STEM research at universities, equal pay on college campuses, gender equity in university research and many other issues
- GAO discussed and pared down the request significantly, focusing on the federal role



#2: WOMEN IN STEM RESEARCH

Key Questions:

- To what extent do differences exist in federal grant awards between women and men in STEM fields?
- To what extent do federal agencies enforce Title IX at universities they fund for STEM research?
- What actions can federal agencies take to address the representation of women in STEM research?

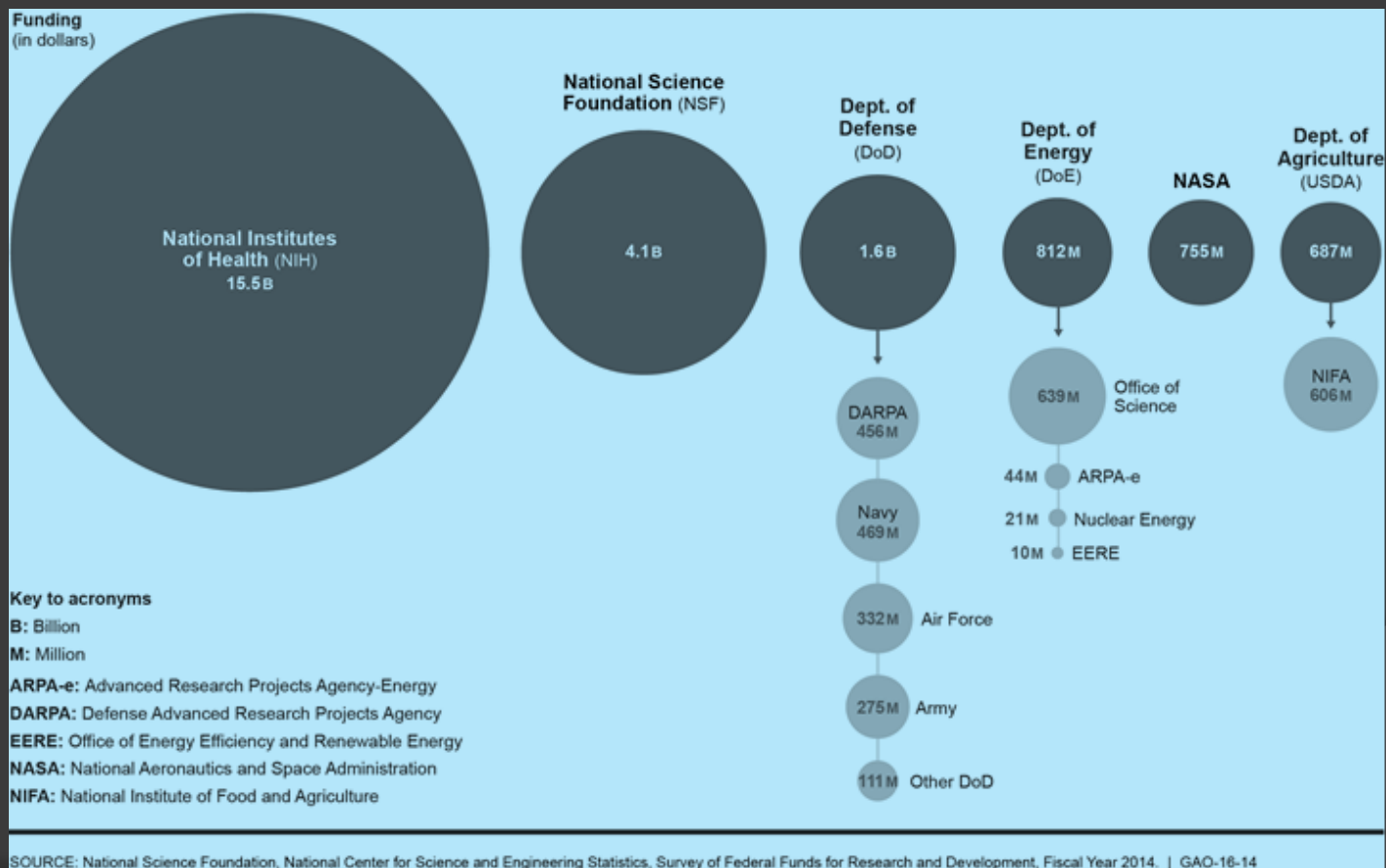


#2: WOMEN IN STEM RESEARCH

- ◎ Focus limited to grants made by six agencies for:
 - Basic and applied science research (but not technology development and testing)
 - University based research (not intramural, federal labs, or commercial research)
- ◎ Interim Report:
 - Descriptive
 - Covered what data are collected by the six agencies
- ◎ Final Report:
 - Analyzed data to look at success rates for women and men
 - Evaluated agencies compliance with Title IX enforcement rules
 - Discussed other actions to increase women's participation in STEM
 - Made recommendations for agency action

#2: WOMEN IN STEM RESEARCH

Background: Federal Funding for STEM Research





#2: WOMEN IN STEM RESEARCH

Background: Title IX

- Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in education programs receiving any federal financial assistance
- All federal agencies that provide funding for education programs and activities, including STEM funding to universities, have enforcement responsibilities under Title IX, including conducting periodic compliance reviews at these institutions
- Department of Justice has responsibility for coordinating the “consistent and effective implementation” of several civil rights laws, including Title IX.



#2: WOMEN IN STEM RESEARCH

Interim Report on Data Collection

- We reviewed data dictionaries and data systems from all six agencies and spoke to data specialists.
- We found that NIH, NSF, and USDA all collected data regarding researcher demographic characteristics, making analysis of differences possible.
- DOD, DOE, and NASA did not track researcher characteristics and lacked integrated data tracking systems



#2: WOMEN IN STEM RESEARCH

Analyzing the Data

- ⦿ Data available varied from agency to agency
- ⦿ Success rates for women and men were our key metric
 - Grants awarded/total applications
- ⦿ Gender name match methodology enabled analysis where data on researcher sex not collected
 - SSA baby name database
- ⦿ Caveats:
 - Conditional on applying
 - No causality



#2: WOMEN IN STEM RESEARCH

Key Findings on STEM funding

- ◉ We found no differences in overall success rates at NIH, NSF, and USDA
- ◉ Using a gender name match methodology, we found some components at DOE and DOD had differences in success rates between women and men
- ◉ NASA data were not sufficient to analyze— we couldn't match applications and subsequent grants



#2: WOMEN IN STEM RESEARCH

Key Findings on Title IX compliance

- ◉ DOD and NIH(HHS) were not carrying out required compliance reviews
- ◉ DOJ had no formal information sharing process among STEM agencies

#2: WOMEN IN STEM RESEARCH

Recommendations (abbreviated)

- DOD, DOE, and NASA implement additional data collection efforts that would allow for the analysis of success rates in grant awards by gender
- DOD and HHS conduct Title IX compliance reviews
- DOJ establish a process to facilitate information sharing across federal STEM grant-making agencies regarding current Title IX compliance efforts

#2: WOMEN IN STEM RESEARCH

Impact of the report

- Agencies have begun taking steps to improve data collection and track grant-making to women
- Agencies are taking steps to implement Title IX reviews



RISK MANAGEMENT

- Methodological limitations
- Data limitations
- Controlling the message



ONGOING AND POTENTIAL FUTURE WORK

- Currently conducting work on women's retirement security, with a focus on the impact of time out of the workforce spent caregiving on retirement security
- Potential future work:
 - Update past work on federal pay differences and grant awards
 - Examine federal contractors and agencies not included in the federal data
 - Revisit agencies whose data were not sufficiently reliable to assess differences in grant awards by gender after they improve their data



REPORT REFERENCES

- GAO-08-799 WOMEN'S EARNINGS: Federal Agencies Should Better Monitor Their Performance in Enforcing Anti-Discrimination Laws
- GAO-09-279 WOMEN'S PAY: Gender Pay Gap in the Federal Workforce Narrows as Differences in Occupation, Education, and Experience Diminish
- GAO-15-291R Women in STEM Research: Federal Agencies Differ in the Data They Collect on Grant Applicants
- GAO-16-14 WOMEN IN STEM RESEARCH: Better Data and Information Sharing Could Improve Oversight of Federal Grant-making and Title IX Compliance



RELATED WORK

- **GAO-18-69 DIVERSITY IN THE TECHNOLOGY SECTOR: Federal Agencies Could Improve Oversight of Equal Employment Opportunity Requirements**
- **GAO-18-64 FINANCIAL SERVICES INDUSTRY: Trends in Management Representation of Minorities and Women and Diversity Practices, 2007-2015**
- **GAO-12-699 RETIREMENT SECURITY: Women Still Face Challenges**
- **GAO-10-892R WOMEN IN MANAGEMENT: Analysis of Female Managers' Representation, Characteristics, and Pay**