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**Documenting Discrimination on the Basis of Sexual Orientation
and Gender Identity in State Employment**

Title

Analysis of Wage Gap Between LGB Public Employees and Their Co-Workers

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Chapter 11: Analysis of Wage Gap Between LGB Public Employees and Their Co-Workers

An additional way that economists and sociologists look for evidence of discrimination is to compare the earnings of people who have different personal characteristics, such as sexual orientation, but share other characteristics significant for employment (“productive characteristics”), such as education, years of experience, and industry. If, after controlling for all the factors that are reasonably expected to influence wages, a wage difference still exists, the most likely conclusion is that discrimination is the reason for the wage gap for the disadvantaged group.

More than a decade of research and twelve studies have examined earnings and sexual orientation in the United States. All twelve studies, using data from the National Health and Social Life Survey (“NHSLS”), the General Social Survey (“GSS”), the United States Census, and the National Health and Nutrition Examination Survey (“NHANES III”), show a significant pay gap for gay men when compared to heterosexual men who have the same productive characteristics. Depending on the study, gay and bisexual men earn 10% to 32% less than similarly qualified heterosexual men. Lesbians generally earn the same or more than heterosexual women, but lesbians earn less than either heterosexual or gay men.¹

Two recent studies have found similar wage gaps when looking at government employees. Together the studies find that gay men, lesbians, and bisexuals who are

¹ Badgett, M.V.L., Lau, H., Sears, B., and Ho, D. Bias in the Workplace: Consistent evidence of sexual orientation and gender identity discrimination. *The Williams Institute*, 2007.

government employees earn 8% to 29% less than their heterosexual counterparts. More specifically, one study finds that men in same-sex couples who are state employees earn 8% to 10% less than their married heterosexual male counterparts. These studies suggest that sexual orientation employment discrimination by state, local, and federal governments sector is no different than sexual orientation discrimination in the private sector.²

1. 2009 Lewis Study

In a forthcoming study,³ Gregory B. Lewis, Professor of Public Management and Policy at Georgia State University, used Census 2000 and 2001-2006 American Community Survey data to examine the wages of individuals with same-sex partners who work in government. The decennial Census and the annual American Community Survey do not include questions about sexual orientation. However, it is possible to identify individuals who indicate that they live with a same-sex “unmarried partner.” Individuals who work were asked if they were employed by “a private company, a nonprofit organization, or a local, state, or federal government” and to identify their occupation. Using these variables, it is possible to identify government employees who are part of a same-sex couple. Lewis estimates that more than 313,000 individuals in same-sex couples work for state and local governments. When just considering employees of state governments, Lewis finds that men with same-sex partners earn 8-10% less than comparable married men in state government -- even when controlling for differences in education, race, years of experience, and occupation.

² Unfortunately, none of these studies includes data about transgender employees.

³ Gregory B. Lewis, *Are Gay-Straight Pay Disparities Smaller in the Public Sector?*, Presented at the Midwest Political Science Association Meeting (April 4, 2009).

Previous studies have found that, in general, women with same-sex partners have higher wages than women with different-sex spouses.⁴ Lewis finds that there is no statistically significant difference in wages for women with same-sex partners and women with different-sex partners working in state government.

2. 2007 Carpenter and Klawitter Study

In a study published in 2007,⁵ Christopher Carpenter, Associate Professor of Economics and Public Policy at the University of California, Irvine, and Marieka Klawitter, Associate Professor of Public Affairs at the University of Washington, investigated the earnings of self-identified lesbian, gay, and bisexual men and women in government employment in California. For their study, they use data from the California Health Interview Survey (CHIS), which is the nation's largest state health survey. Respondents were asked their sexual orientation as well if they were employed by a government entity. Data from the 2005 CHIS suggest that 105,000 government employees in California identify as gay, lesbian, or bisexual. Carpenter and Klawitter find that even when taking into account age, education, and race/ethnicity, lesbian, gay, and bisexual men and women in public employment earn 10% to 29% less than their heterosexual counterparts. Further, their findings suggest that living in an area with anti-discrimination policies that include sexual orientation positively effects the earnings of LGB government employees (Carpenter, C. and M.A. Klawitter).

⁴ Badgett, 1995; Badgett, 2001; Berg and Lien, 2002; Black, *et al.*, 2003; Blandford, 2003; Carpenter, 2005; Arabshehani, *et al.*, 2007.

⁵“Sexual orientation-based antidiscrimination ordinances and the earnings of sexual minority individuals: evidence from local initiatives in California.” In *Sexual Orientation Discrimination: An international perspective*, eds. eds. M.V.L. Badgett and J. Frank. New York: Routledge, 2007).