An Assessment of the Impact of Allstate Protection's Employment Policies and Practices on Disparities between the Career Opportunities and Rewards of Female and Male Managers

Expert Report of Barbara F. Reskin in *Puffer v. Allstate*

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I. ASSIGNMENT, QUALIFICATIONS, AND MATERIALS REVIEWED

1.1 ***Assignment.*** I have been retained by plaintiffs' counsel (1) to review materials pertaining to the personnel policies and practices of the Allstate Protection Company (formerly Allstate Property and Casualty), (2) to address whether Allstate Protection has a common culture and common policies, procedures, and practices that are uniform across the United States regarding the assessment, development, promotion, and compensation of its senior managers, and (3) if so, to opine on whether Allstate Protection's common culture, policies, procedures, and practices restrict female senior managers' compensation and promotion opportunities compared to those of male senior managers.

1.2 ***Qualifications.*** I am the S. Frank Miyamoto Professor of Sociology at the University of Washington. I received my Ph.D. in Sociology from the University of Washington in 1973 where I was a National Science Foundation fellow. I have been a Professor of Sociology at the Universities of Michigan, Illinois, Ohio State (where I was department chair and a distinguished professor), and Harvard University. I have served as an expert in several employment discrimination lawsuits (see Exhibit A). I have served as a consultant to the U.S. Bureau of Labor Statistics, have been on several National Research Council (NRC) Committees, and was study director for the NRC's Committee on Women's Employment and Related Social Issues which was supported by the Department of Labor's Employment Training Division. I collaborated with the Economic Policy Institute to study the impact of nonstandard jobs on workers and on work-family issues, projects supported by the Sloan and Ford Foundations.

1.3 My scholarly achievements have been honored by my profession and the scientific community. I have been elected a Fellow of the National Academy of Sciences and of the American Academy of Arts and Sciences, and was a Fellow at the Center for Advanced Studies in the Behavioral Sciences at Stanford University. I have been elected both President and Vice President of the American Sociological Association, and have received the Association's Distinguished Scholarship Award for research on sex and gender. I teach graduate and undergraduate courses on statistics, the sociology of work and labor markets, social stratification, gender and race in work organizations, and social stratification. My specialties include quantitative and qualitative research on gender, race, and ethnic inequality in work organizations and labor markets. Over the past twenty years, much of my research has focused on issues of workplace discrimination and organizational policies and practices that mitigate or exacerbate the adverse effects of discretionary and excessively subjective personnel practices. My research has been supported by grants from the National Institute of Mental Health, the National Science Foundation, and the Rockefeller Foundation. I have published several dozen scholarly articles and chapters—several of the former in my discipline's and other disciplines' top journals, and almost entirely in peer reviewed journals—as well as several scholarly monographs and books about gender and work. A copy of my *curriculum vitae* appears in Exhibit B.

1.4 I have given invited lectures about my research at the Harvard Business School, the Kennedy School of Government at Harvard, MIT's Sloan School, Princeton University, UCLA, the Yale Law School, Stanford University, Stanford University Law School, the University of Chicago, Northwestern University, the University of Michigan, the University of Manchester (England), among others. I have taught short courses at Notre Dame University, Stockholm University and the University of Trondheim (Norway).

1.5 ***Compensation.*** I am being compensated at $325/hour for my review of materials and report production and $450/hour for testifying at deposition and in court.

1.6 ***Materials examined***. To prepare this report I have read the depositions of the witnesses listed in Exhibit C along with their accompanying exhibits, additional exhibits that Plaintiff's counsel provided that are listed in Appendix

JJ, the declaration of Donna Rosemeyer and declarations from about three dozen putative class members.[1] I have examined parts of multiple versions of Allstate's *Human Resources Policy Guide.* I have also examined 19 statistical analyses from EConsult, plaintiff's statistical expert.

1.7 ***Method of analyzing documents and reaching conclusions.*** I have reviewed the depositions and exhibits in the context of a large body of social scientific research on organizations and their hiring practices and on the effects of cognitive distortions on organization's hiring practices. This research appears in peer reviewed journals or edited volumes of the highest scholarly caliber. In arriving at the conclusions I express in this report, I treat the depositions and exhibits as data, consistent with a social-framework analysis.[2] Based on relevant social science research, I use these data to reach a conclusion as to whether Allstate Protection (formerly Allstate Property and Casualty) has culture, uniform features, and consistent personnel practices. I then examine whether these common personnel practices appear to have contributed to disparities between female and male senior managers employed by Allstate Protection.

II. SUMMARY

2.1 ***Allstate Protection's culture and uniformity of its personnel practices***. Allstate Protection (formerly Allstate Property and Casualty) has a uniform culture of paternalism across the company. The fact that almost all of Allstate Protection's (AP's) top leaders are male reflects and heightens the impact of this culture. Its policies and practices with respect to assessing, compensating, developing, transferring, and promoting personnel in salary grades 63 and above are uniform nationwide.

2.2 ***Gender disparities in career opportunities and rewards at Allstate Protection.*** Female and male managers at AP at or above salary grade 63 are unequal with respect to the jobs to which they are assigned, the level of those jobs within bands and within the managerial hierarchy, how much those jobs pay, the sex composition of their jobs, the pay penalty associated with employment in a predominantly female job, their representation in bonus-level jobs and as officers who are entitled to stock options, their likelihood of being designated as "high potential" or a "key leader," their development opportunities, their mobility across jobs, and their likelihood of being promoted.[3]

2.3 ***Allstate Protection's reliance on superordinates' discretion in personnel decisions.*** AP's personnel practices require superordinates ("superiors") to use discretion and to make subjective judgments in assessing their subordinates' past performance and predicting their likely future performance. Subjective and discretionary decisions allow irrelevant characteristics such as employees' gender to bias their superiors' decisions. Allstate Protection has not implemented effective processes to check the biasing effects of its reliance on discretion in personnel decisions.

2.4 ***Factors contributing to gender disparities at Allstate Protection***. The primary causes of the systematic gender disparities at Allstate Protection are its use of discretion in personnel decisions affecting managers at grade 63 and higher and its failure to check the biases that discretion permits—especially ingroup favoritism and sex stereotyping—through a system of monitoring and accountability.

2.5 ***Opinion***. Based on the materials available to me at this time, it is my opinion that Allstate's paternalistic culture and the discretion it requires and permits decision makers have contributed to the systematic disadvantage of

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[1] I recognize that these declarations are from a tiny proportion of members of the putative class. I cite to them because they offer examples of the kinds of interactions that *may* occur and *may* produce gender disparities in some outcomes. I did not rely on these declarations in reaching my opinion.

[2] Regarding social framework analysis, see Monahan and Walker 1998. *Social Science in Law: Cases and Materials*, 4th ed. Foundation Press, Chapter 5, "Social Science Used to Provide Context."

[3] EConsult expert report, Tables 1-7, 9-17; Crockett ex. 2:APP0565000; declarations by Karen Searles ¶9, Graceann Kramer ¶6, Connie Jackson ¶9, Gail Howells ¶8, Esther Jones ¶6, Cynthia Allen ¶7, Cynthia Jones ¶5, Karen Mitchell ¶8, Maysha Barmore ¶9, and Elaine Epstein ¶6.

female managers at AP, including their lower compensation, bonuses, and stock options and their underrepresentation in top-level managerial jobs.

2.6 ***Structure of report.*** Section III provides a social science context for understanding Allstate Protection's (AP's) organizational culture and demographic composition. Section IV reviews social science research on the relationship between discretionary personnel practices and biased personnel decisions. Section V reviews social science research on personnel policies that can lead to gender inequality and discusses several of AP's personnel policies and practices in the context of that science. Section VI discusses social science research on organizational strategies to minimize gender disparities in personnel outcomes and discusses AP's policies and practices that might address such disparities. My conclusions appear in Section VII.

III. ORGANIZATIONAL CULTURE AND DEMOGRAPHY

3.1 ***Organizational culture: Social science***. An organization's culture comprises shared assumptions, beliefs, values, and norms about how things are done and how organizational members should behave.[4] Embodied in organizations are their shared assumptions, beliefs, values, and norms are stereotypes and values about the relative worth of different traits.[5] All organizations involve hierarchical relations between leaders and staff whose legitimacy lies in its cultural values.[6] Thus, organizational cultures function as control systems that permit or encourage some behaviors while discouraging or prohibiting others. Strong organizational cultures foster consensus over personnel practices and hence support uniform practices.[7] Two prototypical organizational cultures are paternalistic and bureaucratic.

3.1a. ***Bureaucratic organizational culture: Social science***. Bureaucratic organizations are characterized by written rules and records, specialized administrative functions, promotion hierarchies, and policies that protect the rights of subordinates.[8] They distinguish positions from their incumbents, with authority residing in positions. More generally, bureaucracies are rational and impersonal and are indifferent to their members "ascribed" characteristics such as their gender. The cultures of bureaucratic organizations stress doing things by the book, standardization, accountability, and record keeping. Information flows freely. Moreover, organizational members have rights by virtue of their employment status. Bureaucratic cultures have been the predominant form in large organizations for the last half century.[9]

3.1b. ***Paternalistic organizational culture: social science***. Paternalistic organizational cultures contrast sharply with bureaucratic cultures. Paternalistic cultures are modeled after traditional families in which male parents are responsible for and take care of their children and wives who in turn owe them respect and obedience. A prominent feature of paternalistic organizations is the concentration of authority in senior male leaders who make decisions in their organization's, their dependents', and their own best interests. In exchange for support and protection, they require obedience and loyalty. Just as fathers are male, so too are the leaders of paternalistic organizations. In contrast to bureaucratic organizations, paternalistic organizations treat personal characteristics like gender as relevant. To advance in a paternalistic culture, subordinates must display the attributes that their superiors exhibit and value—

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[4] Schein, Edgar. 1996. "Culture: The Missing Concept in Organizational Studies." *Administrative Science Quarterly* 41:229-40 1996; O'Reilly, Charles and J. Chatman 1996. "Culture as Social Control: Corporations, Cults and Commitment." *Research in Organizational Behavior* 18**:**157-200.
[5] Nelson, Robert and William Bridges. 1999. *Legalizing Gender Inequality.* NY: Cambridge University Press, p. 48.
[6] Nelson and Bridges 1999:5.
[7] Schein 1996; Sørensen, Jesper B. 2002. "The Strength of Corporate Culture and the Reliability of Firm Performance." *Administrative Science Quarterly* 47(1):70-91.
[8] Weber, Max. 1978. *Economy and Society*. Berkeley: University of California Press.
[9] Kalleberg, Arne, David Knoke, Peter Marsden, and Joe Spaeth. 1999. *Organizations in America: Analyzing their Structures and Human Resources Practices Based on the National Organizations Study.* Thousand Oaks, CA: Sage.

including maleness. Both male and female subordinates depend on their superiors for organizational rewards, but only male subordinates can become organizational leaders. Paternalistic leaders' stance toward male subordinates takes for granted that their organizational "sons" can grow up to be their successors. In contrast, the care that female subordinates receive is based on the assumption that they will not become leaders. Given these assumptions, superiors can construe unequal treatment of male and female subordinates as acting in their best interests and can maintain civility toward female subordinates while discriminating against them.[10]

3.2 ***Organizational culture at Allstate Protection***. Allstate Protection's organizational culture is strongly paternalistic.[11] Employees receive market pay, good benefits, job security, and—for some—advancement, lucrative bonuses, and stock options. AP's paternalistic stance is expressed in the words of its president: "I hold all of our people accountable *to take care of our people*. Everybody's individual [sic] *so you got to make sure you take care of them* and you promote them and you award them and develop them" (emphases added; Wilson dep. 64, see also 67, 91). AP takes care of both female and male employees through a cornucopia of benefits ranging from a hair and nail salon and a convenience store to a work-family program (Harty March 14, 2007 dep., ex. 2:APE001493). Consistent with its paternalistic culture, AP assumes that its managers are decent, honorable people (Wilson dep. 65). Thus, it has not institutionalized an effective grievance process for workers who believe that they have been treated unfairly. AP's informal culture appears to tolerate favoritism toward men, and several declarations filed by putative class members characterized AP's culture as a "good old boys' club" in which male junior managers formed bonds with senior managers through playing golf and drinking—activities that excluded women."[12]

3.3 ***Organizational demography: Social science***. The sex composition of an organization's leadership reflects its culture as well as its advancement practices. Indeed, in organizations in which men tend to monopolize power, men are able to institutionalize their cultural advantage.[13] The sex make up of organization's leadership tends to be self perpetuating. First, men's near monopoly over decision making positions facilitates their favoring men. Men's substantial majority among top managers leads these positions to be defined as men's work.[14] Second, when jobs become defined as appropriate for one sex, incumbents' gender becomes an informal job qualification.[15] Third, managers who fill high-level positions that involve risk seek others who resemble them on the assumption that they will make similar decisions.[16] Fourth, the sex makeup of an organization's leaders influences its culture. For these reasons, the sex make-up of the leadership of predominantly male firms is slow to change.[17]

3.4 ***Organizational demography at Allstate Protection***. Consistent with its culture men virtually monopolize leadership positions at AP. Although its workforce is disproportionately female, all of AP's presidents have been men,

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[10] Jackman, Mary R. 1994. *The Velvet Glove: Paternalism and Conflict in Gender, Class, and Race Relations*. Berkeley: University of California Press, p. 271.

[11] It is noteworthy that Allstate spun off in the mid 1990s from its parent company—Sears—which had a paternalistic culture and a tradition of giving its managers substantial discretion (Nelson and Bridges 1999:10, 207-15).

[12] See declarations of Cynthia Allen ¶8, Lorrie Andrews ¶10, Patrice Allara ¶15, Deborah Franklin ¶13, Joanne Herff ¶12, Esther Jones ¶11, Cynthia Jones ¶16, Letricha Kelly ¶8,9, Graceann Kramer ¶10,18, Karen Mitchell ¶9, Joy Nelson ¶4, and Karen Searles ¶6.

[13] Nelson and Bridges 1999.

[14] Oppenheimer, Valerie 1968. "The Sex-Labeling of Jobs." *Industrial Relations* 7:219-234.

[15] The sex labels of occupations are themselves stereotypes about occupations. Laboratory research on this phenomenon indicates that information about occupations that is inconsistent with their stereotyped image appears not to undermine their stereotype (Hattrup and Ford 1995. "The Roles of Information Characteristics and Accountability in Moderating Stereotype-Driven Processes during Social Decision-Making." *Organizational Behavior and Human Decision Processes* 63(1):73-86).

[16] Kanter, Rosabeth M. 1979. *Men and Women of the Corporation.* N.Y.: Basic Books.

[17] Cohen, Lisa E., Joseph P. Broschak, and Heather A. Haveman. 1998. "And Then There Were More? The Effects of Organizational Sex Composition on Hiring and Promotion." *American Sociological Review* 63:711-27; Sørensen 2002.

and in 2004 all of the president's direct reports were male (Wilson ex. 2, no bates number; also APP027581; Rizzo ex. 2:APP027581; Madden report, p. 2).[18] Given men's near monopoly of these top positions it follows that in 2004 all its top earners were male (Mueller ex. 10:APP137918). Of the 12 members of AP's Operating Committee, ten are male. Of AP's 40 vice presidents, 90 percent were male, and 75 percent of its 88 senior managers were male (Madden report, Table 1). In 2004 men headed all of the "areas of responsibility" (AORs) within AP, and men's share of senior managers, directors, and AVPs across these areas varied from over half in Finance to 87 percent in Product Operations (Crockett ex. 2). Processes discussed below have maintained women's exclusion from all top profit-and-loss positions among AP's officers.

IV. SOCIAL SCIENCE RESEARCH ON BIAS IN PERSONNEL DECISIONS

4.0 ***Summary***. This section reviews social science research on how bias affects personnel decisions. I apply the material reviewed here to AP's personnel processes in Section V. When personnel decisions are subjective or are based on decision makers' discretion, they are vulnerable to bias through superiors' conscious preferences or their pre-conscious ingroup favoritism and sex stereotypes. Although we may be able to control these propensities when we are motivated and have the resources to do so,[19] they exist largely outside our conscious control.[20] In Section VI, I discuss research related to how organizations can minimize the effects of these cognitive distortions.

4.1 ***Subjectivity and discretion.*** Organizations vary on how they make personnel decisions, with the extremes being reliance on readily observed performance or on the assessor's opinion. Deciding whether or not a player fouled someone on the other team is entirely a matter of the referee's discretion.[21] In contrast, deciding who has won a basketball game simply requires comparing the teams' points. In the world of work, observed performance is sometimes a matter of simply totaling points—an *objective* assessment in which the observer applies standard rules for assigning scores to observed behavior. In contrast, *subjective* assessments require observers to apply their own standards to subordinates' performance according to their own principles. There is no reason to expect different observers to come up with the same score. Thus, subjective assessments are observers' *opinions*. Employers often give managers discretion in making personnel decisions.[22] Assessment systems that rely on observers' opinions (i.e., subjective and discretionary judgments) are vulnerable to bias.[23]

4.2 ***Ingroup favoritism***. We automatically classify people in terms of whether they are members of our ingroup ("us") or outgroup ("them").[24] Whether we categorize others as belonging to our ingroup affects how we encode and recall information about them, distorts our perceptions of them, and influences how we treat them. Discretionary personnel decisions permit decision makers to take into account irrelevant characteristics such as gender. This can occur through an overt preference for people "like" us or through a well-documented automatic cognitive propensity to

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[18] The two women who appear on the organizational chart, Nina Edell (VP for Human Resources) and Joan Walker (Senior VP for Corporate Relations), have dotted line reports to Mr. Wilson (Wilson dep. 21, ex. 2, no bates number). Both Human Resources and Corporate Relations are predominantly female specialties.

[19] Dasgupta, Nilanjana. 2004. "Implicit Ingroup Favoritism, Outgroup Favoritism, and Their Behavioral Manifestations." *Social Justice Research* 17:143-69.

[20] Fiske, Susan T. 1998. "Stereotyping, Prejudice, and Discrimination." Pp. 357-411 in D. T. Gilbert, S. T. Fiske, and G. Lindzey (eds.), *The Handbook of Social Psychology.* Boston: McGraw.

[21] Price, J. and J. Wolfers. 2007. "Racial Discrimination among NBA Referees." Centre for Economic Policy Research Discussion Paper no. 6369. London, CEPR. http://www.cepr.org/pubs/dps/DP6369.asp .

[22] Nelson and Bridges 1999:80; for an example, see 315.

[23]Williamson, Laura, James E. Campion, Stanley B. Malow, Mark V. Roehling, and Michael A. Campion. 1997. "Employment Interview on Trial: Linking Interview Structure with Litigation Outcomes." *Journal of Applied Psychology* 82:900-12;

[24] Tajfel, Henri 1970. "Experiments in Intergroup Prejudice." *Scientific American* 223:96-102.; Dasgupta 2004; Brewer, Marilynn B. and Rupert J. Brown 1998. "Interpersonal Relations." Pp. 554-94 in D.T. Gilbert, S. T. Fiske, and G. Lindzey (eds.), *Handbook of Social Psychology*. NT: McGraw Hill.

prefer and favor others whom we perceive as being "like" us.[25] Research has shown that we are more comfortable with ingroup members, impute positive attributes to them, give them the benefit of the doubt, favor them when distributing opportunities, are predisposed to cooperate with them, are more loyal to them, and tend to recall their positive traits while forgetting their negative ones.[26] We are automatically predisposed to trust members of an ingroup and distrust and depersonalize outgroup members whom we see as competitors.[27] Given the cultural centrality of sex in the United States,[28] ingroup preference is often based on sex.[29]

4.3 ***Ingroup favoritism on behalf of a person's sex.*** When all or most of an organization's leaders are male, ingroup preference will favor men. For example, male decision makers are more likely to hire and promote men than are female decision makers.[30] To the extent that candidates for organizational opportunities are identified through predominantly male informal networks, men are more likely to be promoted than women, even when their performance evaluations are lower.[31] For example, white men are twice as likely to be promoted when their supervisors are also white men as when they are overseen by nonwhites or females.[32]

4.4. ***Stereotypes and stereotyping***. Stereotypes are beliefs that link personal traits with membership in certain groups. Stereotyping occurs when people attribute traits associated with a group to *individual* members (or all members) of that group.[33] Until a generation ago, stereotypes were conceptualized as people's conscious beliefs.

Cognitive science now recognizes that our preconscious "implicit associations" between group membership and traits, which we learn through widespread cultural stereotypes, can affect our decisions without our knowledge.[34] In fact, our implicit stereotypes may affect our behavior more strongly than our conscious attitudes do.[35] Exposure to members of a stereotyped group or a trait stereotypically linked to that group can automatically activate our implicit stereotypes and distort our responses toward members of that group.[36] We use stereotypes to fill in information that we are lacking about a member of a stereotyped group. Stereotypes also distort our recollections. We are more likely to

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[25] Fiske 1998; Heilman, Madeline E. 1995. "Sex Stereotypes and Their Effects in the Workplace: What We Know and What We Don't Know." In Struthers Nancy J. (ed.), Gender in the Workplace [Special Issue]. *Journal of Social Behavior and Personality* 10:3-26.

[26] Perdue, Charles W., John F. Dovidio, M. B., Gurtman, and R. Tyler. 1990. "Us and Them: Social Categorization and the Process of Intergroup Bias." *Journal of Personality and Social Psychology* 59:475-86; Baron, James N. and Jeffrey Pfeffer 1994. "The Social Psychology of Organizations and Inequality." *Social Psychology Quarterly* 57:190-209.

[27] Brewer and Brown 1998.

[28] Brewer, Marilynn B. and Layton Lui. 1989. "The Primacy of Age and Sex in the Structure of Person Categories." *Social Cognition* 7:262-74.

[29] People have multiple ingroups; the one that is salient in any situation depends on the characteristics of other decision makers, the context, and anything that makes a particular attribute salient.

[30] Bowen, Chieh-Chen, Janet Swim, and Rick R. Jacobs 2000. "Evaluating Gender Biases on Actual Job Performance of Real People: A Meta-Analysis." *Journal of Applied Social Psychology* 2194-215.

[31] Cannings and Montmarquette 1991. "Managerial Momentum: A Simultaneous Model of the Career Process of Male and Female Managers." *Industrial and Labor Relations Review* 44:212-28.

[32] Elliott and Smith 2004. "Race, Gender, and Workplace Power." *American Sociological Review* 69: 365-86.

[33] Brewer, Dull, and Lui. 1981. "Perceptions of the Elderly: Stereotypes as Prototypes." *Journal of Personality and Social Psychology* 41:656-70; Schmidt, Daniel F. and Susan M. Boland 1986. "Structure of Perceptions of Older Adults: Evidence for Multiple Stereotypes." *Psychology of Aging* 1:255-60. See also Bargh, John, Mark Chen, and Lara Burrows. 1996. "Automaticity of Social Behavior: Direct Effects of Trait Construct and Stereotype Act ivation on Action." *Journal of Personality and Social Psychology* 71:230-44.

[34] Gilbert, Daniel and J. Gregory Hixon. 1991. "The Trouble of Thinking: Activation and Application of Stereotypic Beliefs." *Journal of Personality and Social Psychology* 60: 509-17; Fiske, Susan T. 1998. "Stereotyping, Prejudice, and Discrimination." Pp. 357-411 in D.T. Gilbert, S.T. Fiske, and G. Lindzey (eds.), *The Handbook of Social Psychology*. Boston: McGraw.

[35] Rudman and Ashmore 2007. "Discrimination and the Implicit Association Test." *Group Processes & Intergroup Relations* 10:359-72; Sekaquaptewa *et al*. 2003. "Stereotypic Explanatory Bias: Implicit Stereotyping as a Predictor of Discrimination." *Journal of Experimental Social Psychology* 39:75-82.

[36] Blair, Irene V. and Mahzarin R. Banaji. 1996. "Automatic and Controlled Processes in Stereotype Priming." *Journal of Personality and Social Psychology* 70(6):1142-63.

remember stereotype-consistent than stereotype-inconsistent information about an individual.[37] Stereotypes also shape our interpretation of an individual's actions. We attribute the same behavior to different causes depending on our stereotype of the group to which the person belongs.

4.5 ***Sex stereotypes.*** Sex stereotypes assume that men and women differ on a wide range of traits.[38] For example, women are stereotyped as communal (oriented toward others), supportive, and family oriented, whereas men are stereotyped as strong, assertive, and career oriented. More germane in this case is the sex stereotyping of managers. Just as people are stereotyped based on their sex, activities customarily associated with one sex can become stereotyped as appropriate for that sex and inappropriate for the other sex. Predominantly male jobs become defined as men's work, and male attributes become implicit qualifications for predominantly male jobs. Because historically men filled virtually all managerial jobs and they continue to dominate top managerial jobs, such jobs have been stereotyped as men's work and therefore not women's work.[39] This stereotype of managerial jobs implies that female managers are less proficient than male managers which in turn leads organizational leaders to question women's ability to do top managerial jobs, devalue the work of women in such jobs, and deny them credit for their success.[40]

4.6 ***Prescriptive sex stereotypes as behavioral standards.*** Because stereotypes for men and women often include diametrically different traits, behaviors that conform to the stereotype for one sex violate the behavioral stereotype for the other sex. Given the stereotyping of some jobs as customarily male, female incumbents of stereotypically male jobs are in a double bind.[41] If their behavior resembles that of male incumbents, they violate sex stereotypes about how women are supposed to behave. If their behavior conforms to female stereotypes, they seem "unfit" and unqualified for male-labeled jobs.[42] Researchers have found that people assume that a woman whose behavior is consistent with male stereotypes (e.g., ambitious) does not measure up on stereotypically female traits such as helpfulness.[43] Research subjects judged women who succeeded in male-typed tasks as less likeable than equally successful men.[44] Similarly, women who display stereotypically masculine leadership skills are disliked; co-workers refer to them as "selfish," "quarrelsome" and "bitter".[45] High-performing female managers received lower rankings than male managers with comparable performance, unless they were described to research subjects as mothers or as "communal" (i.e., oriented toward others),[46] suggesting that observers assume that successful female managers are not "nice" unless they have information that these female managers conform to the female sex stereotype. Being disliked negatively affects

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[37] Heilman 1995; Cameron, Jessica A. and Yaacov Trope. 2004. "Stereotype-Biased Search and Processing of Information about Group Members." *Social Cognition* 22: 650-72; Kunda, Ziva and Lisa Sinclair. 1999. "Motivated Reasoning with Stereotypes: Activation, Application, and Inhibition." *Psychological Inquiry* 10(1), 12-22.

[38] Fiske 1998.

[39] Kanter 1979; Schein 2001. "A Global Look at Psychological Barriers to Women's Progress in Management." *Journal of Social Issues* 57: 675-88; Powell, Gary N., D. Anthony Butterfield and Jane D. Parent. 2002. "Gender and Managerial Stereotypes: Have the Times Changed?" *Journal of Management* 28:177-93.

[40] Heilman 2001; Heilman and Okimoto 2007; Heilman *et al*. 2004; Heilman and Haynes 2005. "No Credit Where Credit Is Due: Attributional Rationalization of Women's Success in Male-Female Teams." *Journal of Applied Psychology* 90 (5): 905-17.

[41] Heilman, Madeline. 1983. "Sex Bias in Working Settings: The Lack of a Fit Model." *Research in Organizational Behavior* 5:269-98.

[42] Heilman 1983.

[43] Rudman, Laurie A. and Peter Glick. 2001. "Prescriptive Gender Stereotypes and Backlash against Agentic Women." *Journal of Social Issues* 57:743-62; Heilman 1983, 1995; Heilman , Madeline E. 2001. "Description and Prescription: How Gender Stereotypes Prevent Women's Ascent Up the Organizational Ladder." *Journal of Social Issues* 57:657–74; Heilman, Madeline E. and Tyler G. Okimoto. 2007. "Why Are Women Penalized for Success at Male Tasks? The Implied Communality Deficit." *Journal of Applied Psychology* 92 (1):81-93.

[44] Heilman *et al*. 2004. "Penalties for Success: Reactions to Women Who Succeed at Male Gender-Typed Tasks." *Journal of Applied Psychology* 89:416-28

[45] Heilman 2001.

[46] Heilman and Okimoto 2007.

women's performance evaluations and their access to promotions and pay raises.[47] Research subjects rated women who engaged in "self promotion" as less likeable and less hirable than men or self-effacing women,[48] presumably because female self promotion violates the female stereotype of modesty.[49]

4.7 ***Factors that affect the activation and application of stereotypes.*** Discretion permits decision makers' stereotypes and ingroup favoritism to bias their assessments of male and female subordinates. Our conscious and implicit stereotypes do not inevitably affect our behavior toward members of stereotyped groups. When we have all the information we need to behave toward or make a decision about an individual, we do not need to rely on stereotypes. Thus, *relevant* "individuating information" can reduce stereotyping.[50] In addition, if people are aware of their biases and are both motivated and have the opportunity to control them they are less likely to act on these biases.[51]

V. PERSONNEL POLICIES AND PRACTICES

5. ***Summary***. Broadbanding facilitates AP's practice of providing selected managers—most of whom are male—with developmental opportunities because they can shift them across bands without going through the promotion process. More important, this structure gives top managers discretion in whom to give developmental opportunities to and whom to advance. The width of AP's bands allows business leaders more discretion in transferring and thereby developing workers. Job segregation based on sex disproportionately harms women by relegating them to lower paid positions and concentrating them in predominantly female jobs that pay significantly less than similarly demanding but predominantly male jobs. In addition to reducing women's pay, segregation across bands disproportionately denies women access to bonuses and stock options.

5.1 ***Uniformity of personnel policies and practices at Allstate Protection***. AP's policies and practices regarding the assessment, compensation, and advancement of directors, senior managers, and vice presidents are uniform nation-wide across AP. Many of these, such as the annual merit review, involve standardized procedures described in hundreds of detailed memos from Human Resources and involve the assistance of corporate HR staff. Allstate Protection's advancement practices uniformly rely on a decision making structure that allocates final decisions to officers' discretion through succession planning and pre-designation of "high potential" leaders.

5.2 ***Assessing performance: Social science***. Measuring performance is a well developed research specialty in which there is general agreement on certain fundamental principles. In addition, a large body of research documents that bias results with poor measurement techniques. Experts concur on two fundamental points: the need to validate measurement scales and to assess their reliability.[52] AP's merit assessments fall short on both counts which I discuss in a brief appendix.

5.3 ***Assessing performance at Allstate Protection***. AP annually assesses managers' performance. The timing, assessment instruments, and results are governed by Human Resources policies and hence are uniform across AP (Rizzo dep. 120; Harty dep. 10, 17-18, 48, ex. 43 APP050549). The review ("performance development summary" or PDS) has two components: business results and "critical success factors" (CSFs). The former was designed to assess

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[47] Heilman *et al*. 2004; Sinclair, Lisa and Ziva Kunda. 2000. "Motivated Stereotyping of Women: She's Fine if She Praised Me but Incompetent if She Criticized Me" *Personality and Social Psychology Bulletin* 26:1329-42.
[48] Rudman, Laurie A. 1998. "Self-Promotion as a Risk Factor for Women: The Costs and Benefits Conterstereotypical Impression Management." *Journal of Personality and Social Psychology* 74(3):629-45.
[49] Rudman 1998.
[50] Kunda and Sherman-Williams 1993. "Stereotypes and the Construal of Individuating Information." *Personality and Social Psychology Bulletin* 19(1):90-99.
[51] Kunda and Spencer 2003. "When Do Stereotypes Come to Mind and When Do They Color Judgment?" *Psychological Bulletin* 129:522-44; Kunda and Sinclair 1999; Dasgupta 2004.
[52] Malos 1998. Current Legal Issues in Performance Appraisal. Pp. 49-94 in J. W. Smither (ed.), *Performance Appraisal: State of the Art in Practice.* San Francisco, CA: Jossey-Bass.

managers' accomplishments over the previous year relative to goals set a year earlier. AP created the CSF scale to measure "*how* managers get results," on the assumption that certain "leadership behaviors" yield high performance (Crockett dep. 39; Rizzo dep. 80).[53] The merit assessment process, which has become increasingly complex over the liability period, fails to meet basic criteria for fair and objective assessment. For example, evaluators are instructed to take into account observations and conversations that took place over the past year (Rizzo dep. 67-68). It requires subjective judgments and affords evaluators considerable discretion in scoring. The supervisor of the person who conducted the assessment reviews it. These limitations are critical because the PDS affects merit raises, bonuses, and stock options, and is purportedly used in succession planning to designate "high potential" leaders and select persons who will be sponsored for development.[54]

5.4 ***Succession planning: Social science***. Succession planning is a process designed to identify and develop likely candidates for top positions to create possible replacements for key leaders if needed. From a social scientific perspective, succession planning is a form of "sponsored mobility" in which senior leaders select potential successors and then expose them to opportunities that will help to prepare them for high level positions.[55] The process resembles a self-fulfilling prophecy:[56] someone who is identified relatively early in his/her career receives the opportunity to accumulate advantages that should improve her/his potential as a future leader. The process need not yield the person who is best qualified and may not do so when reliable criteria are not used in the selection process.

5.5 ***Succession planning at Allstate Protection***. Twice a year senior, mostly male managers and officers assemble in confidential meetings to plan succession in their AOR.[57] (Officers may decline to do succession planning; Mueller dep. 77-78.) In addition to discussing future organizational needs, they identified "*key leaders*" and "*high potential*" leaders "based on their skills, capabilities, and growth potential" (Rizzo dep. 27),[58] and planned how to "develop" them (Wilson dep. 56-57).[59] Documents mention several criteria for identifying "high potential" leaders.[60] For example, a 2005 document lists the following criteria: (1) rapid mastery of assignments, (2) initiative, (3) rapid learning, and (4) emotional maturity, but does not describe how to measure them (ASP00088015). Other sources indicate that succession planners select "high potential" leaders on the basis of their superior's recommendation, other participants' impressions based on "on going conversations that we have around movement, development opportunities," and their PDS ratings on leadership (CSF scores) and results (Rizzo dep. 75-76; Mueller ex. 7), despite their dubious validity. Over the liability period, the succession planning process has become more structured with more HR involvement (Mueller dep. 75; Rizzo exs. 14, 15), but the criteria remain subjective, and who is designated is

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[53] Both PDS and CSF have changed over the liability period. In the past, the performance rating and the CSF were separate. In 2003, AP combined the two into an overall performance rating with each weighted ("probably 50%") so that their weights summed to 100% (Mueller ex. 5:APP017267).

[54] These systems govern all personnel decisions throughout all Allstate's business units (For Example Rizzo dep. 78-81, 117-120, 143, 156; Mueller dep. 40, 62, 81, 88-91, ex7; Harty dep. 15-18, 20, 48-49, 66-88, exs. 3-7).

[55] Turner, Ralph H. 1960. "Sponsored and Contest Mobility and the School System." *American Sociological Review* 25:855-67.

[56] Merton, Robert K. 1948. "The Self-Fulfilling Prophecy." *Antioch Review* 8:193-210.

[57] According to a putative class member who had participated in succession planning, "the meetings were dominated by male managers who almost always recommended their male friends for promotion to the exclusion of equally or better qualified women" (Declaration of Denise Kelley, ¶8).

[58] "Key leaders" are persons who have exhibited high performance. This designation was dropped in 2005 (Mueller dep. 62). "High potential" leaders are persons whom succession planners believe could move two levels beyond their current level.

[59] In large AORs succession planning can be rolled up from the department level (Mueller dep. 70-71). Separate succession planning meetings are held for bands A-C, bands D and E, and bands F and G (Rizzo dep. 76-77).

[60] A set of questions proposed earlier include "[redacted] (Rizzo ex. 14:APP151357).

a matter of participants' discretion. Indeed, AP President Wilson (dep. 60) testified that calling succession management a [redacted]

5.6 ***Sex stereotyping and ingroup favoritism in succession planning.*** Informality, subjectivity, and discretion allow ingroup favoritism and sex stereotypes to influence the process. A putative class member attested that when women were discussed, comments would begin with "'I don't see her as …' or 'She is not the right fit . . .' or 'What is her image?'"[61] Gloria Ervin, another putative class member, testified that a HR professional told her that when her name was raised, "my manager . . . stated that 'I was fine where I was" and then went on to support a man with a weaker record.[62] Notes from a May 17, 2004 succession planning meeting including directors and senior managers show subtle sex stereotyping (APE002219-229). Only one of the 18 candidates whose sex I could identify was female.[63] She is also the only candidate for whom comments referred to appearance or personality traits that were not tied to performance: [redacted] Notes for the second day when only officers met included one reference to the personality of one of more than 10 male candidates: [redacted] and references to the personality of both of the two identifiably female candidates: [redacted] (APE002226-229).[64]

5.6a. According to a sworn statement by another putative class member, "Although I made recommendations for succession planning throughout my career as a director, it was clear that succession management decisions, like who would be promoted, moved into key positions, or groomed to be a future leader, were already made prior to the succession management meetings."[65] Another testified that "[d]ecisions were based on who the VP had the highest comfort with."[66] When asked who was responsible for succession planning for positions below officer, Wilson testified, [redacted] He added, [redacted] (Wilson dep. 91-92). The measurement problems of the performance indicators, the use of informal conversations as "data", and the subjectivity of the criteria mean that succession planners must rely heavily on their discretion. In addition, President Wilson (dep. 109) commented on the "high potential" designation: [redacted] After each AOR finishes identifying high potential candidates, the officers meet separately at which time they may change the designations (Rizzo dep. 91). Thus, the "opinion" that Wilson mentioned is the opinion of the male officers. And that opinion is consequential for gender inequality in access to top AP positions.

5.7 ***The Chairman's Talent Review at Allstate Protection***. The Chairman's Talent Review considers, for each "area of responsibility", its leadership, business strategies, key initiatives, and plans to achieve them (Mueller dep. 28-29). Participants include Allstate's CEO, the president of AP, and the senior VP of HR. VPs for AORs participate only while their area is discussed. In their allotted 20 minutes,[67] they identify the area's key leaders and high potential

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[61] Declaration of Phyllis Whitfield, ¶15.
[62] Declaration of Gloria Ervin, ¶15.
[63] Although the names of the candidates being assessed have been redacted, the sex of most candidates is clear through the use of sex-specific pronouns.
[64] The first of these is male; the second and third are female.
[65] Declaration of Phyllis Whitfield, ¶13.
[66] Declaration of Phyllis Whitfield, ¶14.
[67] If an AOR did not engage in succession planning, the leader of the organization could identify key contributors or high potential leaders on his own.

leaders, most of whom were presumably selected during succession planning, [68] their readiness rating, and the development activities under way or planned for them (Mueller dep. 30, 40).[69] In the limited time, they may not get to everyone so senior vice presidents exercise discretion regarding whom on their list to discuss with the Chairman and AP's president (Crockett dep. 69). Until recently, the outcomes of this process were not officially recorded; in 2004 HR "business partners" started providing meeting summaries for the officers (Mueller dep. 37), although it is not clear if HR kept records of who was considered for all positions (Crockett dep. 35). The sex composition of AP's managers presumably reflects the outcomes of earlier talent reviews. In the 2004 review women were [redacted] percent of persons designated as high potential, below their [redacted]-percent share of directors (Crockett ex. 2).

5.8 ***Development: Social science***. Development refers to opportunities that officers or other superiors create for subordinates to help the latter garner new experiences and skills. It is form a paternalism in which an organization's top leaders select their future replacements from persons who are culturally entitled to upward mobility and provide them with the opportunity to acquire the skills necessary to prepare them for higher positions in the organizations.[70] Ingroup favoritism tends to match the sex of those who select persons for development and the sex of those selected. Implicitly these development opportunities are not available to everyone. This process resembles Turner's concept of sponsored mobility in which persons are selected for leadership and then exposed to the opportunities that will permit them to be leaders.[71] In general, men are more likely than women to enjoy sponsored development. Informal development also occurs for subordinates who have mentors that provide career advice or advertise their promise to others high in the hierarchy. According to a field study of managers from five corporations and one government agency, women were less likely than men to receive high-stakes development assignments—assignments that involved dealing with diverse functions, products, markets or customers and that required that they handle external pressure.[72]

5.9 ***Development at Allstate Protection***. After identifying high-potential leaders, participants in succession planning and the Chairman's Talent Review consider specific assignments that will address any perceived weaknesses by exposing them to challenging or "stretch" assignments, and to different areas through which they can obtain "cross-functional experiences."[73] Development opportunities particularly matter in view of the fact that AP's paternalistic culture offers workers little control over their own careers. They cannot apply for positions and may lack knowledge about what assignments would be helpful for their chance for promotion. They are entitled to development advice from their business leaders, but advice alone cannot expose someone to a "stretch" assignment and another area of expertise. In contrast, AP takes charge of development for persons identified as "high-potential", making a particular officer responsible for their development. For people in the field, for example, this would be a year in the home office. Consistent with men's greater share of "key leaders" and "high potential" leaders, men had more total job shifts within grades 63 and higher at the time they were promoted into grades 77, 78, 80 and 90.

The sex difference in job shifts was statistically significant for managers in salary grade 77 among whom men averaged .5 more moves than women. Among vice presidents, men had had .7 more moves than women.[74] Women who will be members of this class if the Court certifies it attested that they were denied development opportunities that

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[68] Crockett ex. 2:APP056491; Mueller dep. 29; Rizzo dep. 11.
[69] In 2004 the chairman's talent review was limited to persons designated as high potential (Crockett ex. 2, 3).
[70] Turner 1960.
[71] Turner 1960. Turner contrasts sponsored mobility with "contest mobility"—a system in which everyone is free to compete for opportunities.
[72] Ohlott *et al.* 1994. "Gender Differences in Managers' Developmental Job Experiences." *Academy of Management Journal* 37:46-67.
[73] For example, Rizzo dep. 116-19.
[74] Given the relatively small number of VPs, this difference is not statistically significant. EConsult provided these calculations.

were available to men. For example, "Allstate often groomed men for promotion by mentoring them and providing them with opportunities of working on a temporary basis in different departments or projects."[75] Insofar as high-potential designates are especially likely to have development opportunities, their designation is a self-fulfilling prophecy.[76]

5.9a. Protection Finance developed a formal mentoring program in 2005 (Rizzo dep. 142). It also has a cross-functional development assignment process that moves bonus-level high-potential finance leaders through various departments within the finance community after which the Finance Talent Council ensures the individual a place in "an appropriate position" at or above her/his current level (Rizzo dep. 116-19, ex. 11).

5.10a ***Sex segregation: Social science.*** A large body of research has shown that sex segregation is a primary mechanism producing unequal career outcomes of women and men.[77] Importantly, much of the statistical association between gender and earnings stems not from unequal pay for men and women in the same jobs,[78] but from women's concentration in lower paid jobs than those which most men hold. Employment in a predominantly female job reduces its incumbents' earnings, after taking into account the characteristics of both workers and their jobs.[79] The higher the proportion of women in a line of work, the lower its compensation for *both* male and female incumbents.[80] Scholars have attributed this association to the devaluation of predominantly female activities.[81]

5.10b ***Broadbanding: Social science.*** The process of broadbanding which became popular in the 1990s simplified administration and gave managers more discretion on moving workers across jobs. The process of banding masks the extent of job segregation based on sex to the extent that the same band includes positions in which one or the other sex predominates. Thus, bands whose sex composition is relatively balanced can be made up of a set of jobs that are segregated on the basis of sex.

5.11 ***Sex segregation and broadbanding at Allstate Protection.*** AP implemented broadbanding in 2000 (Harty dep. 153, exs. 30-32). AP collapsed hundreds of salary grades into a few broad "bands" with common minimum and maximum salaries and which they assert required similar capability, responsibility, accountability, complexity, and

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[75] Declaration by Gloria Ervin ¶13. Also see Declarations by Joanne Herff ¶10; Phyllis Whitfield ¶17.

[76] Declaration by Phyllis Whitfield ¶8: "Allstate tightly controlled . . . choice assignments where they would not only be 'noticed' by senior management but also gain valuable experience. This was accomplished through succession management."

[77] Reskin 1993. "Sex Segregation in the Workplace." *Annual Review of Sociology* 19:241-70; Jacobs 1999. "The Sex Segregation of Occupations." Pp. 125-41 in Gary N. Powell (ed.), *Handbook of Gender and Work*. Thousand Oaks, CA: Sage; Peterson, Trond and Laurie A. Morgan. 1995. "Separate and Unequal: Occupation-Establishment Sex Segregation and the Gender Wage Gap." *American Journal of Sociology* 101:329-65.

[78] Employers still sometimes pay workers of one sex less than workers of the other sex who do substantially the same jobs. In fact, several declarants who are putative members of the class attested to the fact that they were paid less than men doing the same job. For example, "I was assigned to a team with four other directors who were male. Our team was responsible for strategic planning. I found out in 1992 that I was the only member of the team who was being paid at a salary grade below director, even though we were performing the same job and reporting to the same senor management team (Declaration of Phyllis Whitfield, ¶3; see also Declarations of Deborah Franklin ¶11, Jennifer Wallin ¶5; Denise Kelley ¶4, Elaine Epstein ¶5; Jan Bernard ¶11; Karen Mitchell ¶7; Patrice Allara ¶6.)

[79] Petersen and Morgan 1995 ; Tomaskovic-Devey, Jacobs 1999; Roos, Patricia and Mary L. Gatta. 1999. "The Gender Gap in Earnings: Trends, Explanations and Prospects." Pp. 95-123 in Gary N. Powell (ed.), *Handbook of Gender and Work*. Thousand Oaks, CA: Sage; Hersch 2007.

[80] Barnett, William, James Baron, and Toby Stuart. 2000. "Avenues of Attainment: Occupational Demography; Budig, Michelle 2002. "Male Advantage and the Gender Composition of Jobs: Who Rides the Glass Escalator?" *Social Problems*. 49:258–77; Booras, Stephanie and William M. Rodgers 2003. "How Does Gender Play A Role in the Earnings Gap? An Update." *Monthly Labor Review* 126:3:9–15; Hertz, Tom, Chris Tilly and Michael Massagli. 2004. "Linking the Multi-City Study's Household and Employer Surveys to Test for Race and Gender Effects in Hiring and Wage Setting." Pp. 407-43 in A. O'Connor, C. Tilly, and L. Bobo (eds.), *Urban Inequality: Evidence from Four Cities*. N.Y.: Russell Sage.

[81] England, Paula, Lori L. Reid, and Barbara S. Kilbourne. 1996. "The Effect of Sex Composition on the Starting Wages in an Organization: Findings from the NLSY." *Demography* 33:511-22.

value to Allstate and in the labor market (Harty dep. 184, ex. 19:APP155524; ex. 33:APP155440-442).[82] Salary grade 63, for example, included 109 job titles in 2005.[83] Broadbanding allowed Allstate to change employees' responsibilities without going through formal promotion procedures or giving promotion-related raises (Harty dep. 178-79; ex. 31: APP112369370).[84] Broadbanding enhanced superiors' discretion because job changes do not require the administrative steps that a promotion would entail and need not be accompanied by a raise. Jobs within AP's six broad bands at or above the managerial level are segregated on the basis of sex, a practice that contributes to women's lower pay. In 2005 band D was 38 percent female, band G was 29 percent female, and band 90 was 15 percent female.[85] However, each of these bands was sex segregated as indicated by the index of segregation.[86] The value of the sex segregation index indicates the proportion of workers of one sex who would have to change jobs for the two sexes to be identically distributed across jobs; in other words, for them to be completely integrated. (Thus, the values of the segregation index range from 0 to 100.) In 2006, the segregation index was .22 for workers in grade 63, .33 for workers in grade 64, .40 for grade 77, .38 for grade 78, .68 for grade 80, and .67 for grade 90.[87] Thus, at in grades 80 and 90 two thirds of the women (or men) would have to change to a different job within their grade for the jobs to be integrated. For grades 77 and 78, about 40 percent of female (or male) workers would have to change to a different job within their band for that band to be integrated. These values fall to one-third for salary grade 64, and a little over one-fifth for workers in salary grade 63. Even within the least segregated band (band D) 22 percent of the approximately 900 female employees would have to be transferred to predominantly male jobs for women and men to be distributed across jobs without regard for their sex. Because a moderate number of workers changed jobs within bands between 2001 and 2006,[88] these high levels of segregation are not the result of long past decisions. Within band D, for example, 375 workers were transferred between 2001 and 2006, within band E 50 were transferred, and within bands F and G 10 workers were transferred.[89] Importantly, within bands the jobs to which women were transferred employed a significantly higher proportion of female workers than the jobs to which men were transferred and were significantly more female than was the band as a whole. In other words, AP's transfers of employees within bands increased their levels of sex segregation. Moreover, the sex segregation documented within bands translates into lower pay for women. Women not only work in different jobs within the same band as men, but they work in lower paying jobs.[90] The importance of this for the earnings disparity between the sexes is clear in analyses EConsult reports: Taking into account workers' job code as well as their salary grade substantially reduces the percentage salary difference between the sexes, sometimes to as much as one-fifth of its value.[91]

5.12 ***Promotion: Social science***. Research on upper-level managers indicates that women's promotions to high-level positions depend more heavily on performance evaluations than men's, suggesting that other criteria are more important for men.[92] Field research also indicates that women's access to high-level jobs is greatest if the previous

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[82] Milkovich et al. 2002. *Compensation* (7th ed.). Boston: McGraw Hill.
[83] Madden report p. 4.
[84] For a general discussion of companies' goals in broadbanding, see LeBlanc, Peter V. and Michael H. McInerney 1994. "Need a Change? Jump on the Banding Wagon." *Personnel Journal* 73:72.
[85] EConsult expert report, Table 5.
[86] Also known as the index of dissimilarity (Duncan, Otis D. and Beverly Duncan 1955. "Methodological Analysis of Segregation Indexes." *American Sociological Review* 20:210-17).
[87] Segregation indices provided by EConsult, November 5, 2007.
[88] Econsult expert report, Table 17.
[89] Econsult expert report, Table 17.
[90] EConsult expert report, Table 9, equation 2.
[91] EConsult expert report, Table 9.
[92] Lyness and Heilman 2006. "When Fit Is Fundamental: Performance Evaluations and Promotions of Upper-Level Female and Male Managers." *Journal of Applied Psychology* 91 (4): 777-85.

incumbent was female.[93] The existence of predominantly-male or -female jobs provides promotion opportunities for women while permitting them to remain in a predominantly-female job. Women pay for this, however. Indeed, national survey data show that women's and men's earnings trajectories diverge at high earnings levels,[94] reflecting in part the kind of promotion disparities and segregation that are consistent with the data for AP.

5.13 ***Promotion at AP***. Allstate Protection's paternalism stands out in its promotion system. The promotion process is neither public nor governed by written policies or guidelines that were available to me. Employees advance through the ranks or fail to do so at the discretion of those above them (Zuzich dep. 12, 34), in part as a result of the succession planning process for each AOR (Rizzo dep. 8-9) that designates "high performers" and whom it helps to realize the potential their leaders saw in them.[95] According to a declarant, "There are no opportunities to apply or interview for higher positions as they become available. Upper management chooses who will be promoted and simply installs the selected individual into that position."[96] Mario Rizzo's experience is a case in point. His manager simply told him that he would be changing responsibilities (dep. 47, 113). Some putative class members attested that they had been offered a promotion only to have it given to someone else, usually a man whose leader thought he needed it to support his family.[97] The secrecy of the promotion process is critical to the way it is conducted. People do not know a job exists, they do not know what experience it requires, and there is no vehicle through which to apply, so its existence is not known until the job has been filled.

5.14 ***Different evaluation standards for male and female managers: Social science***. Experimental research indicates that assessors use different standards when making judgments of women's and men's performance.[98] Thus, men who behave in a direct and assertive manner are viewed as being strong leaders, while women exhibiting the same behaviors may be considered combative.[99] Women must therefore try harder and make fewer mistakes than male colleagues in order to be judged equally competent.[100] Research has shown that women tend to be judged by lower minimum-competency standards, but higher ability standards, making it easier for them to meet minimum standards, but less likely that evaluators will attribute high performing work to women's abilities.[101] Promoted female managers have higher average performance evaluations than promoted male managers, and women's performance evaluations are more highly correlated with being promoted, consistent with women being held to higher standards than men.[102] This pattern is associated with attribution error—the tendency to attribute expected results to an individual's fixed traits or propensities and unexpected results to situational factors.[103] When a woman performs unexpectedly well, observers tend to attribute her success to an unstable, external cause such as luck or sustained effort, whereas the same performance by a man is likely to be attributed to an internal predisposition such as skill.[104] The opposite also holds when men do badly at "male" tasks it is attributed to external causes ("bad luck"); when women do poorly it is attributed to lack of skill. However, observers treat strong performance by men and weak performance by women in

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[93] Cohen, Broschak and Haveman 1998.
[94] Cotter et al. 2001. "The Glass Ceiling Effect." *Social Forces* 80:655-82
[95] Four-fifths of placements at the bonus level result from promotions, according to Crockett (dep. 57).
[96] Declaration of Karen Searles ¶8. Also see declarations by Cynthia Jones ¶8 and Deborah Franklin ¶6.
[97] Declaration by Judith King ¶9-10. See also declaration from Jan Bernard ¶9 whose supervisor did not believe that she was willing to relocate because "my husband was too old to find another job," and Esther Jones ¶12.
[98] Biernat and Fuegen. 2001. "Shifting Standards and the Evaluation of Competence: Complexity in Gender-Based Judgment and Decision Making." *Journal of Social Issues* 57: 707–24.
[99] Heilman 2001.
[100] Foschi 2000. "Double Standards for Competence: Theory and Research." *Annual Review of Sociology* 26:21-42.
[101] Biernat and Kobrynowicz. 1997. "Gender- and Race-Based Standards of Competence: Lower Minimum Standards but Higher Ability Standards for Devalued Groups." *Journal of Personality and Social Psychology* 72:544-57.
[102] Lyness and Heilman 2006.
[103] Heilman 2001; Heilman and Haynes 2005.
[104] Heilman 2001.

customarily-male lines of work as more predictive of their future performance than they would strong performance by women and weak performance by men. The more objective the performance measure, the less likely attribution error is to disadvantage women.[105]

5.15 ***Pay disparities: Social science.*** The primary cause of women's lower earnings is their segregation into different jobs, and the fact that those jobs in which women are concentrated pay less than predominantly male jobs, after controlling for both workers' characteristics and job characteristics.[106] Other factors play a role, of course, including longstanding cultural beliefs that men need to earn more to support their families, and stereotypes that women do not care about maximizing their earnings because their primary attachment is to their families,[107] while men are stereotyped as their family's breadwinner.[108]

5.16 ***Pay disparities at AP.*** At AP the large salary ranges within bands (Harty exs. 15, 16) combined with sex segregation within bands yield widely different salaries for women and men in the same band.[109] The broad bands prevent workers from comparing the salaries of men and women within the same band who do jobs with the same responsibility, accountability, complexity, and value to AP.[110] As noted, EConsult's statistical results show that male AP managers are concentrated in higher paying jobs within bands. Given AP's culture of paternalism, the discretion superiors exercise in making job assignments, transfers and setting pay; and ingroup favoritism toward males, it is hardly surprising that men hold jobs that pay more. According to several declarations filed in support of class certification, supervisors denied some women promised assignments or gave those assignments to a less qualified man because, according to their manager, he had a family to support.[111]

VI. ORGANIZATIONAL REMEDIES FOR GENDER INEQUALITY

6.1 ***Personnel practices that check bias: Social science.*** Personnel practices are particularly likely to disadvantage women when (1) most of the decision makers are male, (2) the positions at issue have customarily been held by men, (3) the decision making process lacks transparency, (4) the employer does not exercise oversight over the decision making processes or their outcomes, (5) decision makers are not held accountable for making unbiased decisions, and (6) the persons being considered have no safe vehicle through which to challenge decisions. The most effective things that organizations can do to ensure that their personnel decisions do not systematically disadvantage women is to monitor the processes for fairness and the outcomes for sex differences and hold decision makers accountable for their decisions. At a minimum, accountability means justifying decisions. Attaching consequences to conforming or failing to conform to fair employment practices is also important. These conclusions rest on a growing body of social science that documents the importance of accountability to prevent bias from affecting personnel decisions. Accountability—the requirement that assessors justify their performance evaluations—has been shown in laboratory experiments to reduce stereotypical responses.[112] Experimental subjects paid greater attention to the information when they knew that they would have to justify their decision. Another study reported that when people

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[105] Bartol, Kathryn M. 1999. "Gender Influences on Performance Evaluations." Pp. 165-77 in Gary N. Powell (ed.), *Handbook of Gender and Work*. Thousand Oaks, CA: Sage.
[106] Jacobs 1999.
[107] Padavic, Irene and Barbara Reskin 2002. *Women and Men at Work*. Thousand Oaks, CA: Pine Forge Press.
[108] Carli, Linda L. and Alice H. Eagly. 1999. "Gender Effects on Social Influence and Emergent Leadership." Pp. 203-21 in Gary N. Powell (ed.), *Handbook of Gender and Work*. Thousand Oaks, CA: Sage; Heilman 2001; Nosek et al. 2007. "Pervasiveness and Correlates of Implicit Attitudes and Stereotypes." Forthcoming.
[109] EConsult expert report, Tables 1-6.
[110] For example, see Zuzich ex. 5:106803.
[111] Declarations by Ruby Barnet ¶7, and Judith King ¶10.
[112] Foschi 1996. "Double Standards in the Evaluation of Men and Women." *Social Psychology Quarterly* 59:237-54.

know they will be held accountable, their use of double standards for women and men declined or disappeared.[113] Research subjects instructed to learn about occupations were less likely to fall back on occupational stereotypes if they had been told they were accountable for producing complete information.[114] Managers were more likely to rate black and white applicants equally when they had to justify their ratings.[115] When research subjects know that they will be accountable, but are not sure to whom, they engage in more complex thought about their decisions.[116]

6.2 ***Personnel practices that check bias at AP.*** The systematic disparities between the sexes documented in EConsult's expert report and in this report can occur only if AP has failed to implement adequate safeguards against practices that favor men. The material available to me included no evidence of adequate safeguards. I found no evidence of systematic monitoring over the liability period. Importantly no data exist that allow employees to determine if decisions are fair.[117] For some outcomes, AP did not retain the data required for monitoring disparities. The practice of secrecy in making personnel decisions is inconsistent with the monitoring and accountability. Knowing that one's decisions are not being monitored and one will not be held accountable frees people to engage in open favoritism. AP has implemented formal policies prohibiting sexual harassment and sex discrimination, but the HR manual is vague regarding what specific activities are prohibited and silent on the consequences of engaging in a prohibited activity.[118] The only apparent internal recourse for someone who believes she has experienced discrimination or harassment is AP's "resolution" process.[119] People who believe that they have been harmed are responsible for taking initiative for obtaining a remedy. Moreover, several members of the putative class attested that they have brought complaints to their supervisors and/or Human Resources to no avail.[120] Others testified that they have experienced retaliation in the form of demotion, close supervision, or termination. Apart from a practice described in the Human Resource Policy Guide as "spot-check interviews," Allstate does not take initiative in identifying disparities and correcting them, according to the materials available to me.

6.3 ***Diversity and affirmative action: Social science.*** The best available research on the organizational practices related to diversity that lead to more equitable employment is a study of over 700 establishments. The researchers

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[113] Foschi 2000.

[114] Hattrup and Ford. 1995

[115] Ford, Gambino, Lee, Mayo, and Ferguson. 2005. The Role of Accountability in Suppressing Managers Pre-Interview Bias against African American Sales Job Applicants. *Journal of Personal Selling and Sales Management* 24(2):113-24.

[116] Tetlock, Philip E. 1992. "The Impact of Accountability on Judgment and Choice: Toward a Social Contingency Model." *Advances in Experimental Social Psychology* 25:331-76; Heilman 1995. When decision makers are under time pressure, the effects of accountability disappear (Lerner, Jennifer and Philip E. Tetlock. 1999. "Accounting for the Effects of Accountability." *Psychological Bulletin* 125(2):255-75).

[117] See, for example, the declaration of Marcia Delaney ¶16.

[118] HR's policy is maintaining a working environment that is free from discrimination and harassment. Any conduct that is discriminatory in nature; motivated by … sex …, and adversely affects an employee's terms or conditions of employment is prohibited (APE301798-799). Moreover, no retaliatory action will be taken against an employee who exercises his/her legal rights against Allstate (APE301796).

[119] Employees with problems are advised to pursue four steps in this order: an open door conversation with their superordinate, a request for resolution to HR, a local investigation and review, and a home office review (Human Resources Policy Guide, Chapter 13 APE301796-97).

[120] Declarations of Denise Kelly ¶10; Esther V. Jones, ¶13; Gloria Wolfe ¶9; and Letricha Kelly ¶12. The exception to this pattern occurred when Ms. Searles challenged a review that concluded that she "needs improvement" despite several positive categories. "Upon receiving my complaint, home office sent it back to the human resources director for the [state]" which sent the complaint back to the man who had drafted the review (Declaration of Karen Searles ¶11).

found that the most important factor for women's representation in managerial jobs was making someone responsibility for monitoring affirmative action goals.[121]

6.3a Most social science research on the impact of affirmative action is based on assessments of the impact of the Federal Contract Compliance Program. Fundamental features of these programs include monitoring to identify underrepresentation, determining the practices that produce disparities, changing those practices, and setting goals and timetables which are in turn subject to monitoring and accountability.[122]

6.4 ***Diversity and affirmative action at AP***. Around 1999 to 2000, Allstate's CEO appointed a four-person task force to develop a diversity strategy. The strategy included affirmative action, although Ms. Zuzich, a member of the task force, was unable to describe Allstate's affirmative action policy. She testified that "We have a non-discrimination policy and one that insures equal pay" (Zuzich dep. 100). The diversity task force designed an "affirmative action planning-template" that included space for an assessment of shortfalls in an AOR and actions to address these (Zuzich ex. 11), although Ms. Zuzich did not know how often it is used (Zuzich dep. 96-99). After three years, the task force delegated the responsibility for diversity and affirmative action to the VPs in charge of each AOR. Since then the AORs have been responsible for their own plans as well as monitoring their progress (Crockett dep. 63). In 2004 a memo from CEO Liddy to "All Officers" that Allstate has [redacted][123] [redacted][124] HR provided a goal-setting worksheet from which Allstate's "Diversity Team" was to provide HR VP Crockett. The reporting of affirmative action headway occurs at the Chairman's Talent review. VPs [redacted] Nobody comes to the chairman and just says, you know, [redacted]" (Crockett dep. 72). VPs might discuss how large they perceive their shortfall is and their goals for the next three years (Mueller dep. 39, 46-48, 64-65; Crockett ex. 2) or promotion or development plans and what has occurred (Crockett dep.67, 72). [redacted]

AORs also completed forms showing sex composition among officers as well as goals. Most left the "goals" comment blank.[125] None of the materials I saw addressed whether officers' performance affected their 2005 compensation. Ms. Zuzich did not recall that any particular weight ever having been given to this management responsibility in their performance assessment (Zuzich dep. 29). No target or goal is set within the meeting as to women's representation among high-potential designates, nor is there any discussion during or after the meeting on the sex composition of high-potential designates (Rizzo dep. 85, 104-5).[126] This meeting appears to be a lost opportunity for AP to prevent officers' discretion from harming women's chances for development and promotion. No person or unit within AP has responsibility for ensuring that succession decisions are fair to women. In sum, the responsibility for action and for

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[121] Kalev, Alexandra, Frank Dobbin, and Erin Kelley. 2006. "Best Practices or Best Guesses? Diversity Management and the Remediation of Inequality." *American Sociological Review* 71:589-617.
[122] Reskin, Barbara F. 1999. *The Realities of Affirmative Action*. Washington, D.C.: American Sociological Association; Leonard 1989. "Women and Affirmative Action." *Journal of Economic Perspectives* 3:61-75; Holzer and Neumark 2000. "What Does Affirmative Action Do?" *Industrial and Labor Relations Review* 53(2):240-71.
[123] February 17, 2004 memo; APP139332.
[124] April 13, 2004 memo from Lilly Eng; APP163488.
[125] Crockett ex. 2: APP056495-6520.
[126] Notes from a March 17, 2004 succession planning meeting did not mention sex composition (APE02219-229).

monitoring that action rests entirely with the vice president who heads an AOR. This does not constitute the kind of monitoring and accountability that is associated with positive results.

VII. CONCLUSIONS

7.1 The plaintiff's deposition and the declarations submitted by putative class members provide numerous examples of opportunities being distributed on the basis of sex. These include reserving the most lucrative jobs or markets for men who are no more talented than female candidates,[127] favoring men with families for jobs,[128] holding women to higher standards than men,[129] segregating workers across jobs, ignoring men's violation of HR policies,[130] and advancing the careers of the protégés of male managers.[131] The available materials also show widespread discretion in assessments and decisions around development and promotions. Decisions based on discretion are decision makers' *opinions*. Reliance on leaders' discretion in performance assessments and predictions about future performance invites distorted appraisals both through automatic biases such as ingroup favoritism and sex stereotyping and through open favoritism. Discretion (or substantial subjectivity) is a necessary condition for discrimination, and all of the processes in which AP's officers engage that advance some, but not other workers' careers require discretion. Moreover, there is scant evidence that anyone is monitoring personnel decisions. The persons that AP's president identified as accountable are the officers—the same people who use discretion to make the decisions that produced the documented gender disparities at AP. The materials available to me suggest that AP's level of commitment to ensuring that it treats female and male managers equally is far behind that of most American corporations.[132] Their apparent low priority on gender equity lies in a culture of paternalism, a heavily male top leadership, subjective evaluation instruments, discretion in virtually every personnel decision at salary band 63 or higher, the lack of transparency in these decisions, and the absence of accountability for how these decisions are made or their consequences. Broadbanding has enhanced leaders' discretion in transfers and the opportunity to distribute development opportunities. Monitoring the results of these decisions has been up to AOR vice presidents—the same people who exercise discretion in making important personnel decisions.

7.2. In the event that this case is certified as a class, I expect to be able to testify that Allstate Protection systematically harmed female employees at and above grade 63 on the basis of their gender. It is my understanding that, if this claim is certified, additional documents will be produced and additional depositions will be taken. Based on this new material, I reserve the right to amend or supplement this report or to submit an additional report at the appropriate time.

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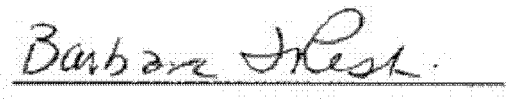
[127] See Declarations by Karen Searles ¶9, Graceann Kramer ¶6, Connie Jackson ¶9, Gail Howells ¶8, Esther Jones ¶6, Cynthia Allen ¶7, Cynthia Jones ¶5, Karen Mitchell ¶8, Maysha Barmore ¶9, and Elaine Epstein ¶6.
[128] See Declarations by Ruby Barnet ¶7, and Judith King ¶10,
[129] See Declarations by Lorrie Andrews ¶7, Maysha Barmore ¶11,13, Gail Howells ¶14, Cynthia Jones ¶16, Phyllis Whitfield ¶17, and Gloria Wolfe ¶6.
[130] See Declarations: Esther Jones ¶13, Letricha Kelly ¶12, Judith King ¶16, Graceann Kramer ¶18, Joy Nelson ¶5, Karen Searles ¶11, and Gloria Wolfe ¶9.
[131] See Declarations by Patrice Allara ¶8, Marcia Delaney ¶10, Gloria Ervin ¶13, Joanne Herff ¶10, Gail Howells ¶17, Denise Kelly ¶8, Karen Mitchell ¶9, Karen Searles ¶8, and Phyllis Whitfield ¶10.
[132] Kalev et al. 2006.



Signed November 7, 2007 at Seattle, Washington

VIII. REFERENCES

Bargh, John, Mark Chen, and Lara Burrows. 1996. "Automaticity of Social Behavior: Direct Effects of Trait Construct and Stereotype Activation on Action." *Journal of Personality and Social Psychology* 71:230-44.

Barnett, William, James Baron, and Toby Stuart. 2000. "Avenues of Attainment: Occupational Demography and Organizational Careers in the California Civil Service." *American Journal of Sociology* 106: 88–144.

Baron, James N. and Jeffrey Pfeffer. 1994. "The Social Psychology of Organizations and Inequality." *Social Psychology Quarterly* 57:190-209.

Bartol, Kathryn M. 1999. "Gender Influences on Performance Evaluations." Pp. 165-77 in Gary N. Powell (ed.), *Handbook of Gender and Work*. Thousand Oaks, CA: Sage.

Biernat, Monica and Kathleen Fuegen. 2001. "Shifting Standards and the Evaluation of Competence: Complexity in Gender-Based Judgment and Decision Making." *Journal of Social Issues* 57: 707–24.

Biernat, Monica and Diane Kobrynowicz. 1997. "Gender- and Race-Based Standards of Competence: Lower Minimum Standards but Higher Ability Standards for Devalued Groups." *Journal of Personality and Social Psychology* 72:544-57.

Blair, Irene V. and Mahzarin R. Banaji. 1996. "Automatic and Controlled Processes in Stereotype Priming." *Journal of Personality and Social Psychology* 70(6):1142-63.

Booras, Stephanie and William M. Rodgers. 2003. "How Does Gender Play a Role in the Earnings Gap? An Update." *Monthly Labor Review* 126:9-15.

Bowen, Chieh-Chen, Janet Swim, and Rick R. Jacobs. 2000. "Evaluating Gender Biases on Actual Job Performance of Real People: A Meta-Analysis." *Journal of Applied Social Psychology* 2194-215.

Brewer, Marilynn B. and Layton Lui. 1989. "The Primacy of Age and Sex in the Structure of Person Categories." *Social Cognition* 7:262-74.

Brewer, Marilynn B. and Rupert J. Brown. 1998. "Interpersonal Relations. Pp. 554-94 in D.T. Gilbert, S.T. Fiske, and G. Lindzey (eds.), *Handbook of Social Psychology*. NY: McGraw-Hill.

Brewer, Marilynn B., Valerie Dull, and Layton Lui. 1981. "Perceptions of the Elderly: Stereotypes as Prototypes." *Journal of Personality and Social Psychology* 41:656-70.

Brewer, Marilynn B. and Layton Lui. 1989. "The Primacy of Age and Sex in the Structure of Person Categories." *Social Cognition* 7:262-74.

Budig, Michelle J. 2002. "Male Advantage and the Gender Composition of Jobs: Who Rides the Glass Escalator?" *Social Problems*. 49:258–77.

Cameron, Jessica A. and Yaacov Trope. 2004. "Stereotype-Biased Search and Processing of Information about Group Members." *Social Cognition* 22: 650-672.

Cannings, Kathleen and Claude Montmarquette. 1991. "Managerial Momentum: A Simultaneous Model of the Career Process of Male and Female Managers." *Industrial and Labor Relations Review* 44: 212-28.

Carli, Linda L. and Alice H. Eagly. 1999. "Gender Effects on Social Influence and Emergent Leadership." Pp. 203-21 in Gary N. Powell (ed.), *Handbook of Gender and Work*. Thousand Oaks, CA: Sage.

Cohen, Lisa E., Joseph P. Broschak, and Heather A. Haveman. 1998. "And Then There Were More? The Effects of Organizational Sex Composition on Hiring and Promotion." *American Sociological Review* 63:711-27.

Cotter, David *et al.* 2001. "The Glass Ceiling Effect." *Social Forces* 80:655-82.

Dasgupta, Nilanjana. 2004. "Implicit Ingroup Favoritism, Outgroup Favoritism, and their Behavioral Manifestations." *Social Justice Research* 17:143-69.

Dovidio, John, John C. Brigham, Blair T. Johnson, and Samuel L. Gaertner. 1996. "Stereotyping, Prejudice, and Discrimination: Another Look." Pp. 276-319 in C.N. Macrae, C. Stangor, and M. Hewstone (eds.), *Stereotypes and Stereotyping*. NY: Guilford.

Duncan, Otis D. and Beverly Duncan 1955. "Methodological Analysis of Segregation Indexes." *American Sociological Review* 20:210-17

Elliott, James R. and Ryan A. Smith. 2004. "Race, Gender, and Workplace Power." *American Sociological Review* 69: 365-86.

England, Paula, Lori L. Reid, and Barbara S. Kilbourne. 1996. "The Effect of Sex Composition on the Starting Wages in an Organization: Findings from the NLSY." *Demography* 33:511-22.

Fiske, Susan T. 1998. "Stereotyping, Prejudice, and Discrimination." Pp. 357-411 in D.T. Gilbert, S.T. Fiske, and G. Lindzey (eds.), *The Handbook of Social Psychology*. Boston: McGraw.

Ford T. E, F. Gambino, H. Lee, E. Mayo, and M.A. Ferguson. 2005. The Role of Accountability in Suppressing Managers Pre-Interview Bias against African American Sales Job Applicants. *Journal of Personal Selling and Sales Management* 24(2):113-24.

Foschi, Martha. 1996. "Double Standards in the Evaluation of Men and Women." *Social Psychology Quarterly* 59:237-54.

Foschi, Martha. 2000. "Double Standards for Competence: Theory and Research." *Annual Review of Sociology* 26:21-42.

Gilbert, Daniel and J. Gregory Hixon. 1991. "The Trouble of Thinking: Activation and Application of Stereotypic Beliefs." *Journal of Personality and Social Psychology* 60: 509-17.

Hattrup, Keith and J. Kevin Ford. 1995. "The Roles of Information Characteristics and Accountability in Moderating Stereotype-Driven Processes during Social Decision-Making." *Organizational Behavior and Human Decision Processes* 63(1):73-86.

Heilman, Madeline. 1983. "Sex Bias in Working Settings: The Lack of a Fit Model." *Research in Organizational Behavior* 5:269-98.

Heilman, Madeline E. 1995. "Sex Stereotypes and Their Effects in the Workplace: What We Know and What We Don't Know." Pp. 3-26 in Struthers, Nancy J. (Ed.) Gender in the Workplace [special issue]. *Journal of Social Behavior and Personality* 10.

Heilman, Madeline E. 2001. "Description and Prescription: How Gender Stereotypes Prevent Women's Ascent Up the Organizational Ladder." *Journal of Social Issues* 57 (no. 4):657–74.

Heilman, Madeline E. and Michelle C. Haynes. 2005. "No Credit Where Credit Is Due: Attributional Rationalization of Women's Success in Male-Female Teams." *Journal of Applied Psychology* 90 (5): 905-17.

Heilman, Madeline E. and Tyler G. Okimoto. 2007. "Why Are Women Penalized for Success at Male Tasks? The Implied Communality Deficit." *Journal of Applied Psychology* 92 (1):81-93.

Heilman, Madeline E., Aaron S. Wallen, Daniella Fuchs, and Melinda M. Tamkins. 2004. "Penalties for Success: Reactions to Women Who Succeed at Male Gender-Typed Tasks." *Journal of Applied Psychology* 89 (3):416-28.

Hertz, Tom, Chris Tilly and Michael Massagli. 2004. "Linking the Multi-City Study's Household and Employer Surveys to Test for Race and Gender Effects in Hiring and Wage Setting." Pp. 407-43 in A. O'Connor, C. Tilly, and L. Bobo (eds.), *Urban Inequality: Evidence from Four Cities*. N.Y.: Russell Sage.

Holzer, Harry and David Neumark. 2000. "What Does Affirmative Action Do?" *Industrial and Labor Relations Review* 53(2):240-71.

Jackman, Mary R. 1994. *The Velvet Glove: Paternalism and Conflict in Gender, Class, and Race Relations*. Berkeley: University of California Press.

Jacobs, Jerry. 1999. "The Sex Segregation of Occupations." Pp. 125-41 in Gary N. Powell (ed.), *Handbook of Gender and Work*. Thousand Oaks, CA: Sage.

Kalev, Alexandra, Frank Dobbin, and Erin Kelley. 2006. "Best Practices or Best Guesses? Diversity Management and the Remediation of Inequality." *American Sociological Review* 71:589-617.

Kalleberg, Arne, David Knoke, Peter Marsden, and Joe Spaeth. 1999. *Organizations in America: Analyzing their Structures and Human Resources Practices Based on the National Organizations Study*. Thousand Oaks, CA: Sage.

Kanter, Rosabeth M. 1979. *Men and Women in the Corporation*. N.Y.: Basic Books.

Kunda, Ziva and Bonnie Sherman-Williams. 1993. "Stereotypes and the Construal of Individuating Information." *Personality and Social Psychology Bulletin* 19(1):90-99.

Kunda, Ziva and Lisa Sinclair. 1999. "Motivated Reasoning with Stereotypes: Activation, Application, and Inhibition." *Psychological Inquiry* 10(1), 12-22.

Kunda, Ziva and Steven J. Spencer. 2003. "When Do Stereotypes Come to Mind and When Do They Color Judgment?" *Psychological Bulletin* 129:522-44.

LeBlanc, Peter V. and Michael H. McInerney. 1994. "Need a Change? Jump on the Banding Wagon." *Personnel Journal* 73:72

Leonard, Jonathan S. 1989. "Women and Affirmative Action." *Journal of Economic Perspectives* 3:61-75.

Lerner, Jennifer and Philip Tetlock. 1999 "Accounting for the Effects of Accountability." *Psychological Bulletin* 125:255-75.

Lyness, Karen S. and Madeline E. Heilman. 2006. "When Fit Is Fundamental: Performance Evaluations and Promotions of Upper-Level Female and Male Managers." *Journal of Applied Psychology* 91 (4):777 -85.

Malos, S. B. 1998. Current Legal Issues in Performance Appraisal. Pp. 49-94 in J. W. Smither (ed.), *Performance Appraisal: State of the Art in Practice*. San Francisco, CA: Jossey-Bass.

Merton, Robert K. 1948. "The Self-Fulfilling Prophecy." *Antioch Review* 8:193-210.

Milkovich, Geroge, Jerry Newman, and Carolyn Milkovich. 2002. *Compensation* (7th ed.). Boston: McGraw Hill.

Monahan and Walker. 1998. *Social Science in Law: Cases and Materials*, 4th ed. Foundation Press, Chapter 5, "Social Science Used to Provide Context."

Nelson, Robert L. and William P. Bridges. 1999. *Legalizing Gender Inequality*. N.Y.: Cambridge University Press.

Nosek, Brian A., F. L. Smyth, J. J. Hansen, T. Devos, N. Lindner, K. Ranganath, C.T. Smith, K.R. Olson, Dolly Chugh, M.R. Banaji and A.G. Greenwald. 2007. "Pervasiveness and Correlates of Implicit Attitudes and Stereotypes." Forthcoming.

Ohlott, Patricia J., Marian N. Ruderman, and Cynthia D. McCauley. 1994. "Gender Differences in Managers' Developmental Job Experiences." *Academy of Management Journal* 37:46-67.

Oppenheimer, Valerie K. 1968. "The Sex-Labeling of Jobs." *Industrial Relations* 7:219-34.

O'Reilly, Charles and J. Chatman. 1996. "Culture as Social Control: Corporations, Cults and Commitment." *Research in Organizational Behavior 18*:157-200.

Padavic, Irene and Barbara Reskin 2002. *Women and Men at Work*. Thousand Oaks, CA: Pine Forge Press.

Perdue, Charles W., John F. Dovidio, M. B., Gurtman, and R. Tyler. 1990. "Us and Them: Social Categorization and the Process of Intergroup Bias." *Journal of Personality and Social Psychology* 59:475-86.

Petersen, Trond and Laurie A. Morgan. 1995. "Separate and Unequal: Occupation-Establishment Sex Segregation and the Gender Wage Gap." *American Journal of Sociology* 101:329-65.

Powell, Gary N., D. Anthony Butterfield and Jane D. Parent. 2002. "Gender and Managerial Stereotypes: Have the Times Changed?" *Journal of Management* 28:177-93.

Price, J. and J. Wolfers. 2007. "Racial Discrimination among NBA Referees." Centre for Economic Policy Research Discussion Paper no. 6369. London, CEPR. http://www.cepr.org/pubs/dps/DP6369.asp.

Reskin, Barbara F. 1993. "Sex Segregation in the Workplace." *Annual Review of Sociology* 19:241-70.

Reskin, Barbara F. 1999. *The Realities of Affirmative Action.* Washington, D.C.: American Sociological Association.

Reskin, Barbara F. 2002. "Rethinking Employment Discrimination and its Remedies." Pp. 218-44 in M.F. Guillen, R. Collins, P. England, and M. Meyer (eds.). *The New Economic Sociology.* N.Y.: Russell Sage.

Roos, Patricia and Mary L. Gatta. 1999. "The Gender Gap in Earnings: Trends, Explanations and Prospects." Pp. 95-123 in Gary N. Powell (ed.), *Handbook of Gender and Work*. Thousand Oaks, CA: Sage.

Rudman, Laurie A. 1998. "Self-Promotion as a Risk Factor for Women: The Costs and Benefits Conterstereotypical Impression Management." *Journal of Personality and Social Psychology* 74(3):629-45.

Rudman, Laurie A. and Richard D. Ashmore. 2007. "Discrimination and the Implicit Association Test." *Group Processes & Intergroup Relations* 10:359-72.

Rudman, Laurie A. and Peter Glick. 2001. "Prescriptive Gender Stereotypes and Backlash against Agentic Women." *Journal of Social Issues* 57:743-62.

Schein, Edgar. 1996. "Culture: The Missing Concept in Organizational Studies." *Administrative Science Quarterly 41:*229-40.

Schein, Edgar. 2004. Organizational Culture and Leadership. Jossey Bass.

Schein, Virginia E. 2001. "A Global Look at Psychological Barriers to Women's Progress in Management." *Journal of Social Issues* 57: 675-688.

Schmidt, Daniel F. and Susan M. Boland 1986. "Structure of Perceptions of Older Adults: Evidence for Multiple Stereotypes." *Psychology of Aging* 1:255-60.

Sekaquaptewa, Denise et al. 2003. "Stereotypic Explanatory Bias: Implicit Stereotyping as a Predictor of Discrimination." *Journal of Experimental Social Psychology* 39:75-82.

Sinclair, Lisa and Ziva Kunda. 2000. "Motivated Stereotyping of Women: She's Fine if She Praised Me but Incompetent if She Criticized Me." *Personality and Social Psychology Bulletin* 26:1329-42.

Sørensen, Jesper B. 2002. "The Strength of Corporate Culture and the Reliability of Firm Performance." *Administrative Science Quarterly* 47(1):70-91.

Tajfel, Henri. 1970. "Experiments in Intergroup Prejudice." *Scientific American* 223:96-102.

Tetlock, Philip E. 1992. "The Impact of Accountability on Judgment and Choice: Toward a Social Contingency Model." *Advances in Experimental Social Psychology* 25:331-76.

Turner, Ralph H. 1960. "Sponsored and Contest Mobility and the School System. *American Sociological Review 25:855-67.*

Weber, Max. 1978. *Economy and Society*. Berkeley: University of California Press.

Williamson, Laura, James E. Campion, Stanley B. Malow, Mark V. Roehling, and Michael A. Campion. 1997. "Employment Interview on Trial: Linking Interview Structure with Litigation Outcomes." *Journal of Applied Psychology* 82:900-12.

Amended Appendix: Measurement Problems with Annual Merit Review

Appendix to Barbara Reskin's expert report for *Puffer v. Allstate*, November 8, 2007

1. ***Lack of professional input in design of merit assessment instruments*** None of the documents I reviewed gave any indication that professional experts—either in-house or outside consultants—participated in constructing the CSF scale. According to Senior VP Crockett, the CSF emerged at least 13 years ago, because the then CEO believed that how you got the results was as important as the results themselves (Crockett dep. 39).

[redacted]

As noted in the quotation from Crockett, over time Allstate has periodically added additional CSF factors. The total is now 17. All include multiple indicators. A memo from Joan Crockett to all officers explains, [redacted] In addition, leaders participated in interviews and focus groups to determine what should be included in the enhanced [CSF] (Mueller ex. 7; Bates number illegible). Ms. Crockett's testimony suggests that people with no special expertise in measuring performance designed and redesigned the CSFs. The measures do not meet professional standards for measuring performance.[1] The CSF measure departs from professional standards in several respects.[2]

2. ***Data*** Although the timing, process, and goals of the annual merit reviews are governed by Human Resources policies (Harty dep. 10, 17-18, 48, ex. 43:APP050549; Rizzo dep. 120), Allstate 30(b)(6) deponents testified that conversations that take place [throughout the year] are an important factor in the CSF rating (Rizzo dep. 67-68). Such informal conversations are vulnerable to recall bias (which itself can be influenced by sex

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[1] Malos (1998).

[2] The following criteria and procedures that Malos (1998:Tables 4 and 5) recommends are absent in AP's system:

1. Criteria should be objective rather than subjective.
2. Criteria should be job-related or based on job analysis.
3. Criteria should relate to specific functions, not global assessments.
4. Procedures should be standardized and uniform for all employees within a job group.
5. Procedures should provide formal appeal mechanisms that allow for employee input.
6. The employer should provide training for raters.
7. The employer should require thorough and consistent documentation across raters than include specific examples of performance based on personal knowledge.
8. The employer should establish a system to detect potentially discriminatory effects in the system.

stereotyping). Moreover, in view of the limited training, I would be surprised if Allstate trained the persons who conduct merit reviews and their superiors regarding the need for accuracy in their informal conversations. Finally, such conversations are inherently subjective.

3. ***Training raters*** For about a year during 2004, Allstate trained officers, directors and managers on using the CSF (Mueller dep. 134-35). Subsequent training has not been mandatory,[3] although Allstate's Managerial Curriculum offers a "learning resource system" class that overviews the compensation policy and its administration (Rizzo ex. 7:APE001430).

4. ***Instructions*** Allstate provided written instructions for using the CSF assessment tool, but these require subjectivity and encourage discretion. For example, under "Rating Tips and Guidelines" business leaders are advised to [redacted] Such instructions are open to interpretation and thereby introduce subjectivity into the ratings (Mueller ex. 9, Bates number not legible).

5. ***Merit review process*** Managers' superiors score subparts of the PDS and CSF and calculate an average overall score for each. Based on the combined value of the overall PDS and CSF ratings they recommend a merit increase for each manager (Rizzo dep. p. 69).[4] The Assistant Vice Presidents and their VP then review all the recommendations in their unit in a "Relative Performance Review" (RPR) and reach a consensus on final merit increases (Rizzo 70-71, ex. 6). During this process, the recommended ratings and merit recommendation may be changed. After the RPR process is complete, their superiors meet with the persons from the next level above them to communicate their performance ratings, CFS scores, and merit raise (if any), and to discuss their performance and their goals for the following year (Mueller, ex. 6).[5] Managers can appeal their business leader's rating to his/her supervisor.[6]

6. ***Subjectivity and discretion in scoring the CSF rating*** Scores depend heavily on raters' subjective judgments, and raters have substantial discretion in assigning scores. For an example, see Puffer's exhibit 1 which lists the eight CSF by which her supervisor assessed her (APP064184). Neither of these scales can be measured objectively. Regarding measuring "results" raters are instructed to [redacted] . . . (sample scoring box is shown; Hardy ex. 11:APE001445). The form lists each major responsibility the manager agreed to a year earlier and measures by which to assess it.

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[3] As noted, HR VP Crockett believed that new business leaders learned the subtleties of scoring through experience (Crockett dep. 43-44).

[4] The top of the salary band can limit the size of a merit increase for managers whose current salaries fall in the top third of the salary distribution for their band.

[5] The process is complicated by the fact that the heads of units have a limited total merit allocation, so after ratings have been assigned and merit increases proposed, a unit's officers meet to reach consensus on any changes that are necessary to stay within the unit's allocation (Rizzo dep. 63-66, ex. 6).

[6] It is not clear whether the "resolution process" described in the *Employee Handbook* (APE303875) applies for contested merit reviews.

The superior assesses whether the subordinate "exceeded", "met", or "failed" to meet each major responsibility. Thus, raters may use different criteria for different managers, impairing comparable, objective assessments. Although the standards for assessing the Critical Success Factors are uniform in the grades this lawsuit covers, several of the criteria refer to abstract terms which are subject to different and subjective interpretations by different raters. For much of the liability period, top leaders were rated on eight critical success factors. Consider the first factor, [redacted] Following this brief criterion, a short paragraph further elaborates. For example, [redacted] Even AP's President Wilson expressed doubt about the CSFs: [redacted] (Wilson dep. 71). AP's failure to link these terms to observable and quantifiable aspects of performance or "leadership behaviors" requires that evaluators rely on their own interpretations of these terms. For example, no obvious association exists between "high-performance environment" and "vision and mission." Moreover, the nine "associated behaviors" that are listed below have no clear link to either a high-performance environment or the text that follows it.

6a The rating form shows combinations of performance that warrant ratings of 1, 3, or 5, but do not refer to all nine of the "associated behaviors". Moreover, these examples vary only in terms of the frequency with which the manager exhibits the listed behaviors. It is not clear what configuration of frequencies of the behavior listed or other behaviors should produce any specific score. Further undermining the reliability of this rating system is the descriptors listed under categories "somewhat effective," "highly competent", and "exceptional" among the "Measures of Effectiveness." These descriptors differ across the three categories" primarily in which adverbs they use. The adverbs on this form are [redacted] Although they are the primary differentiators of level of performance that AP offers to guide assessors, even their ordering in ambiguous. For example, [redacted] each appears as modifiers in one or two the three categories. In addition, the use of the same adverb overlaps for [redacted] and [redacted] designations: [redacted] and [redacted] appear in both. Exacerbating the subjectivity in this coding system is the fact that raters are instructed to assign a rating of 4 to persons who fall between 3 and 5. Does this mean that a score of 4 has half as many "consistently's" as 5 and half as many "often's" as 3? And does it matter which behaviors that these adverbs modify? In short, the measures of the critical success factors are flawed because they depend on assessor's subjective interpretations of the items (critical success factor), the response categories, and the examples for scoring. This subjectivity invites cognitive biases and unequal treatment of female and male managers.

Moreover, the complexity and burden of using this system to rate subordinates is likely to reduce the care and accuracy of the ratings. AP's President Thomas Wilson testified that completing the CSF takes an enormous amount of time. He said that after spending a day

doing them for people on the Protection Operating Committee, "they" decided to focus on [redacted] (Wilson dep. 83).

7. ***Weighting*** Prior to 2005, the CSF had to be at least 25 percent of the performance management rating, but below the officer level no standard practice exists for combining scores. It is up to the leader of the AOR in consultation with HR or the business partners (Mueller dep. 108-111; Crockett 41-44) and apparently no system for tracking the weights that AOR leaders use in doing so (Mueller dep. 108). HR VP Crockett testified that the direct leader [redacted] (Crockett dep. 42-43). She added, [redacted] . . . ?" [redacted] (Crockett dep. 43-44). However, AP's top officer acknowledged that combining scores was problematic in his testimony that [redacted] (Wilson dep. 153-54).

8. ***Validity and disparate impact testing.*** None of the documents provided to me addressed the reliability or validity of these scales. I saw no evidence that Allstate had assessed whether the measures had a disparate impact for female managers in any of the bands covered by this litigation.

Revised March 4, 2008

Barbara F. Reskin

Curriculum Vitae

February 2008

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Office fax: 206 543-2516

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EDUCATION

B.A., Sociology, University of Washington	1968
M.A., Sociology, University of Washington	1970
Ph.D., Sociology, University of Washington	1973

EMPLOYMENT

2002-	S. Frank Miyamoto Professor of Sociology, University of Washington
1997-2002	Professor of Sociology, Harvard University
1993-95	Chair, Department of Sociology, Ohio State University
1991-97	Professor of Sociology, Ohio State University
1987	Visiting Scholar, Institute for Research on Women and Gender, Stanford University, Summer
1985-91	Professor of Sociology and Director of Graduate Studies, University of Illinois, Urbana
1983-85	Professor of Sociology and Women's Studies, University of Michigan, Ann Arbor
1981-82	Study Director, Committee on Women's Employment and Related Social Issues, National Research Council/National Academy of Sciences, Washington, D.C.
1973-83	Assistant, Associate Professor of Sociology, Indiana University, Bloomington

AWARDS AND HONORS

2008	Winner of the American Sociological Association's Distinguished Scholarly Career Award (the DuBois Distinguished Scholarly Career Award)
2006	Fellow, National Academy of Science
2001	Fellow, American Academy of Arts and Sciences
2001	President, American Sociological Association

1999	Simon Visiting Professorship, Manchester University, Manchester, U.K.
1998	SWS Mentorship Award
1997-98	Chair, American Sociological Association Section on Occupations, Organizations, and Work
1997	Distinguished Professorship, Ohio State University
1995	Distinguished Scholar Award, American Sociological Association Section on Sex and Gender
1990-91	Vice President, American Sociological Association
1989	Elected to the Sociological Research Association
1987-88	Fellow, Center for Advanced Study in the Behavioral Sciences
1987-88	Cheryl Miller-Sociologists for Women in Society Lecturer

BOOKS

2002	Padavic, Irene and Barbara F. Reskin. *Women and Men at Work* (2nd ed.). Pine Forge Press.
1998	Reskin, Barbara F. *The Realities of Affirmative Action*. Washington, D.C.: American Sociological Association.
1997	Kalleberg, Arne L., Edith Rasell, Naomi Cassirer, Barbara Reskin, Ken Hudson, David Webster, and Eileen Applebaum. *Nonstandard Work, Substandard Jobs: Flexible Work Arrangements in the U.S.* Washington, D.C.: Economic Policy Institute.
1997	Spalter-Roth, Roberta, Arne Kalleberg, Edith Rasell, Naomi Cassirer, Barbara Reskin, Ken Hudson, David Webster, Eileen Applebaum, and Betty Dooley. *Managing Work and Family: Nonstandard Work Arrangements among Managers and Professionals*. Washington, D.C.: Economic Policy Institute.
1994	Reskin, Barbara F. and Irene Padavic. *Women and Men at Work*. Pine Forge Press.
1990	Reskin, Barbara F. and Patricia A. Roos. *Job Queues, Gender Queues: Explaining Women's Inroads into Male Occupations*. Philadelphia: Temple University Press.
1986	Reskin, Barbara F. and Heidi Hartmann. *Women's Work, Men's Work: Sex Segregation on the Job*. Washington, D.C.: National Academy Press.
1984	Reskin, Barbara F. (ed.). *Sex Segregation in the Workplace: Trends, Explanations, Remedies*. Washington, D.C.: National Academy Press.
1980	Reskin, Barbara F. *Sex Differences in the Professional Life Chances of Chemists*. New York: Arno Press.

ARTICLES AND REFEREED PUBLICATIONS

2005 Harper, Shannon and Barbara Reskin, "Affirmative Action in School and on the Job." *Annual Review of Sociology 31*.

2005 Reskin, Barbara F. and Denise D. Bielby, "A Sociological Perspective on Gender and Career Outcomes." *Journal of Economic Perspectives* 19 (Winter):71-86.

2003 Reskin, Barbara, "Motives and Mechanisms in Modeling Inequality." *American Sociological Review* 68:1-21. (Reprinted in Laura Beth Nielson and Robert Nelson (eds.), *Rights and Realities*. Blackwell, 2006.

2001 Merritt, Deborah, Lowell Hargens, and Barbara Reskin, "Raising the Bar: A Social Science Critique of Recent Increases to Passing Scores on the Bar Exam." *Cincinnati Law Review* 69:929-68.

2000 Cassirer, Naomi and Barbara Reskin, "High Hopes: Organizational Location, Employment Experiences, and Women's and Men's Promotion Aspirations." *Work and Occupations 27*:438-63.

2000 Reskin, Barbara and Debra McBrier, "Why Not Ascription? Organizations' Employment of Male and Female Managers." *American Sociological Review* 65:210-33.

2000 Kalleberg, Arne, Barbara Reskin, and Ken Hudson, "Bad Jobs in America: Standard and Nonstandard Employment Relations and Job Quality in the United States." *American Sociological Review* 65:256-78.

1999 Reskin, Barbara, Debra McBrier, and Julie Kmec, "The Determinants and Consequences of the Sex and Race Composition of Work Organizations." *Annual Review of Sociology* 25:335-61.

1999 Reskin, Barbara F., "Racial and Ethnic Occupational Segregation among Women." Pp. 183-204 in *Latinas and African American Women in the Labor Market*, edited by I. Browne. N.Y.: Russell Sage.

1999 Reskin, Barbara F. and Camille Z. Charles, "Now You See 'Em, Now You Don't: Theoretical Approaches to Race and Gender in Labor Markets." Pp. 380-407 in *Latinas and African American Women in the Labor Market*, edited by Irene Browne. N.Y.: Russell Sage.

1997 Merritt, Deborah and Barbara Reskin, "Sex, Race, and Credentials: The Truth about Affirmative Action in Law School Hiring." *Columbia University Law Review* 97 (March):199-311.

1996 Reskin, Barbara and Naomi Cassirer, "Occupational Segregation by Gender, Race, and Ethnicity." *Sociological Focus* 29:231-44.

1995 Kalleberg, Arne L. and Barbara Reskin, "Gender Differences in Promotion in the United States and Norway." *Research in Social Stratification and Mobility* 14:237-64.

1993 Reskin, Barbara, "Sex Segregation in the Workplace." *Annual Review of Sociology* 19:241-70.

1993 McGuire, Gail M. and Barbara Reskin, "Authority Hierarchies at Work: The Impacts of Race and Sex." *Gender & Society* 7:487-506.

1993 Merritt, Deborah J., Barbara Reskin, and Michelle M. Fondell, "Family, Place, and Career: The Gender Paradox in Law School Hiring." *Wisconsin Law Review* 1993 (2):395-463.

1992 Merritt, Deborah J. and Barbara Reskin, "The Double Minority: Empirical Evidence of a Double Standard in Law School Hiring of Minority Men and Women." *S. California Law Review* 65:701-60.

1992 Reskin, Barbara and Catherine E. Ross, "Jobs, Authority, and Earnings among Managers: The Continuing Significance of Sex." *Work and Occupations* 19:342-65.

1992 Ross, Catherine E. and Barbara Reskin, "Education, Control at Work, and Job Satisfaction." *Social Science Research* 21:134-48.

1992 Roos, Patricia A. and Barbara Reskin, "Occupational Desegregation in the 1970s: Integration and Economic Equity?" *Sociological Perspectives* 35:69-91.

1990 Padavic, Irene and Barbara Reskin, "The Effect of Men's Responses on Women's Interest in Blue-Collar Jobs." *Social Problems* 37:613-28.

1988 Reskin, Barbara and Irene Padavic, "Supervisors as Gatekeepers: Male Supervisors' Response to Women's Integration in Plant Jobs." *Social Problems* 35:401-15.

1988 Reskin, Barbara, "Bringing the Men Back In: Sex Differentiation and the Devaluation of Women's Work." *Gender & Society* 2:58-81.

1986 Reskin, Barbara and Christy Visher, "The Impacts of Evidence and Extra-Legal Factors in Jurors' Decisions." *Law & Society Review* 20:501-15.

1985 LaFree, Gary D., Barbara Reskin, and Christy A. Visher, "Jurors' Responses to Victims' Behavior and Legal Issues in Sexual Assault Trials." *Social Problems* 32:389-407.

1985 Reskin, Barbara and Shelly Coverman, "Sex and Race Interactions in the Determinants of Psychophysical Distress: A Reappraisal of the Sex-Role Hypothesis." *Social Forces* 63:1038-59.

1983 Lamber, Julia, Barbara Reskin, and Terry Dworkin, "The Relevance of Statistics to Prove Discrimination." *Hastings Law Journal* 34:553-98.

1979 Reskin, Barbara, "Academic Sponsorship and Scientists' Careers." *Sociology of Education* 52:129-46.

1979 Reskin, Barbara and Lowell L. Hargens, "Scientific Advancement of Male and Female Chemists." Pp. 100-23 in Rodolfo Alvarez, Kenneth G. Lutterman and Associates (eds.), *Discrimination in Organizations*. San Francisco: Jossey-Bass.

1978 Hargens, Lowell L., James S. McCann, and Barbara Reskin, "Productivity and Reproductivity: Professional Achievement and Marital Fertility among Research Scientists." *Social Forces* 57:154-63.

1978 Reskin, Barbara, "Sex Differentiation and the Social Organization of Science." *Sociological Inquiry* 48:6-36.

1978 Reskin, Barbara, "Scientific Productivity, Sex, and Location in the Institution of Science." *American Journal of Sociology* 83:1235-43.

1977 Reskin, Barbara, "Scientific Productivity and the Reward Structure of Science." *American Sociological Review* 42:491-504.

1976 Reskin, Barbara, "Sex Differences in Status Attainment in Science: The Case of the Postdoctoral Fellowship." *American Sociological Review* 41:597-612.

1976 Hargens, Lowell L., Barbara Reskin, and Paul Allison, "Problems in Estimating Measurement Error from Panel Models." *Sociological Methods and Research* 4:439-58.

1974 Reskin, Barbara and Frederick L. Campbell, "Structural Correlates of Physician Distribution across Greater Metropolitan Areas." *American Journal of Sociology* 79:981-98.

CHAPTERS AND INVITED PUBLICATIONS

2005 Reskin, Barbara. Unconsciousness Raising: Women's Underrepresentation in Top-Level Jobs. *Regional Review* 14:32-37.

2003 Reskin, Barbara. "What's The Difference? A Comment on Rhode, "The Difference That 'Difference' Makes" Pp. 59-65 in Deborah Rhode (ed.), *The Difference That Difference Makes: Women and Leadership*. Stanford: Stanford University Press.

2002 Reskin, Barbara. "Rethinking Employment Discrimination." Pp. 218-44 in Mauro F. Guillen, Randall Collins, Paula England, and Marshall Meyer (eds.). *The New Economic Sociology: Developments in an Emerging Field.* N.Y.: Russell Sage.

2001 Reskin, Barbara. "Discrimination and Its Remedies." Pp. 567-600 in Ivar Berg and Arne Kalleberg (eds.), *Sourcebook on Labor Market Research: Evolving Structures and Processes.* N.Y.: Plenum.

2001 Reskin, Barbara. "Sex Segregation at Work." Pp. 13962-13965 in N. J. Smelser and Paul B. Baltes (editors), *International Encyclopedia of the Social and Behavioral Sciences.* Oxford: Pergamon.

2001 Reskin, Barbara. "Sex Stereotyping and Sex Bias in Employment." Pp. 1891-92 in Cheris Kramarae and Dale Spender (eds.), *Routledge International Encyclopedia of Women's Studies.* N.Y.: Routledge, vol. 4.

2000 Reskin, Barbara. "Work and Occupations." Pp. 3261-69 in Edgar F. Borgatta and Rhonda J. V. Montgomery (eds.), *International Encyclopedia of Sociology*, 2nd ed. N.Y.: MacMillan.

2000 Reskin, Barbara. "Getting It Right: Sex and Race Inequality in Work Organizations" (in "Agenda for the 21st Century"), *Annual Review of Sociology* 26:707-09.

2000 Reskin, Barbara. "Sex Segregation" and "Sex Stratification." In *Encyclopedia of Psychology.* Washington, D.C.: American Psychological Association and Oxford University Press.

2000 Reskin, Barbara. "The Proximate Causes of Discrimination: Research Agenda for the Twenty-First Century." *Contemporary Sociology* 29:319-29.

1999 Reskin, Barbara and Irene Padavic. "Sex, Race, and Ethnic Inequality in United States Workplaces." Pp. 343-74 in Janet S. Chafetz (ed.), *Handbook of Gender Research.* N.Y.: Plenum.

1996 Reskin, Barbara. "Trends in Sex Segregation in the U.S. Workplace." Pp. 94-8 in Kathryn M. Borman et al. (eds.), *Women and Work: A Handbook.* N.Y.: Garland.

1995 Reskin, Barbara and Debra McBrier. "Recent Trends in Gender Inequality among U.S. Workers, and Prospects for the Year 2000 and Beyond." *The Asian Woman* 1:75-102.

1994 Reskin, Barbara, "Segregating Workers: Occupational Differences by Ethnicity, Race, and Sex." 46th *Annual Proceedings on the Industrial Relations Research Association*, pp. 247-55.

1994 Reskin, Barbara. "Sex Segregation: Explaining Stability and Change in the Sex Composition of Work." Pp. 97-116 in Petra Beckmann and Gerhard Engelbrech (eds.), *Arbeitsmarkt fur Frauen 2000—Ein Schritt vor oder ein Schrittzuruck? Beitrage zur Arbeitsmarkt- und Berufsforschung* 179:97-115.

1992 Reskin, Barbara. "Work and Occupations." Pp. 2253-60 in Edgar and Marie Borgatta (eds.), *International Encyclopedia of Sociology*, vol. 4. N.Y.: MacMillan.

1991 Reskin, Barbara. "Labor Markets as Queues: A Structural Approach to Changing Occupational Sex Composition." Pp. 170-92 in Joan Huber (ed.), *Macro-Micro Interrelationships in Sociology.* Newbury Park, CA: Sage.

1991 Reskin, Barbara. "The Feminization of Male Occupations: Integration, Ghettoization or Resegregation?" Pp. 31-42 in Mary Ellen Brown and Michal J. Rozbicki (eds.), *Cross-Currents: East-West Dialogues on Women and Work.* Bloomington: Women's Studies Program, Indiana University.

1988 Reskin, Barbara and Polly Phipps. "Women in Male-Dominated Professional and Managerial Occupations." Pp. 190-205 in Ann Stromberg and Shirley Harkess (eds.), *Women Working: Theories and Facts in Perspective.* Palo Alto, CA: Mayfield Publishing Co.

1988 Reskin, Barbara. "Occupational Resegregation." Pp. 258-63 in Sara Rix (ed.), *The American Woman.* N.Y.: Norton.

1987 Reskin, Barbara and Patricia Roos. "Status Hierarchies and Sex Segregation." Pp. 3-21 in Christine Bose and Glenna Spitze (eds.), *Ingredients for Women's Employment Policy.* Albany: SUNY Press.

1987 Hartmann, Heidi and Barbara Reskin. "Sex Segregation on the Job: Trends and Remedies." *Proceedings of the Industrial Relations Research Association.*

1984 Reskin, Barbara. "Sex Segregation in the Workplace." Pp. 1-13 in *Gender at Work.* Washington, D.C.: Women's Research and Education Institute.

1984 Roos, Patricia and Barbara Reskin. "Institutionalized Barriers to Sex Integration in the Workplace." Pp. 235-60 in Barbara F. Reskin (ed.), *Sex Segregation in the Workplace.* Washington, D.C.: National Academy Press.

1983 Hartmann, Heidi and Barbara Reskin. "Job Segregation: Trends and Prospects." Pp. 53-78 in Cynthia H. Chertos, Lois Haignere and Ronnie J. Steinberg (eds.), *Occupational Segregation and Its*

Impact on Working Women. Albany: Center for Women in Government, State University of New York.

1979 Reskin, Barbara. "Age and Scientific Productivity." Appendix in Michael S. McPherson (ed.), *Continuity in Academic Research Performance.* Washington, D.C.: National Academy Press.

BOOK REVIEWS

1996 *For We Are Sold, I and My People: Women and Industry in Mexico's Frontier* by Maria Fernandez-Kelly. *Contemporary Sociology* 25:457-8.

1992 "Women in Science: Conflicting Views on Where and Why." Review essay on *The Outer Circle: Women in the Scientific Community* edited by Harriet Zuckerman, Jonathan R. Cole, and John T. Bruer. *Contemporary Sociology* 21:571-3.

1991 *Understanding the Gender Gap* by Claudia Goldin. *Contemporary Sociology* 20:184-5.

1989 *Gender at Work* by Ruth Milkman. *Gender & Society* 3:136-8.

1989 *Deceptive Distinctions* by Cynthia Epstein. *Contemporary Sociology* 18:690-1.

1987 *Academic Women: Working Toward Equality* by A. Simeone. *Academe* :51-2.

1982 *Rape and Women's Identity* by William Sanders. *Social Forces* 60:942-3.

1980 "Fair Science: A Fair Test?" Review essay on *Fair Science* by Jonathan R. Cole and Stephen Cole. *Contemporary Sociology* 9:793-5.

SELECTED PRESENTATIONS AND INVITED LECTURES

2007 "Payday Lending and Economic Inequality," West Coast Poverty Center, UW

2007 "Impact of Corporate Diversity Programs on Race and Sex Inequality," Social Psychology group, UW.

2006 "Discrimination System: Race and Public Policy," WISER brownbag series, UW

2006 "Organizational Diversity and Race, Ethnic, and Gender Inequality at Work," UW Business School Conference on Diversity

2006 "What Can We Learn about Racial Classification from Occupational Segregation." Princeton University.

2006 "Organizational Barriers to Women's Advancement." Stanford University.

2004 "The Discrimination System." Annual Meetings of the American Association of Law Schools, Atlanta, Georgia.

2004	"Women's Access to High-Level Jobs: Psychological and Structural Factors." Federal Reserve Bank of Boson.
2002	"How Did The Poison Get In Mr. Bartlett's Stomach? Motives and Mechanisms in Modeling Inequality." Presidential Address, Annual Meetings of American Sociological Association.
2001, 2002	"Supply- and Demand-Side Sources of Sex Differences in Jobs in Legal Academe." Presented at Duke University, University of Maryland, University of California at Los Angeles
2001	Panelist, Women's Leadership Summit, American Bar Association. Kennedy School, Harvard University.
2000	"Meritocracy and the Distribution of Scarce Resources." Annual Meetings of the American Sociological Association, Washington, D.C.
2000	"Employment Discrimination and Labor Market Change." Presented at the conference on Women, Justice, and Authority, Yale University Law School, April 28.
2000	"Theorizing Employment Discrimination." Versions presented at the University of Michigan and the Kennedy School, Harvard University.
1999	"Gender, Race, and Affirmative Action in the U.S." Presented at a conference on Gender and Labour Market Processes, University of Manchester, U.K., September.
1999	"The Role of the Government in Employment Discrimination by Sex, Race, and Ethnicity." Annual Meetings of the American Sociological Association, Chicago.
1999	"Sex-Based Ascription in Organizations' Employment of Managers," Stockholm University, Sweden, May.
1999	"Remedies for Race- and Sex-Based Exclusion in the Workplace: Anti-Discrimination Laws and Affirmative Action." Wiener Inequality and Social Policy Seminar, Kennedy School, Harvard University.
1998	"The Realities of Affirmative Action in Employment." Plenary Address, Annual Meetings of the American Sociological Association, San Francisco.
1998	"Snake Oil or Panacea? An Empirical View of Affirmative Action and Diversity Training," Pacific Coast Labor and Employment Law Conference, Seattle.
1998	"Organizational Determinants of the Sexual Division of Managerial Labor." Sloan School, Massachusetts Institute of Technology, Cambridge.
1997	"The Effects of Organizational Characteristics on Women's Share of Managerial Jobs." Harvard Business School, Cambridge.
1997	"Bad Jobs in America: Nonstandard Employment Relations and Job Quality" (with Arne Kalleberg and Ken Hudson). Annual Meetings of the American Sociological Association, Toronto.
1997	"The Difference Trap: Studying Gender Inequality in the Workplace." Princeton University.

1996 "A Queuing Perspective on the Growth of Contingent Work." Annual Meetings of the American Sociological Association, N.Y.

1996 "Gender and Domestic Spillover on the Job" (with Meg Flack). Annual Meetings of the American Sociological Association, N.Y.

1996 "Changes in Occupational Segregation by Sex, Race, and Ethnicity between 1980 and 1990" (with Naomi Cassirer). Population Association of America, New Orleans.

1995 "Ethnic and Gender Competition for Jobs: A Barrier to Community in the Workplace?" American Sociological Association, Washington.

1995 "Assessing Affirmative Action: Any Real Winners? Any Real Losers?" Charles Phelps Taft Memorial Lecture, University of Cincinnati.

1995 "Sources of Gender Inequality in the Workplace." Harvard University.

1993 Workshop on Gender Segregation in Organizations and Occupations, University of Trondheim, Norway.

1992 "Women and Work: Legacies of the Last 20 Years, Prospects for the Year 2000." Women's Studies Program, Twentieth Anniversary Lecture, University of Pittsburgh.

1990 "The Feminization of Male Occupations: Integration, Ghettoization, or Resegregation?" Women on the Job in Europe and the United States, Warsaw University, Poland. U.S. State Department AmPart Speaker.

1989 "Job Queues, Gender Queues." University of Chicago.

GRANTS AND CONTRACTS

2006 Payday Lending and Race Inequality with Alexes Harris, Royalty Research Fund, ca. $30,000.

2006 Race, Inequality and Payday Lending with Alexes Harris, American Sociological Association Fund for the Advancement of the Discipline, $7,000

2006 "Race and Payday Lending" with Alexes Harris, co-Principal investigator, West Coast Poverty Center, $15,000

2006 "The Relationship between Discrimination Charges and Employers' Characteristics." $10,000 National Science Foundation Dissertation Improvement Grant.

1996 "Contingent Work" with Eileen Applebaum and Arne Kalleberg. Sloan and Ford Foundation grants through the Economic Policy Institute and the Women's Research and Education Institute of the Congressional Caucus for Women's Issues.

1996 "Contingent Work: Risks and Consequences." Center for Labor Research, Ohio State University, $25,000.

1996 "Race, Ethnic, and Gender Occupational Segregation in Urban Labor Markets." Center for Urban Research, Ohio State University, $20,000.

1996 National Science Foundation Dissertation Improvement grant (for Michelle Fondell), $7,500.

1995 National Science Foundation/American Sociological Association small grant (with Michelle Fondell), $3,300.

1995 Dissertation Improvement Grant (for Naomi Cassirer), National Science Foundation, $7,500.

1995 "Bargaining for Equality: Gender Differences in Returns to Collective Bargaining" (with Laura Geschwender), Institute for Women's Policy Research, $1,000.

1993-95 "Gender in Organizations" with Patricia Y. Martin, Visiting Scientist, National Science Foundation, $124,000.

1993 "1970-1990 Trends in Occupational Sex and Race Composition." National Science Foundation SBR-9310867, $29,590.

1991 "The Effect of Gender in the Labor Market of Entry-Level Law Faculty" (with Deborah Merritt), University of Illinois Research Board, $6,870.

1987 National Science Foundation Research Experience for Undergraduates Supplement to National Science Foundation grant, $4,000.

1987 ASA Problems in the Discipline Award for a Research Conference on Occupational Sex Segregation (co-recipient), $2,275.

1985 "The Determinants of Change in Occupations' Sex Composition, 1970 and 1980" (with Patricia Roos). The Rockefeller Foundation, $11,917.

1983 "The Determinants of Change in Occupations' Sex Composition between 1970 and 1980" (with Patricia Roos). National Science Foundation, $71,000 (NSF SES 85-12452).

1978 "Structural Analysis of Jurors' Verdicts in Rape Trials" 1980 (with Gary D. LaFree), National Institute of Mental Health, $205,000.

SELECTED PROFESSIONAL-SERVICE PUBLICATIONS

1996 Reskin, Barbara F., Jane Koretz, and Leslie Francis, "Women in Science," *Academe* (September-October):57-65.

1994 Bellas, Marcia and Barbara Reskin, "On Comparable Worth." *Academe* (September-October):83-5.

1990 Reskin, Barbara, "Outsiders in Academe: Playing the Game by Other People's Rules," *Network* (Winter):3, 9-10.

SELECTED PROFESSIONAL SERVICE

American Sociological Association

2002-2003 Coordinator/drafter, ASA brief in *Grutter v. Bollinger*

2001-2002 President, American Sociological Association

2000-2001 Chair, 2002 Program Committee

1997-98 Chair, Section on Occupations, Organizations and Work

1993-94 Section on Occupations and Organizations, Nominating Committee

1990-92 ASA Council

1989-91 ASA Program Committee

1985-88 ASA Publications Committee

National Academy of Sciences/National Research Council

1981-84 Committee on Women's Employment and Related Social Issues

1979 Committee on Continuity in Academic Research Performance

1978-82 Committee on the Education and Employment of Women in Science and Engineering

Editorial

1998 Editorial Advisory Board, *Encyclopedia of Survey Research*, Academic Press

1996 Editor, Special Issue of *Sociological Focus* on Gender and Work

1995- Associate Editor, *Work and Occupations*

1993- Editorial Board, *Gender, Work and Organizations* (British)

1992-95 Editorial Board, *Social Forces*

1990-93 Associate Editor, *Gender & Society*

1988- Associate Editor, *Research in Social Stratification and Mobility*

1986-88 Advisory Editor, *Gender & Society*

1985-87 Editorial Board, *Sociological Quarterly*

1979-81 Associate Editor, *American Sociological Review*

Miscellaneous National Professional Service (last ten years)

1998	Task Force on Developing Indicators of the Status of Women, Institute for Women's Policy Research
1996-2000	Board of Overseers, General Social Survey (also 1992-93)
1996	Chair, Cheryl Miller Award Committee, Sociologists for Women in Society
1995	Chair, Social Science Panel, National Science Foundation Conference on Women in Science,
1995	General Social Survey Gender Module Committee
1994	External Reviewer, Department of Sociology, University of North Carolina
1992-94	Chair, AAUP Committee W (national)
1992-93, 2000	Membership Committee, Sociological Research Association
1990-92	Committee W, American Association of University Professors
1990-91	Chair, Nominations Committee, Sociological Research Association
1990	External Reviewer, Department of Sociology, University of Pennsylvania
1989	Oversight Panel, Sociology Program, NSF

Short courses offered away from my main campus:

1988	Department of Sociology, University of North Carolina
1997	Department of Sociology, University of Notre Dame
1999	Department of Sociology, Stockholm University

Other service

Testimony before Washington State Senate on Payday Lending

Expert witness in several race- and sex-discrimination cases.