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DISCRIMINATION ACROSS THE SECTORS:
A COMPARISON OF DISCRIMINATION
TRENDS IN PRIVATE AND PUBLIC ORGANIZATIONS

A dissertation submitted in partial fulfillment of the
requirements for the degree of
Doctor of Philosophy

By

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March 28, 2007

I HEREBY RECOMMEND THAT THE DISSERTATION PREPARED UNDER MY SUPERVISION BY MEGAN K LEASHER, M.S., ENTITLED “DISCRIMINATION ACROSS THE SECTORS: A COMPARISON OF DISCRIMINATION TRENDS IN PRIVATE AND PUBLIC ORGANIZATIONS” BE ACCEPTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF DOCTOR OF PHILOSOPHY.

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Abstract

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Discrimination across the sectors: A comparison of discrimination trends in private and
public organizations.

Differences and similarities between public and private sector organizations have been hypothesized and researched for several decades (Murray, 1975). This study investigated the differences in claims of employment discrimination reported for employees within the private and public sectors. A longitudinal database of statewide discrimination claims was analyzed to determine if differences in employment discrimination patterns or levels exist between the sectors. Theoretical and practical implications are presented in addition to propositions for future research.

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Dedicated to Dude and the endless cute pajamas dance

Introduction

Although diversity is a pressing issue in all organizations today, the need for a more complete understanding and incorporation of diversity is growing. For example, the U.S. Census reports that by the year 2050, racial minority growth will be 90% of all U.S. population growth (Society for Human Resource Management [SHRM], 2004). In addition, minority representation increased to 31.5% in the federal sector for 2004 (up from 30.9% in 2003; U.S. Office of Personnel Management [OPM], 2005). It has also been suggested that as younger generations are more diverse (both racially and culturally), diversity issues will be further intensified in the future (SHRM, 2004).

As a result, human resource (HR) departments have been increasing the number of staff members dedicated to dealing with equal-employment opportunity (EEO) issues in the workplace. Within the federal sector, EEO is the only specialty within HR that is increasing in job numbers (EEO as a specialty reflects 26.4% of HR as a whole; OPM, 1999a). EEO is an escalating trend due to a general increased awareness of individual rights and the overall litigious state of society today (Leap, Holley, & Feild, 1980).

Given these current realities, equal opportunity in the workplace is a prime necessity, and a violation of this necessity hurts all employees, as it diminishes the importance of an individual's merit contributions (Stewart, 1982). Individuals who feel

as though they have been discriminated against in the workplace are less satisfied with their jobs, less likely to continue working for their current employer, and less likely to recommend their organization to others, as compared to individuals who do not believe they have been victims of employment discrimination (The Gallup Organization, 2005). In addition, individuals who have been discriminated against are more likely to believe that their supervisors do not take a personal interest in them (Hopkins, 1980), feel burned out on the job, take less initiative, and overall care less about performing their tasks well (Galinsky, Bond, & Friedman, 1993).

Discrimination is also a large concern in workplaces because of the deteriorating effects it has on organizations. Not only are discrimination lawsuits costly, but accusations of discrimination damage employee morale, taints the reputation of the organization by making it unattractive to employees, customers, and partners (Commission for Racial Equality, 2001). Alternatively, organizations that actively adopt diversity programs that aim to prevent workplace discrimination are more likely to have satisfied, loyal employees that speak positively about the organization with others (The Gallup Organization, 2005).

If individuals successfully demonstrate a claim of discrimination, different remedies are available. Such remedies may be awarded both in instances of intentional discrimination (i.e. disparate treatment) and employment practices that lead to unintentional discriminatory results (i.e. adverse impact). Examples of employment remedies include back pay, hiring, promotion, reinstatement, front pay, reasonable accommodation, and in some cases compensatory and punitive damages (EEOC, 2003b).

Legal Review

The concept of equal employment opportunity holds that “individuals should have equal treatment in all employment-related actions” (Mathis & Jackson, 2003, p. 102), and equal employment laws aim to protect covered individuals from illegal discrimination. Several important EEO federal laws have expanded who is covered by such legislation (EEOC, 2003c).

Title VII of the Civil Rights Act of 1964 is considered the single most significant piece of federal legislation to protect the rights of the employed (Bennett-Alexander & Hartman, 2004). Although motivated mainly by the racial movement of the 1960’s, Title VII protects employment rights on the basis of race, color, gender, national origin, and religion. It prohibits discrimination in various aspects of employment, including hiring, firing, training, discipline, compensation, benefits, classification, and other terms or conditions of employment. The law currently covers private employers, as well as federal, state, and local public employers with fifteen or more employees (Gutman, 2000).

Title VII has been amended several times. The passage of the Equal Employment Opportunity Act of 1972 gave the Equal Employment Opportunity Commission (EEOC) enforcement litigation powers of all Title VII legislation. This amendment increased the jurisdiction of the EEOC and extended the time in which charging parties had to file (EEOC, 2006b). In addition to the Equal Employment Opportunity Act of 1972, Title VII was amended by the Pregnancy Discrimination Act of 1978. This Act included pregnancy as a part of gender discrimination, and banned employment discrimination on the basis of pregnancy-related issues (EEOC, 2006b).

In addition to Title VII amendments, more federal legislation was enacted to expand who was covered by employment discrimination law. The Age Discrimination in Employment Act (ADEA) of 1967 amended Title VII by including age as a protected class. The ADEA currently protects employed individuals ages 40 and above from discriminatory acts in employment. There is no upper limit on age to file a claim under the ADEA (Gutman, 2000). However, there is no form of “reverse” discrimination under this act; individuals under the age of 40 are not protected under this law (Bennett-Alexander & Hartman, 2004).

In the area of disability, the Rehabilitation Act of 1973 prevents employees of the federal government (as well as private employers with federal contracts) from discriminating against qualified individuals on the basis of disability (EEOC, 2006b; Mello, 1995b). This act provided a framework for the Americans with Disabilities Act of 1990, (EEOC, 2000) now extending protection of qualified individuals with a disability to state, local, and private employers of 15 employees or more (EEOC & Department of Justice, 1999; Gutman, 2000). The ADA has been described as the “Emancipation Proclamation” for people with disabilities (EEOC, 2006b).

Almost thirty years after Title VII, the Civil Rights Act of 1991 (CRA; 1991) was passed to further amend and strengthen Title VII. With the passage of CRA 1991, compensatory and punitive damages were now allowed for claims based on religion, gender, disability, race, and national origin (with punitive damages allowed for cases of intentional discrimination; Mills, 1998). Jury trials were now permitted where compensatory or punitive damages were sought. CRA 1991 also limited “reverse discrimination” lawsuits, further defined adverse impact, expanded the ability to

challenge seniority systems (Bennett-Alexander & Hartman, 2004), and eliminated the practice of race-norming in employment testing (Ewos & Guseh, 2001). This amendment also established the Glass Ceiling Commission, which serves to study “the existence of artificial barriers to the advancement of women and minorities in the workplace, and to make recommendations for overcoming such barriers” (Civil Rights Act of 1991, 42 U.S.C. 2000e note).

Retaliation is another form of employment discrimination that is protected by federal EEO law (see EEOC, 1998 for a list of legislation prohibiting retaliation). Retaliation occurs when an employer, employment agency, or labor organization “inflicts an adverse action against an employee who has complained of discrimination” (Sincoff, Slonaker, & Wendt, 2006, p. 443). Three essential elements of a retaliation claim include: 1) an opposition to discrimination in covered proceedings, 2) adverse action, 3) causal connection between the protected activity and the adverse action (EEOC, 1998, p. 8-3). Research on retaliation suggests that most claims are filed by women, and across all retaliation claims, discharge (including constructive discharge) is the most frequently reported retribution (Sincoff, Slonaker, & Wendt, 2006).

Public versus Private Sector

One major unresolved issue throughout management research is the debate over the transferability of management practices. Specifically, the debate has investigated the extent to which management practices are universal and applicable across a wide range of organizations, especially organizations within the public and private sectors (Fottler, 1981; Murray, 1975).

Although the terms “private sector” and “public sector” are commonly used, it is important to note their core differences. The *public sector* is formally defined as the portion of the economy composed of all levels of government, excluding businesses and households (United Nations Economic Commission, 2005; United States Department of the Treasury, 2006). “An organization is public to the extent that it exerts or is constrained by *political* authority” (Bozeman, 1987; p. 84, italics added).

By contrast, the *private sector* is the portion of the economy composed of all for profit and non-profit businesses and corporations (United Nations Economic Commission, 2005; United States Department of the Treasury, 2006). An organization can be considered private “to the extent that it exerts or is constrained by *economic* authority” (Bozeman, 1987; p. 85, italics added). These definitions relate to the idea of property rights theory (Bozeman, 1987), which suggests that the most important distinction between the public and private sectors is the ability (or inability) for an organization to transfer the rights of ownership from one individual to another. If an organization can transfer rights of ownership, it is considered to be within the private sector; if it cannot, then it is considered to be a part of the public sector.

Proposed theoretical similarities. Attempts at theoretical differentiation and amalgamation of the sectors have generated speculation. Although some individuals consider the sectors to be independent, Drucker (1973) notes that “All public service institutions are being paid for out of the economic surplus produced by economic activity” (p. 43), thus suggesting the interdependence or unification of the sectors.

Some proponents of organizational theory suggest that there are too few differences between the public and private sectors to warrant differentiation (Baldwin,

1987). For example, some argue that organizations in both the public and private sectors face the same challenges in work and worker productivity (Drucker, 1973). Also, some suggest that all organizations can be considered public to some extent because political authority affects some of the behavior and processes of all organizations (e.g., equal opportunity employment law; Bozeman, 1987).

Similarities have also been presented in the measurement of organizational effectiveness. Although profits are generally the focus, they are not the sole indicator of effectiveness within the private sector (Murray, 1975). Other metrics include decreases in turnover, increases in efficiency, increases in the number or prestige of clientele, and gains in public image and reputation. Alternatively, it can be suggested that the public sector utilizes profits to measure its effectiveness. Cost-benefits analyses are commonly conducted for projects within the public sector to determine the most effective and efficient way to complete a large task (Murray, 1975).

Public scrutiny has also been proposed by some to be similar among the sectors (Drucker, 1973; Murray, 1975). Although it may be perceived that the public sector is under more media scrutiny than the private sector (Rainey et al., 1976), private sector firms are subject to a vast amount of public scrutiny, as well (Murray, 1975), and are upheld to the same high levels of social responsibility (Drucker, 1973).

Proposed theoretical differences. A vast amount of discussion speculates on the farthest differences between the sectors, implicating that any perceptions of narrative consensus in the literature does not lead to proof (Rainey et al., 1976). One important distinction is the monetary focus (Drucker, 1973; Fottler, 1981). Drucker (1973) points out that private organizations are paid by and for pleasing customers directly, thus

focusing on maximizing performance and results in order to please customers. Updating practices in private organizations is therefore a must in order to maintain a marketable advantage to obtain new and retain current customers. Private organizations that do not adapt to change do not survive. Alternatively, public organizations are run on the basis of governmental budget allocation (of taxpayer dollars), which is not necessarily tied to what the organizations are doing. Public organizations are not directly working to please a customer to get return business, so performance and results only serve to maintain or increase the allocation of the organization's budget. As stated another way; public organizations have no bottom line (Bozeman, 1987). Being budget based, public organizations are also less likely to abandon inefficient practices. Changing practices means possibly having to utilize a new portion of their budget to implement the change, only after obtaining multiple levels of approval.

Beyond delineation in their economic bases, some argue that the public sector is subject to more public scrutiny and accountability to others (Bozeman, 1987; Murray, 1975; Rainey et al., 1976). Rainey and colleagues suggest that public officials and entities are under greater scrutiny than private organizations. They explain this increased scrutiny by the perception that the public sector has a unique expectation to be fair, timely, accountable, and honest to all constituents, as constituents are the same people who voted them into the positions they hold. Murray argues that the public sector is under more scrutiny because every governmental decision has the ability to impact the "social good" (Murray, 1975, p. 367). Thus, public sector organizations are commonly perceived to be under more public scrutiny for all of their actions, no matter how small or insignificant they may be, because all decisions have the ability to impact the constituents

that have the ability to vote them out of office. Although private sector organizations do undergo public scrutiny due to public trading and decisions made by boards of directors (Murray, 1975), decisions by private organizations do not have the widespread impact of public organizations.

Other proposed differences between the sectors involve the clarity of objectives, the context of decision making, and the criteria used to measure effectiveness. All of these relate to the proposition that the profit-driven nature of the private sector often makes goals, decisions, and performance measurement much more clear, whereas the budgetary nature of the public sector makes these same concepts seem vaguer.

In the private sector, individual objectives and goals all converge to one main idea: to turn a profit. Any objectives set by individual employees, executives, and/or a board of directors will all revolve around obtaining a larger return on investment. This overarching objective is quantifiable (Murray, 1976), and can be feasibly tracked over time. In the public sector, however, there is a larger diversity of objectives (Rainey et al., 1976). Public sector organizations must work to make decisions that will benefit as many constituents as possible, maintain and/or increase their budget allotment, and maintain ethical standards to sustain public support. Sometimes these public-sector objectives can be viewed as competing, thus increasing the confusion created while attempting to identify which objective(s) is trying to be accomplished. These goals, both individually and collectively, are less quantifiable than a direct focus on profitability alone.

Because objectives are perceived as vague (and sometimes conflicting) in the public sector, it makes it very challenging to evaluate the performance of individuals, departments, or agencies (Drucker, 1973; Murray, 1976; Perry & Porter, 1982; Rainey et

al., 1975; Solomon, 1986). As mentioned previously, private sector objectives are profit based, so effectiveness criteria are likely to be concise and quantifiable. So concise, profitability has been referred to the “ultimate criterion of success” for the private sector (Solomon, 1986, p. 247). Alternatively, public organizations are often dealing with intangible, social-based goals like increasing the quality of life, increasing privacy rights, etc., which are challenging, if not impossible, to quantify and measure the effectiveness of initiatives working toward these goals (Murray, 1976). Vague objectives lead to an intangibility of criteria in which to measure how well someone is working to achieve such objectives (Perry & Porter, 1982; Rainey et al., 1976). If one does not know what the objectives to be obtained are, then 1) how does one know how to perform their job in order to succeed, and 2) how do supervisors determine the criteria in which employees are to be evaluated upon if no one is clear on what is to be accomplished?

The context of decision making has also been proposed to be unique in each sector. Although there appear to be many similar elements of decision making that exist in any complex organization, decision making in the private sector will always focus on *profits*, whereas decisions in the public sector will always focus on *consensus* (Murray, 1976). Profits are how private sector organizations stay alive and prosper, whereas consensus is how laws and other decisions in the public sector are made and executed in order to benefit the social good. In the public sector, not only does every decision need to focus on the ability to obtain consensus, but it also needs to focus on the ability to *maintain* consensus. In addition, decision making in the public sector is less autonomous, as there are more legal and procedural constraints to follow (Rainey et al., 1975).

The sectors can be perceived as both similar and different at the same time. The degree of “publicness” and privateness” needs to be assessed in order to advance both theory and research (Golembiewski, 1987). In hopes of resolving some of the blurring between the sectors, Fottler (1981) has attempted to develop a continuum of organizations, ranging from classic private companies to pure government agencies. His continuum establishes four classes of organizations, which he believes all organizations fall into one or more of:

Class	Description
Private, for profit	Organizations that depend on the external market economy for survival
Private, non-profit	Organizations contracted outside of government that depend on public goodwill for survival
Private, quasi-public	Organizations created by legislative authority and given a limited monopoly to provide particular goods/services to a population subgroup (e.g. public utilities)
Public	Government agencies constituted by law to collect taxes and provide services

Note: From Fottler (1981, p. 2).

Although it is conceptually beneficial to view the private and public sector in a continuum of classes, where organizations may fit into one *or more* categories, it does not enable a testable separation of organizations for the purpose of comparing and contrasting. As such, for the purposes of this study, the sectors were dichotomized. Public sector organizations were classified as pure governmental organizations, and all remaining organizations were categorized as private. This coincides with the accepted definitions of the sectors, in that public refers to governmental agencies, whereas private refers to non-governmental organizations (both for profit and not for profit; (United Nations Economic Commission, 2005; United States Department of the Treasury, 2006).

Empirical research examining the sectors. Beyond theoretical and narrative speculation, several empirical studies have attempted to identify unique aspects of each sector. Relating back to the discussion that the public sector has vague goals, which inhibits the determination of criteria for evaluating performance, research has supported this idea by suggesting that private sector managers perceived their rewards as being contingent on performance to a higher degree than public managers (Solomon, 1986). In addition, private sector managers have also reported higher levels of satisfaction with organizational reward policies (Solomon, 1986), as they may be more clearly tied to individual behaviors directly impacting organizational effectiveness. Similarly, private sector managers have reported higher levels of organizational commitment because these managers have the ability to view an observable link between their individual contributions and the success of the organization (Buchanan, 1974).

Differences in levels of job satisfaction and motivation have also been investigated between the sectors. Rainey (1979) found no differences between the sectors in satisfaction with work, supervision, and pay. Although the public sector may perceive a stronger sense of job security, they also feel as though they have more leader turnover (Baldwin, 1987), likely due to the nature of terms of office of elected officials. Although most research has suggested no differences between the sectors in security and pay needs (Bourantas & Papalexandris, 1999), as well as general motivation (Baldwin, 1987), other research has suggested that government managers have lower levels of motivation as compared to their private sector counterparts (Rainey, 1979). Overall, it appears that there are no major differences in job satisfaction and motivation between the sectors, but more research may be warranted to clear up some discrepancies.

Empirical research has also examined ambiguity and role conflict between the sectors. Employees within the public sector have perceived lower goal clarity in their jobs (Baldwin, 1987) yet have also displayed a lower need for clarity in the first place (Bourantas & Papalexandris, 1999). However, some research suggests that there are no differences in role conflict or ambiguity between sectors (Rainey, 1979), proposing that the vagueness of public sector objectives may not actually lead to role ambiguity or role conflict.

Demographic differences between individuals within the sectors have also been investigated. Some researchers in this area present the idea that behavioral and attitudinal differences found between individuals across sectors may be due to general personality differences (Bourantas & Papalexandris, 1999). No differences have been found between the sectors in problem solving ability, intelligence, creativity (Rawls et al., 1975), job involvement (Rainey, 1979), and levels of “professionalism” (Fottler & Townsend, 1977, p. 257). However, some attributes unique to each sector have been reported. Public sector employees have been found to be more educated (Fottler & Townsend, 1977; Solomon, 1986), have a higher external locus of control (Bourantas & Papalexandris, 1999), and come from more diverse backgrounds (Fottler & Townsend, 1977). Alternatively, private sector employees are more concerned with innovation on the job (Rainey, 1979), have more job experience (Fottler & Townsend, 1977), and demonstrate a stronger sense of value in the area of economics (Rawls et al., 1975).

Analyzing discrimination within and between the sectors. Although very few studies exist comparing actual discrimination patterns between the sectors (e.g., Hoffnar & Greene, 1996; Long, 1975; Wilson & McBrier, 2005), many studies have investigated

discrimination trends *within* each sector, with the vast majority of these studies focusing on the public sector.

Within the public sector, diversity is valued and viewed as strategic because it enables all public organizations to most effectively serve their constituents, as well as attract and develop the best employees (Mello, 1996). An analysis of the federal government's equal employment opportunity recruitment program (OPM, 2005) reveals that minority representation within the federal sector increased from 2003 to 2004. They also found that women and racial minority representation also increased in higher level positions (i.e., GS-13 through GS-15). In an analysis of federal agencies, Kellough (1990) suggested that agency size, union strength, and percentage of blue-collar employees may be important predictors in the representation of women and racial minorities within the public workplace.

Gender discrimination has been explored specifically within the public sector, with the focus often on wage differentials between men and women. Professional women with higher status positions, more education, and higher income levels have been found more likely to perceive that they are victims of discrimination (Hopkins, 1980). Supporting this perception, Baker, Wendt, and Slonaker (2002) reported on Federal Glass Ceiling Commission findings within the federal labor relations area. The Commission found that although the representation of women in higher levels positions (i.e., GS-13 and above) had increased (from 30% in 1991 to 39% in 2000), the representation was still much lower than that of males (70% in 1991 and 61% in 2000).

In an analysis of federal court cases of sex discrimination in the public sector, Greenlaw, Kohl, and Lee (1998) found that the majority of cases revolved around

promotion issues. The area of compensation and benefits was impacted greatly in these cases, as adverse impact appeared to be present due to pay differentials between men and women. Correspondingly, it has been found that female federal white-collar civil service employees earn over \$3000 less per year than males in the same field (Corazzini, 1972). Although these differences have been identified, a number of objections to instituting equal salaries (in order to implement comparable worth) have been presented within the public sector (Kelley & Bayes, 1986). However, some research proposes that controlling for extraneous variables when analyzing differences in public sector wages (e.g., occupation, age, etc.) might decrease the gender discrepancy found (Mano-Negrin, 2003), which suggests that more research needs to be done in order to see if true differences exist or if they are merely a factor of extraneous variables.

Race has also been a focus of public sector discrimination research. A number of employers have admitted that racial minority groups are underrepresented within their public sector organizations (Sullivan, 2001). One study suggests that after controlling for length of employment and position type, African-Americans were still more than twice as likely to be fired as Caucasian employees in the federal public sector (Zwerling & Silver, 1992). Although members of minority groups employed in lower-skilled positions are more likely to feel that they have been discriminated against (Hopkins, 1980), nonwhites in white collar civil service positions earn around \$1500 less per year than whites (Corazzini, 1972), suggesting that race discrimination may be present at all levels of employment.

Discrimination trends have also been investigated within the private sector. In their report on private sector employment (EEOC, 2003a; covering EEO-1 data from

1990-2001), the EEOC noted that during this period, the representation of female managers increased by 32% while the proportion of African-American managers increased by 33%. Overall employment by Hispanics managers nearly doubled in this time frame, as well. In addition, this report identified occupation classes in which discrimination claims were more likely to exist. The highest level of both gender- and race-based allegations occurred in transportation, personal services, and automotive industries. The highest representation of age-based claims were found in motion pictures, communication fields, and personal services, whereas disability claims were present the most in manufacturing, transportation, and personal services. Across the private sector, it appears as though most claim issues are in the transportation, automotive and personal services industries.

Only three studies known to the author have empirically tested differences in discrimination-related variables *between* the public and private sectors. Hoffnar and Greene (1996) compared gender and race (Caucasian and African-American only) earnings differences between the sectors, utilizing the 1990 Current Population Survey from the U.S. Department of Commerce. They found that the gender earnings gap was smaller for public sector employees than for private sector employees, with males earning more in both sectors. This finding was true for both Caucasians (Caucasian men earned 30% more than Caucasian women in the public sector and 34% more in the private sector) and African-Americans (African-Americans men earned 19% more than African-American women in the public sector and 24% more in the private sector). In addition, the racial earnings gap was larger than the gender earnings gap for both the public and private sectors. The authors note that the gender earnings gap may increase if fewer

people seek employment with the public sector. This gap may also increase during periods in which government agencies downsize staff, as these displaced employees may seek new jobs within the private sector.

Long (1975) analyzed the Public Use Sample of the 1970 Census to determine if differences in racial discrimination existed between the sectors. Long found a smaller wage differential in the public sector than the private sector. African-American workers earned an income closer to their Caucasian counterparts within the public sector (overall adjusted African-American/Caucasian earnings ratio of .81) than in the private sector (ratio of .71). This was true for white collar jobs, blue collar jobs, and across all geographic regions, with the largest differences in earnings ratio found in white collar jobs (.84 for public sector and .70 for private sector). Probability of employment for African-Americans (as compared to Caucasians) was much higher for the public sector, as well. Long suggests that his findings support the view that employment opportunities for African-Americans may be better within the public sector, as discrimination against this group may be less pronounced there.

The findings of Long, along with Hoffnar & Greene, suggest that because the earnings differential between races was smaller in public organizations, there may be less race-based discrimination within the public sector. However, differences in pay found may be due to the fact that there may be more variance in private sector wage to begin with as they often do not have pay grades like the public sector. The advantage of the current study is that I am actually testing the differences in discrimination, without the possible confound of differential compensation systems.

Wilson and McBrier (2005) analyzed racial differences in job layoffs for higher-level job positions. They utilized a longitudinal database (the Panel Study of Income Dynamics, 1994-2001) of almost 2000 managers and professionals. Overall, they found that the racial layoff gap was smaller in the public sector. African-Americans were more than twice as likely to be laid off as Caucasians in the private sector (41% versus 17%, respectively), whereas African-Americans were only 33% more likely to be laid off in the public sector as compared to Caucasians (15% versus 10%, respectively). The authors attribute their findings, in part, to the more stringent enforcement of equal opportunity law in the public sector.

Corresponding to the three abovementioned studies, there may be an initial trend suggesting that there is less discrimination present in the public sector. However, these studies only assessed discrimination-related variables (e.g., pay, number of layoffs). This study adds to this limited research base by empirically testing differences in actual discrimination claims.

Psychological Explanations for Claim Filing

Equity theory. Equity theory can be used to help explain why individuals in one sector may be more or less likely to file a claim of discrimination (Adams, 1963; Locke & Henne, 1986). It is based on the idea that individuals prefer a condition of “equity” in their exchange relationships with other people (Locke & Henne, 1986, p. 10). Equity is attained when the employee’s ratio of personal inputs to workplace outcomes is equivalent to another individual’s inputs to outcomes. A perceived discrepancy between their ratio of inputs to outcomes to a referent other’s ratio is typically the reason a person would feel an inequitable balance. If an individual believes his treatment is inequitable

as compared to others, he will likely become motivated to do something to restore the imbalance.

Filing a formal claim of discrimination may restore perceptions of equity to an individual who believes they have been discriminated against in the workplace. An individual who inputs positive effort toward their job, and receives a negative output (e.g., termination) that they perceive is due to discrimination is likely to perceive inequity. The beneficial outcomes that may result from filing a claim of employment discrimination may serve to restore balance and perceived equity. Although some research suggests that people who feel they have been discriminated against feel as though they do not have control over the situation (Plous, 2003), the pursuit of actually taking the steps to file a claim may help regain perceived control and restore equity.

An application of equity theory to this study would suggest that public employees would be less likely to file a discrimination claim. Public sector employees would be less concerned with how they compared to their own public-sector referent others, as public sector positions are budgetary based, leaving little room for competition between employees. Alternatively, private sector employees would be much more concerned about comparing their effort (input) to other private-sector employees due to the greater competition (and variability of wages) in private sector organizations. This would suggest that private sector employees would not only be more likely to perceive an inequity when comparing themselves to a fellow private-sector employee, they would be more likely to attempt to restore the inequity (in this case, by filing a claim of discrimination).

Expectancy theory. Expectancy theory (Vroom, 1964; Locke & Henne, 1986) may also be used to explain motivations for filing an employment discrimination claim. This theory serves to explain why an individual chooses one alternative for action out of many possible actions (Locke & Henne, 1986, p. 15). Expectancy theory predicts that individuals are motivated by a course of action based on the interaction of three components: valence, instrumentality, expectancy. Valence is the importance or value the individual places upon the positive outcome (reward) associated with a situation. Instrumentality is the linked belief that if the individual completes a certain action he will achieve the positive outcome and be rewarded. Lastly, expectancy is the individual's belief that he or she is capable of completing the desired action.

This theory can also be applied to help determine if an individual is likely to file a discrimination claim. If an individual feels as though filing a claim is related to receiving a ruling in their favor (expectancy), following the proper claim steps will lead to a ruling in their favor (instrumentality), and the individual places a high value on the potential rewards (valence), then they may be more motivated to file a claim.

As compared to private sector employees, public employees may be less concerned with monetary gain that may happen as a result of winning or settling a discrimination claim (valence). They may also feel that filing a claim may not lead to a positive outcome because they are not likely to win a suit filed against the government (instrumentality). Taken together, this application of expectancy theory would suggest that public sector employees would be less likely to file a claim of workplace discrimination.

Purpose, Hypotheses, and Research Question

The main purpose of this study was to investigate differences in employment discrimination claims filed by employees within the private and public sectors. Based on previous research of discrimination differences between the sectors, I proposed the following hypotheses:

H1: There will be significantly fewer *race* discrimination claims in the public sector than in the private sector.

H2: There will be significantly fewer *gender* discrimination claims in the public sector than in the private sector.

H3: There will be significantly fewer *disability* discrimination claims in the public sector than in the private sector.

H4: There will be significantly fewer *age* discrimination claims in the public sector than in the private sector.

H5: There will be significantly fewer *retaliation* claims in the public sector than in the private sector.

I chose to focus on the bases of race, gender, disability, and age, as these are the top independent claim bases filed nationally (EEOC, 2005a). I decided to include a comparison on retaliation because employment discrimination claims relating to retaliation has risen from fourth to second place, increasing by 46% in the past decade (Sincoff, Slonaker, & Wendt, 2006). Although a retaliation claim can be filed independent of other claim bases, it is often filed in conjunction with discrimination claims on other bases.

Beyond looking at the reported claims from a static perspective, I also chose to examine how the number of discrimination claims has changed over time. I was also interested in the outcome of the claim itself. I wanted to explore a possible relationship between claim outcome and sector as policy capturing studies are often used to assess relationships between employment variables and judicial rulings or opinions (e.g.

Williamson, Campion, Malos, Roehling, & Campion et al., 1997). In addition to the hypotheses presented above, I also explored two research questions:

R1: Do the number of claims reported in each sector change over time?

R2: Is there a relationship between the outcome of claims and the sector in which the claim originated?

Method

Research Database

This study was conducted as a part of *The Ohio Employment Discrimination Studies* (see Baker, Slonaker, & Wendt, 1994; Sincoff, Slonaker, & Wendt, 2006; Slonaker & Wendt, 1991a; 1991b; 1991c; 1995; Slonaker, Wendt, & Kemper, 2001; Slonaker, Wendt, & Williams, 2003; Wendt & Slonaker, 1991; 1992; 1992/1993; 2002; Wendt, Slonaker, & Coleman, 1993; Wendt, Slonaker, & Hayes, 1992; Williams, Slonaker, & Wendt, 2003). *The Ohio Employment Discrimination Studies* is an ongoing series of research studies utilizing a longitudinal database of closed employment discrimination claims filed with the Ohio Civil Rights Commission (OCRC).

The Ohio Civil Rights Commission serves as a “Fair Employment Practices Agency” (FEPA) for the EEOC. A FEPA is a state agency that partners with the EEOC to file, process, and respond to claims of employment discrimination (EEOC, 2002b; Slonaker & Wendt, 1991b). FEPAs enforce both federal and state laws. The Ohio Civil Rights Commission was established in 1959, and has the statutory authority to investigate discriminatory practices, formulate and make policy recommendations, survey the existence and effects of discrimination, receive affirmative action progress reports, prepare educational and training programs, and disseminate relevant information (Ohio Civil Rights Commission, 2004; 2006a). The OCRC consists of a five-member board (each appointed by the Governor) and approximately 200 employees. The OCRC board

members serve as the final arbiter in all investigations. The Commission hosts six satellite offices across the state, located in Cleveland, Columbus, Cincinnati, Dayton, Toledo, and Akron.

The OCRC database (as of the time of this study) contained 9,452 closed employment discrimination claims from 1985 through 2005. These claims represented a stratified random sample of 8.8% of the over 100,000 cases closed during that time period, with some variance in the actual percentage of claims received per year. (The stratification procedure represents equal sampling from each of the six OCRC regions that make up the state of Ohio. Please see Table 1 for a breakdown of primary claim bases by region.) The closed claims were filed either under only state law (4%), or under both federal and state laws (96%).

Anti-discrimination legislation for the state of Ohio goes above and beyond that of federal law. The 4% of claims filed only under state of Ohio law reflects claims filed from individuals employed by smaller organizations. Ohio law covers employers with four to fourteen employees, whereas federal law only begins coverage at fifteen employees (M. Miko, Chief Legal Counsel for the OCRC, personal communication, September 19, 2006). As a result, the OCRC database will also contain claims from individuals from both small and large organizations.

Just over half of the claims in the database were filed by women (53.8%), and over half of all claimants allege that they were discriminated against by their immediate supervisor (54.7%). A majority of claimants also reported that the alleged discrimination caused them to lose their job (52.8%). Please see Table 2 for a distribution of which

claimants alleged discrimination against them, as well as Table 3 for a breakdown of what actions happened to the claimant as a result of the alleged discrimination.

Within the database, the top four primary bases for claims filed were race, gender, disability, and age. This corresponds to the top four claim bases reported annually by the EEOC (EEOC, 2005a), as well as the top four protected bases of perceived discrimination reported by Gallup (The Gallup Organization, 2005). A little more than one third (34.2%, $n = 3219$) of all claims were filed on the basis of race. Claims filed on the basis of race include claims for all protected minority groups, as well as “reverse discrimination” claims filed by majority group members. Less than twenty percent (17.8%, $n = 1683$) of all claims were filed on the basis of gender. Included in this group are claims filed on the basis of gender discrimination, pregnancy discrimination, sexual harassment, and sex stereotyping. Disability claims represent 15.0% ($n = 1421$) of all claims in the database. Claims filed on the basis of disability include claims from individuals who believe they have been discriminated against due to a current physical or mental impairment that substantially limits one or more major life activities, having a record of such an impairment, or being regarded as having such an impairment (ADA, 1990). Age claims reflect 11.0% ($n = 1043$) of the total number of claims in the OCRC database. Claims filed on the basis of age include claims filed by individuals at or above forty years of age (ADEA, 1967). Finally, retaliation claims reflect 14.6% ($n = 1376$) of the total number of claims. As mentioned previously, retaliation is often seen filed in conjunction (or as a result of) another claim basis (Sincoff, Slonaker, & Wendt, 2006). As with the other claim bases, the retaliation cases reflect where retaliation was the primary reason in which the discrimination claim was filed.

The population from which this database is derived (the Ohio workforce) can be considered representative of and generalizable to the U.S. workforce. Ohio's unemployment rate of 5.3% (Bureau of Labor Statistics, January 2006b) is comparable to that of the overall U.S. unemployment rate of 4.7% (Bureau of Labor Statistics, January 2006a). Women comprise 47.6% of the Ohio workforce (Ohio Department of Job and Family Services, 2004), whereas the women make up 46.4% of the overall U.S. workforce (Bureau of Labor Statistics, 2005b). African-Americans comprise 9.82% of the Ohio workforce (Bureau of Labor Statistics, 2005a), whereas the U.S. workforce consists of 10.8% African-Americans (Bureau of Labor Statistics, 2005b). 61.3% people with disabilities in Ohio are employed (U.S. Census Bureau, 2000a), whereas 64.2% of people with disabilities in the United States workforce are employed (U.S. Census Bureau, 2000b). Finally, 4.1% of the Ohio workforce is employed in public administration (U.S. Census Bureau, 2000c), whereas 4.7% of the U.S. workforce is in public administration (U.S. Census Bureau, 2000d).

Claim Process

The OCRC utilizes a specific procedure for all claimants. (A flowchart detailing the claims procedure of the OCRC can be found in Appendix A.) An individual who feels as though he or she has been discriminated against on the job may file a claim within 180 days of the alleged date of the discriminatory act (Ohio Civil Rights Commission, 2004; 2006a). The claim form asks the claimant for a variety of demographic and contact information as well as about the alleged act of discrimination (the basis of the claim, information about the alleged action itself, etc.). A copy of the OCRC claim form, illustrating all information that is collected from claimants, can be

found in Appendix B. All of the claimant information obtained from this form was later entered into the OCRC database.

Following the initial filing, a field representative from the OCRC will investigate the matter with the charging party (claimant) and the respondent (the organization that allegedly committed the act of discrimination (Ohio Civil Rights Commission, 2004; 2006a)). After a possible offer of voluntary mediation to both parties, the case will be closed if settlement that is acceptable to both parties is reached. If mediation is not successful, the investigation continues. If the evidence suggests that there is not enough to substantiate a claim of discrimination, the Commission will make a ruling that there is “no probable cause” that a discrimination statute has been violated. However, if a preponderance of the evidence suggests that a violation of law may have occurred, the Commission will make a “probable cause” ruling, and the matter will proceed to conciliation and hearing steps.

Data Coding Procedure

Data coding focused on the separation of the OCRC database into claims filed by employees of public sector organizations and private sector organizations. The database was dichotomized into private and public sector organizations by separating government from non-government organizations, following the formal delineations of the sectors presented previously (United Nations Economic Commission, 2005; United States Department of the Treasury, 2006).

Data identified as public sector organizations included city, township, county, and state government. There were no federal government employees included in the OCRC

database, as these individuals must file claims of discrimination directly with the EEOC (not a FEPA), per Executive Order 12067 (EEOC, 2005b; 2006a).

The OCRC database contained 9452 claims. Industry and sector information was available on 99% of the claims within the database, yielding an initial sample of 9380 claims. Claims from organizations in which the industry and sector were unclassifiable were deleted, resulting in a deletion of 174 cases (1.9%). This resulted in a total usable *N* of 9206, with 858 public sector claims and 8348 private sector claims. The labor force of the state of Ohio is comprised of 12.2% government workers (U.S. Census Bureau, 2000e), which is slightly higher than the representation of government employees who filed claims of discrimination in this database (9.3%; this is likely due to the fact that discrimination claims of federal government employees are not included as a part of this database).

Results

Hypothesized Analyses

For hypotheses one through five (race, gender, disability, age, and retaliation), a chi square test for independence was conducted in order to tease apart individual factors contributing to sector of origin. Sector of origin was coded as private = 0 and public = 1. Cramer's V coefficients were calculated to determine the effect size of the relationship (Kotrlík & Williams, 2003; Rea & Parker, 2005). Relative risk (RR) was also assessed to establish the sector likelihood, and determined the likelihood of a claim originated from the *private* sector. Relative risk was chosen over odds ratios as relative risk values compare the *probability* of a claim originating from the private sector, which is a more natural way to interpret and compare the relative likelihood of events (Simon, 2005). Alpha was set at .05 for all analyses.

Race. Race was the focus of hypothesis one. Claims on the basis of race accounted for 3139 of all claims (34.1%). A chi square test for independence revealed that the presence of race claims was not dependent upon the sector, $X^2(1, N = 9206) = 1.97, p > .05, \phi_c = 0.02, RR = 1.01$. Therefore, Hypothesis 1 was not supported.

The next series of analyses for race focused on who the claimant accused of committing the adverse action. Looking at race claims only, comparisons were made for the top three people accused by the claimant: an immediate supervisor, another supervisor (other than immediate), and human resources. Immediate supervisor

accusations accounted for 57.8% of all race claims ($n = 1649$) and were dependent upon the sector ($X^2(1, N = 2851) = 12.15, p < .05, \phi_c = 0.07, RR = 1.04$). Although there was a significantly higher proportion of claims in the private sector, this relationship was weak. Other supervisors totaled 697 of the total number of race claims (24.4%), and were not dependent upon the sector of origin ($X^2(1, N = 2851) = 2.44, p > .05, \phi_c = 0.03, RR = 0.98$). Finally, individuals from human resources accounted for 322 (11.3%) of race claims, and were dependent upon the sector ($X^2(1, N = 2851) = 9.28, p < .05, \phi_c = 0.06, RR = 0.95$), with a significant, yet negligibly higher proportion of these race claims found within the public sector.

The most common adverse action reported by all claimants, regardless of claim basis, was job loss, whereas disciplinary action was the second most common. For race claims, more than half reported a lost job ($n = 1670, 53.2\%$). These claims were dependent upon the sector, with a slightly higher proportion of lost job claims in the private sector, $X^2(1, N = 3139) = 97.14, p < .05, \phi_c = 0.18, RR = 1.12$. Claimants reporting discipline as their most serious adverse action totaled 435 of all race claims (13.9%), and were also dependent upon the sector. However, more discipline claims were found in the public sector, $X^2(1, N = 3139) = 38.79, p < .05, \phi_c = 0.11, RR = 0.90$. Please see Table 4 for a summary of all race analyses.

Gender. For hypothesis two, it was predicted that there would be more gender claims in the private sector. Gender claims represented 17.7% of all claims ($n = 1626$), and were not dependent upon the sector of origin, $X^2(1, N = 9206) = 0.11, p > .05, \phi_c = 0.00, RR = 1.00$. Thus, Hypothesis 2 was not supported.

The next series of analyses for gender followed the same pattern as race claims. The next focus was on who the claimant accused of committing the adverse action, and again included the top three accused (immediate supervisor, another supervisor, and human resources). Immediate supervisor represented 59.9% of all gender claims ($n = 888$) and were dependent upon the sector ($X^2(1, N = 1482) = 12.20, p < .05, \phi_c = 0.09, RR = 1.06$), with a higher proportion of claims in the private sector. Other supervisors totaled 332 of total gender claims (22.4%), and were also dependent upon the sector of origin ($X^2(1, N = 1482) = 12.30, p < .05, \phi_c = 0.09, RR = 0.93$), but in this instance had a weak, yet significantly higher representation in the public sector. Finally, individuals from human resources accounted for 150 (10.1% of) gender claims, and were not dependent upon the sector ($X^2(1, N = 1482) = 0.07, p > .05, \phi_c = 0.01, RR = 1.01$).

Claimants who filed on the basis of gender and also reported losing their job accounted for 786 (48.3%) of all gender claims. Lost job claims were dependent upon the sector of origin, with a moderately higher representation in the private sector, $X^2(1, N = 1626) = 65.59, p < .05, \phi_c = 0.20, RR = 1.14$. Alternatively, 184 (11.3% of) claimants who filed claims on the basis of gender also reported discipline. The claims were also dependent upon the sector, with a slightly higher proportion in the public sector, $X^2(1, N = 1626) = 19.25, p < .05, \phi_c = 0.11, RR = 0.89$. Table 5 presents a breakdown of all gender analyses.

Disability. Disability claims totaled 1378 (15.1% of all claims). Supporting Hypothesis 3, disability claims were dependent upon the sector ($X^2(1, N = 9206) = 16.29, p < .05, \phi_c = 0.04, RR = 1.04$). Although there was a significantly higher representation of disability claims found in the private sector, the relationship was weak.

In looking at who was accused of committing the adverse action, the most frequent responses were again made up of the immediate supervisor, another supervisor, and human resources. Immediate supervisor accounted for 44.0% of all disability claims ($n = 545$) and were found to be dependent upon the sector ($X^2(1, N = 1240) = 10.22, p < .05, \phi_c = 0.09, RR = 1.05$), with a slightly higher proportion of claims in the private sector. Other supervisors totaled 316 of total disability claims (25.5%), and were not dependent upon the sector of origin ($X^2(1, N = 1240) = 3.25, p > .05, \phi_c = 0.05, RR = 0.97$). Similarly, individuals from human resources accounted for 308 (24.8%) of disability claims, and were not dependent upon the sector ($X^2(1, N = 1240) = 0.06, p > .05, \phi_c = 0.01, RR = 1.00$).

The adverse action reported by the claimant was the next factor investigated. Lost job claims (within disability claims) accounted for well over half of all disability claims ($n = 870, 62.7\%$), and were dependent upon sector, with a higher representation in the private sector, $X^2(1, N = 1387) = 26.75, p < .05, \phi_c = 0.14, RR = 1.08$. Discipline was the next highest reported action, with a much smaller proportion of disability claims ($n = 113, 8.1\%$). These claims were not dependent upon the sector, $X^2(1, N = 1387) = 2.26, p > .05, \phi_c = 0.04, RR = 0.96$. Please see Table 6 for a summary of all analyses relating to disability claims.

Age. Age was the focus of hypothesis four. Claims filed on the basis of age reflected 11.0% of all claims ($n = 1014$). Age claims were not dependent upon the sector, $X^2(1, N = 9206) = 1.18, p > .05, \phi_c = 0.01, RR = 1.01$, and subsequently did not support Hypothesis 4.

Focusing on who was accused by the claimant, immediate supervisor accusations accounted for 54.0% of all age claims ($n = 487$) and were dependent upon the sector ($X^2(1, N = 902) = 13.65, p < .05, \phi_c = 0.12, RR = 1.07$), with a higher proportion in the private sector. Other supervisors totaled 200 of the total number of age claims (22.2%), and were not dependent upon sector ($X^2(1, N = 902) = 3.77, p > .05, \phi_c = 0.06, RR = 0.96$). Finally, human resources accounted for 148 (16.4%) of age claims, and were not dependent upon the sector ($X^2(1, N = 902) = 1.39, p > .05, \phi_c = 0.04, RR = 0.97$).

Lost job claims represented 54.9% ($n = 557$) of all age claims. These claims were dependent upon the sector, with a higher proportion in the private sector, $X^2(1, N = 1014) = 39.77, p < .05, \phi_c = 0.20, RR = 1.13$. Discipline claims were a much smaller number, only accounting for 9.3% ($n = 94$) of all age claims. However, these claims were not dependent upon the sector of origin, $X^2(1, N = 1014) = 0.12, p > .05, \phi_c = 0.01, RR = 1.01$. Please see Table 7 for a summary of age claims.

Retaliation. Retaliation was the final hypothesized claim basis. These claims comprised 14.6% of all claims ($n = 1347$), and were dependent upon the sector of origin, $X^2(1, N = 9206) = 35.17, p < .05, \phi_c = 0.06, RR = 0.94$. Contrary to Hypothesis 5, a higher representation of retaliation claims was found in the public sector. Although this was found to be significant, the relationship was weak.

The next series of analyses assessed the accuser of the adverse action, and again included immediate supervisor, another supervisor, and human resources. Immediate supervisor represented 51.0% of retaliation claims ($n = 625$) and were not dependent upon the sector of origin ($X^2(1, N = 1226) = 2.87, p > .05, \phi_c = 0.05, RR = 1.04$). Other supervisors totaled 312 of total retaliation claims (25.4%), and were dependent upon the

sector of origin ($X^2(1, N = 1226) = 6.25, p < .05, \phi_c = 0.07, RR = 0.94$), with a higher representation in the public sector. Lastly, human resources accounted for 203 of retaliation claims (16.6%), and were not dependent upon the sector ($X^2(1, N = 1226) = 0.56, p > .05, \phi_c = 0.02, RR = 1.02$).

The most frequent adverse actions reported by retaliation claimants were job loss and discipline. Lost jobs accounted for 582 (43.2%) of all claims, and were sector dependent, $X^2(1, N = 1347) = 25.54, p < .05, \phi_c = 0.14, RR = 1.12$. A higher representation of lost job claims was found in the private sector. Discipline claims totaled 281 (20.9%) of all retaliation claims, and were dependent upon the sector, with a slightly higher proportion in the public sector, $X^2(1, N = 1347) = 11.83, p < .05, \phi_c = 0.09, RR = 0.91$. Information on these retaliation analyses can be found in Table 8.

In addition to the retaliation analyses outlined above, additional analyses were undertaken to investigate the differences between retaliation claims filed prior to the enactment of the Civil Rights Act of 1991 (November 21, 1991; 1991) and following the enactment date. Retaliation claims prior to the enactment of the Civil Rights Act of 1991 totaled 426 claims (31.0% of all retaliation claims in the database), whereas retaliation claims filed following the enactment totaled 950 claims (69.0%).

Similar to the previous pattern of analyses, sector dependence was first investigated. Whether the retaliation claim was filed prior to or after CRA 1991 enactment was not dependent upon the sector of origin, $X^2(1, N = 1347) = 0.54, p > .05, \phi_c = 0.02, RR = 1.02$.

The next series of analyses focused only on claims filed after the enactment of CRA 1991 and assessed the accuser of the adverse action, and again included immediate

supervisor, another supervisor, and human resources. Immediate supervisor claims represented 50.1% of post-CRA 1991 retaliation claims ($n = 443$) and were not dependent upon the sector of origin ($X^2(1, N = 876) = 3.67, p > .05, \phi_c = 0.06, RR = 1.05$). Other supervisors totaled 232 of post-CRA 1991 retaliation claims (26.5%), and were dependent upon the sector of origin ($X^2(1, N = 876) = 8.18, p < .05, \phi_c = 0.10, RR = 0.92$), with a higher representation in the public sector. Lastly, human resources accounted for 155 of post-CRA 1991 retaliation claims (17.7%), and were not dependent upon the sector ($X^2(1, N = 876) = 1.01, p > .05, \phi_c = 0.03, RR = 1.04$).

The most frequent adverse actions reported by retaliation claimants were job loss and discipline. Lost jobs accounted for 429 (45.3%) of all post-CRA 1991 retaliation claims, and were sector dependent, $X^2(1, N = 946) = 22.67, p < .05, \phi_c = 0.15, RR = 1.13$. A higher representation of lost job claims was found in the private sector. Discipline claims totaled 197 (20.8%) of all post-CRA 1991 retaliation claims, and were dependent upon the sector, with a slightly higher proportion in the public sector, $X^2(1, N = 946) = 12.53, p < .05, \phi_c = 0.16, RR = 0.89$. The pattern of results for retaliation claims following the Civil Rights Act of 1991 is the same as the analyses of all retaliation claims, suggesting no difference in these claim aspects following this change in legislation. Information on retaliation analyses comparing claims filed before and after the enactment of the Civil Rights Act of 1991 can be found in Table 9.

Logistic regression. After utilizing chi square tests for independence to identify potential individual predictors, logistic regression was then used to combine independent variables in order to predict sector. This method was chosen over discriminant function analysis due to the fact that logistic regression does not require the predictors be normally

distributed, linearly related, continuous, or have equal variance within each group (Tabachnick & Fidell, 2001, p. 517).

A forward entry method was used in order to include all predictors that were found to be consistently significant in the chi square tests for independence (disability and retaliation as claim bases, lost job as the adverse action reported, and immediate supervisor accused as committing the adverse action).

A test of the full model with all four predictors against a constant-only (intercept) model was statistically reliable, $X^2(4, N = 8298) = 341.22, p < .05$. However, the value of McFadden's $\rho^2 = .07$ suggests that the variance in sector of origin accounted for is low. The prediction success of the model was mixed, with 100% of the private sector claims correctly identified, yet 0% of public sector claims correctly classified, yielding an overall success rate of 91.09%. This is not surprising, as 90% of all claims in the database originated from the private sector.

Table 10 displays a summary of each of the predictors. Wald statistics values suggest that each of the individual predictors reliably predicted sector, suggesting that no variables should be removed from the model. Although the four-predictor model was reliable, the low variance accounted for and weak classification suggests there are little to no differences due to sector.

Additional Exploratory Analyses

Claims over time. Beyond hypothesized analyses, I also conducted exploratory analyses to assess how the claims within each sector have changed over time. As the OCRC database is longitudinal, I chose to analyze trends within the claim bases across the twenty-one year period in which the database spans. Analyses included claims filed

from 1984 through 2004. (Claims from 2005 were not included, as claims only from the first portion of the year were included as a part of the OCRC database.)

Figure 1 diagrams the overall number of discrimination claims filed, as well as the percentage change between years. The figure shows that in the majority of years, claim levels fluctuate between approximately 400 and 550 claims, keeping in mind that these values represent approximately 10% of all annual claims filed with the OCRC. However, there is a large drop in the number of claims from 1999 and 2000 (from 464 to 177, a percentage decrease of 62%). This apparent reduction in the overall number of claims filed reflects a much smaller proportion of claims received from the Ohio Civil Rights Commission (for use in this database) for 1999 and 2000. Due to the uneven proportion of claims received in these years, all claim counts (per sector and claim basis) were transformed into proportions of the overall number of claims filed per year. The transformation of claim counts into proportions allows for direct comparisons between years. Even with the large drop in the number of claims during this brief time period, the relationship between the overall number of claims and the year in which claims were filed was not significant, $r = -.36, p > .05$. Although this correlation could be labeled as practically significant, one must keep in mind that the annual claims in the OCRC database reflect an *average* of 8.8% of all claims filed, with some variance in the actual percentage of claims received per year, deeming an interpretation of practical significance precarious, at best. Please see Table 11 for a full list of the annual proportions of claims filed by sector and claim basis.

The yearly number and proportion of claims filed within the private and public sectors are presented in Figures 2 and 3, respectively. Private sector claims averaged

91% of all claims across the twenty-one year period, ranging from 86% to 95%.

Alternatively, public sector claims accounted for a mean of 9% of all claims over time, ranging from 5% to 14%. No relationship was found between each sector's claim proportion (out of the total number of claims filed) and the year in which the claim was filed, $r = -.03$, $p = .91$ (private sector) and $r = .03$, $p = .91$ (public sector). (These yearly correlations can be found in the matrix in Table 12.)

In addition to the correlations between sector proportion and the filling year of the claim, I used logistic regression analysis to determine if the year in which the claim was filed would reliably predict the claim's sector of origin. A test of the model with year filed as a sole predictor against a constant-only (intercept) model was not statistically reliable, $X^2(1, N = 9166) = 0.02$, $p > .05$, with McFadden's rho suggesting no relationship between year filed and sector of origin, $\rho^2 = .00$. The prediction success of the model was similar to the analysis conducted with claim variables as independent variables, with 100% of the private sector claims correctly identified, yet 0% of public sector claims incorrectly predicted, yielding an overall success rate of 90.72%. Table 13 displays a summary of the model. Wald statistics also indicate that the year in which the claim was filed had no impact on identifying the sector of origin, $z = -0.12$, $p = .90$.

Although the year in which the claim was filed was unrelated to the sector of origin, I also chose to investigate the changes in claim levels as a whole (not segmented by sector). All correlations between the proportion of claim basis and year filed can be found in Table 12.

Claims filed primarily on the basis of race were found to decrease in proportion over time, $r = -.89$, $p < .05$. Figure 4 reflects this downward trend. The proportion of

race claims ranged from 28% to 43%, averaging 35% of all claims over the twenty-one year period.

Similar to race-based claims, the proportion of gender-based claims also decreased over time, $r = -.69, p < .05$. Gender claims averaged 18% of all claim bases over time, ranging from 12% to 25%. Figure 5 displays the proportion of gender claims over time, which includes a slight peak in 1992.

Unlike race- and gender-based claims, the proportion of disability claims increased over time $r = .59, p < .05$. Figure 6 demonstrates this increase, with the proportion of disability claims ranging from 10% to 20%, with a mean of 15% of all claims across the years.

The proportion of age claims decreased over time, $r = -.50, p < .05$. Claim proportions averaged 11% of all claims across the years, ranging from 9% to 17%. Figure 7 displays this downward trend, with a slight peak in 1991.

Lastly, the proportion of retaliation claims dramatically increased over time, $r = .92, p < .05$. The average proportion across the years was 15%, ranging from 10% to 23%. Figure 8 presents the climb of retaliation proportions over the twenty-one year period.

Claim outcome. In addition to exploring the longitudinal nature of claims, I also chose to explore a possible relationship between claim outcome and the sector from which the claim originated. Approximately one-fourth of claims within the database contained information on the outcome of the claim ($N = 2455$). Distributed across twenty unique outcomes, it was necessary to conduct outcome analyses across all claim bases. The most frequent independent outcomes reported were the OCRC stating no probable

cause and a lump sum being awarded to the claimant ($n = 1477$ and 204 , respectively). Claims resulting in a no probable cause ruling were not dependent upon the sector of origin, $X^2(1, N = 2410) = 0.62, p = .43, \phi_c = 0.02, RR = 0.99$. Claims whose claimants were awarded a lump sum payment, however, were dependent upon the sector ($X^2(1, N = 2410) = 6.68, p < .05, \phi_c = 0.05, RR = 1.06$), with a higher proportion of claimants awarded lump sums in the private sector.

Beyond outcome information, claims also provided information regarding monetary rewards, if applicable. Across all claim bases, only 372 claims (4% of the entire database) contained a dollar amount awarded to the claimant. Of these claims, 354 were in the private sector and averaged \$3090 per claim. Only eighteen claims within the public sector contained monetary rewards, with a mean value of \$2319. These means were not found to be significantly different, $t(370) = 0.25, p = .80, d = .10$, suggesting no difference in the average amount awarded to claimants in the public and private sectors. In addition, a multiple regression analysis utilizing claim basis, sector, and the year in which the claim was filed was unable to significantly predict claim outcome amount, $R^2 = .02, F(9, 362) = 0.87, p > .05$. (Please see Table 14 for multiple regression statistics.)

Discussion

Summary of Findings

Hypothesized findings. For the five main hypotheses, it was predicted that there would be a greater prevalence of claims in the private sector. Looking at each of the claim bases as a whole, there was minimal support for these hypotheses, with three of the five basis (race, gender, age) showing no dependence upon the sector of origin. Only disability claims were found to have a higher proportion of claims in the private sector. Alternatively, retaliation claims were found to be greater in the public sector. However, the relative strengths of association for disability in the public sector and retaliation in the private sector were weak, suggesting that although significant differences were found, they were not practically significant.

Within claim bases, who the claimant had accused and the reported adverse action was also investigated. For the accused party, several trends were identified across claim bases. Situations in which the claimant had accused an “other supervisor” (any supervisor other than the claimant’s immediate supervisor) yielded mixed results, whereas claims filed against human resources suggested no differences between sectors. With the exception of retaliation, claims filed accusing the immediate supervisor were more likely to occur in the private sector (retaliation demonstrated no difference between the sectors). However, the related strengths of the association for immediate supervisor

ranged from only 0.05 to 0.12, suggesting a low strength of association between immediate supervisor and sector of origin.

For the reported adverse action, one main trend was identified. Across claim bases, claimants who had reported that they had lost their job were consistently more likely to be found in the private sector. Even though, across bases, the range of associations was weak (ϕ_c ranged from 0.14 to 0.20), the pattern remained consistent. This finding may be related to the fact that most people perceive that public sector jobs are more secure, leaving private sector jobs more susceptible to terminations and layoffs (Bozeman, 1987). No clear pattern was revealed for claimants who reported that discipline was the adverse action committed against them.

After individual claim characteristics were investigated, significant claim characteristics were combined to form a logistic regression model. The model formed was statistically reliable, yet the low variance accounted for and weak classification suggests there are little to no differences due to sector.

Both individually and in a combined form, claim characteristics were either found to be unrelated or very weakly related to sector of origin.

Claims over time. My first research question focused on claim activity over time. As the OCRC database spans over twenty years, I wanted to use this longitudinal information to investigate the fluctuation of claim levels over time. Even with a large drop in the number of claims received for the database in 1999 and 2000, only natural fluctuations of claims were found. The OCRC speculates that natural fluctuations in claim levels are common due to changes in the economy (K. McNeil, Director of Operations for the OCRC, personal communication, October 18, 2006). These

fluctuations also correspond to charge statistics from the EEOC, which also suggest an insignificant relationship over time (from fiscal years 1992 through 2005; EEOC, 2005a). In the comparison of the private and public sector over time, it was also found that there was no relationship between claims levels within each sector over time. This supports earlier findings that there are little or no differences in discrimination claims between sectors.

Race claims decreased in proportion over the twenty-one year period. This also corresponds to EEOC statistics, which suggests a significant downward trend of race claims over time (EEOC, 2005a). Donahue and Sigelman (2005) also give support to this finding by presenting the decrease of race claims after the Civil Rights Act of 1991.

Gender claims also decreased over time in the OCRC database. This differs from other statistics found. EEOC charge statistics suggest that the level of gender claims have not changed from fiscal year 1992 through 2005 (EEOC, 2005a), and Donahue and Sigelman (2005) suggest that gender claims rose dramatically. A peak in gender proportion of claims in the OCRC database from 1991 to 1992 reflects an increase in gender-related claims, especially sexual harassment. This is likely due to sexual harassment having a prominent place in the national media, as law professor Anita Hill testified during Senate confirmation hearings that she had been sexually harassed by Supreme Court Nominee, Clarence Thomas, in October of 1991 (CNN, 2005).

Unlike race- and gender-based claims, the proportion of disability claims increased over time. Disability claims showed a steady increase in proportion immediately following the enforcement date of the Americans with Disabilities Act (July 26, 1992; EEOC, 2000). Prior to this enforcement date, people with disabilities were

only protected if they were employees of federal contractors, per the Rehabilitation Act of 1973. The increase in disability claims supports findings by Donahue and Siegelman (2005). However EEOC charge statistics show that although the number of disability claims has risen over time, this number is not statistically significant (EEOC, 2005a). It is important to note, however, that EEOC charge statistics run from fiscal years 1992 through 2005 (all are years in which the ADA was in effect). Data from this study includes claims from years prior to the ADA (1984 through 1991), which is a likely explanation why the positive relationship found in this study was significant.

The proportion of age claims decreased over time in the OCRC database. Although this supports EEOC charge statistics, their decreasing claim levels were not found to be significant. This supports Donahue and Siegelman (2005) finding that age claims decreased.

Retaliation claims strongly increased over time, which directly corresponds (in both sign and strength) to EEOC retaliation charge statistics (EEOC, 2005a). Other research has suggested that within the private sector, retaliation claims have come close to doubling since the early 1990's (Zink & Gutman, 2005). The steep increase in the proportion of retaliation claims over time is likely due to claimants' ability to sue for punitive damages (for cases of intentional discrimination), as a result of the Civil Rights Act of 1991 (Civil Rights Act of 1991, 42 U.S.C. 2000e note).

Claim outcome. My second research question focused on the outcome of claims. Although only one-fourth of all claims had outcome information available, some noteworthy trends were identified. Claims that resulted in a lump sum payment were more common in the private sector, although the strength of the association was weak.

Although the relationship was weak, this finding is not surprising, as it would seem likely that claimants and their lawyers would pursue financial settlements from financially-driven private organizations, as opposed to public organizations with constrained governmental budgets. However, no sector differences were found for claims ruled as “no probable cause.” In addition, no mean differences in dollar amount were found between sectors for claim outcomes resulting in a monetary reward. It should be noted, however, that although policy capturing approaches are commonly used in legal research, judicial rulings and opinions are impacted by many external variables (outside of the case at hand) and should be interpreted with caution (Roehling, 1993).

Implications

This study has both theoretical and practical implications to consider. Theoretical implications focus on the differences and similarities between the private and public sectors. Overall, little or no differences were found in employment discrimination claims between the sectors. With little or no differences found, these results support the theoretical belief that the sectors are similar enough to warrant the transportability of management practices (Baldwin, 1987).

Applications of both equity and expectancy theories posited that public sector employees would be less likely to file a formal claim of discrimination as compared to private sector employees. Equity theory predicted that public sector employees would be less likely to file a claim because they would be less likely to perceive an imbalance when comparing their inputs and outcomes to public sector coworkers. Expectancy theory also predicted that public sector employees would be less likely to file a discrimination claim because they would be less likely to value the potential monetary

reward for winning or because they would not believe they could win if they filed a claim or suit against the government. Although both of these explanations offered sound explanations as to why public sector employees would be less likely to file a discrimination claim, the overall results showed weak support for both theories.

Practical implications revolve around subsequent training relevant to equal opportunity. Results from my study suggest that the patterns and bases of discrimination are relatively equal across the sectors, with the exception of an emerging pattern of more lost job and immediate supervisor claims within the private sector. Although anti-bias and equal opportunity training is always valuable for organizations, results from this study suggest that most aspects of this type of training would not need to be specially tailored for each sector; one program could realistically accommodate either sector. However, private sector anti-bias training may want to focus more on how terminations are conducted to ensure they are consistently non-discriminatory. Also within the private sector, training may want to be tailored more toward first-line supervisors, as across bases, they were more likely to be accused by claimants within the private sector. Also, findings from this study suggest that although many aspects are similar, investigators from FEPAs may want to consider developing customized investigation and mediation tactics to accommodate the greater prevalence of lost job and immediate supervisor claims from the private sector.

Limitations and Future Research

Like any research project, this study contains potential limitations that may serve to impact the accuracy and generalizability of results. Several possible limitations and ideas for future research are presented.

Possible errors in data entry may have served as a limitation in this study. Individual claimants complete their own claim form with the assistance of an intake agent from the OCRC, which allows the potential for errors in documentation. Data entry errors may also be present from entering the information from claim forms into the statistical package. To help protect from this, all individuals entering data were university faculty members familiar with claim forms and the OCRC database. In addition to data entry errors, “frivolous claims,” or claims that appear to not have a true basis, may account for up to four percent of the claims in the OCRC database. Future research could attempt to incorporate a more objective claims submission process, or obtain data on claims that was purely objective in nature.

The sampling methodology utilized in obtaining this database may also limit the ability to generalize findings. The database used in this study reflects approximately ten percent of the full number of claims filed with the Ohio Civil Rights Commission. Although these claims were selected randomly from the OCRC, they may not be fully representative of all claims filed. In addition, the claims sampled in this study are exclusively from individuals employed for organizations located within the state of Ohio. Any possible variance in claims due to state or regional differences would not be reflected in the database used here and may limit generalizability to national-level discrimination claims. Future research should look at the possibility of compiling a national, longitudinal database of detailed claim information, or employ a stratified, random sample of claims from various states that could reflect regional differences.

In addition to sampling methodology, one must also consider what is not in the database. Although a large number of people file charges of discrimination against a

current, past, or potential employer, this database cannot tell us about individuals who have never filed a claim. Some research suggests that many people feel as though the first course of action that should be taken after discrimination occurs is any action external to the organization (like filing a discrimination claim or contacting a lawyer; Sigel & Zukin, 1985). However, it has been reported that 15% of people feel that they have been discriminated against on the job in the past year (The Gallup Organization, 2005); whereas 27% believe they have been the victim of workplace discrimination at some point in time in their work lives (Galinsky, Bond, & Friedman, 1993). The question remains: How many people within this 15% will actually take the next step and file a formal discrimination claim? Databases, like the one used in this study, only have the ability to provide researchers with information about individuals who file a claim, which would serve as only a lower-bound estimate of actual discrimination rates.

Many possibilities exist as to why some people choose to file a claim. In the case of people who lost their job (which represent 53% of claims in the OCRC database); this adverse action alone may serve as a strong motivating factor. People who have been discharged may feel as though they have nothing to lose by filing a claim, as they are no longer working for the employer (Williams, Slonaker, & Wendt, 2003). It has also been suggested that individuals who feel as though they have been discriminated against may be more likely to report it to someone who is also an ingroup member (of the same minority group), as they may perceive an ingroup member as more trustworthy and supportive (Major & Kaiser, 2005). Lastly, some research suggests that the respectful and fair treatment of employees by an organization may be a valuable predictor in determining if an individual will file a discrimination claim. Lind, Greenberg, Scott, and

Welchans (2000) found that a strong predictor of filing a termination-related discrimination claim was the employees' perception of how their organization treated them at the time of their termination. Employees were less likely to file a discrimination claim if they felt as though their organization treated them fairly, honestly, and sympathetically during their termination. Future research should investigate justice perceptions of individuals at the time in which the alleged adverse action occurred.

Another limitation regarding reasons people choose to file a claim is the representation of public and private sector claims themselves. Are people in the one sector more likely to file a claim than those employed in the other sector? And if so, why? Research in this study could be complemented by surveying a random sample of anonymous, employed individuals to find out not only if they feel as though they have been discriminated against in employment, but if so, find out the details of their believed discrimination (i.e., find out information similar to what would be asked in an OCRC claim form, but the information would be from anonymous individuals that have never filed a claim, yet feel as though they have been discriminated against in an employment setting).

Another limitation of this study is that federal employees are not included in the database, and therefore were not included in the analyses of public versus private sector claims. Per Executive Order 12067 (EEOC, 2005b; 2006a), federal sector employees must file claims of discrimination directly with the EEOC (as opposed to a FEPA like the OCRC). City, township, county, and state employees all file with their respective FEPA. It would be interesting to obtain federal government claim information from the EEOC for federal agencies located within the state of Ohio, so that similar information could be

added to the current database. Adding federal government information would also enable comparisons between all levels of government (i.e., city, township, county, state, and federal).

The timing of the claim in which it is entered into the database used in this study may also be viewed as a limitation. Only closed claims were used in this study, as information in open claims cannot be released for research purposes as they reflect an ongoing investigation. Any possible differences in unavailable open claims and the closed claims used in this study may reflect differences in trends reported in this research. However, it can be argued that the large number of claims within the database and the fact that it is longitudinal in nature might compensate for these possible differences.

This study also faces a limitation of causality, which some view as the ultimate barrier to public organizational theory (Bozeman, 1987). Results from this study identify differences between the sectors, but does not have the ability to directly assess how or why the publicness or privateness of an organization affects these behaviors. In order to advance public organizational theory, and draw true comparisons between the sectors (if true differences exist), causal processes must be identified.

Future research may also want to investigate legislation from the European Commission, as it may have a far-reaching impact due to the fact it applies to so many countries (SHRM, 2004). Although there are differences in legislation, investigating employment discrimination from Europe (and other areas) may serve as a future point of comparison with U.S. legislation and discriminatory claims.

Something else to consider for future research would be the impact of increased usage of alternative dispute resolution (ADR; see EEOC, 2002a; 2004; Leonard, 1998).

Alternative dispute resolution reflects a variety of processes that serve to resolve discriminatory claims without using more adjudicatory processes. ADR methods may include, but are not limited to, mediation, facilitation, settlement conferences, and the use of an ombudsman (EEOC, 2002a). For example, mediation is a commonly used method by the OCRC. It is commonly used because of its high success rate; after 45 completed weeks in 2006, the OCRC settled 83% of cases in which the parties participated in mediation (K. McNeil, Director of Operations for the OCRC, personal communication, August 24, 2006). If these methods become more commonplace, not only could the number of lawsuits filed decrease, but if ADR methods become more common in locales, they may have the ability to prevent claims from being filed in the first place.

Similar to alternative dispute resolution, voluntary compliance programs are also growing at the EEOC (Leonard, 1998). These are technical assistance programs to help employers understand their rights and responsibilities under equal opportunity employment law. If the EEOC continues (and expands) its voluntary compliance programs to offer training for organizations in order to avoid liability, claim numbers might go down as well. However, it would be interesting to note what organizations participate most in these programs; public or private sector organizations. Would the sector with the greater participation in such programs show the greatest decrease in discrimination claims? These and other questions should be considered for future research.

The vast and rapid impact of recent court rulings are always adding to relevant case law, thus altering what kinds of claims can be filed, who can file a claim, and so on (e.g., *Karraker v. Rent-A-Center, Inc.*, 2005). As case law affects the filing of claims,

addition of case law may result in a change in the amount of claims, who files claims, and the bases of claims. As more and more case law has the ability to alter claims of employment discrimination, it becomes increasingly important to continuously review and update legal guidelines for employers that aim to prevent discrimination (e.g., The Uniform Guidelines on Employee Selection Procedures; see Ewos & Guseh, 2001 for recommendations on updating these guidelines).

Conclusion

This study investigated the differences in discrimination claims between the private and public sectors. Although a majority of claim aspects were similar among the sectors, some noteworthy trends were identified that support the existence of some differential discrimination patterns between the sectors. Results from this study identified areas for relevant training and serve to remind organizations and human resource professionals to continuously evaluate their policies and procedures to determine if they are up-to-date with current anti-discrimination legislation (Leap, Holley, & Feild, 1980). A predominant way for HR to garner the attention of decision-makers to work against employment discrimination is to strive to make HR a strategic partner within the organization (OPM, 1999b; 2000).

References

- Adams, J.S. (1963). Toward an understanding of inequity. *Journal of Abnormal and Social Psychology*, 67, p. 422-436.
- Age Discrimination in Employment Act of 1967, 29 U.S.C.A. § 621 et seq.
- Americans with Disabilities Act of 1990, Pub. L. 101-336, 104 Stat. 327 (1991).
- Baker, B., Slonaker, W.M., Wendt, A.C. (1994). Employment discrimination: Another challenge for the project manager. *Project Management Journal*, 25(4).
- Baker, B., Wendt, A., & Slonaker, W. (2002). An analysis of gender equity in the federal labor relations career field. *Public Personnel Management*, 31, 559-567.
- Baldwin, J. N. (1987). Public versus private: Not that different, not that consequential. *Public Personnel Management*, 16, 181-193.
- Bennett-Alexander, D. D. & Hartman, L. P. (2004). *Employment law for business* (4th ed.). New York: McGraw-Hill.
- Bourantas, D. & Papalexandris, N. (1999). Personality traits discriminating between employees in public- and private-sector organizations. *International Journal of Human Resource Management*, 10, 858-869.
- Bozeman, B. (1987). *All organizations are public*. San Francisco: Jossey-Bass.
- Buchanan, B. (1974). Government managers, business executives, and organizational commitment. *Public Administration Review*, 34, 339-347.
- Bureau of Labor Statistics (January, 2006a). Employment situation summary. Retrieved from <http://www.bls.gov/news.release/empst.nr0.htm>.
- Bureau of Labor Statistics (January, 2006b). Regional and state employment and unemployment summary. Retrieved from <http://www.bls.gov/news.release/laus.nr0.htm>.
- Bureau of Labor Statistics (2005a). Employment status of the civilian noninstitutional population by sex, race, Hispanic or Latino ethnicity, marital status, and detailed

- age, 2004 annual averages-Ohio. Retrieved from <http://www.bls.gov/lau/table14full04.pdf>.
- Bureau of Labor Statistics (2005b). Household data, Annual averages: Employed persons by detailed occupation, sex, race, and Hispanic or Latino ethnicity. Retrieved from <http://www.bls.gov/cps/cpsaat11.pdf>.
- Civil Rights Act of 1991. Pub. L. 102-166, 42 U.S.C. 2000e note (1991). Retrieved from <http://www.eeoc.gov/policy/cra91.html>.
- CNN (2005, June 19). Then & now: Anita Hill. Retrieved from <http://www.cnn.com/2005/US/01/03/cnn25.tan.anita.hill/index.html>.
- Commission for Racial Equality (2001). *Racial equality means quality*. Retrieved from http://www.cre.gov.uk/remq_ew.pdf.
- Corazzini, A. J. (1972). Equality of employment opportunity in the federal white-collar civil service. *The Journal of Human Resources*, 7, 424-445.
- Donahue, J.J. & Siegelman, P. (2005). The evolution of employment discrimination law in the 1990s: A preliminary empirical investigation. In L.B. Nielsen & R.L. Nelson (Eds.) *Handbook of employment discrimination research: Rights and realities* (pp. 261-284). The Netherlands: Springer.
- Drucker, P.F. (1973). Managing the public service institution. *The Public Interest*, 33, 43-60.
- Equal Employment Opportunity Commission. (2006a). *Executive Order 12067*. Retrieved from <http://www.eeoc.gov/abouteeoc/35th/thelaw/eo-12067.html>.
- Equal Employment Opportunity Commission (2006b). *The law*. Retrieved from <http://www.eeoc.gov/abouteeoc/35th/thelaw/index.html>.
- Equal Employment Opportunity Commission. (2005a). *Charge statistics: FY 1992 through FY 2005*. Retrieved from <http://www.eeoc.gov/stats/charges.html>.
- Equal Employment Opportunity Commission. (2005b). *Employers and other entities covered by EEO laws*. Retrieved from http://www.eeoc.gov/abouteeo/overview_coverage.html.
- Equal Employment Opportunity Commission. (2004). *Federal sector investigations time and cost*. Retrieved from <http://www.eeoc.gov/federal/timeandcost.html>.
- Equal Employment Opportunity Commission. (2003a). *Characteristics of private sector employment*. Retrieved from <http://www.eeoc.gov/stats/reports/ceosummit/index.html#info>.

- Equal Employment Opportunity Commission. (2003b). *EEOC's charge processing procedures*. Retrieved from http://www.eeoc.gov/charge/overview_charge_processing.html.
- Equal Employment Opportunity Commission. (2003c). *Federal laws prohibiting job discrimination: Questions and answers*. (EEOC-FLPJ). Washington, DC: U.S. Government Printing Office.
- Equal Employment Opportunity Commission (2002a). *Federal sector alternative dispute resolution fact sheet*. Retrieved from <http://www.eeoc.gov/federal/adr/facts.html>.
- Equal Employment Opportunity Commission (2002b). *Federal laws prohibiting job discrimination questions and answers*. Retrieved from <http://www.eeoc.gov/facts/qanda.html>.
- Equal Employment Opportunity Commission. (2000). *Facts about the Americans with Disabilities Act*. (EEOC-FS/E-5). Washington, DC: U.S. Government Printing Office.
- Equal Employment Opportunity Commission. (1998). *Section 8 of the new compliance manual on "retaliation."* (EEOC-CMR). Washington, DC: U.S. Government Printing Office.
- Equal Employment Opportunity Commission & U.S. Department of Justice Civil Rights Division. (1999). *The Americans with Disabilities Act: Questions and answers*. (EEOC-BK-15). Washington, DC: U.S. Government Printing Office.
- Ewold, A. I. E. & Guseh, J. S. (2001). The status of the Uniform Guidelines on Employee Selection Procedures: Legal developments and future prospects. *Review of Public Personnel Administration*, 21, 185-199.
- Fottler, M.D. (1981). Is management really generic? *Academy of Management Review*, 6, 1-14.
- Fottler, M.D. & Townsend, N.A. (1977). Characteristics of public and private personnel directors. *Public Personnel Management*, 6, 250-258.
- Foti, R.J., Fraser, S.L., & Lord, R.G. (1982). Effects of leadership labels and prototypes on perceptions of political leaders. *Journal of Applied Psychology*, 67, 326-333.
- The Gallup Organization (2005, November 10). *Employee discrimination in the workplace: A public opinion poll conducted by The Gallup Organization*. Author: Washington, DC.

- Galinsky, Bond, & Friedman, (1993). *Highlights: The national study of the changing workforce*. New York: Families and Work Institute.
- Golembiewski, R. T. (1987). Public-sector management today: Advanced differentiation and early institutionalization. *Journal of Management*, 13, 323-338.
- Gorman, L. (2006). Discrimination. *The concise encyclopedia of economics*. Retrieved from <http://www.econlib.org/library/Enc/Discrimination.html>.
- Greenlaw, P. S., Kohl, J. P., Lee, R. D. (1998). Title VII sex discrimination in the public sector in the 1990s: The courts' view. *Public Personnel Management*, 27, 249-268.
- Gutman, A. (2000). *EEO law and personnel practices*, 2nd ed. Thousand Oaks, CA: Sage.
- Hoffnar, E. & Greene, M. (1996). Gender discrimination in the public and private sectors: A sample selectivity approach. *Journal of Socio-Economics*, 25, 105-114.
- Hopkins, A. H. (1980). Perceptions of discrimination in the public sector. *Public Administration Review*, 40, 131-137.
- HR Comply (2006). *Ohio law fair employment practices*. Retrieved from <http://www.hrcomplyresearch.ceridian.com/Browse+By+Topic/Discrimination+in+Employment/Discrimination+in+Employment/OH/>.
- Karraker v. Rent-A-Center, Inc., 04-2881 (7th Cir. June 14, 2005).
- Kelly, R.M. & Bayes, J. (1986). Implementing comparable worth in the public sector: Theory and practice at the state and local level. *Policy Studies Review*, 5, 769-775.
- Kellough, J. E. (1990). Integration in the public workplace: Determinants of minority and female employment in federal agencies. *Public Administration Review*, 50, 557-566.
- Kotrlik, J. W. & Williams, H. A. (2003). The incorporation of effect size in information technology, learning, and performance research. *Information Technology, Learning, and Performance Journal*, 21, p. 1-7.
- Leap, T.L., Holley, W.H., & Feild, H.S. (1980). Equal employment opportunity and its implications for personnel practices in the 1980s. *Labor Law Journal*, 27, 278-286.
- Leonard, B. (1998). Life at the EEOC. *HR Magazine*, 43, 82-90.

- Lind, E. A., Greenberg, J., Scott, K. S., & Welchans, T. D. (2000). The winding road from employee to complainant: Situational and psychological determinants of wrongful-termination claims. *Administrative Science Quarterly*, 45, 557-590.
- Locke, E. A. & Henne, D. (1986). Work motivation theories. *International Review of Industrial and Organizational Psychology*, 1-35.
- Long, J. E. (1975). Public-private sectoral differences in employment discrimination. *Southern Economic Journal*, 42, 89-96.
- Major, B. & Kaiser, C.R. (2005). Perceiving and claiming discrimination. In L.B. Nielsen & R.L. Nelson (Eds.) *Handbook of employment discrimination research: Rights and realities* (pp. 285-299). The Netherlands: Springer.
- Mano-Negrin, R. (2003). Performance and equality in public sector wages. *International Journal of Public Administration*, 26, 965-983.
- Mello, J.A. (1996). The strategic management of workplace diversity initiatives: Public sector implications. *International Journal of Public Administration*, 19, 425-447.
- Mello, J.A. (1995). Employment law and workers with disabilities: Implications for public sector managers and human resource practices. *Public Personnel Management*, 24, 75- 87.
- Mills, B. F. (1998). Will 1991 amendments to Title VII alter use of Section 1983 claims to redress discrimination in public employment? *Labor Law Journal*, January, 788-800.
- Murray, M.A. (1975). Comparing public and private management: An exploratory essay. *Public Administration Review*, 35, 364-371.
- Ohio Civil Rights Commission (2006a). About us. Retrieved from http://crc.ohio.gov/about_us.htm.
- Ohio Civil Rights Commission (2006b). Complaint procedure. Retrieved from http://crc.ohio.gov/complaint_procedure.htm.
- Ohio Civil Rights Commission (2004). *Annual Report 2004*. Retrieved from <http://crc.ohio.gov/AnnualReports.htm>.
- Ohio Department of Job and Family Services, Bureau of Labor Market Information (2004). The graying of the Ohio labor force. Retrieved from <http://lmi.state.oh.us/research/GrayingOhioLaborForce.pdf>.

- Perry, J. L. & Porter, L. W. (1982). Factors affecting the context for motivation in public organizations. *Academy of Management Review*, 7, 89-98.
- Plous, S. (2003). The psychology of prejudice, stereotyping, and discrimination: An overview. In S. Plous (Ed.) *Understanding prejudice and discrimination*. New York: McGraw Hill.
- Rainey, H. G. (1979). Reward expectancies, role perceptions, and job satisfaction among government and business managers: Indications of commonalities and differences. *Academy of Management Proceedings*, 357-361.
- Rainey, H. G., Backoff, R. W., Levine, C. H. (1976). Comparing public and private organizations. *Public Administration Review*, 36, 233-244.
- Rawls, J.R., Ullrich, R.A., & Nelson, O.T. (1975). A comparison of managers entering or reentering the profit and nonprofit sectors. *Academy of Management Journal*, 18, 616-623.
- Rea, L.M. & Parker, R.A (2005). *Designing and conducting survey research: A comprehensive guide*. San Francisco: Jossey-Bass.
- Rehabilitation Act of 1973, 29 U. S. C. 701 (1992).
- Robinson, R.K., Fink, R.L., & Allen, B.M. (1998). Affirmative action in the public sector: The increasing burden of "strict scrutiny." *Labor Law Journal*, 49, 801-809.
- Roehling, M.V. (1993). "Extracting" policy from judicial opinions: The dangers of policy capturing in a field setting. *Personnel Psychology*, 46, 477-502.
- Sigel, R.S. & Zukin, C. (1985). *Sex discrimination as perceived by adult males and females, 1985*: [new jersey] [Computer file]. 2nd ICPSR version. New Brunswick, NJ: Rutgers University, Eagleton Institute of Politics, Center for Public Interest Polling [producer], 1986. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [distributor], 2000.
- Simon, S. (2005). Odds ratio versus relative risk. Retrieved from: <http://www.childrensmarcy.org/stats/journal/oddsratio.asp>.
- Sincoff, M. Z., Slonaker, W. M., & Wendt, A. C. (2006). Retaliation: The form of 21st century employment discrimination. *Business Horizons*, 49, 443-450.
- Slonaker, W.M. & Wendt, A.C. (1991a, October). No job is safe from discrimination. *HR Magazine*, 69-72.

- Slonaker, W.M. & Wendt, A.C. (1991b, June). Pregnancy discrimination: An empirical analysis of a continuing problem. *Labor Law Journal*, 343-350.
- Slonaker, W.M. & Wendt, A.C. (1991c). Profile of employment discrimination in micro-business. *Journal of Business & Entrepreneurship*, 3(2), 33-46.
- Slonaker, W.M. & Wendt, A.C. (1995, Summer/Fall). Patterns of employment discrimination toward workers with disabilities. *Business Forum*, 21-25.
- Slonaker, W.M., Wendt, A.C., & Kemper, M.J. (2001). Discrimination in the ranks: An empirical study with recommendations. *Police Quarterly*, 4, 289-317.
- Slonaker, W.M., Wendt, A.C., & Williams, S.D. (2003). African American males in the front door but out the back door: Monitor discharges. *Equal Opportunities International*, 22, 1-12.
- Society for Human Resource Management (2005). *SHRM Human Capital Benchmarking Study: 2005 Executive Summary*. Alexandria, VA: Author.
- Society for Human Resource Management (2004). *SHRM 2004-2005 Workplace Forecast: A Strategic Outlook*. Alexandria, VA: Author.
- Solomon, E.E. (1986). Private and public sector managers: An empirical investigation of job characteristics and organizational climate. *Journal of Applied Psychology*, 71, 247-259.
- Stewart, D. W. (1982). EEO, merit and the political environment of public sector employment. *Policy Studies Journal*, 11, 290-297.
- Sullivan, W. (2001). Widespread race inequality in public sector. *Equal Opportunities Review*, 100, 7.
- Swart, J. C., Wendt, A. C., & Slonaker, W. M. (1996). Employment discrimination experiences of registered nurses. *Journal of Nursing Administration*, 26, 37-43.
- Tabachnick, B.G. & Fidell, L.S. (2001). *Using multivariate statistics (4th ed.)*. Needham Heights, MA: Allyn & Bacon.
- The Work Foundation (2003). Recruitment practices risk discrimination claims. *Managing Best Practice No. 99: Recruitment and selection*.
- Title VII of the Civil Rights Act of 1964. Pub. L. 88-352, 42 Sect 2000e et seq., sec. 703 (1964).

- United Nations Economic Commission (2005). Glossary: Gender statistics website for Europe and North America. Retrieved from <http://www.unece.org/stats/gender/web/glossary/p.htm>.
- United States Census Bureau (2000a). Fast facts for Congress, Ohio: Disability status by sex. Retrieved from http://www.fastfacts.census.gov/servlet/CWSQTable?geo_id=04000US39&q_r_name=DEC_2000_SF3_U_QTP21&ds_name=DEC_2000_SF3_U.
- United States Census Bureau (2000b). Fast facts for Congress, United States: Disability status by sex. Retrieved from http://www.fastfacts.census.gov/servlet/CWSQTable?geo_id=01000US&q_r_name=DEC_2000_SF3_U_QTP21&ds_name=DEC_2000_SF3_U.
- United States Census Bureau (2000c). Fast facts for Congress, Ohio: Industry by sex. Retrieved from http://www.fastfacts.census.gov/servlet/CWSQTable?geo_id=04000US39&q_r_name=DEC_2000_SF3_U_QTP29&ds_name=DEC_2000_SF3_U.
- United States Census Bureau (2000d). Fast facts for Congress, United States: Industry by sex. Retrieved from http://www.fastfacts.census.gov/servlet/CWSQTable?geo_id=01000US&q_r_name=DEC_2000_SF3_U_QTP29&ds_name=DEC_2000_SF3_U.
- United States Census Bureau (2000e). Profile of selected economic characteristics, Ohio. Retrieved from http://factfinder.census.gov/servlet/QTTable?_bm=n&_lang=en&q_r_name=DEC_2000_SF3_U_DP3&ds_name=DEC_2000_SF3_U&geo_id=04000US39
- United States Department of the Treasury, Office of Thrift Supervision (2006). OTS glossary of terms. Retrieved from <http://www.ots.treas.gov/glossary/gloss-p.html>.
- United States Office of Personnel Management (2005). *Annual report to the Congress: Federal equal opportunity recruitment program, FY 2004*. (FY 2004 FEORP). Washington, DC: U.S. Government Printing Office.
- United States Office of Personnel Management (2000). *The HR workforce: Meeting the challenge of change*. (MSE-99-7). Washington, DC: U.S. Government Printing Office.
- United States Office of Personnel Management (1999a). *Federal human resources employment trends*. (MSE-99-5). Washington, DC: U.S. Government Printing Office.

- United States Office of Personnel Management (1999b). *Looking to the future: Human resource competencies*. (MSE-99-6). Washington, DC: U.S. Government Printing Office.
- Vroom, V. H. (1964). *Work and motivation*. New York: Wiley.
- Wendt, A.C. & Slonaker, W.M. (1991). Confronting and preventing employment discrimination. *Supervision*, 52(3), 3-5.
- Wendt, A.C. & Slonaker, W.M. (1992, May). Discrimination reflects on you. *HR Magazine*, 44-47.
- Wendt, A.C. & Slonaker, W.M. (1992/1993, Winter). Bosses and secretaries: Profiles of discrimination. *Review of Business*, 14(2), 36-40.
- Wendt, A.C. & Slonaker, W.M. (2002, Autumn). Sexual harassment and retaliation: A double-edged sword. *SAM Advanced Management Journal*, 49-57.
- Wendt, A.C., Slonaker, W.M., & Coleman, J.W. (1993, Spring). Employment discrimination is sex-blind. *SAM Advanced Management Journal*, 28-33.
- Wendt, A.C., Slonaker, W.M., & Hayes, R.I. (1992, August/September). Ohio study looks at workplace discrimination. *The Secretary*, 17-19.
- Williams, S.D., Slonaker, W.M., & Wendt, A.C. (2003, Winter). An analysis of employment discrimination claims associated with layoffs. *SAM Advanced Management Journal*, 49-55.
- Williamson, L.G., Campion, J.E., Malos, S.B., Roehling, M.V., & Campion, M.A. (1997). Employment interview on trial: Linking interview structure with litigation outcomes. *Journal of Applied Psychology*, 82, 900-912.
- Wilson, G. & McBrier, D.B. (2005). Race and loss of privilege: African American/White differences in the determinants of job layoffs from upper-tier occupations. *Sociological Forum*, 20, 301-321.
- Zink, D.L. & Gutman, A. (2005). Statistical trends in private sector employment discrimination suits. In F.J. Landy (Ed.), *Employment discrimination litigation: Behavioral, quantitative, and legal perspectives*. San Francisco: Jossey Bass.
- Zwerling, C. & Silver, H. (1992). Race and job dismissals in a federal bureaucracy. *American Sociological Review*, 57, 651-660.

Appendix A

Complaint Procedure Flowchart of the Ohio Civil Rights Commission

Available at: http://crc.ohio.gov/complaint_procedure.htm

Appendix B

Ohio Civil Rights Commission Claim Form

OHIO CIVIL RIGHTS COMMISSION CHARGE OF DISCRIMINATION EMPLOYMENT	<i>Agency Use Only</i> ☐ FEPA ☐ EEOC	CHARGE NUMBER:
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Completely Fill in the Following

_____ Name of Charging Party (First Middle Last)	_____ Name of Company
_____ Address	_____ Address
_____ City State Zip Code County	_____ City State Zip Code County
_____ Telephone Number	_____ Telephone Number
_____ Date(s) of Discrimination	_____ Total Number of Employees
_____ Date of Hire	

I believe I was discriminated against because of my:

☐ Race/Color _____ ☐ Sex _____ ☐ Disability _____ ☐ Age (Date of Birth – Over 40 years old) _____	☐ Religion _____ ☐ Nationality/Ancestry _____ ☐ Retaliation _____
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FOR AGE CASES ONLY: I have not commenced any action under sections 4112.14 or 4112.02(N), Revised Code with respect to the subject matter of the affidavit. I understand that upon filing of this charge with the Ohio Civil Rights Commission, I am barred from instituting any such civil action and that any monetary award or financial benefit I may receive may be limited to back pay and/or restoration of employment fringe benefits and may not include other damages to which I may be entitled as a result of such civil action.

Type of Discrimination:

☐ Demotion	☐ Discharge	☐ Discipline
☐ Failure to Hire	☐ Forced to Resign	☐ Harassment / Sexual Harassment
☐ Layoff	☐ Promotion	☐ Reasonable Accommodation
☐ Other (Specify)		

Please write a concise statement of the facts that you believe indicate an unlawful discriminatory practice:

CASE NUMBER:

This will not be included with the charge sent to the Respondent. This information is for use by the Commission during the investigation. However, after the Commission makes an initial determination, it will become part of the public record file.

[illegible]

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Table 1
Frequency of Primary Claim Basis per Region

Primary Basis	OCRC Region						Total
	Cleveland	Toledo	Akron	Columbus	Dayton	Cincinnati	
Race	562	567	604	539	366	581	3219
Sex	250	347	318	290	230	248	1683
Disability	218	298	306	268	140	191	1421
Retaliation	217	273	247	262	133	244	1376
Age	156	225	206	193	132	131	1043
National Origin	59	68	22	48	27	17	241
Religion	14	14	17	17	7	21	90
No Basis	97	90	62	31	45	54	379
Total	1573	1882	1782	1648	1080	1487	9452

Table 2
Frequency Distribution of who is Accused of Committing the Discriminatory Act

Who is Accused	n	Percent	Cumulative Percent
Immediate Supervisor	4666	54.71	54.71
Other Supervisor	2045	23.98	78.68
Human Resources Department	1236	14.49	93.18
Company Policy	319	3.74	96.62
Coworker	77	0.90	97.82
Not Identified	186	2.18	100.00

Note: N = 9452.

Table 3
Frequency Distribution of Action Taken as a Result of the Alleged Discrimination

Action Taken	n	Percent	Cumulative Percent
Lost Job	4989	52.78	52.78
Disciplined	1232	13.03	65.82
Not Promoted	644	6.81	72.63
Not Hired	538	5.69	78.32
Constructive Discharge	532	5.63	83.95
Harassed	325	3.44	87.39
Laid Off	305	3.23	90.62
Pay Cut	255	2.70	93.31
Benefit Reduction	167	1.77	95.08
No Reason Given	117	1.24	96.32
Other	348	3.68	100.00

Note: N = 9452.

Table 4
Summary of Chi-Square Tests on the Basis of Race

Claim Basis	Private Sector (<i>n</i>)	Public Sector (<i>n</i>)	χ^2	ϕ_c	Relative Risk
Immediate Supervisor	1541	108	12.15*	0.07	1.04
Other Supervisor	631	66	2.44	0.03	0.98
Human Resources	282	40	9.28*	0.06	0.95
Lost Job	1602	68	97.14*	0.18	1.12
Disciplined	363	72	38.79*	0.11	0.90

Notes: * $p < .05$. If the relative risk value is greater than 1, there is a greater probability the claim originated from the private sector. If the relative risk is less than 1, there is a greater probability the claim originated from the public sector.

Table 5
Summary of Chi-Square Tests on the Basis of Gender

Claim Basis	Private Sector (<i>n</i>)	Public Sector (<i>n</i>)	χ^2	ϕ_c	Relative Risk
Immediate Supervisor	825	63	12.20*	0.09	1.06
Other Supervisor	285	47	12.30*	0.09	0.93
Human Resources	759	27	0.07	0.01	1.01
Lost Job	1602	68	65.59*	0.20	1.14
Disciplined	150	72	19.25*	0.11	0.89

Notes: * $p < .05$. If the relative risk value is greater than 1, there is a greater probability the claim originated from the private sector. If the relative risk is less than 1, there is a greater probability the claim originated from the public sector.

Table 6
Summary of Chi-Square Tests on the Basis of Disability

Claim Basis	Private Sector (<i>n</i>)	Public Sector (<i>n</i>)	X^2	ϕ_c	Relative Risk
Immediate Supervisor	525	20	10.22*	0.09	1.05
Other Supervisor	290	26	3.25	0.05	0.97
Human Resources	290	18	0.06	0.01	1.00
Lost Job	837	33	26.75*	0.14	1.08
Disciplined	102	11	2.26	0.04	0.96

Notes: * $p < .05$. If the relative risk value is greater than 1, there is a greater probability the claim originated from the private sector. If the relative risk is less than 1, there is a greater probability the claim originated from the public sector.

Table 7
Summary of Chi-Square Tests on the Basis of Age

Claim Basis	Private Sector (<i>n</i>)	Public Sector (<i>n</i>)	X^2	ϕ_c	Relative Risk
Immediate Supervisor	464	23	13.65*	0.12	1.07
Other Supervisor	178	22	3.77	0.06	0.96
Human Resources	133	15	1.39	0.04	0.97
Lost Job	538	19	39.77*	0.20	1.13
Disciplined	87	7	0.12	0.01	1.01

Notes: * $p < .05$. If the relative risk value is greater than 1, there is a greater probability the claim originated from the private sector. If the relative risk is less than 1, there is a greater probability the claim originated from the public sector.

Table 8
Summary of Chi-Square Tests on the Basis of Retaliation

Claim Basis	Private Sector (<i>n</i>)	Public Sector (<i>n</i>)	χ^2	ϕ_c	Relative Risk
Immediate Supervisor	551	74	2.87	0.05	1.04
Other Supervisor	257	55	6.25*	0.07	0.94
Human Resources	179	24	0.56	0.02	1.02
Lost Job	534	48	25.54*	0.14	1.12
Disciplined	225	56	11.83*	0.09	0.91

Notes: * $p < .05$. If the relative risk value is greater than 1, there is a greater probability the claim originated from the private sector. If the relative risk is less than 1, there is a greater probability the claim originated from the public sector.

Table 9
Retaliation Comparisons, Pre and Post Civil Rights Act of 1991

Claim Basis	Private Sector (<i>n</i>)	Public Sector (<i>n</i>)	X^2	ϕ_c	Relative Risk
Immediate Supervisor	393	50	3.67	0.06	1.05
Other Supervisor	188	44	8.18*	0.10	0.92
Human Resources	138	17	1.01	0.03	1.04
Lost Job	397	32	26.67*	0.15	1.13
Disciplined	156	41	12.53*	0.16	0.89

Notes: * $p < .05$. If the relative risk value is greater than 1, there is a greater probability the claim originated from the private sector. If the relative risk is less than 1, there is a greater probability the claim originated from the public sector.

Table 10
Logistic Regression Analysis of Sector as a Function of Claim Variables

Variables	<i>B</i>	Wald Test (<i>z</i> -ratio)	<i>p</i>	95% Confidence Interval for Odds Ratio	
				<i>Lower</i>	<i>Upper</i>
Retaliation (Basis of claim)	0.40	4.03	0.00	0.20	0.59
Lost Job (Adverse action reported)	-1.30	-14.70	0.00	-1.47	-1.12
Immediate Supervisor (Person accused of adverse action)	-0.52	-6.47	0.00	-0.67	-0.36
Disability (Basis of claim)	-0.31	-2.39	0.02	-0.57	-0.06
(Constant)	3.31	18.86	0.00		

Note: The logistic regression model predicts the likelihood of a claim originating from the public sector.

Table 11
Annual Claim Proportion by Sector and Basis

Year Filed	Total Claims Filed	Private Sector	Public Sector	Race	Gender	Disability	Age	Retaliation
1984	475	0.91	0.09	0.42	0.22	0.10	0.17	0.11
1985	387	0.93	0.07	0.43	0.22	0.10	0.12	0.11
1986	398	0.92	0.08	0.40	0.21	0.14	0.10	0.11
1987	463	0.92	0.08	0.38	0.20	0.12	0.13	0.10
1988	535	0.91	0.09	0.40	0.19	0.15	0.10	0.11
1989	426	0.89	0.11	0.37	0.19	0.13	0.12	0.14
1990	560	0.88	0.12	0.37	0.23	0.14	0.11	0.12
1991	466	0.90	0.10	0.34	0.21	0.15	0.16	0.12
1992	398	0.89	0.11	0.31	0.25	0.14	0.14	0.10
1993	504	0.88	0.12	0.35	0.19	0.18	0.10	0.15
1994	500	0.86	0.14	0.35	0.16	0.19	0.11	0.13
1995	395	0.93	0.07	0.34	0.14	0.19	0.10	0.16
1996	554	0.94	0.06	0.34	0.15	0.20	0.09	0.15
1997	529	0.93	0.07	0.32	0.17	0.18	0.09	0.18
1998	587	0.91	0.09	0.31	0.15	0.17	0.10	0.21
1999	464	0.94	0.06	0.31	0.16	0.17	0.10	0.17
2000	177	0.95	0.05	0.31	0.12	0.18	0.12	0.18
2001	250	0.90	0.10	0.31	0.19	0.15	0.10	0.20
2002	384	0.88	0.12	0.35	0.16	0.12	0.11	0.22
2003	380	0.90	0.10	0.29	0.15	0.19	0.10	0.21
2004	334	0.89	0.11	0.28	0.17	0.16	0.10	0.23

Note: As the entire database was dichotomized into private and public sectors, the sum of proportions for the two sectors equals 1. However, the annual sum of the proportions of the five claim bases shown above (race, gender, disability, age, and retaliation) does not equal 1, as other claim bases are included in the OCRC database (e.g. national origin, religion, etc.)

Table 12
Correlations of Year Filed and Sector and Claim Basis Proportion

Scale	1	2	3	4	5	6	7
1. Year Filed							
2. Private Sector Proportion	-.03						
3. Public Sector Proportion	.03	-1.00* [^]					
4. Race Claim Proportion	-.89*	.03	-.03				
5. Gender Claim Proportion	-.69*	-.33	.33	.51*			
6. Disability Claim Proportion	.59*	.13	-.13	-.65*	-.70*		
7. Age Claim Proportion	-.50*	-.12	.12	.35	.53*	-.60*	
8. Retaliation Claim Proportion	.92*	-.02	.02	-.73*	-.69*	.42	-.51*

Notes: $N = 21$, reflecting 21 years of claims in the OCRC database. Each proportion reflects the ratio of the number of claims within each basis to the total number of claims for each year. [^]The sum of private and public sector claims comprise the total number of claims in the OCRC database. * $p < .05$.

Table 13
Logistic Regression Analysis as a Function of Filing Year of Claim

Variables	<i>B</i>	Wald Test (z-ratio)	<i>p</i>	95% Confidence Interval for Odds Ratio	
				<i>Lower</i>	<i>Upper</i>
Year Filed	0.00	-0.12	0.90	-0.01	0.01
(Constant)	3.82	0.31	0.76		

Note: The logistic regression model predicts the likelihood of a claim originating from the public sector.

Table 14
Multiple Regression Summary for Prediction of Claim Outcome Amount

Variables	<i>B</i>	SE
Claim Basis = Race	1002.21	7575.66
Claim Basis = Gender	2194.77	2194.77
Claim Basis = Age	1351.26	7841.91
Claim Basis = Disability	5283.04	7457.51
Claim Basis = Retaliation	1310.02	7879.21
Claim Basis = National Origin	1121.26	8657.66
Claim Basis = Religion	1275.00	10423.49
Sector	1588.97	3136.38
Year in which the Claim was Filed	-6.26	108.03
R^2		0.02
<i>F</i>		0.87

Note: $N = 371$.

Figure 1
Counts and Percentage Change of All Discrimination Claims Filed

Note: The large drop in number of claims for both sectors from 1999 to 2000 reflects a small (lower than 10%) proportion of claims received from the Ohio Civil Rights Commission (for database use) in 2000.

Figure 2
Number of Yearly Discrimination Claims Filed by Sector

Note: The large drop in number of claims for both sectors from 1999 to 2000 reflects a small (lower than 10%) proportion of claims received from the Ohio Civil Rights Commission (for database use) in 2000.

Figure 3
Proportion of Annual Discrimination Claims Filed by Sector

Note: As the entire OCRC database was dichotomized into private and public and private sectors, the sum of the claim proportion for the two sectors for each year will equal 100.

Figure 4
Proportion of Race Claims Filed by Year

Figure 5
Proportion of Gender Claims Filed by Year

Figure 6
Proportion of Disability Claims Filed by Year

Figure 7
Proportion of Age Claims Filed by Year

Figure 8
Proportion of Retaliation Claims Filed by Year