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**Representation of Lesbians and Gay Men
in Federal, State, and Local Bureaucracies**

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Abstract

Paper prepared for presentation at the annual meeting of the American Political Science Association, Boston, August 28, 2008. This research was supported in part with funding from the Williams Institute at the University of California, Los Angeles School of Law.

Representation of Lesbians and Gay Men in Federal, State, and Local Bureaucracies

Americans increasingly view lesbians and gay men as a legitimate minority, entitled to equal employment opportunities and perhaps to adequate representation in government. Scholars of public administration have extensively studied whether women and racial minorities receive fair representation and pay in the public sector, but we have generally ignored lesbians and gay men, largely because we lack data on the sexual orientation of government employees. Using a 5 percent sample of the 2000 Census, this paper provides new insights into one group of lesbian and gay employees: full-time workers with same-sex unmarried partners. It first determines whether they are as likely to hold jobs in the public and nonprofit sectors as workers who are married, have different-sex unmarried partners, or have never been married. Second, it explores whether lesbians' and gay men's representation is concentrated in particular occupations. It then examines whether workers with same-sex partners earn as much as other workers, and whether any disparities can be explained by race, gender, education, age, occupation, and location.

Research Context

Americans generally believe lesbians and gay men deserve equal pay for equal work, but probably have more qualms about whether they deserve representation in government. According to recent polls, 89% believe that "homosexuals should ... have equal rights in terms of job opportunities" (Gallup 2007), though the trend does not

necessarily hold for all occupations: for example, only 54% think they should be hired as elementary school teachers (Gallup 2005). Currently, 20 states and the District of Columbia prohibit employment discrimination on the basis of sexual orientation, and seven of these bans have been passed since 2005.

As recently as the Cold War, many governments and quasi-governmental agencies explicitly prohibited the employment of homosexuals – by the military, by federal civilian agencies, by federal contractors, in many state and local governments, and in a wide variety of professions (e.g., law, teaching, and medicine). Overall, homosexuals were officially prohibited from working in over 20% of all U.S. jobs by the mid-1950s (Brown 1958, Bérubé 1990). As Cold War fears declined and as lesbians and gay men began demanding their rights more aggressively, especially in the courts, governments began to change their policies in the late 1960s and early 1970s. By the mid-1970s, federal courts had overturned the prohibition on federal civilian employment (*Norton* 1969, *Society for Individual Rights* 1973; see Johnson 1994-95, Lewis 1997). State courts also extended the principle that governments had to show a rational relationship between homosexuality and job performance to justify firing even a gay teacher (*Morrison* 1969; see Harbeck 1997).

In the 1970s, a few local and state governments began providing greater protections. About 40 local governments had passed gay rights ordinances by 1980, another 40 had done so by 1990, and 50 more followed by 1996 (Button, Rienzo & Wald 1997, Haider-Markel 1997). The governors of Pennsylvania and California issued executive orders prohibiting anti-gay discrimination in *public* employment in 1977 and 1979, respectively (Button et al. 1997, 34; Haider-Markel 1997), but Wisconsin did not pass the first state law prohibiting anti-gay discrimination in *private* employment until

1982. Massachusetts passed the second state gay rights law in 1989, followed by another ten states in the 1990s. In 2001, Maryland passed the first gay rights law of the new millennium. Passage has not been easy: most laws passed many years after being introduced, and Maine twice passed gay rights laws (in 1997 and 2000) only to have voters overturn them. Bella Abzug first introduced gay rights legislation in Congress in 1974, but it took nearly twenty years for the bill to get its first committee hearing, and the Employment Non-Discrimination Act (ENDA), which was narrowly defeated in the Senate in 1996, has not been brought up for a second vote.

Representative Bureaucracy

As laws that protect the employment rights of gay men and lesbians continue to develop, it becomes important to consider whether representation of gay men and lesbians in the public sector increases alongside the changing legal environment. Sexual orientation is an under-explored dimension of representation, but empirical research has shown representation to be a powerful force for other dimensions, particularly race and ethnicity. The theory of representative bureaucracy posits that *passive representation* – government employees matching citizens on a shared trait – often leads to *active representation*, or the improvement of outcomes for groups that are represented by government employees (for a review, see Dolan and Rosenbloom 2003). The causal logic is that when employees match the citizens that they serve on a salient dimension, their shared social and cultural experiences lead them to advocate for policies that benefit those citizens. For example, evidence shows that outcomes for minority farm loan applicants improved when members of their minority group were

employed by the decision-making agency (Selden, 1997). Similarly, students of color tend to do better on standardized tests when their teachers are of the same race/ethnicity (Meier et al., 1999, 2001). In the one empirical study to explicitly consider sexual orientation, Thielemann and Stewart (1996) found that people living with AIDS preferred service providers of their own sexual orientation, race, and gender.

Of particular interest to representation scholars has been the street-level bureaucrat. Public administration scholars have consistently shown that street-level bureaucrats have tremendous discretion in implementing policy and often influence the services received by agency clients (Hill and Hupe 2002; Lipsky 1980; Maynard-Moody and Musheno 2003; Riccucci 2005). Discretion is one of the keystones of representative bureaucracy theory; without it, public officials cannot act in ways that advocate for the position of represented groups (Keiser et al., 2002). As a result, research on representation has mainly focused on street-level bureaucrats working in policy areas where discretion is abundant, such as public education and law enforcement.

In public education, teachers are the primary point of contact for service recipients, making them perhaps more likely than any other education official to influence student outcomes. Research shows that teacher representation can affect student outcomes on dimensions of race/ethnicity (Meier et al. 1999, 2001; Pitts 2005, 2007) and sex/gender (Keiser et al. 2002). It is reasonable to expect that teacher representation might also affect student outcomes for sexual orientation as well. LGB youth are more likely than students who identify as straight to suffer from mental disorders, engage in substance abuse, participate in risky sexual behavior, and attempt suicide (Fergusson et al. 1999; Silenzio et al. 2007). A strong LGB mentor has the

potential to serve as a positive intervention against these behaviors and help LGB students perform better in school.

A similar relationship might be shown in law enforcement, where street-level police officers have discretion similar to that of teachers, but evidence is inconsistent. Research in this area has shown that citizens perceive police action as more legitimate when the officer matches the citizen by race/ethnicity (Theobald and Haider-Markel 2008). However, other evidence suggests that law enforcement officers are socialized to such an extent that they no longer use their discretion in ways that advocate for any one group's outcomes, erasing any representational impact (Wilkins and Williams, 2005). In the case of sexual orientation, it seems likely that LGB police officers could respond more sensitively to crimes and issues specific to the LGB community. For example, Miller et al. (2003) find that LGB police officers believe that they are more qualified to work with marginal communities and are more likely to support a humane approach to policing.

In addition to impacts at the street level, it is likely that representational influences exist among managers as well. Managers are responsible for hiring street-level bureaucrats, creating incentives for them to perform well in their jobs, and creating the culture of the unit or organization. While street level bureaucrats may have discretion in their interactions with clients, that discretion exists within the bounds set by the manager. Managers can choose whether to monitor the actions of the street level bureaucrats and, if so, how strongly and with what consequences. In the context of sexual orientation, LGB representation at the managerial level is arguably an antecedent to both passive and active representation at the street level.

Data and Method

The 5 percent Public Use Microdata Sample (PUMS) of the 2000 Census provides detailed information on individuals in a random 5 percent sample of U.S. households. In every household, the person who owns or rents the house or apartment is designated the householder, and all others are identified by their relationships to the householder. The Census lists a wide array of possible relationships (e.g., husband/wife, child, brother/sister, housemate, boarder), including “unmarried partner.” If the householder and the unmarried partner are the same sex, we classify both as members of a gay or lesbian couple.¹ Because the Census provides no indicator of the sexual orientation of those without partners, we follow the lead of most research on LGBs using Census data and drop all people who do not live with a partner (cite?).

Although the Census provides the best available data on lesbian and gay couples, 3 in 4 gay men and 6 in 10 lesbians do not have partners, and the Census does not distinguish them from single heterosexuals (Gates and Ost 2004, 13; Black et al. 2000). In addition, one-quarter of same-sex couples may not have classified themselves as unmarried partners on the Census, partly due to concerns about confidentiality or about whether “unmarried partners” appropriately described their relationships (Badgett and Rogers 2003; Gates and Ost 2004, 13). As wealthier and better-educated lesbians and

¹ When apparently same-sex couples entered their marital status as “married,” the Census Bureau changed their marital status and relationship codes, recoding them as “unmarried partners.” Black et al. (2006) show convincingly that most couples who had their marital and relationship status “allocated” in this way had actually made an error in recording the sex of one of the spouses. Following their advice and the practice of others (e.g., Carpenter & Gates 2008), we have dropped everyone whose sex, marital status, or relationship code was “allocated.”

gay men are more likely to be in couples (Carpenter 2003) and are probably more likely to classify themselves as unmarried partners if they are (Badgett and Rogers 2003), members of same-sex couples in the Census are probably unrepresentatively wealthy and well educated, relative to lesbians and gay men generally.

We restrict the sample to full-time, full-year workers (those who worked at least 40 hours a week for at least 48 weeks during 1999) who were at least 18 years old. Employees named their employer and identified it as a private company, a nonprofit organization, or a local, state, or federal government, or they indicated that they worked for themselves or for their family (without pay). Census data processors checked responses on sector “for consistency with answers to questions on employer name, location, industry, and occupation” (Leete 2001, 145). For most analyses, we drop the self-employed and unpaid family workers.

To answer basic representation questions, we started with simple cross-tabulations of employment sector and gender/couple type. “Row” percentages show whether members of some gender/couple types were more likely than others to work at each level of government (e.g., whether men with male partners were more or less likely than married men to work for the federal government). “Column” percentages show the more typical representation measures: what percentage of federal, state, and local employees belong to each gender/couple type? We compare these to the percentage of private-sector workers who come from that gender/couple type.

We next examine how the states vary in the representation of LGBs in their state and local government workforces. We report the percentages of all state and local employees, state and local government managers, teachers, and police and firefighters

in each state who have same-sex partners. We then explain that variation in representation using regression analysis with states as the units of analysis. Those four percentages are the dependent variables in the four regressions. Our key independent variable is whether a state prohibits anti-LGB employment discrimination. We use two dichotomous variables. The first is coded 1 for the nine states with laws banning employment discrimination on the basis of sexual orientation in both public and private employment in 1999 (California, Connecticut, Hawaii, Massachusetts, Minnesota, New Jersey, Rhode Island, Vermont, and Wisconsin). The second is coded 1 for the eight states with executive orders banning anti-gay discrimination in state and local government (Colorado, Louisiana, Maryland, New Mexico, New York, Ohio, Pennsylvania, and Washington).²

Informal attitudes might matter more than formal protections: states whose populations support gay rights more should have more hiring officials who do not discriminate against LGBs. We use a factor score (with a mean of 0 and standard deviation of 1), calculated from two estimates of 1999 levels of public support in each state for hiring homosexuals as elementary school teachers (Lewis 2003) and for allowing same-sex marriage (Lewis & Oh 2008). The Cronbach's alpha is .90. Most importantly, LGB concentrations vary dramatically across states, with LGBs far more likely than others to live on the West Coast or in New England (Gates & Ost 2003). In the absence of discrimination, LGB representation in SLGs should be similar to the percentage of private sector workers who have same-sex partners; this coefficient should be close to 1.

² State protections in 1999 come from Colvin (200x).

This state-level analysis ignores differences between the characteristics of gay and straight employees. The individual-level analysis examines whether people with same-sex partners are less likely to work for government than comparable individuals with different-sex partners. Logit analysis for federal employment uses the full sample. Logit analysis for state and local employment uses a sample restricted to non-federal employees.

The key independent variables are three dummy variables for couple type: men with male partners, women with female partners, and people with different-sex unmarried partners. The coefficients on these variables represent the difference in the *log-odds* of being a government employee between members of each couple type and comparable married people of the same sex. Because the logit model assumes that the *log-odds* (that is, the natural logarithm of the odds, which is the probability of being a government employee divided by the probability of *not* being a government employee) is a linear function of the independent variables, the *probability* of being a government employee is *not* a linear function of the independent variables. The difference in probabilities of being a government employee between gay and married individuals implied by a logit coefficient depends on the values of all the independent variables. We translate a logit coefficient into a probability difference by assigning the married man a probability equal to the percentage of all married men who work for the government and treat that as the prior probability.³ If people with same-sex partners are less likely than

³ That is, $\text{logit} = \ln(P/(1-P))$. If the logit coefficient on *Man with Male Partner* is b and the *prior probability* (the probability that a married man is a government employee) is P_0 , then the married man's log-odds is $\ln(P_0/(1-P_0))$ and the gay man's log-odds is $z =$

comparable married people of the same sex to work for government, their logit coefficients will be negative.

The model includes fairly standard control variables. Education is measured in years, but we also add a set of dummy variables to assess the impact of college and graduate degrees. Coefficients on these degree variables represent differences in log-odds from those predicted by the years of education coefficient. Work experience is estimated as $\text{Age} - \text{Education} - 6$ and is entered as both linear and quadratic terms to allow for a curvilinear effect for experience. We include nine dummy variables for race/ethnicity and gender (e.g., *African American Male*), with non-Hispanic white males as the reference group.⁴ Additional dummy variables indicate whether the employee is a naturalized citizen, is not a citizen, has limited English ability, or has a disability. We also include 50 dummy variables for state of residence; Washington, DC, is the reference group, though we never report these coefficients.

We run both the federal and state/local logits twice. Model 1 includes individual characteristics and the 50 state dummy variables. Model 2 adds 21 dummy variables for broad occupational grouping. If occupational choice rather discrimination or inter-group differences in preferences for government employment drive any sectoral

$\ln(P_0/(1-P_0)) + b$. The gay man's probability of being a government employee is therefore $e^z / (1 + e^z)$, where e is the base of the natural logarithm and z is the gay man's *log-odds* of being a government employee.

⁴ When we analyze men and women separately, we use four race/ethnicity dummy variables (*Hispanic/Latino*, *African American*, *Asian American*, and *Other or Mixed Race*), with non-Hispanic whites as the reference group. *Latino* is coded 1 for all those who checked "Spanish/Hispanic/Latino." The race variables are coded 1 only if *Latino* is coded 0. *African American* is coded 1 for those who checked only "Black, African American, or Negro," *Asian American* is coded 1 for those who checked only one or more of the Asian options, and *Other or Mixed Race* is coded 1 for those who checked "American Indian or Alaska Native" or multiple races (and were not Latino).

differences between LGBs and heterosexuals, the *Same-Sex Partner* coefficients will shrink in Model 2.

To assess the impact of LGB employment protections on representation, we repeat the SLG logit models separately for states with gay rights laws, states with executive orders, and states with no protections. If, as expected, protections increase representation, the *Same-Sex Partner* coefficients will be more positive in the states with than without protections.

Finally, we assess whether lesbians and gay men are as likely as similar married people to achieve management status, given that they obtain government jobs. We run separate logit models by sex, once for federal employees and once for SLG employees. The dependent variable is coded 1 for those in management positions. We use the same independent variables as in the previous logit models but leave out the occupational categories. To assess whether protections increase LGBs' likelihood of becoming managers, we repeat the logit models for SLG employees adding interaction terms between couple type and whether the state bans anti-LGB discrimination in public employment.

Findings

Among full-time employees living with partners, 76% work for private firms, 7% each work for nonprofit organizations (NPOs) and local governments, and 5% each work for state and federal governments (Table 1).⁵ Men are strikingly more likely than women to work for private firms (79% versus 71%), while women are more than twice as

⁵ We exclude the 14% of men and 7% of women who work for themselves or for their families without pay.

likely as men to work for NPOs (10% versus 4%), but gender patterns are reasonably similar at each level of government, with men somewhat more likely than women to work for the federal government and somewhat less likely to work for state and local governments. College graduates are substantially less likely than others to work for private firms and much more likely to work in each of the other sectors.⁶

— — — Table 1 about here — — —

Representation of Lesbians and Gay Men. Men with male partners are 2.7 percentage points less likely than married men to work for government overall (14.3% *versus* 17.0%), although they are somewhat more likely to work for state governments. When the sample is restricted to college graduates, the difference disappears at the state level and shrinks at the local level, but grows at the federal level, leaving overall under-representation in government at 2.7 percentage points. Viewed somewhat differently, men with male partners comprise 0.32% of all partnered employees but only 0.27% of partnered government employees. Among employees with college degrees, they comprise 0.52% of employees but only 0.41% of government employees.

In contrast, women with female partners are 2.2 percentage points more likely than married women to work for government, primarily due to higher educational levels – the difference disappears when the sample is restricted to college graduates.

Partnered lesbians are 0.31% of the full sample and 0.38% of the government sample. Among college graduates, the percentages are 0.51% and 0.61%. The only evidence of under-representation of women with female partners is at the federal level.

⁶ College graduates are at least twice as likely as others to work in each of these other sectors, except that college-educated women are only 10% more likely than other women to work for the federal government, and college-educated men are only 40% more likely to work for the federal service and only 10% more likely to work for local governments.

One reason for partnered gay men's under-representation is their much higher probability of working for NPOs (10.3%, as opposed to 4.6% for married men). On the other hand, women with female partners are also somewhat more likely than married women (13.7% *versus* 10.6%) to work for NPOs, though they are not likewise under-represented in government. Neither location nor occupational choice plays a major role.⁷

Overall representation of partnered lesbians and gay men at the state and local level is good, though it varies fairly dramatically across states. Coupled lesbians and gay men combined comprise 0.7% of state and local government (SLG) employees, 1.0% of SLG managers, 0.8% of public school teachers, and 0.4% of police and firefighters, as opposed to 0.6% of private sector employees (Table 2). Representation is highest in Washington, DC, where LGBs comprise 3.6% of SLG employees, 5.9% of SLG managers, and 9.6% of teachers. Even ignoring Washington, DC (which is also home to many SLG employees of Virginia and Maryland), LGBs comprise over 1% of the SLG workforce in several West Coast and New England states, but less than 0.25% in several Southern and Plains states. The four representation measures are all strongly positively inter-correlated (between .52 and .84, when weighting by the number of SLG employees in the state).

⁷ For gay men, occupational choice predicts a 0.5 (rather than 2.7) percentage point under-representation; residential differences predict that gay men should be more likely than married men work for the federal government and less likely to work for state governments (largely because of their much higher probability of living in Washington, DC). Occupational choice is of little value for explaining under- and over-representation of women with female partners: it over-predicts their federal employment and under-predicts their state and local government employment. Residential patterns provide no explanatory value.

— — — Table 2 about here — — —

Explaining State-Level Variation in Representation. Variation at the state level is largely determined by the concentration of LGBs in the state. Each of the representation measures is correlated at least .62 with the percentage of private-sector employees who are LGB (weighting by number of SLG employees). In the state-level weighted regression models (Table 3), the percentage of private-sector partnered employees who have same-sex partners is the strongest predictor of all four representation measures. All four coefficients are statistically significant, but only one differs significantly from 1 (implying that as LGB representation in the private sector rises by 1 percentage point, representation in SLG employment rises by about the same amount). Representation among SLG managers actually rises faster than representation in the private sector, suggesting at least the possibility that a critical mass in the electorate raises representation in the upper levels of the bureaucracy.

— — — Table 3 about here — — —

Somewhat surprisingly, LGB employment is significantly higher in states with gay rights laws that prohibit anti-gay discrimination in both public and private employment, *but not* in those that have executive orders banning anti-gay discrimination only in SLG employment. Laws seem to matter even more for employment of LGB managers. For teachers, laws and executive orders have comparable coefficients.⁸ Nothing except the number of LGBs in the state seems to influence the number of LGB police and firefighters.

⁸ When we substituted a single dummy variable coded 1 for states with either laws or executive orders and dropped public support for gay rights from the model (it is strongly

Explaining Who Works for Government. Logit models examine how individual characteristics influence whether one works in the federal sector (first two columns of Table 4) or for state and local government (next two columns). In each case, Model 1 only includes individual characteristics and dummy variables for the state of residence; Model 2 adds 21 dummy variables for broad occupational category.

Higher levels of education and work experience increase the probability that one works for the federal government, though only up to about the level of a bachelor's degree.⁹ Racial and ethnic minorities are significantly more likely than comparably educated and experienced whites to work for the federal government, but within each race/ethnicity, women appear less likely to have federal employment than comparable men. (The difference between white females and males is statistically significant.) When broad occupational category is controlled, all women's likelihood of federal employment drops markedly relative to that of white men. (The high concentration of clerical employees in the federal service may explain this.) Disability status has no impact, but being born outside the U.S. strongly decreases the probability of federal employment, as shown by the significant negative coefficients on having limited English ability, being a naturalized citizen, and being a non-citizen.

— — — Table 4 about here — — —

correlated with employment protection), the private sector representation coefficient rises to .94, and the protection coefficient is positive and significant at the .05 level.

⁹ Beyond that, the negative coefficients on graduate degrees almost perfectly counteract the positive coefficients on years of education, meaning that the probability of federal employment remains fairly stable.

Patterns are quite similar for SLG employment, with a few exceptions. Graduate degrees have a strong positive impact on SLG employment (likely at least partially due to teaching positions in public schools and universities). Work experience has a stronger positive impact on SLG employment. Asian men are significantly less likely than comparable white men to work for SLGs, but white women are significantly more likely to do so.

Holding these variables constant, men with male partners are significantly less likely than comparable married men to work for the federal government. Controlling for occupational category makes the difference even stronger. The models predict that if a married man has a 5.5% chance of working for the federal government (the actual percentage who do so), a partnered gay man with the same individual characteristics would have only a 3.8% chance of doing so (Model 1) and only a 3.2% probability if he were also in the same broad occupational category (Model 2). Gay men are also significantly less likely than married men to work for SLGs, though this time controlling for occupation shrinks the difference. If a married man had the average 15.5% probability of working for an SLG, the comparable partnered gay man's probability would be 11.9% (Model 1) or 14.1% (Model 2). Women with female partners are significantly less likely than comparable married women to work for the federal government, but only at the .05 level (in a very large sample) and only when occupation is not controlled. In the other three models the lesbian coefficient is trivial or positive.

Do employment protections make a difference? Table 5 repeats the SLG employment models from Table 4, but runs them separately for states with laws, with executive orders, and with no protections. When controlling only for individual characteristics, the partnered gay male coefficient is significant and negative in all three

groups of states, but it is nearly twice as large in states with no employment protections. When occupation is also controlled, the gay male coefficients are trivial in states with laws or executive orders. The coefficient falls by a comparable amount in states with no protections, but it remains significant and negative. In contrast, women with female partners are as likely as comparable married women to work for SLGs in all three groups of states, with or without controlling for occupation. Consistent with the state-level analysis in Table 3, banning anti-gay employment discrimination appears to increase the probability that gay men will work for state and local governments, though it has no obvious impact on the employment of partnered lesbians.

— — — Table 5 about here — — —

Interestingly, people with different-sex unmarried partners are also significantly less likely than comparable married people to work for both federal and state/local governments. The effects are approximately as strong as those for men with male partners, but they shrink less when occupational controls are added. Oddly, these differences also appear smaller in states with rather than without gay employment protections, though the differences are not as strong. States that provide no protections for gay employees may have a stronger preference for married government workers.

The control variables hold few surprises in the models predicting which SLG employees hold management positions (Table 6). Education and work experience have strong positive impacts, with the effects stronger for men than women (though the educational difference does not appear until college graduation). People with disabilities and those not born in this country are significantly less likely than others to be managers. Racial and ethnic patterns are mixed. Somewhat surprisingly, Asian

Americans are the least likely to be managers (though that may be because they are more likely to be professionals and scientists). African-American men are significantly less likely than white men to hold managerial status, but multiracial men are more likely to do so. Hispanic women are significantly more likely than non-Hispanic white women to be managers, assuming they were born in this country.

Holding all these variables constant, men with male partners are significantly more likely than married men to be managers in SLGs. If a married man had a 10.0% probability of being a manager (the actual percentage of men in SLGs who are managers), the probability for a comparable partnered gay male SLG employee would be 12.4%. The women's model suggests that women with female partners could be more likely to be managers than comparable married women, but the coefficient falls far short of statistical significance (despite a sample of 132,000, including 1353 partnered lesbians). When we added interactions between couple type and whether a state protected public employees from anti-gay employment discrimination (not shown), the coefficients were small and far from statistically significant. Although gay rights laws and executive orders may increase the probability gay men work for SLGs, they do not appear to have a meaningful impact on whether they will reach managerial levels once they are in the civil service.

Conclusion

Despite historical legal prohibition of public employment of homosexuals and limited protections against discrimination today, partnered lesbians and gay men are reasonably well represented in government. The representation of lesbians and gay men combined is similar to their share of the private sector workforce, and state and local

representation largely tracks private sector employment patterns in the same state. Women with female partners are at least as likely as married women to work for both federal and state/local governments, with or without controlling for individual characteristics or broad occupational category.

Men with male partners, however, are 16% less likely than married men to work for government, with under-representation at both the federal and local levels. The odds that a partnered gay man works for the federal government are only two-thirds as high as those for a comparably educated and experienced married man, and even lower if they are in similar occupations. Differences are smaller at the state and local level: a partnered gay man's odds of SLG employment are three-fourths those of a comparable married man, nine-tenths if they are in similar occupations. State laws and executive orders prohibiting anti-LGB discrimination in public employment appear to make a difference. States with gay rights laws have higher representations of partnered lesbians and gay men than would be predicted by their numbers in the private sector workforce. Individual-level analysis suggests that differences in the odds of SLG employment between comparable gay and married men are smaller in states with either gay rights laws or executive orders, and that the differences disappear in those states if we also control for occupation.

Once they obtain government jobs, partnered lesbians and gay men do not appear to face special obstacles to reaching policy-making positions. LGBs hold higher percentages of SLG management positions than of SLG jobs generally. Their higher educational levels largely explain this, though partnered gay men are also significantly more likely than equally educated and experienced married men to be SLG managers.

Despite a long history of opposition to the employment of lesbians and gay men as teachers, partnered LGBs comprise a higher percentage of teachers than of workers generally. Although many have traditionally been deeply closeted, they are presumably present in most schools employing at least 50 teachers. For LGB teachers to have a meaningful impact on treatment of LGB students and of LGB issues in the classroom, they may need a critical mass willing to be active representatives, strong requirements when many LGB teachers fear they could lose their jobs if they came out, even to other teachers. As public acceptance of gay teachers continues to rise, however, those already in place in public schools are likely to become more forceful voices for LGB student interests.

Research on such a link between passive and active representation is a necessary next step in research on gays and lesbians in the public service. While our study offers a glimpse into the passive representation of gays and lesbians, our data preclude us from exploring active representation empirically. Does passive representation translate into active representation for sexual orientation? In which policy areas would this be most likely? What organizational and contextual factors would make a passive-active link more likely? More and better data on the sexual orientation of government employees are necessary if answers to these questions are to be found.

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Table 1. Representation by Sector

	<u>Federal</u>	<u>State</u>	<u>Local</u>	<u>Non-Profit</u>	<u>For-Profit</u>	<u>Total</u>
<u>Percentage Working in Each Sector:</u>						
Man with Male Partner	4.11	5.01	5.15	10.32	75.42	8,160
Married Man	5.51	4.53	6.97	4.65	78.34	1,485,572
Man with Female Partner	2.94	3.01	5.03	2.75	86.27	115,658
Woman with Female Partner	3.93	8.30	8.92	13.72	65.14	7,860
Married Woman	4.05	6.62	8.32	10.61	70.39	820,142
Woman with Male Partner	2.99	4.33	5.11	7.52	80.05	89,865
Total	4.82	5.15	7.25	6.65	76.13	2,527,257
<u>College Graduates Only:</u>						
Man with Male Partner	4.73	7.60	6.73	15.53	65.41	3,761
Married Man	6.77	7.58	7.44	9.35	68.85	441,460
Man with Female Partner	4.70	6.33	6.99	6.60	75.38	18,868
Woman with Female Partner	3.75	13.14	12.42	21.70	48.99	3,631
Married Woman	4.32	11.28	13.98	16.81	53.61	229,198
Woman with Male Partner	3.60	8.16	8.72	14.00	65.52	18,619
Total	5.82	8.78	9.58	11.88	63.94	715,537
<u>Percentage of Each Sector Who Are:</u>						
Man with Male Partner	0.28	0.31	0.23	0.50	0.32	0.32
Married Man	67.18	51.74	56.47	41.16	60.49	58.78
Man with Female Partn	2.80	2.67	3.17	1.89	5.19	4.58
Woman with Female Par	0.25	0.50	0.38	0.64	0.27	0.31
Married Woman	27.29	41.78	37.24	51.78	30.00	32.45
Woman with Male Partn	2.21	2.99	2.51	4.02	3.74	3.56
<u>College Graduates Only:</u>						
Man with Male Partner	0.43	0.46	0.37	0.69	0.54	0.53
Married Man	71.72	53.30	47.94	48.54	66.44	61.70
Man with Female Partn	2.13	1.90	1.92	1.46	3.11	2.64
Woman with Female Par	0.33	0.76	0.66	0.93	0.39	0.51
Married Woman	23.79	41.17	46.74	45.32	26.86	32.03
Woman with Male Partn	1.61	2.42	2.37	3.06	2.67	2.60

Table 2. Representation in State and Local Government

	<u>SLG Employees (percent)</u>	<u>SLG Managers (percent)</u>	<u>Teachers (percent)</u>	<u>Police (percent)</u>	<u>Private Employees (percent)</u>	<u>SLG Employees (number)</u>
All	.70	.97	.82	.45	.63	313,364
District of Columbia	3.59	5.88	9.62	.00	5.84	306
Oregon	1.47	.76	2.92	.89	.77	4288
Vermont	1.46	1.22	2.42	2.6	.73	754
Washington	1.43	1.85	1.27	1.4	.96	7914
California	1.33	2.16	1.52	.99	1.05	35223
New Hampshire	1.13	.71	1.05	.00	.68	1328
Massachusetts	1.08	1.57	1.53	.61	1.05	6138
Colorado	1.04	1.29	.92	.66	.88	5363
Maine	1.03	.57	1.13	1.54	.72	1547
Rhode Island	.87	1.49	.62	.99	.87	921
Maryland	.84	1.70	.96	.36	.73	6467
New Mexico	.80	1.17	.00	.00	.80	2637
Utah	.77	.65	.66	.00	.40	2723
Florida	.77	1.35	.47	.50	.88	18226
Alaska	.71	1.08	.00	.00	.60	840
New York	.70	.51	1.23	.35	.77	21699
Connecticut	.69	.59	.43	.37	.66	3191
Virginia	.66	1.22	.67	.45	.63	8939
Indiana	.66	.80	.65	.30	.48	5153
New Jersey	.65	1.56	1.03	.12	.58	7667
Ohio	.60	.86	.84	.30	.45	11648
Arizona	.59	1.38	.57	.52	.91	6075
Michigan	.59	.67	1.09	.56	.45	9486
Hawaii	.59	.87	1.38	.50	.53	1708
Louisiana	.59	.67	.90	.23	.61	5408
Minnesota	.58	.70	.23	.35	.49	5835
Georgia	.53	.46	.57	.35	.76	10323
Texas	.52	.69	.68	.34	.54	26154
North Carolina	.52	1.05	.56	.35	.50	10282
Nevada	.52	.00	.55	.51	.77	2299
Illinois	.49	.76	.59	.26	.51	11508
Tennessee	.49	.76	.93	.35	.41	5545
Wisconsin	.48	.50	.76	.49	.44	6218
Pennsylvania	.46	.25	.88	.06	.47	9543
Missouri	.46	.72	.52	.60	.45	6477
Delaware	.41	1.28	.00	.00	.80	734
Kentucky	.39	.53	.43	.55	.34	3836
Oklahoma	.37	.43	.11	.16	.31	4915
Wyoming	.34	.00	.00	.89	.06	886
South Carolina	.33	.46	.49	.16	.40	4588
Kansas	.29	.25	.29	.23	.34	3854
Montana	.24	.00	.59	.72	.21	1276
Mississippi	.24	.00	.34	.00	.24	3382
West Virginia	.24	.00	.63	.00	.27	2077
South Dakota	.22	.00	.00	.00	.13	925
Iowa	.21	.52	.16	.25	.24	3835
Nebraska	.21	.00	.51	.47	.32	2344

Idaho	.18	.00	.00	.00	.21	1664
Alabama	.18	.00	.20	.00	.32	5109
North Dakota	.13	.00	.00	.00	.09	798
Arkansas	.12	.00	.00	.23	.15	3308

Table 3. Regression Model for Percentage of State's Partnered Employees who Have Same-sex Partner

	<u>All Teachers</u>	<u>Managers Police</u>	
Percentage of all partnered private sector employees with same-sex partner	1.040** (7.53)	1.955** (7.13)	0.706* (2.30)
State has law banning anti-gay employment discrimination in public and private employment	0.168* (2.03)	0.451** (2.74)	0.215 (1.17)
State has executive order banning anti-gay discrimination in public employment	0.071 (1.02)	0.017 (0.12)	0.169 (1.09)
Public support for SSM and hiring gay teachers	0.000 (0.01)	-0.124 (1.23)	0.134 (1.20)
Constant	-0.024 (0.25)	-0.387* (2.08)	0.294 (1.41)
R ²	0.77	0.72	0.45
Adjusted R ²	0.75	0.70	0.41

Absolute value of t statistics in parentheses * significant at 5%; ** significant at 1%

Table 4. Logit Models for Federal and State & Local Government Employment, 1999

	<u>Federal Employment</u>		<u>State & Local Employment</u>	
	<u>Model 1</u>	<u>Model 2</u>	<u>Model 1</u>	<u>Model 2</u>
Man with Male Partner	-0.400** (6.95)	-0.551** (9.42)	-0.302** (8.02)	-0.114** (2.79)
Woman with Female Partner	-0.121* (2.04)	0.100 (1.66)	-0.021 (0.68)	-0.006 (0.17)
Person with Opposite-Sex Partner	-0.416** (29.42)	-0.377** (26.26)	-0.279** (33.07)	-0.232** (24.60)
Asian Female	0.266** (9.30)	-0.142** (4.86)	0.250** (12.77)	0.381** (18.02)
African American Female	0.468**	0.065**	0.844**	0.763**

	(31.22)	(4.09)	(81.75)	(63.83)
Hispanic Female	0.053*	-0.425**	0.686**	0.599**
	(2.42)	(18.75)	(56.17)	(43.26)
Other Race Female	0.527**	0.117**	0.557**	0.516**
	(18.98)	(4.07)	(26.69)	(22.28)
White Female	-0.317**	-0.782**	0.314**	0.247**
	(39.96)	(86.79)	(69.12)	(41.53)
Asian Male	0.636**	0.480**	-0.091**	0.142**
	(28.05)	(20.76)	(4.94)	(7.11)
African American Male	0.621**	0.563**	0.643**	0.511**
	(50.04)	(44.00)	(68.91)	(46.53)
Hispanic Male	0.397**	0.371**	0.386**	0.280**
	(25.17)	(23.09)	(35.80)	(22.60)
Other Race Male	0.533**	0.539**	0.349**	0.265**
	(23.40)	(23.10)	(19.46)	(12.83)
Disabled	-0.016	0.011	0.004	-0.013
	(1.71)	(1.11)	(0.61)	(1.93)
Has Limited English Ability	-0.380**	-0.213**	-0.292**	-0.374**
	(10.32)	(5.73)	(14.07)	(16.74)
Naturalized Citizen	-0.346**	-0.306**	-0.528**	-0.407**
	(21.07)	(18.34)	(48.29)	(33.88)
Not a Citizen	-1.160**	-1.103**	-1.035**	-0.907**
	(47.28)	(44.52)	(73.62)	(59.94)
Years of Education	0.308**	0.232**	0.139**	0.096**
	(94.54)	(68.10)	(76.29)	(48.79)
Bachelor's Degree	-0.763**	-0.589**	0.101**	0.116**
	(60.56)	(45.39)	(13.00)	(13.25)
Master's Degree	-1.309**	-0.951**	0.521**	0.430**
	(65.86)	(46.39)	(45.42)	(33.53)
Professional Degree	-1.488**	-1.321**	-0.095**	0.031
	(54.66)	(43.88)	(5.65)	(1.60)
Doctoral Degree	-1.781**	-1.540**	0.689**	0.990**
	(55.00)	(45.59)	(37.22)	(49.78)
Work Experience	0.022**	0.025**	0.036**	0.052**
	(17.78)	(20.06)	(46.45)	(58.85)
Work Experience Squared	-0.000**	-0.000**	-0.000**	-0.001**
	(8.26)	(10.92)	(22.08)	(31.98)
McFadden's pseudo-R ²			.056	.242
Observations	2,519,409	2,519,409	2,405,445	2,405,445

Absolute value of z statistics in parentheses

* significant at 5%; ** significant at 1%

Model 1 includes 50 dummy variables for state of residence. Model 2 adds 21 dummy variables for broad occupational groupings and drops all employees in military occupations.

Table 5. Logit Models for State & Local Government Employment, by Level of Protection

	Rights Law	Model 1 Executive Order	None	Rights Law	Model 2 Executive Order
Man with Male Partner	-0.241** (3.72)	-0.217** (2.86)	-0.385** (6.60)	-0.062 (0.86)	0.011 (0.14)
Woman with Female Partner	0.100 (1.80)	0.031 (0.50)	-0.085 (1.81)	0.079 (1.25)	0.005 (0.07)
Person with Opposite-Sex Partner	-0.240** (14.04)	-0.234** (13.94)	-0.313** (26.32)	-0.194** (10.19)	-0.194** (10.31)
McFadden's pseudo-R ²	.060	.050	.059	.243	.236
Observations	538,188	535,584	1,331,673	538,188	535,584

Absolute value of z statistics in parentheses

* significant at 5%; ** significant at 1%

Sample excludes all federal employees. Model 1 includes all variables from Model 1 in Table 4. Model 2 adds 21 dummy variables for broad occupational groupings.

Table 6. Logit Models for Managerial Positions

	Federal Employees		State and Local Employees	
	Men	Women	Men	Women
Has Same-Sex Partner	0.170 (1.02)	-0.234 (1.18)	0.243* (2.38)	0.132 (1.51)
Has Different-Sex Partner	-0.195** (2.73)	-0.159* (2.17)	-0.236** (4.78)	-0.006 (0.14)
Years of Education	0.284** (15.54)	0.207** (9.50)	0.192** (17.09)	0.199** (13.77)
Bachelor's Degree	0.092 (1.60)	-0.106 (1.40)	0.573** (14.05)	-0.212** (4.23)
Master's Degree	-0.005 (0.05)	-0.148 (1.22)	1.066** (17.49)	0.038 (0.51)
Professional Degree	-1.632**	-1.656**	-0.054	-0.470**

	(12.21)	(8.52)	(0.66)	(4.42)
Doctoral Degree	-1.062**	-0.816**	0.105	0.005
	(7.52)	(3.96)	(1.21)	(0.04)
Work Experience	0.079**	0.044**	0.104**	0.084**
	(14.61)	(5.97)	(25.94)	(19.03)
Work Experience Squared	-0.001**	-0.000*	-0.001**	-0.001**
	(9.83)	(2.34)	(16.18)	(12.32)
Latino	-0.027	0.007	0.005	0.120*
	(0.45)	(0.09)	(0.11)	(2.34)
African American	-0.022	-0.285**	-0.123**	0.037
	(0.54)	(5.42)	(3.75)	(1.08)
Asian American	-0.597**	-0.829**	-0.377**	-0.335**
	(6.62)	(6.05)	(5.14)	(3.84)
Other or Mixed Race	0.275**	0.032	0.120*	-0.009
	(4.04)	(0.37)	(2.01)	(0.13)
Disabled	-0.124**	-0.286**	-0.152**	-0.180**
	(3.20)	(4.75)	(5.59)	(5.06)
Difficulty with English	-0.121**	-0.143**	-0.085**	-0.132**
	(3.30)	(2.66)	(3.08)	(4.01)
Naturalized Citizen	-0.249**	-0.256*	-0.408**	-0.272**
	(3.34)	(2.34)	(7.63)	(4.20)
Not a Citizen	0.638**	0.330*	-0.586**	-0.488**
	(7.11)	(2.19)	(7.05)	(4.80)
McFadden's pseudo-R ²	.069	.038	.116	.046
Observations	85,572	36,240	180,929	132,435

Absolute value of z statistics in parentheses * significant at 5%; ** significant at 1%. Samples restricted to either federal or state and local government employees. Models also include 50 state dummy variables.