Study Track 3: Adult Education: The Sacred Partnership: Ethics and Values

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Study Track 3: Adult Education: The Sacred Partnership: Ethics and Values

A Three-Part Adult Education Course on Social Justice With Regard to Employment and Gender. Time: 60 Minutes for Each Session
Study Track 3: Adult Education: The Sacred Partnership: Ethics and Values

Session One: From the Sources
Encourage participants to read all the articles in the Symposium. In addition, let them know that the first class will focus on the following specific articles:

- “Gender Pay Equity: A Textual Exploration for Justice,” by Rabbi Mary L. Zamore
- “Responsum on Equal Pay,” by Rabbi Jonathan Cohen on behalf of the CCAR Responsa Committee

It is recommended that you begin the study program with one or both of these blessings:

**BLESSING FOR THE PURSUIT OF JUSTICE**

תְּבַאֲרֵּךְ אֱלֹהֵינוּ מֵאֱלֹהֵי הָעוֹלָם אֲשֶׁר קִדְשָּׁנוּ בְּמִצְוֹתָיו וְצִיוָּנוּ לִרְדֹּף תְּזֵּדָּק.

*Baruch atah, Adonai Eloheinu, Melech haolam, asher kid'shanu b'mitzvotav v'tzivanu lirdof tzedek.*

Blessed are You, Adonai our God, Sovereign of the universe, who hallows us with mitzvot, commanding us to pursue justice.

**BLESSING FOR LEARNING AND STUDYING TORAH**

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*Baruch atah, Adonai Eloheinu, Melech haolam, asher kid'shanu b'mitzvotav v'tzivanu laasok b'divrei Torah.*

Blessed are You, Adonai our God, Sovereign of all, who hallows us with mitzvot, commanding us to engage with words of Torah.

Opening question and discussion starter: (10 minutes)

What makes you feel that your work is appreciated and valued by others?
Article 1 (30 minutes)


1. Rabbi Mary Zamore begins this article by quoting two texts from the Torah:

   i. You shall not defraud your fellow [Israelite]. You shall not commit robbery. The wages of a laborer shall not remain with you until morning. (Lev. 19:13)

   ii. You shall not abuse a needy and destitute laborer, whether a fellow Israelite or a stranger in one of the communities of your land. You must pay out the wages due on the same day, before the sun sets, for the worker is needy and urgently depends on it; else a cry to the Eternal will be issued against you and you will incur guilt. (Deut. 24:14-15)

Rabbi Zamore explains that from these two verses we can see that “the Torah protects employees with laws forbidding oshek, (the oppression of workers) which includes withholding salary. Ultimately, not paying a female worker fairly is a type of withholding.” (page 12) Why do the texts in Leviticus and Deuteronomy insist that a laborer be paid on the day of his or her labor? What would be the impact of holding on to the wages until the next day? Do you agree that pay inequity is an example of withholding - why or why not?

2. A second principle derived from the Torah is the idea of maintaining honest weights and measures in commerce. In the days before mass production, each merchant had his or her own set of weights and measures. When it comes to compensation, how does gender bias sometimes change the way we “weigh” the value of employees? When it comes to hiring, what would represent an honest set of weights and measures in today’s marketplace? In what ways have you ever felt that your value as an employee was weighed or measured at work? Consider such issues as promotions, compensation, benefits, office space, self-esteem, awards, and other forms of recognition.

3. “Like false weights and measures, it is impossible to completely repair the damage done by the wage gap, for it affects the access the employee and her family has to quality food, health care, childcare, education, and retirement.” (page 15) Why can’t the damage done by the wage gap be fully repaired?

Article 2 (20 minutes)

● “Responsum on Equal Pay,” by Rabbi Jonathan Cohen on behalf of the CCAR Responsa Committee.

1. Rabbi Jonathan Cohen reminds the reader that the Hebrew word, sachar, connotes “merit” as well as “payment” or “remuneration”. How does the concept of merit apply
to the issue of pay equity? How does compensation affect an employee’s perception of his or her own merit?

2. “Starting during the Talmudic period, questions of payment or remuneration for work (in Hebrew, *sachar*) were resolved on the basis of local customs and jurisdictions.” (page 19) This is one of the ramifications of the principle of *dina d'malchuta dina*, which means “the law of the land is the law.” Rabbi Cohen, on behalf of the CCAR Responsa Committee, contends that “*dina d'malchuta dina* would apply to most aspects of employment legislation and regulation in general and the principle of equal pay for comparable work in particular.” In what ways should our Jewish values align with current secular legislation governing employment? How might Jewish institutions, therefore, conform to outside secular regulations when it comes to employment? When Jewish values set a higher bar than secular laws, should our institutions meet the minimal standard required by law, or strive for the higher bar set by Jewish values?
Session Two: A Historic View of Pay Equity
Encourage participants to read all the articles in the Symposium. In addition, let them know that this session will focus on the following specific articles:

- “Rewriting the Rules and Breaking the Wage Gap Silence,” by Shifra Bronznick and Emma Bronznick Goldberg

It is recommended that you begin the study program with one or both of these blessings:

**BLESSING FOR THE PURSUIT OF JUSTICE**

בָּרוּךְ אַתָּה, אֲדוֹנָי אֱלֹהֵינוּ מֶלֶךְ הָאֵוָלָם בָּרָכֶנָה עַל הָעוֹלָם לֵגְלָּל עֲשֵׂרָה כָלֶנָה

Baruch atah, Adonai Eloheinu, Melech haolam, asher kid'shanu b'mitzvotav v'tzivanu lirdof tzedek.

Blessed are You, Adonai, Sovereign of the universe, who hallows us with mitzvot, commanding us to pursue justice.

**BLESSING FOR LEARNING AND STUDYING TORAH**

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Baruch atah, Adonai Eloheinu, Melech haolam, asher kid'shanu b'mitzvotav v'tzivanu laasok b'divrei Torah.

Blessed are You, Adonai our God, Sovereign of all, who hallows us with mitzvot, commanding us to engage with words of Torah.

**Opening question for discussion: (10 minutes)**
What would a fully egalitarian society look like?
Article 1 (25 minutes)

- “Pay Equity in the Reform Movement: An Unfinished History of Policy and Action,” by Rabbi Marla J Feldman

1. The article opens with the statement: “One of the hallmarks of Reform Judaism, and one of the elements that made it unique among Jewish religious groups at the time it was founded, is the Movement’s commitment to women’s equality.” What were the issues that the Reform Movement championed with regard to women in the workforce and why were these important? (see pages 25–26)

1. How does the article characterize the societal changes of the 1960s, 1970s, and 1980s and the ways these impacted the Reform Movement? Facilitator: Make sure that these examples given below are covered during this discussion:
   - 1960s the Civil Rights Movement
   - 1963 the Equal Pay Act
   - 1972 the Ordination of Women as rabbis in the Reform Movement
   - 1970s-1980s the Women’s Rights Movement and efforts to pass the ERA

2. In 1992 the URJ Board of Trustees admitted that, with regard to gender discrimination and pay equity, “the ideals of our Movement have yet to be realized.” (page 30) The URJ therefore resolved to address this discrepancy in four ways. (pages 30–31) Discuss the four parts of that resolution and consider the ways in which the Movement has made progress in these areas.

   It is helpful to examine the charts on pages 52 and 56 which illustrate: (Figure 1) “Share of Congregational Rabbis by Job Title and Congregational Size for Men and Women,” and (Figure 2) “Cantor Pay for Select Categories, by Gender.” These charts provide some data and context for the discussion about the progress that the Reform Movement has made regarding gender and employment.

3. A 2008 resolution on Ethical Employment stated that, “Our congregations are best served as sacred communities when our employment practices—including contracts, job expectations, training, family leave policies, hiring, and transition procedures—reflect Jewish values.” What kinds of employment policies might best reflect a synagogue’s commitment to Jewish values?

Article 2 (25 minutes)

1. Page 90 describes how some courts and institutions in recent years have addressed the gender wage gap. What approaches are listed and what might make them successful? How might Jewish organizations benefit from these approaches?

2. The authors write that “The wage gap also exerts impact on the leadership gap … When we underpay women, we do not see them as leaders.” (page 91) How does pay inequity contribute to a leadership gap? What is the correlation between compensation and leadership status?

3. “Any institution or community that claims to be committed to justice and equality must prioritize measures that address wage inequality.” (page 92) What policies or systems in our own community should be examined to achieve pay equity? How might we make these issues a higher priority in our community?

- To probe other ways in which the Jewish community can respond to the inequities that remain embedded in our communal culture, read “We Too: Looking at #MeToo and the Gender Wage Gap in the Jewish Community” (on the Reform Pay Equity website) https://reformpayequity.org/.
Session Three: Building a Sacred Partnership

Encourage participants to read all the articles in the Symposium. In addition, let them know that this class will focus on the following specific articles:

- “Beyond Salaries: Fair Employment Practices,” by Laura Bernstein
- “Embedding Pay Equity into the Congregational Culture,” by Rabbi Paul Kipnes
- “What is Possible: Striving for Gender Pay Equity,” by Rabbi Esther L. Lederman and Amy Asin

Note that this session invites participants to review your synagogue’s mission statement, if one exists. If you do have a mission statement, please bring copies to share with the participants.

It is recommended that you begin the study program with one or both of these blessings:

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**BLESSING FOR LEARNING AND STUDYING TORAH**

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Blessed are You, Adonai our God, Sovereign of all, who hallows us with mitzvot, commanding us to engage with words of Torah.
Opening question for discussion: (10 minutes)

What makes the relationship between lay people and paid staff in Jewish organizations different from other employer-employee relationships?

Article 1 (30 minutes)

- “Beyond Salaries: Fair Employment Practices,” by Laura Bernstein

Laura Bernstein emphasizes that “Across for-profit and nonprofit industries, including faith-based organizations, salary typically accounts for 70 percent of an employee's total compensation package. The remaining 30 percent is made up of ancillary benefits … benefits play a significant role in an employee's overall decision to join or stay at an organization and in their perception of feeling valued and respected.” (page 64) Process this information together and consider the types of benefits discussed in Bernstein article. How important are these types of benefits in your opinion?

1. Pair up members of the committee and have each one read a different one of the five scenarios presented on pages 64–66. Give them five minutes to read their scenario and discuss what a Jewish institution might learn from it. Have each pair report back to the group. These are the topics of each scenario:
   I. Perception of men versus women in negotiations
   II. Eliminating a position and distributing the responsibilities among current employees
   III. Issue related to part-time positions
   IV. Differing attitudes towards different types of Jewish professionals
   V. Salary and retirement benefits

2. Review the chart listing benefit examples and existing benefit challenges (Figure 1) on page 71. Next, consider the statement on page 73, “As Jews committed to the fair and respectful treatment of all people, it is our obligation to view employment practices as rights of all employees, not privileges of those who negotiate for them.” Which employment practices do you view as employee rights and why?

Article 2 (10 minutes)

- “Embedding Pay Equity into the Congregational Culture,” by Rabbi Paul Kipnes

Rabbi Paul Kipnes lists four ways in which a congregation can make a commitment to pay equity:

I. Equity-Plus compensation
II. Paid Family Leave
III. Equity in Raises
IV. Power Title
Do you think these are effective ways for a congregation to communicate it values its employees? Why or why not? Are there other methods?

Article 3 (10 minutes)

● “What is Possible: Striving for Gender Pay Equity,” by Rabbi Esther L. Lederman and Amy Asin

“At the URJ, we spend an incredible amount of time speaking about the sacred partnership between professional staff and lay leaders. It is the very foundation by which our congregations achieve their mission and purpose.” (page 77) What adjectives would you use to characterize the partnership between professional staff and lay leaders at your congregation? Review your congregation’s mission statement, if you have one. How does this partnership allow everyone to fulfill the congregation’s mission? For those congregations that do not have a formal mission statement, how does the lay-professional partnership support and enrich your synagogue community?

For more information and further exploration see the Reform Pay Equity Initiative website https://reformpayequity.org/
Compensation Benefits: Five Scenarios

Scenario 1:

A synagogue was hiring two new rabbi-educators. The top two candidates were well qualified and brought comparable skills and strengths. One candidate was male. One candidate was female. Both were likely to accept the respective positions. During contract discussions, the male candidate chose to have legal representation and attempted to negotiate 10 percent more than the salary offered. The organization did not want to lose the candidate and was inclined to say yes. This decision involved several considerations: (1) The male candidate would potentially receive not only 10 percent more than offered in compensation, but also a larger contribution to his pension because pension is based on a percentage of salary. When salary rises, the pension contribution also grows. (2) Annual percentage salary and pension increases over time would further widen the gap between these similarly situated employees. (3) Studies show that men are more likely to negotiate than women, and when women do, it is perceived negatively.

While business leaders may be inclined to treat each situation differently, in a Jewish organization we should hold ourselves to a higher standard. If negotiation skills are not indicative of how the candidate will perform in the position she or he is being hired for, then a lack of negotiation should not play a role in compensation decisions. In this situation where positions are equal and candidates are equally qualified, equity reform demands that whatever one candidate negotiates, the other receives as well. In this case, that was precisely what the congregation decided to do.

Scenario 2:

A development director retired from a Jewish agency in a large metropolis. The agency’s board decided not to replace the director and instead asked the executive director to take on the core development work, which also included communications strategy. This change would save salary and benefits costs and help to offset an annual budgetary gap. The executive was not offered additional compensation and did not have capacity to take on all responsibilities of the previous development director. Some activities needed to be delegated elsewhere, contracted out, or removed from the priority list. With this plan, the agency may have saved some money, but did so by overly burdening existing staff members, creating impossible expectations, and establishing an unrealistic job description.

Scenario 3:

A large congregation employed a part-time education director on a salary representing 75 percent of a full-time salary. In lieu of full-time hours, the employee negotiated for 2 percent pension, additional time off, and a budget to pay for association membership fees. Nonetheless, the director consistently worked more hours each week than originally negotiated, totaling more
than forty hours. In reality, the position required full-time work, and a full-time salary should have been provided, along with other benefits accruing to full-time employees, including a higher level of pension benefits and coverage of association fees. Over this employee’s ten-year tenure, instead of receiving a full compensation package, she received thousands of dollars less in salary and related benefits than she should have. This inequity is not acceptable according to Reform Jewish values.

Scenario 4:

A female executive director was excited to be part of the leadership team that would revision the synagogue’s future. This executive accepted the position knowing the salary was slightly below the national median and without pension. She did not negotiate coverage for medical insurance beyond the standard package offered. In her third year of employment, a new male senior rabbi was hired. He negotiated full family medical coverage, full preschool and day school tuition for up to two children, and pension paid at a standard set by the CCAR. At the executive director’s contract renewal meeting, she requested a salary increase reflective of the national average for executive directors in like-size congregations, full medical coverage, and pension paid at the average percentage of salary for temple administrators. While the positions are different, the senior rabbi and executive director are the two senior professional positions within the synagogue and the colleagues are considered peers from a leadership perspective. Both report to the board of directors, both affiliate with professional organizations, and each have oversight for their areas of responsibility. This change would clearly demonstrate the synagogue’s commitment to equitable pay and compensation benefits; however, the lay leadership did not agree to the request, putting the organization at risk of losing this executive.

Scenario 5:

An executive retired after eighteen years of service in a local Jewish Federation. Over the course of her tenure, the Federation’s annual campaign had grown significantly due to the hard—and smart—work of the executive and her team. While given the title of CEO, the Federation’s leader had never requested any type of performance bonus and was satisfied with a salary at the low end of the national average. The Federation’s board determined a compensation package for the new executive and made decisions to include benefits not afforded the previous executive (including a pay-for-performance bonus, pension, and expanded time off). At her retirement party, the previous executive was presented with a check in an amount equal to three years of additional benefits based on what the new executive would be receiving. This was a welcome surprise, and while not necessary, reflected a commitment to pay equity reform.
**FIGURE 1 (page 71)**

<table>
<thead>
<tr>
<th>Benefit Examples</th>
<th>Existing Pay Equity Challenges</th>
</tr>
</thead>
<tbody>
<tr>
<td>Insurance</td>
<td></td>
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<tr>
<td>Employer-paid medical, dental, and vision</td>
<td>Disparity in amount included in compensation package among different staff positions</td>
</tr>
<tr>
<td>Life insurance</td>
<td>Disparity when amount is based on % of salary</td>
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<tr>
<td>Parental/family leave</td>
<td>Disparity in application consistency</td>
</tr>
<tr>
<td>Paid time off (PTO)</td>
<td>Disparity in application consistency</td>
</tr>
<tr>
<td>Unemployment insurance</td>
<td>No disparity</td>
</tr>
<tr>
<td>Flexible spending accounts</td>
<td>Minimal disparity</td>
</tr>
<tr>
<td>Retirement</td>
<td></td>
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<tr>
<td>Pensions</td>
<td>Disparity based on classification of employees and percentages covered; gap increases over time</td>
</tr>
<tr>
<td>Professional Development</td>
<td></td>
</tr>
<tr>
<td>Professional association fees</td>
<td>Minimal disparity</td>
</tr>
<tr>
<td>Conference participation</td>
<td>Disparity based on classification of employees</td>
</tr>
<tr>
<td>Tuition reimbursement professional learning opportunities</td>
<td>Typically a negotiated benefit; disparity in allowing negotiation to favor one employee over another</td>
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<tr>
<td>Community and Wellness</td>
<td></td>
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<tr>
<td>Holiday and bereavement leave</td>
<td>Minimal disparity</td>
</tr>
<tr>
<td>Flexible schedules</td>
<td>Minimal disparity</td>
</tr>
<tr>
<td>Wellness memberships</td>
<td>Disparity based on classification of employees</td>
</tr>
<tr>
<td>Temple and agency affiliation fees</td>
<td>Disparity based on classification of employees and inappropriate alternative to fair salary</td>
</tr>
<tr>
<td>Jewish community school discounts</td>
<td>Disparity based on classification of employees</td>
</tr>
<tr>
<td>Other</td>
<td></td>
</tr>
<tr>
<td>Unique negotiated benefits</td>
<td>When subject to negotiation rather than uniform provided to similarly situated employees, there may be an inherent inequity</td>
</tr>
</tbody>
</table>

Chart from p. 71 (For the Essays “Where Do We Go from Here? Achieving Pay Equity on Our Pulpits” by Rabbi Richard Jacobs and “Beyond Salaries: Fair Employment Practices” by Laura Bernstein)