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Your appearance can affect size of your paycheck

By Stephanie Armour, USA TODAY

When Jennifer Portnick wanted to be a Jazzercise franchisee, she says, she was denied. The reason: The company had a policy that required exercise instructors to appear fit. Portnick, who weighed 240 pounds, didn't pass.

So she filed a civil complaint under a San Francisco ordinance that bans discrimination based on weight and height. The company changed its policy, and she dropped her complaint.

Portnick's story is just one example of how physical appearance can affect employment. A growing body of research supports what many suspect: In the workplace, an employee's physical appearance is a powerful symbol that affects job success.

"The issue was my image. I never thought I'd be complaining about discrimination," says 41-year-old Portnick, who now is a personal trainer and teaches intermediate aerobics classes every other Saturday for people of all sizes at World Gym. "We talk so much in workplaces about diversity. Do we want everyone to fit into one mold? I don't think that helps any company."

Jazzercise officials say they don't believe they discriminated against Portnick.

The new research, as well as high-profile lawsuits alleging appearance-based discrimination, is raising new awareness about how looks hurt — or help — careers. It also has some organizations such as the International Size Acceptance Association calling for legal protections based on appearance.

In some cases, they're getting it. Michigan bans discrimination based on height and weight. Santa Cruz, Calif., bars discrimination based on height, weight or physical characteristics. Washington, D.C., outlaws employment discrimination based on personal appearance. In San Francisco, it's illegal to discriminate against employees



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because of their weight and height.

But, for the most part, employees have no protection from appearance-based discrimination unless policies also single out workers based on their race, gender or age. Some employers, such as the Borgata Hotel Casino & Spa in Atlantic City, say it's not discriminatory to require that employees conform to appearance standards.

"Employers are free to be unfair," says Bill O'Brien, a Minneapolis-based employment lawyer. "Other than some protected classes, there isn't a great deal employees can do about it. We saw it first on the playground, when the popular people who were the leaders chose other people like them as friends."

But what began on the playground can have a profound impact on paychecks. In a recent analysis, the Federal Reserve Bank of St. Louis reviewed various economic studies to find possible links between looks and wages. The study's conclusion: A worker with below-average looks tended to earn significantly less — on average 9% less — per hour than an above-average-looking employee. And those with above-average looks tended to earn 5% more than their average-looking colleagues.

"If someone looks like Brad Pitt or Julia Roberts, and society values that, that attribute is built into wages," says Michael Owyang, an economist who worked on the analysis.

An intangible asset

Looking good on the job is an intangible asset that can be important, just as sharp technology skills or the ability to be a team player can give certain workers an edge.

It's important enough that Patti Pao, 40, vice president of brand management at David's Bridal in Conshohocken, Pa., never goes to a meeting without putting on lipstick. Says Pao: "You're a personification of who you work for."

It's the reason Matt Kennedy, 24, a public relations account executive in Orlando, no longer wears his hair to work in a fashion that looks like a modified mohawk. Instead, he wears glasses and sweeps his hair to the side in a style he describes as a bit like Clark Kent.

"Before, I was struggling to get a job. Then I got three job offers in one week," Kennedy says. "On the weekends, I wear my trendy clothes and jeans that are bleached out."

It's the reason Brian Chernicky, 30, owner of the newly founded San Diego-based Real Online Marketing, wears a pair of fake glasses when wooing clients. He thinks it makes him look smarter. "Marketing is perception," he says.

Looking good on the job is one reason that mortgage broker Bill Schneider, 34, underwent hair transplant surgery.

"I manage 60 guys in my office, a lot of younger guys," says Schneider, of Boca Raton, Fla. "They used to look at me as different from them. I used to look 40. Now guys come up and talk to me more comfortably, as a friend."

Some employers also agree that looks matter. Intranet software firm Mindbridge Software in Norristown, Pa., requires formal business attire on the job. Men must wear ties, can't have beards and can't wear their hair past shoulder length. Also, employees can't have visible body piercings or tattoos. "Clients like to see a workforce that looks real conservative," says Scott Testa, chief operating officer. "We have people complain about it and people who like it."

The approach is different from that of other software firms, which generally have laid-back dress codes, because the firm wanted to differentiate itself and present a businesslike image to clients.

Height and weight factors

It's not just a pretty face that helps boost wages. An employee's height and weight also play a role. For the book *Blink* by Malcolm Gladwell, half of the companies on the *Fortune* 500 were polled about the height of their CEOs. On average, male CEOs were just under 6-feet tall, or 3 inches taller than the average man.

It's a bias that some struggle with. Dan Okenfuss, public relations vice president at Little People of America, a group that represents people of short stature, says employees who don't fit societal norms can feel singled out.

"People with dwarfism are capable of doing anything in the workplace," he says. "Some members feel they have been slighted, that they didn't get the promotion they wanted, and size may have been a factor. Companies need leaders to be tall and broad-shouldered."

Another area where employees feel an impact is their weight. A study done in part by New York University sociologist Dalton Conley found that an increase in a woman's body mass results in a decrease in her family income and her job prestige. Men, however, experience no such negative effect.

For women, a 1% increase in body mass as measured by the body mass index results in a 0.6 percentage point decrease in family income. The work, sponsored by the National Bureau of Economic Research, was based on 3,335 men and women.

As health care costs climb and national attention turns to the problem of obesity in the USA, overweight workers are feeling pressure to slim down. The latest data from the National Center for Health Statistics show that 30% of U.S. adults age 20 and older (more than 60 million people) are obese.

In a case that has attracted widespread attention, the Borgata Hotel Casino & Spa bans bartenders and cocktail waitresses (known as Borgata Babes) from gaining more than 7% of their body weight from the time they begin weigh-ins. That means a 125-pound woman couldn't gain more than 8.75 pounds.

Those who do gain more receive a 90-day unpaid suspension, and after that, may be fired. Some employees upset by the policy filed a lawsuit and civil-rights complaints, which are pending. Employees have claimed the policy amounts to discrimination based on sex and disability.

The question of whether weight is a disability under the federal Americans with Disabilities Act is still being decided in the courts, but in many cases courts have determined that being obese is not a disability protected by the law.

Richard Chaifetz, president of ComPsych, a Chicago-based employee assistance provider, says overweight employees may not be as productive.

More than 20% of very overweight employees have low morale, almost twice that of employees of healthy weights, according to a June survey by ComPsych. The survey was based on a poll of more than 1,000 client organizations.

Allen Steadham of the International Size Acceptance Association disagrees. He says he believes heavier employees are just as productive.

Overweight employees "are more likely to be as productive, or more productive," Steadham says. "People are standing up for themselves with lawsuits. High-profile cases are bringing attention to the issue, and that brings change."

When employees sue, they tend to argue that appearance standards or hiring based on looks have evolved into racism or other illegal discrimination.

Abercrombie & Fitch agreed last year to pay \$50 million to settle a lawsuit with the government after a class-action lawsuit claimed employees were discriminated against. The lawsuit claimed the retailer hired white, attractive-looking men for sales and put minority workers in stockroom positions.

No powder, no blush

In another case, Darlene Jespersen, a former casino bartender at Harrah's Entertainment, sued her Reno-based employer after she was fired for not wearing makeup. She had worked there for 20 years and had not regularly worn makeup.

The firm requires that women wear makeup, defined as powder or foundation, blush, lipstick and mascara. The 9th U.S. Circuit Court of Appeals heard arguments in the case last month after a lower court ruled in favor of Harrah's.

The company's policy has since been revised, says spokesman David Stow, and makeup is no longer mandatory. That change is not a result of the lawsuit but because of concerns from employees, Stow says. Stow also said Harrah's offered Jespersen her job back and agreed to waive their appearance standard for her.

"Our main goal is to ensure all our employees have a professional and well-groomed appearance when they come into contact with the public," Stow says.

Jennifer Pizer, Jespersen's lawyer, says the conditions of her re-employment were not suitable and that other women at work would resent her if she got special exemption not to wear makeup. She is not going back to work at this time.

"She felt it was a humiliation to have to wear the makeup," Pizer says. "There is a particular impact on women in our economy, especially in businesses catering to the public: 'All the women should be 16 and look like the girl next door.' Well, society isn't like that."

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