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Equal Employment Opportunity in Tacoma Area Local Government

July 1980



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Equal Employment Opportunity in Tacoma Area Local Government

—A report prepared by the Washington Advisory
Committee to the United States Commission on
Civil Rights.

ATTRIBUTION:

The findings and recommendations contained in this report are those of the Washington Advisory Committee to the United States Commission on Civil Rights and, as such, are not attributable to the Commission. This report has been prepared by the State Advisory Committee for submission to the Commission, and will be considered by the Commission in formulating its recommendations to the President and the Congress.

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LETTER OF TRANSMITTAL

Washington Advisory Committee
to the U.S. Commission on Civil Rights
July 1980

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Dear Sirs and Madam:

The Washington Advisory Committee submits this report on equal employment opportunity in Tacoma area local government as part of its responsibility to advise the Commission on civil rights issues in this State.

The report is an examination of the governments of the City of Tacoma, Pierce County, and the Port of Tacoma with respect to their employment of minorities and women from 1973 to 1978 and of handicapped persons in the present. The Advisory Committee has determined to what extent there has been measurable, yearly improvement in the employment status of minorities, women, and the handicapped.

Of all the public employers studied, the City of Tacoma has been the most effective in providing equal employment opportunity. Primarily as a result of the practice of selectively certifying for employment qualified individuals from underrepresented groups, minority representation in the city government work force tripled between 1973 and 1978. Women, however, continue to be overwhelmingly concentrated in clerical jobs and absent in top level management. Programs must be developed to ensure that minorities and women are represented in all parts of city government.

An analysis of Pierce County's employment profile shows that as the proportion of minorities in the available labor market increased, the proportion of minorities in the county government work force decreased. All employees earning more than \$25,000 in 1978 were white males. There are no women deputy sheriffs and very few women in other nontraditional jobs. Pierce County has demonstrated only a "paper commitment" to equal employment opportunity. The Advisory Committee therefore requests the U.S. Commission on Civil Rights to recommend that the Equal Employment Opportunity Commission institute systemic employment discrimination proceedings against Pierce County and that the Office of Revenue Sharing, U.S. Department of the Treasury, and the Law Enforcement Assistance Administration, U.S. Department of Justice, conduct employment compliance reviews of county programs receiving Federal funds.

Although the Port of Tacoma has substantially increased the number of minority employees, minorities continue to be concentrated in the lower paying jobs. Women hold none of the 88 positions in the administrative, skilled craft, and semi-skilled job categories. The port must undertake vigorous recruitment and upward mobility programs to enhance the employment opportunities of minorities and women.

Handicapped persons, at best, have been ignored by the jurisdictions examined. They are 11 percent of the working age population in Pierce County, 9 percent of the labor force, and yet less than 4 percent of the city government work force, less than 3 percent of the county government work force, and absent in port employment. The Advisory Committee recommends that personnel policies and practices be reviewed by each of the public employers with the assistance of handicapped persons and organizations representing the handicapped and that goals and programs be developed to improve the employment status of the handicapped.

The Washington Advisory Committee urges the Commission to support the recommendations contained in this report. Local government must make a positive contribution toward eliminating the burden of employment discrimination that minorities, women, and the handicapped have too long endured.

Respectfully,

Alice Thwing
Chairperson

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The staff of the Commission's Publications Support Center was responsible for final preparation of the report for publication.

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Introduction

Equal employment opportunity has long been a subject of concern to the Washington Advisory Committee to the U.S. Commission on Civil Rights. In 1971, in response to numerous complaints received by the Advisory Committee, it held an open meeting and issued a report on the employment status of minorities in the governments of Tacoma and Pierce County, Washington.¹ The Advisory Committee found that, despite a minority population of 9.2 percent of the total population in the Tacoma metropolitan area, only 2.0 percent of city employees and 3.9 percent of county employees were minorities. Further, those minorities who held local government jobs were concentrated in the lower paying ones, and almost none held supervisory positions.

The Advisory Committee recommended that goals and timetables be established to increase minority representation in the city and county government work forces, that department heads be responsible for arriving at those goals, and that monitoring systems be established to ensure satisfactory progress. In 1972 Commission staff reviewed the affirmative action efforts of Tacoma and Pierce County and found that minority representation had

increased to 5.1 percent in city employment and 6.5 percent in county employment.

Progress, however, has not been uniform, and in recent years it has come to the attention of the Advisory Committee that minorities, as well as women and handicapped persons, continue to be underrepresented in most local government job classifications. In January 1979 the Advisory Committee decided to initiate a new study of equal employment opportunity that would examine the employment status of minorities, women, and the handicapped in the City of Tacoma, Pierce County, and the Port of Tacoma.

On May 11 and 12, 1979, the Advisory Committee held an open meeting in the County-City Building, Tacoma, Washington and heard testimony from representatives of community organizations concerned with employment rights, union officials, personnel, civil service, and equal employment opportunity officers, department heads, elected officials, and other interested individuals. This report is based on information obtained from participants at the open meeting, from persons interviewed before and after the meeting, and from public documents such as city, county, and port affirmative action plans and employment status reports.

¹ Washington Advisory Committee, *Equal Employment Opportunity in the Governments of the City of Tacoma and the County of Pierce, Washington, A*

Report of Findings. Washington Advisory Committee to the United States Commission on Civil Rights (July 1971).

Employment Data by Race, Sex, and Handicap— Tacoma Metropolitan Area

The Tacoma Standard Metropolitan Statistical Area (SMSA) includes all of Pierce County and is located on southern Puget Sound in western Washington. The county contains major military installations at Fort Lewis and McChord Air Force Base and is served by a deep-water port, transcontinental rail lines, and an international airport. The area's economic base is derived largely from logging, the wood products industry, metals processing, the aerospace industry, and military support activities.

The county population is concentrated around Tacoma, which lies on the waterfront, and becomes progressively sparser eastward to Mt. Rainier and the Cascade Mountain Range. According to figures supplied by the Washington State Office of Financial Management, the 1978 population of Pierce County was 442,600.¹ (See table 1.1.) Minorities were 10.9 percent of the total population, up from 9.2 percent in 1970. Of the 48,215 minorities in the county, approximately 48 percent were blacks, 21 percent Hispanics, 16 percent Asians, 11 percent Native Americans, and 5 percent other nonwhites.

Community-based estimates of the minority population differ substantially from the official tally. In 1977, the Pierce County Health Council Task Force on Minorities and the Disadvantaged compiled estimates provided by community service agencies that showed the total minority population of Pierce

County to be between 52,720 and 54,720.² The Washington State Office of Financial Management's estimate at the time was 46,245.³ Those groups most undercounted according to the community resources were Asians (by 43 to 46 percent) and Native Americans (by 21 to 32 percent). The Asian American Alliance believes that the total Asian and Pacific Islander population, including Samoans, Guamanians, Tongans, Thais, Cambodians, and Laotians who are not included in the Washington Office of Financial Management's "Asian" category, is now two to three times higher than the official estimate.⁴ Because of high unemployment and underemployment, the Native American population is highly mobile and difficult to estimate. The majority of Indians in the area are from tribes outside Pierce County.⁵

It is projected that from 1970 to 1980 the county population will grow 17 percent for a total of 482,000.⁶ Whites will increase by 15 percent, blacks by 38 percent, and other ethnic categories by 65 percent. Indians and Asians are expected to increase at the fastest rates. The Washington State Employment Security Department predicts that the Pierce County labor force will grow to 174,000 by 1980, an increase of 28 percent over the 1970 level.⁷ The female percentage of the labor force is expected to rise slightly; it was 40.1 percent in 1978. Minorities

¹ Washington State Employment Security Department, *Annual Planning Report, Tacoma SMSA*, July 1979, p. 4 (hereafter cited as *Annual Planning Report*).

² Pierce County Health Council Minority and Disadvantaged Task Force, *Status Report, Barriers to Health Care for Minority and Disadvantaged Peoples of Pierce County*, August 1977, p. 7.

³ Washington State Employment Security Department, *Labor Market Information for Affirmative Action Programs*, 1978, p. 5.

⁴ Exhibit 19, *Asian/Pacific American Report to U.S. Commission on Civil*

Rights, May 12, 1979, submitted by Arleen P. Subica to the Washington Advisory Committee, open meeting, Tacoma, Washington, May 11-12, 1979.

⁵ Nancy Butterfield, Small Tribes Organization of Western Washington, testimony before the Washington Advisory Committee, open meeting, Tacoma, Washington, May 11-12, 1979, transcript, vol. 2, pp. 30-31 (hereafter cited as transcript).

⁶ *Annual Planning Report*, p. 3.

⁷ *Ibid.*, p. 4.

TABLE 1.1**Population by Minority Group, 1970 and 1978
Tacoma SMSA (Pierce County)**

	1970	Percent of total 1970	1978	Percent of total 1978	Percent change
Total	412,344	100.0	442,600	100.0	+ 7.3
White, excluding Hispanic ¹	374,463	90.8	394,385	89.1	+ 5.3
Hispanic	9,242	2.2	10,350	2.3	+ 12.0
Black	18,517	4.5	23,100	5.2	+ 24.8
Native American	3,351	0.8	5,080	1.1	+ 51.6
Asian ²	5,387	1.3	7,500	1.7	+ 39.2
Other non-Whites	1,384	0.3	2,185	0.5	+ 57.9
Minority total	37,881	9.2	48,215	10.9	+ 27.3

¹Derived from the persons of Spanish language in the 1970 Census.

²Includes Japanese, Chinese, Filipino, Hawaiian, Korean, and Vietnamese.

Source: State of Washington, Employment Security Department, *Annual Planning Report, Tacoma SMSA* (July 1979), p. 4.

in the labor force are expected to increase at more than five times the rate of whites.

The labor force consists of all civilians 16 years old and over who either have a job (employed) or do not have a job but are actively seeking work (unemployed). In 1978, minorities accounted for 9.5 percent of all persons with jobs in Pierce County but represented 17.6 percent of the unemployed. (See table 1.2.)⁸ The unemployment rate for minorities was 13.3 percent compared to 7.1 percent for whites. The unemployment rate for Native Americans was much higher—25.0 percent. A survey prepared for the Tacoma Indian Center identified unemployment as one of the “most critical problems” facing Native Americans in the Tacoma area.⁹ There was practically no difference between the jobless rate for men and that for women.

The 1970 census provides information on the distribution of employed persons in Pierce County by race and sex for major occupational groups and selected subgroups.¹⁰ These data show that 40.9 percent of the minorities were employed as service

workers and operatives, in contrast to 23.0 percent of the whites. Of the 46,654 women workers, 59.1 percent were employed in clerical and service occupations. Most of the female professionals were either teachers or nurses. The proportion of minorities (3.9 percent) and women (4.1 percent) employed as managers and administrators was far less than that of white males (12.2 percent). Craft employment was also dominated by white males. A greater proportion of minority women than white women were employed as unskilled laborers, service workers, and farm laborers; a lesser proportion occupied administrative, professional, and clerical positions.

Statistics on the handicapped population of Pierce County were provided in the 1970 census.¹¹ (See table 1.3.) These data, which were derived from a 5 percent sample, seek to determine the number and employment status of persons with a serious long-term illness or a serious physical or mental impairment that interferes with working at a job. According to the census, 10.9 percent of the working age

⁸ Washington State Employment Security Department, *Labor Market Information for Affirmative Action Programs, Tacoma*, 1979, p. 6 (hereafter cited as *Labor Market Information*).

⁹ Exhibit 24, *Needs Assessment Survey*, Tacoma Indian Center, January 1979, submitted by Jose Vigil.

¹⁰ *Labor Market Information*, p. 7.

¹¹ U.S., Department of Commerce, Bureau of the Census, 1970 Census of Population, *Characteristics of the Population, Washington*, vol. 1, part 49, *Characteristics of the Noninstitutional Population 16 to 64 Years Old with Work Disability: 1970*, table 169, pp. 480-81.

TABLE 1.2**Employment Status by Sex and Minority Status
Tacoma SMSA (Pierce County)**

1978 annual average

Sex and minority status	Labor force	Employed	Unemployed	Percent distribution			Unemployment rate
				Labor force	Employed	Unemployed	
Both sexes							
• Total	164,700	152,200	12,500	100.0	100.0	100.0	7.6
White	151,200	140,500	10,700	91.8	92.3	85.6	7.1
Black	7,900	6,900	1,000	4.8	4.5	8.0	12.7
Native American	1,600	1,200	400	1.0	0.8	3.2	25.0
Other races	4,000	3,600	400	2.4	2.4	3.2	10.0
Hispanic	3,100	2,700	400	1.9	1.8	3.2	12.9
Minority group*	16,600	14,400	2,200	10.1	9.5	17.6	13.3
Female							
Total	66,100	61,100	5,000	100.0	100.0	100.0	7.6
Percent of both sexes	40.1	40.1	40.0	—	—	—	—
White	60,400	56,000	4,400	91.4	91.7	88.0	7.3
Black	3,400	3,000	400	5.1	4.9	8.0	11.8
Native American	500	380	120	0.8	0.6	2.4	24.0
Other races	1,800	1,720	80	2.7	2.8	1.6	4.0
Hispanic	1,300	1,100	200	2.0	1.8	4.0	15.4
Minority group*	7,000	6,200	800	10.6	10.1	16.0	11.4

Notes: *Sum of Hispanic and all races except white. Some duplication possible since Hispanic may include nonwhite races in addition to white.

Sum of individual items may not equal totals because of rounding.

Source: State of Washington, Employment Security Department, *Labor Market Information for Affirmative Action Programs, Tacoma* (1979), p. 6. (Some of the figures were revised on Dec. 5, 1979.)

TABLE 1.3**Population and Employment Status of the Handicapped, 1970
Tacoma SMSA (Pierce County)**

	Popula- tion	Labor force	Em- ployed	Unem- ployed	Popula- tion	Percent distribution			
						Labor force	Em- ployed	Unem- ployed	Unemploy- ment rate
Both sexes									
Total ¹	216,574	131,222	120,340	10,882	100.0	100.0	100.0	100.0	8.3
Handicapped ²	23,593	11,784	10,679	1,105	10.9	9.0	8.9	10.2	9.4
Male									
Total	100,261	81,943	75,208	6,735	100.0	100.0	100.0	100.0	8.2
Handicapped	14,066	9,565	8,646	919	14.0	11.7	11.5	13.6	9.6
Female									
Total	116,313	49,279	45,132	4,147	100.0	100.0	100.0	100.0	8.4
Handicapped	9,527	2,219	2,033	186	8.2	4.5	4.5	4.5	8.4

¹Persons 16 to 64 years old.²Disabled 6 months or longer, excluding inmates of institutions and persons attending school.Source: U.S., Department of Commerce, Bureau of the Census, 1970 Census of Population, *Characteristics of the Population*, Washington, vol. 1, part 49, table 169, pp. 480-81.

population of Pierce County and 9.0 percent of the labor force were handicapped persons.

A survey of 2,438 handicapped adults living in the Tacoma area conducted by the City of Tacoma Department of Human Development in 1977 showed that 20 percent of the respondents had jobs and 16 percent were employed full time.¹² There remained 48 percent of the handicapped population

¹² City of Tacoma, Human Development Department, *Self-Identifying Survey*, February 1978.

who were not seeking employment and 32 percent who were seeking but could not find a job. According to the survey responses, the unemployment rate for handicapped persons was 62 percent. That figure is in accord with the experience of an employment training specialist who has served hundreds of handicapped clients in Tacoma.¹³

¹³ Penny Lewis, employment specialist for the handicapped, City of Tacoma Comprehensive Employment Services, transcript, vol. 2, p. 92

City of Tacoma

Governmental Structure

The City of Tacoma has a council-manager form of government. Under this system, the city council determines city policies and the city manager is charged with carrying them out. The eight council members are elected to 4-year terms, as is the mayor, who is the presiding officer as well as a voting member of the council. The council's responsibilities include enacting city ordinances, adopting the annual budget, levying taxes, and authorizing contracts and purchases. The city manager, who is appointed by and serves at the pleasure of the council, is the chief administrative officer of the city. The primary duties of the manager are to coordinate the work of city departments and to implement decisions made by the council. Members of various city boards and commissions are appointed by a majority vote of the council upon their nomination by the mayor.

City government is divided into two parts: general government and public utilities. General government is under the supervision of the city manager and includes the following departments: city clerk-general services, community development, comprehensive employment services, emergency services, finances, fire, human development, human relations, legal, personnel, planning, police, public works, tax and license, and transportation. The city manager has the power of appointment and removal of department heads and all other employees in general government. The department of public utilities comes under the jurisdiction of the city council-appointed public utility board. The director of

utilities is the board's administrative appointee and the counterpart of the city manager in the utilities department.

Personnel System

The city charter establishes a civil service personnel system whereby city jobs and promotions are obtained through competitive examination. A five-member civil service board (three members are elected by the people, one by civil service employees, and one is appointed jointly by the city manager and director of utilities) promulgates personnel rules and passes upon grievances relating to city employment. The personnel department, whose director is appointed by the city manager, provides staff services for the civil service board and administers a centralized system for recruitment, examination, selection, and training. The department has 22 permanent staff and 5 persons temporarily employed under the Comprehensive Employment and Training Act (CETA).¹

Public notice of examinations is given by posting announcements in public places and sending them to governmental and community-based employment offices at least 10 days in advance of the last date for filing applications. After screening out those who fail to meet the minimum qualifications, an examination is given to determine the applicants' relative fitness for the job. Any combination of the following types of tests may be used: appraisal of qualifications, written, oral, physical, and performance tests. Candidates receiving passing scores take rank on the

¹ 29 U.S.C. §§801-999.

proper eligible list in the order of their scores. In open examinations (i.e., open to all applicants, including persons not currently employed by the city), veterans meeting certain requirements and regular city employees get 10 percent of their passing score added to their score. In promotional examinations (i.e., open only to current city employees whose previous experience prepares them for the higher position), a service credit of one-fourth of one point for each year of continuous city service is added to a passing score. When a vacancy occurs, the personnel department certifies to the appointing authority the three candidates highest on the appropriate eligible list (rule of three). If it is a promotional list, only the top candidate is certified (rule of one). Open lists provide a maximum period of eligibility of 2 years, and promotional lists provide 3 years' eligibility. When an eligible list has an insufficient number of applicants, the personnel director may give a new examination.

By resolution of the civil service board on September 5, 1973, a "notice of intent" procedure was devised as a means of implementing the city's affirmative action plan and retaining experienced project personnel.² The resolution provides for the certification of open eligible lists in their entirety. After interviewing the three highest ranking eligibles, the hiring department may also interview the three highest "protected class" individuals on the list (i.e., minorities, women, handicapped persons, and CETA employees).³ If the department plans to hire a protected class member not among the top three eligibles, a notice of intent is sent to each of the top three, any one of whom may then file an objection with the civil service board within 5 working days. The board's vice chairman stated, "Our disposition ordinarily is to support the appointing authority unless there's some very strong reason for not doing so."⁴ No similar procedure is available for selecting anyone other than the top candidate on a promotional list.

The civil service board is now undertaking "the first comprehensive effort at rule revision in the last 7 years."⁵ The personnel director has recommended four changes in the personnel rules that he believes

would enhance employment opportunities for minorities, women, and the handicapped:

1. replacing the rule of one for promotions and rule of three for new hires with a "band-type system" certifying all candidates who fall within the three highest whole number scores on the eligible list.⁶ (If the highest scores were 98.72, 98.34, 97.57, 97.01, 95.28, 94.91, etc., everyone scoring 95.00 and above would be certified. It is estimated that on the average, 8 to 12 candidates would be interviewed for each position under such a system);⁷
2. eliminating preferences for current city employees and credits for seniority in civil service examinations;
3. reducing the duration of promotional lists from 3 years to 2 years "so we can have more ongoing recruitment that is more geared to the job market and allows us to change those lists more often to get protected groups on them;"⁸ and
4. creating non-competitive training appointments for the severely disabled. (The personnel director would be empowered to reserve certain existing entry-level positions for severely handicapped persons who, upon successful completion of a 1-year probationary period, could become regular civil service employees.)⁹

All but 160 of the city's 2,489 permanent employees are covered by the personnel rules. Department heads, confidential secretaries, key administrative assistants, and attorneys are appointed by the city manager or director of utilities without competitive examination.

Employment Status of Minorities, Women, and the Handicapped

Of the 1,276 employees in the higher paying job categories (administrative, professional, technical, and craft), 8.3 percent are minorities. Of the 1,213 employees in the lower paying job categories (protective service, maintenance, clerical, and para-professional), 14.4 percent are minorities. There are 3 minorities out of 26 department heads and division managers in general government and public utilities. (See tables 2.1 and 2.2.)

² Exhibit 13, *Resolution of the Civil Service Board*, Sept. 5, 1973, submitted by Floyd Oles to the Washington Advisory Committee, open meeting, Tacoma, Washington, May 11-12, 1979.

³ Personnel management policy no. 504, June 5, 1978.

⁴ Floyd Oles, vice chairman, City of Tacoma Civil Service Board, testimony before the Washington Advisory Committee, open meeting, Tacoma, Washington, May 11-12, 1979, transcript, vol. 1, p. 296 (hereafter cited as transcript).

⁵ Robert I. Deutscher, chairman, City of Tacoma Civil Service Board, transcript, vol. 2, p. 203.

⁶ Richard J. Sokolowski, director, City of Tacoma Personnel Department, transcript, vol. 2, p. 167.

⁷ Sokolowski, interview in Tacoma, Washington, Apr. 13, 1979.

⁸ Sokolowski, transcript, vol. 2, p. 167.

⁹ Proposed personnel rules 1979, §1.24.580.

TABLE 2.1**City of Tacoma Employment Profile, 1973-78****Employment profile**

	1973	1974	1975	1976	1977	1978
Percent minority	3.4	5.8	7.7	9.8	10.9	11.3
Percent female	11.0	13.0	14.8	15.5	16.0	16.4
Total permanent employees	2,435	2,378	2,424	2,481	2,485	2,489

Source: City of Tacoma Human Relations Department.

TABLE 2.2**City of Tacoma Work Force by Race, 1978****Work force by race (percentages)**

White	Black	Hispanic	Asian American	Native American
88.7	5.7	1.4	2.6	1.6

Source: City of Tacoma Human Relations Department.

The vice president of the Tacoma Ministerial Alliance noted that blacks are concentrated in the lower level job classifications and are promoted at a lower rate and terminated at a higher rate than other employees.¹⁰ He urged city officials to meet with representatives of the black community on a regular basis for affirmative action program evaluation and review.

That Hispanics are "the most underrepresented group in city employment" was pointed out by the program manager of the Hispanic Cultural Center.¹¹ The city reports that most departments have no Hispanics, and only 1 of the 109 administrative level positions is held by a Hispanic.

The board president of the Asian American Alliance warned that it is necessary to look beyond the statistics contained in quarterly reports: "One does not taste merely by reading a menu."¹² The reports show that Asian-Americans are concentrated in low-paying secretarial jobs and that few have entered into management or policymaking positions.

The city has made insufficient efforts to recruit and train Native Americans, according to a member of the Small Tribes Organization of Western Washington.¹³ The result has been a complete absence of Native Americans in administrative positions and underrepresentation in nearly all other job categories.

Two-thirds of the women in the city work force are in clerical or para-professional positions. In the administrative, protective service, skilled craft, and semi-skilled job categories, women hold 3.4 percent of the jobs. There are no women in high level management positions, and none among the 26 department heads and division managers. The average salary of female employees is less than 70 percent of that of their male co-workers.

The representation of handicapped persons in the city work force is 3.9 percent overall and only 1.8 percent in administrative positions. The chairman of the Tacoma Area Task Force on the Needs of the Handicapped believes that the competitiveness of the civil service system presents a barrier to quali-

¹⁰ Exhibit 17, *Black Employment in the City of Tacoma. A Position Paper*, Tacoma-Pierce County Black Collective, May 11-12, 1979, submitted by Rev. E.P. Williams.

¹¹ Conrado Casas, program manager, Hispanic Cultural Center, transcript, vol. 2, p. 65.

¹² Arleen P. Subica, president of the board, Asian American Alliance, transcript, vol. 2, p. 41.

¹³ Nancy Butterfield, Small Tribes Organization of Western Washington, transcript, vol. 2, p. 29.

fied handicapped persons: "Some people can handle the job, but they can't handle the testing."¹⁴

Citizen Boards and Committees

There are 36 boards and committees with a total of 321 members, of whom 16.2 percent are minorities, 21.2 percent are women, and 2.5 percent are handicapped. Most of the boards have no minority or handicapped members, and many have no women. The mayor announced a new policy to recruit qualified individuals for these volunteer positions:

Each month a letter goes out from the city clerk's office to a whole list of community-based organizations, many of them in the minority community, outlining every vacancy on boards and commissions. And then the citizen groups or individual citizens are given 15 . . . days to send back to the office of the city council and to the mayor their recommendations on appointments.¹⁵

A member of the League of Women Voters of Tacoma-Pierce County found that "this effort to open the process to a more diverse population is commendable" but "the system by which members of boards and commissions have been chosen perpetuates the high ratio of white males."¹⁶ She pointed out that appointments are made by the mayor and the eight members of the city council, of whom all but one are white males.

Affirmative Action Efforts

The city manager said of the open meeting of the Washington Advisory Committee in 1971:

[It] had a profound impact on the City of Tacoma, in that shortly after, the city council made it very clear that because of the findings from that hearing the City of Tacoma will develop an affirmative action program and will develop goals and those goals will be implemented.¹⁷

The human relations director (now an assistant city manager) agreed with that assessment: "Your being here before had a tremendous impact to cause us to get off the dime and start moving in some direction."¹⁸

The human relations department is responsible for administering the city's affirmative action program. A computerized data-gathering system linked to the payroll was developed by the city EEO officer to monitor the program's effectiveness on a quarterly basis:

If there are trends that develop in terms of hiring or whatever, we will know at the end of any quarter and we can bring that to the attention of the management team or the city manager or the personnel director. Or if it appears to be a problem in one particular department, we will bring it to the attention of that department.¹⁹

The computer printouts and the EEO officer's compilation of the data are available to the public and are "not done in a dark closet somewhere."²⁰ Department heads are expected to demonstrate concrete achievement, and not just good intentions: "The bottom line is, did you accomplish your goals? And if not, why?"²¹ Each department's budget submittal includes its affirmative action objectives for the fiscal year, and if the previous year's goals were not achieved, sufficient explanation is required. "We have managers who understand council and administrative policy and what their expectations are, and they are held accountable."²²

All personnel requisitions in general government are reviewed by a special assistant to the city manager "to be certain that minorities, women, and handicapped are being considered for each and every hire."²³ The personnel requisitions contain the job classification, the number of positions to be filled, the department's affirmative action goals, and the employment status of minorities and women in the department. The special assistant, who is a mid- or high-level city official serving in the city manager's office on a 3-month rotating basis, contacts department heads, if necessary, regarding proposed appointments. The person who held that position during the last quarter of 1978 said: "There's a need to have somebody who's going to be around longer

¹⁴ Richard J. Krack, chairman, Tacoma Area Task Force for the Needs of the Handicapped, transcript, vol. 1, p. 301.

¹⁵ Mike Parker, mayor, City of Tacoma, transcript, vol. 1, pp. 10-11.

¹⁶ Peggy Peterson, League of Women Voters, transcript, vol. 1, p. 23.

¹⁷ Erling O. Mork, city manager, City of Tacoma, transcript, vol. 2, pp. 113-14.

¹⁸ James L. Walton, director, City of Tacoma Human Relations Department, transcript, vol. 2, p. 155.

¹⁹ *Ibid.*, p. 130.

²⁰ David A. Goldberg, equal employment opportunity officer, City of Tacoma Human Relations Department, transcript, vol. 2, p. 178.

²¹ Walton, transcript, vol. 2, p. 151.

²² *Ibid.*, p. 131.

²³ Mork, transcript, vol. 2, p. 114.

[than 3 months] to follow up on any agreement with a director in a department.”²⁴

The notice of intent process is considered by several city officials to be “the single most important factor in achieving our affirmative action goals.”²⁵ It accounts for approximately 618 entry-level appointments of minorities, women, handicapped persons, and CETA employees to permanent civil service jobs since 1973.²⁶ The city’s employment training program,²⁷ which was designed “to provide for noncompetitive employment and competitive movement into the permanent work force,” has also enhanced employment opportunities for protected class members (minorities, women, handicapped persons, and CETA employees):²⁸

The idea is to place them in a paid status for approximately a year and give them first-hand, on-the-job experience with the duties of the position so that they’re in a better position to compete in the civil service examination for that job.²⁹

The utilities department has used the program often and with success.

Training for upward mobility, however, is prohibited. A legal opinion of the city attorney concludes that the State prohibition of the private use of public funds³⁰ makes such training illegal:

Any training which is funded at municipal expense must benefit directly the sponsoring government and can benefit only incidently the employee involved. . . . It seems readily apparent that the primary aim of [career development and upward mobility] programs is to enable an individual employee to better his conditions of employment through promotions, etc. The benefit to the city, of course, is questionable inasmuch as, theoretically, at least, the city’s purposes would be adequately served if any qualified applicant received the promotion, rather than the specific applicant who had received training in order to qualify for that position.³¹

²⁴ Stanley L. Thaut, deputy chief, Tacoma Fire Department, transcript, vol. 2, p. 259.

²⁵ Deutscher, transcript, vol. 2, p. 206.

²⁶ Exhibit 20, *Statement for the Washington Advisory Committee to the U.S. Commission on Civil Rights*, May 12, 1979, submitted by David A. Goldberg.

²⁷ Proposed personnel rules 1979, §1.24.585.

²⁸ Sokolowski, transcript, vol. 2, p. 133.

²⁹ Eric Herrmann, personnel officer, City of Tacoma Department of Public Utilities, transcript, vol. 2, p. 286.

A report prepared by the city’s women’s awareness planning committee in October 1977 points out the advantages to the city of an effective upward mobility program:

1. reduces costs of hiring and placing new employees (recruitment, administrative processing, orientation, and initial training) by developing present employees to meet personnel needs;
2. avoids “downtime” caused by vacated positions by filling positions more rapidly; and
3. reduces high turnover, absenteeism, and work dissatisfaction by providing expanded career goals for employees with potential.³²

The City of Tacoma Human Relations Commission, which enforces Tacoma’s antidiscrimination law, stated in a position paper that the lack of women in supervisory positions “reflects that women are not being fully involved in the city’s operation.”³³ The women’s rights division of the human relations department is attempting to correct this problem by increasing its involvement in the implementation of the city’s affirmative action plan:

This has included recruitment, establishment and development of training programs, employee awareness programs, and assistance to the female staff, and I might add male staff, in the area of sex discrimination and associated employment concerns.³⁴

The division is studying the underutilization of women and working to increase the number of women employed by the city, with emphasis on management, professional, and non-traditional positions.

Employment of the handicapped is one of the personnel department’s affirmative action systemic targets for 1979:

The personnel department will develop a policy and procedure to ensure that handicapped applicants are not unduly eliminated by non-job-related prerequisites. In addition, an inventory of job sites will be conducted to identify work sites that are, or could be, appropriate for

³⁰ WASH. CONST. art. 11, §14.

³¹ Robert R. Hamilton, city attorney, City of Tacoma, memorandum to Dwight D. Faust, Apr. 3, 1975.

³² Exhibit 22, *Women in City Government*, October 1977, submitted by Judie Fortier.

³³ Exhibit 14, *Human Relations Commission Position Paper*, May 11, 1979, submitted by Gary L. Ikeda.

³⁴ Judie Fortier, women’s rights supervisor, City of Tacoma Human Relations Department, transcript, vol. 2, p. 187.

different types of handicaps and recruitment efforts will be directed accordingly.³⁵

The department sought to identify all barriers to the employment of the handicapped and to develop an alternative means for placement of the severely disabled. Readers and interpreters are now available to assist in the taking of civil service examinations, and an intensified recruitment program has been undertaken in conjunction with the Tacoma Area Task Force on the Needs of the Handicapped.³⁶ Goals and timetables for bringing handicapped persons into the work force, however, have not been established.

Approximately one-fourth of the city's new hires since 1974 have been minorities, and women have recently entered into such traditionally male-dominated positions as civil engineer, police patrol officer, and electrical helper. The chairman of the human relations commission cautioned, however, "This is certainly not a time for the city to sit back and congratulate itself."³⁷ The civil service board chairman declared:

We have made significant strides both in ensuring equal employment opportunity for protected class citizens and in redressing the disparities which obviously have resulted from past and unjust employment practices. We still have a great deal to accomplish, particularly in the area of the advancement of qualified minorities, women, and handicapped employees into supervisory and management positions.³⁸

One month before the present Washington Advisory Committee meeting the city council passed a resolution reactivating a citizen's affirmative action advisory committee to conduct a quarterly review of the employment status of minorities, women, and handicapped persons in city government and make recommendations to the human relations commission on how the affirmative action program might be improved. The committee consists of 10 community members appointed by the council and 2 non-voting members—1 from general government and 1 from public utilities.

³⁵ Exhibit 18, *Status of 1978 Affirmative Action Systemic Targets for the Personnel Department*, Jan. 1, 1979, submitted by Richard J. Sokolowski.

³⁶ Sokolowski, letter to Joseph T. Brooks, June 8, 1979.

³⁷ Gary L. Ikeda, chairman, City of Tacoma Human Relations Commission, transcript, vol. 1, p. 297.

Fire Department

There are 323 firefighters and 15 other employees (clerical, craft, and maintenance) in the fire department's 21 fire companies and administrative offices. The civil service examination for entry-level firefighters is given every 2 years, and approximately 30 to 40 persons are hired from each eligible list.

Training for new recruits includes classroom instruction, physical conditioning, and practical experience in firefighting techniques. After 1 year in the department, trainees are expected to know how to drive all of the fire vehicles, operate the equipment, and administer emergency aid.

Minorities in the firefighting work force have increased from a total of 6 in April 1971 to 40 in May 1979. There are, however, only three minority lieutenants (all appointed to that rank in 1979) and no female firefighters. The department has one handicapped employee. (See table 2.3.)

The sharp increase in the number of minorities in the department occurred as a result of four recruitment programs aimed at minorities. All of the programs have been joint efforts of union and management designed to prepare minority applicants for the entry-level civil service examination. The first such program was funded by the city and succeeded in bringing eight minorities into the department between April and December of 1971. Through a grant from the U.S. Department of Labor, the International Association of Firefighters, AFL-CIO, financed 3 additional recruitment programs in Tacoma that resulted in 50 minority new hires between 1972 and 1977.³⁹

The fire department hires only the person highest on the eligible list who is willing to accept employment. The fire chief explained that that was a condition of union involvement in the minority recruitment programs:

The three programs that [the union] did get involved in. . . were done on sort of a contingency. If we support you both financially and morally and get involved, actively involved, we will not like to see selective certification used or jumping around the list. People come in the way they are on the list.⁴⁰

³⁸ Deutscher, transcript, vol. 2, p. 202.

³⁹ Exhibit 10, *A Comprehensive Study of the Labor Recruitment Program for the Tacoma Fire Department*, Jan. 20, 1977, submitted by James L. Hill.

⁴⁰ Tony F. Mitchell, chief, Tacoma Fire Department, transcript, vol. 2, p. 247.

TABLE 2.3**City of Tacoma Fire Department Employment Profile, 1973-78****Employment profile**

	1973	1974	1975	1976	1977	1978
Percent minority	3.6	6.6	8.0	8.9	11.2	11.8
Percent female	1.5	1.8	1.7	1.8	1.7	2.1
Total permanent employees	334	333	335	334	341	338

Source: City of Tacoma Human Relations Department.

The president of the Tacoma Fire Fighters Union Local 31 stated his reasons for rejecting the selective certification "notice of intent" procedure used by the other city departments:

The whole intent of our getting involved in a labor recruitment program is to try to find qualified people, help them in areas that they lack knowledge and ability, and get them high enough on the list so they can be handled in the past practice of taking the number one person off of the eligibility list. Our concern was not only credibility with the membership, but the pride of the person that's coming on the job. It's obvious that the individual when he comes off the top of the list and is given no special preference, he has a lot more pride when he comes on the job, and that was our intent.⁴¹

Only the last of the union-sponsored labor recruitment programs attracted a female candidate. She placed 281st on an eligible list of 386 qualified individuals and was not hired before the list expired.

In February 1977 the department and the union local initiated the first recruitment program designed for women.⁴² (The union later withdrew its support because the city would not guarantee that selective certification would not be used to hire women from the eligible list.) The program had two parts: 8 months of physical fitness training, 2 hours per day, designed to develop upper body strength, and 10 weeks of classroom instruction, 4 hours per day, designed to develop mechanical skills. The two parts ran concurrently, and a stipend of \$60 per week was paid to each participant during the period of classroom instruction. At the end of the training course, November 1978, the participants took the

civil service examination, which included a competitive written portion and a physical agility test that required only a passing score.

Of the 16 women recruited into the program, 4 finished the 8-month training course and took and passed the written examination. None, however, passed the physical agility test. The deputy fire chief in charge of the female recruitment program acknowledged that the high dropout rate was caused in part by the inadequacy of the living allowance.⁴³ Although the program did not result in a single woman being hired by the department, it is not regarded as a total failure by the city civil service chairman:

There are probably not more than a dozen women across the country who are working for a city as a paid firefighter. And that's a reality. And I think that our program here at Tacoma is going to serve as a model for other cities in terms of techniques for training women to develop their upper body strength.⁴⁴

Police Department

The mission of the Tacoma Police Department is to provide a safe environment for the citizens of Tacoma. The department has 242 commissioned officers (the ranks of patrol officer, investigator, sergeant, lieutenant, and captain) and 32 other employees (administrative staff and civilian personnel).

One's score on the written examination for police patrol officer, which is usually given every 1 or 2 years, according to need, determines one's rank on the eligible list. Before an applicant can be hired, however, he or she must pass a physical agility test,

⁴¹ James L. Hill, president, Tacoma Fire Fighters Union Local 31, transcript, vol. 1, p. 260.

⁴² Exhibit 15, *Tacoma Fire Department History of the Female Recruitment Effort*, Apr. 6, 1979, submitted by James L. Hill.

⁴³ Thaut, transcript, vol. 2, p. 265.

⁴⁴ Deutscher, transcript, vol. 2, p. 225.

TABLE 2.4**City of Tacoma Police Department Employment Profile, 1973-78****Employment Profile**

	1973	1974	1975	1976	1977	1978
Percent minority	3.0	5.0	6.7	7.2	8.5	6.9
Percent female	9.5	11.1	13.8	14.0	15.7	9.5
Total permanent employees	303	298	312	308	305	274

Source: City of Tacoma Human Relations Department.

appear before an interview board, take a polygraph test, and receive a complete medical examination, including psychological testing. Of the 150 candidates who passed the last civil service examination, 24 were minorities and 1 was a woman. Two minority males were hired from that list.

New recruits receive 440 hours of training from the Washington State Criminal Justice Training Commission in both law enforcement and service to the community. Following graduation from the academy, recruit police officers are assigned to the patrol division to gain field experience. Officers receive in-service training throughout their careers in a variety of subjects, such as firearms control, emergency vehicle operation, first aid, and criminal law.

There was a decrease in the total number of employees in 1978 due to the transfer of the functions of the jail, records, and communications divisions to the Pierce County Sheriff's Office. In May 1979 there were 22 minority officers and 12 female officers in the police department. There were no minorities or women of the rank of captain or above and no minority women on the force. The department has six handicapped employees. (See table 2.4.)

The department began recruiting minorities in 1968 and women in 1973. According to the chief of police, the various recruitment programs have not met with total success: "Our largest problem then and now continues to be a lack of females and minorities taking the examination for the police patrol officer's eligibility list."⁴⁵ In 1978 the department purchased a 30-second spot on local television to promote the department as a good place to work and to stress job opportunities for minorities and

women. During National Police Week in 1979, officers, including minorities and women, were assigned to the Tacoma shopping mall to recruit person-to-person.

It was not until 1973 that the patrolman classification was abolished and women became eligible for street duty. That same year height restrictions were eliminated, and the physical agility test was revised under the guidance of experts to mitigate its adverse impact on women. The first female patrol officer graduated from the police academy in June 1974.

The Tacoma Police Union Local 224, which represents all commissioned officers, has a policy of nonintervention in what it considers to be management business, including hiring and promotions. The union therefore has taken no position on affirmative action, although, according to its president, the record shows that selective certification has not resulted in a lowering of standards.⁴⁶

Public Works Department

The public works department, the largest single unit in general government, is composed of 9 major divisions and has 446 employees in 125 different job classifications.

During the last 2 years, department officials visited universities in Washington and Oregon to recruit graduating engineers. Eighty student applicants were interviewed and 12 were hired, including 1 minority male, 1 minority female, and 2 white females. The department also has an apprenticeship program for craft positions.

Of the 226 employees in the higher paying job categories (administrative, professional, technical, and craft), 6.2 percent are minorities and 4.4 percent are women. Of the 220 employees in the lower

⁴⁵ William W. Perrett, chief, Tacoma Police Department, transcript, vol. 2, pp. 234-35.

⁴⁶ Steve Smith, president, Tacoma Police Union Local 224, telephone interview, Apr. 18, 1979.

paying job categories (clerical and maintenance), 14.1 percent are minorities and 12.7 percent are women. All 14 department administrators are white males, and there are no women in the 93 craft positions. Thirty-seven employees identify themselves as handicapped. (See table 2.5.)

The difficulty in recruiting for the public works department is, according to the director, the multitude of job classifications:

If we had all bus drivers, or if we had all policemen or a great percentage, I think it would be easier to concentrate in those areas. . . . With the engineers we have gone out in the field and recruited, and we see that as a solution. Granted there are more areas that we can work in, and we intend to do that.⁴⁷

Transportation Department

The transportation department operates the Tacoma Transit System, a public transportation company with more than 115 buses. The department has an administrative staff of 17, 155 bus drivers, 37 garage employees, and 9 workers in the elderly and handicapped division.

There are seven administrators in the department, including one minority male (the director), one minority female (the chief accounting officer), and five white males. Of the bus drivers, 16 percent are minorities and 9 percent are women. Four minorities and no women work in the garage. Seven employees identify themselves as handicapped. (See table 2.6)

The transportation director attributes the steady increase in minority and female employment to "judicious recruiting and internal training programs."⁴⁸ Supervisors personally advertise job opportunities by attending meetings of minority and women's organizations. To correct the underrepresentation that persists in the garage division, the director has proposed an apprenticeship program to train minorities and women as journey-level mechanics using funds obtained through the Comprehensive Employment and Training Act (CETA).⁴⁹

Department of Public Utilities

The department of public utilities came into being in 1893 when the citizens of Tacoma voted to purchase the facilities of the privately owned Taco-

ma Water and Light Company. Today the department has 3 major operating divisions (city light, city water, and the Belt Line Railway), 4 service divisions (administrative, general services, controller, and data processing), and 911 permanent employees, 70 percent of whom are in the operating divisions.

The department is self-supporting and pays 8 percent of its gross earnings as a tax to the city. The assistant director for operations compares the department to a private corporation:

In many respects we're run comparable to a private business, and many areas in personnel we compete for the same types of people—the journey-level lineman, the engineers, and other people that we use to staff our utilities are also in use by the private utilities.⁵⁰

The five members of the public utility board (four white males and one black female), the policymaking body for the department, are "prominent Tacoma business, civic and professional people"⁵¹ whose duties are to "pass on contracts and in all respects function as a board of directors."⁵² The board appoints a director of utilities who serves as the chief administrative officer with "the same stature and same basic function within the utility that the city manager has within general government."⁵³

The business aspect of the utilities department, however, does not remove it from standard city personnel practices:

We are a department of the City of Tacoma. We are subject to the city's personnel system. We're included in the city's affirmative action plan, and we do participate in the city-wide program to facilitate affirmative action.⁵⁴

The utilities personnel office is responsible for coordinating the affirmative action efforts of the department. It receives all personnel requisitions; it advises the appointing authority of the employment status of minorities and women in the particular job classification, the affirmative action goals that have been set, and the availability of minorities and women on the eligible list; and it prepares requests for selective certification, when appropriate. In addition, the office has conducted various training

⁴⁷ Ronald M. Button, director, City of Tacoma Public Works Department, transcript, vol. 2, pp. 272-73.

⁴⁸ Yoshio Kosai, director, City of Tacoma Transportation Department, transcript, vol. 2, p. 245.

⁴⁹ 29 U.S.C. §§801-999.

⁵⁰ E. E. Coates, assistant director for operations, City of Tacoma Department of Public Utilities, transcript, vol. 2, p. 279.

⁵¹ City of Tacoma Data 1978, Information on Tacoma's Government and Services, p. 8.

⁵² Coates, transcript, vol. 2, p. 279.

⁵³ *Ibid.*, p. 280.

⁵⁴ *Ibid.*, p. 282.

TABLE 2.5**City of Tacoma Public Works Department Employment Profile, 1973-78****Employment profile**

	1973	1974	1975	1976	1977	1978
Percent minority	4.2	4.0	6.8	9.7	10.3	10.1
Percent female	6.1	6.1	7.5	8.5	8.3	8.7
Total permanent employees	449	458	439	435	436	446

Source: City of Tacoma Human Relations Department.

TABLE 2.6**City of Tacoma Transportation Department Employment Profile, 1973-78****Employment profile**

	1973	1974	1975	1976	1977	1978
Percent minority	4.0	5.4	6.7	12.6	14.0	14.5
Percent female	3.0	3.8	4.7	8.2	8.4	11.4
Total permanent employees	200	184	192	206	214	220

Source: City of Tacoma Human Relations Department.

TABLE 2.7**City of Tacoma Department of Public Utilities Employment Profile, 1973-78****Employment profile**

	1973	1974	1975	1976	1977	1978
Percent minority	2.3	5.4	5.8	7.0	7.7	9.3
Percent female	13.4	14.6	15.3	14.7	15.2	16.0
Total permanent employees	910	908	913	989	894	911

Source: City of Tacoma Human Relations Department.

programs and meetings designed to promote equal employment opportunity.

Of the 635 employees in the higher paying job categories (administrative, professional, technical, and craft), 6.5 percent are minorities and 4.6 percent are women. Of the 276 employees in the lower paying job categories (clerical and maintenance), 15.9 percent are minorities and 42.4 percent are women. In the 40 administrative positions there are 39 white males and 1 white female. Nearly half of the department's employees are in the skilled craft occupational category, which is 6.1 percent minority and 1.9 percent female. Thirty-five utilities workers identify themselves as handicapped. (See table 2.7.)

The utilities EEO representative credits the civil service board's "notice of intent" procedure and the city personnel department's employment training program with providing the opportunity to increase the number of minority, female, and handicapped employees. In the 6 years since the civil service resolution was passed, the department of public utilities has issued approximately 75 notices of intent to hire minority candidates, 10 to hire women for nontraditional jobs, and 5 to hire handicapped

persons. The utilities department currently has \$75,000 budgeted for its employment training program, which has benefited 43 people since the program began in 1973: "Twenty-three are still working for us, which is a pretty good success rate, especially considering the fact that the other 20 had worked for us some time and moved on to other jobs."⁵⁵ Of the 43 trainees, about three-fourths were minorities (mostly in trade positions) and one-third were women (mostly in clerical and data processing positions).

The utilities' women's awareness week committee has remained active and made recommendations to the director of utilities in areas of concern to women employees. The committee recommended that some clerical positions be reclassified to reflect actual job duties, that the qualifications for management and skilled craft jobs be reviewed for job relatedness, and that there be quarterly meetings between the committee and department management to discuss matters of mutual concern.⁵⁶ The director responded that the city personnel department had ultimate responsibility for job classifications and qualifications, and he agreed to the quarterly meetings.⁵⁷

⁵⁵ Hermann, transcript, vol. 2, pp. 286-87.

⁵⁶ Janis Siler and Annette Batdorf, memorandum to A.J. Benedetti, Feb. 2, 1979.

⁵⁷ A. J. Benedetti, director of utilities, City of Tacoma, memorandum to women's awareness week committee, Mar. 14, 1979.

Autonomous Governmental Units

Tacoma Public Library

The city's library system consists of a main library and six branches. The system is staffed by 85 full-time permanent employees and 69 part-time, temporary, and CETA personnel.

The library board of trustees, which has five members, is responsible for operating the system and appointing a library director to serve as its chief administrative officer. The current director stated:

It is significant that from the time of the founding of the library in 1894 until 1972 there is no record of any minority representation on the board. This great deficiency was remedied in 1972 with the appointment of a young teenager from the Asian-American community. I should point out, however, from the inception of the library there always has been female representation on the board, except the period from 1955 to 1962.¹

Today the board has three white male members, one white female member, and one minority male member.

The library has its own personnel procedures and is not under the city civil service system.² When an opening occurs in a non-professional position, job announcements are sent to employment services and minority organizations throughout the city. In addition, for librarian positions, qualified applicants are sought by sending notices to library schools and associations nationwide. Applicants are scored and ranked strictly on the basis of the information

supplied in the application form; alphabetizing tests are given to applicants for library aide/page positions. The top candidates are interviewed by the person to be their immediate supervisor, who then makes a recommendation to the library director.

The administrative staff includes five white males and one white female. In the 20 professional librarian positions there are 5 white males, 14 white females, and 1 minority female. Of the 59 non-professional permanent staff, 16.9 percent are minorities and 78.0 percent are women. One permanent employee is handicapped. (See table 3.1.)

The library's first affirmative action plan was approved by the board in 1974. Since that time, one-third of the average of seven permanent new hires per year have been minorities. A three-member staff EEO committee reviews all hiring and promotion decisions.³ "We have been decreasing the complement of personnel by way of sound management and at the same time meeting our affirmative action goals."⁴ On September 18, 1979, the board of trustees established a long-term goal of 10 percent handicapped staff.⁵

Before one can hire handicapped staff, one has to insure that the facilities in which the staff is going to work [are accessible]. In the period 1975 to 1979, we have spent \$100,000 [community development funds] in removing potential barriers. We have cooperated with the city's personnel department and comprehensive employment services in trying to attract to the

¹ Kevin Hegarty, director, Tacoma Public Library, testimony before the Washington Advisory Committee, open meeting, Tacoma, Washington, May 11-12, 1979, transcript, vol. 1, pp. 226-27 (hereafter cited as transcript).

² *Ibid.*, p. 227.

³ *Ibid.*, p. 232.

⁴ *Ibid.*, pp. 247-48.

⁵ Tacoma Public Library Affirmative Action Plan, Sept. 18, 1979, p. 23.

TABLE 3.1**Tacoma Public Library Employment Profile, 1973-78****Employment profile**

	1973	1974	1975	1976	1977	1978
Percent minority	3.2	5.3	9.4	8.5	9.7	12.9
Percent female	71.6	74.3	74.0	72.3	72.0	72.9
Total permanent employees	95	95	96	94	93	85

Source: Tacoma Public Library

employ of the library handicapped persons. We have not had much success in retaining them.⁶

The library has a CETA employee who is deaf and three permanent staff members who have received sign language training, "which should certainly make it possible for us to move a deaf employee on to our permanent staff."⁷

In April 1978 the board of trustees approved a compensation and classification plan that scrutinized the requirements of each job and attempted to establish equity of work performed and compensation received. The plan also includes a career ladder identifying mobility patterns in the library system.

Tacoma-Pierce County Health Department

The health department, operated jointly by the city and county governments, is responsible for enforcing State and local laws and ordinances to safeguard the public health. It is involved in health education, the prevention, treatment, and control of communicable disease, the treatment of mental disorders, nursing care, the inspection of sewage disposal systems, and rodent control. The department has 147 permanent employees.

The combined city and county department and its five-member health board were created by an agreement between the Tacoma City Council and the Board of Pierce County Commissioners. The composition of the Tacoma-Pierce County Board of Health is described by the mayor of Tacoma, who is the current chairman:

It is made up of four elected officials who are mandated in the agreement between the city

and the county to form the board. That is the mayor of the City of Tacoma, the chairman of the board of county commissioners, one additional county commissioner, and one city councilman. Those four people then elect an additional person, in this case, Dr. Sam Adams. I think he was elected more for his medical background than any other reason. And those five people are the board of directors. They hire the director of the health department, who in this case is Dr. Herron.⁸

All five board members and the health director are white males. Dr. Adams, a physician, is designated the "consumer member".⁹

The advertising of job vacancies and the testing and certification of applicants is handled by the city personnel department. The members of the city civil service board, sitting as the Tacoma-Pierce County Health Department Civil Service Board, promulgate the personnel rules. When an entry-level job opening occurs, the selection is made from the top three persons on the appropriate eligible list. For promotions, the top person, if qualified, must be selected. The health department does not use a selective certification procedure.¹⁰

The major professional job classifications in the department are nurse (39 females and no males), environmental health specialist (1 female and 15 males), and social worker (10 females and 6 males). The major technical job classifications are vector control specialist (no females and 7 males) and licensed practical nurse (5 females and no males). There are no minority environmental health or vector control specialists. The department has no handicapped employees. (See table 3.2.)

⁶ Hegarty, transcript, vol. 1, pp. 232-33.

⁷ Marile Creager, assistant director, Tacoma Public Library, letter to Fred Kaplan, Apr. 6, 1979.

⁸ Mike Parker, mayor, City of Tacoma, transcript, vol. 1, pp. 13-14.

⁹ City of Tacoma Data 1978, Information on Tacoma's Government and Services, p. 35.

¹⁰ Walter R. Herron, director, Tacoma-Pierce County Health Department, interview in Tacoma, Washington, Apr. 5, 1979.

TABLE 3.2**Tacoma-Pierce County Health Department Employment Profile, 1973-78****Employment profile**

	1973	1974	1975	1976	1977	1978
Percent minority	8.3	NA	7.7	7.2	8.1	8.2
Percent female	66.7	NA	70.8	72.5	72.8	73.5
Total permanent employees	120	120	125	138	136	147

Source: Tacoma-Pierce County Health Department.

In 1977 the health director appointed an EEO officer to develop a departmental affirmative action plan:

We were under the city affirmative action plan for a number of years, and we decided that our problems were unique to the health department and that we could do a better job of meeting affirmative action goals if we had our own program, our own plan.¹¹

A plan was adopted by the health board on February 7, 1979. The EEO officer, who said she spends approximately 15 percent of her working hours in that function and the balance as an environmental health supervisor, is now revising that plan:

After the plan is implemented I will work more closely with the division heads, the supervisors, and the general staff people making them aware of the program, the problems, and things that need to be done.¹²

There are no Hispanic or Asian-American personnel in the health department. Of the 50 permanent employees hired between January 1975 and December 1978, 3 were minorities. The board president of the Asian American Alliance enumerated what her organization believed to be the weaknesses in the health department's affirmative action program:

First is the non-existence of an affirmative action plan. A plan is only in the draft stage and seemingly has been in a draft stage for years. Secondly is the EEO officer's lack of voice in the selection of prospective employees. Third is that those in decisionmaking positions, such as supervisors, are not made directly responsible for maintaining affirmative action goals. Fourth is the lack of an organized effort in the recruitment and hiring of qualified minorities.¹³

The program manager of the Hispanic Cultural Center gave the department a "zero" rating.¹⁴

Although nearly three-fourths of the department's staff are women, they are concentrated in a few job classifications, such as community health nurse and licensed practical nurse, that pay less than the sanitation positions held almost exclusively by men. In 1976 a number of female employees brought an unsuccessful lawsuit against the department seeking to prove that the wage differential was based on the sex of the jobholder rather than on the qualifications of the employee or the demands of the position.¹⁵ In January 1979 the department revised its classification plan to mitigate the difference in salaries between environmental health specialists and community health nurses.¹⁶

¹¹ Christy Strand, equal employment opportunity coordinator, Tacoma-Pierce County Health Department, transcript, vol. 1, p. 223.

¹² *Ibid.*, p. 222.

¹³ Arleen P. Subica, president of the board, Asian American Alliance, transcript, vol. 2, p. 47.

¹⁴ Conrado Casas, program manager, Hispanic Cultural Center, transcript, vol. 2, pp. 66.

¹⁵ Tacoma-Pierce County Public Health Employees Ass'n. v. Tacoma-Pierce County Health Dep't., 22 Wash. App. 1, 568 P.2d 1215 (1978).

¹⁶ David K. Bishop, assistant to the director, Tacoma-Pierce County Health Department, letter to Fred Kaplan, Nov. 16, 1979.

Pierce County

Governmental Structure

Pierce County is governed by three county commissioners who, acting as a board, both serve as the county legislative body and perform administrative functions. Each commissioner is elected to a 4-year term from a district containing approximately one-third of the county's population. The board elects one of its members to serve as chairman and preside at its meetings. The responsibilities of the Board of Pierce County Commissioners are adoption of the annual budget, levying taxes for county purposes, construction and maintenance of capital facilities, including the county road system, and adoption and enforcement of county police and sanitary regulations. The board also appoints the members of various citizen boards and committees.

The board of commissioners has supervisory control over some 31 departments including 6 major ones: community services, parks and recreation, personnel, planning, public works, and support services. In September 1979 the commissioners appointed an administrative director to "plan, direct, coordinate, and administer the activities of all departments" under their jurisdiction.¹ The seven other elected county officials have authority over their own departments: assessor, auditor, clerk, coroner, prosecuting attorney, sheriff, and treasurer. Although the board establishes the number of salaried employees in each department through its budgeting function, only the elected head of an office determines who those employees shall be.

Personnel System

In 1977 the Board of Pierce County Commissioners passed resolutions to abolish patronage and establish a merit-based personnel system. A personnel director was appointed by the board for the

purpose of setting up a centralized personnel department and developing personnel rules:

Recognizing that we are in operation probably just a little less than 2 years, the major thrust of our efforts has been put into developing standardized procedures and written classifications that were non-existent up until the time that we were formed.²

The department consists of a director, two personnel technicians, and two secretaries. The county's first written personnel rules and policies were approved by the board of commissioners on September 12, 1979.

The personnel department is responsible for recruitment, examination, and certification of eligible candidates for county employment. The appointing authority is usually a department director or a division manager. Before applications are taken, job announcements are posted in the personnel office and sent to some 51 outside agencies, including many community-based organizations. After the closing date for receiving applications and screening for basic qualifications, a competitive examination is given. It may consist of one or more of the following: a written test, a practical performance test, oral appraisal, evaluation of education and experience, and other methods for determining fitness for the job. At the conclusion of the examination, the personnel department prepares a list containing the names of successful candidates arranged according to their final ratings. Veterans who qualify and pass the examination may have a 10 percent credit added to their scores and included in their final ratings.³ When a vacancy occurs, the personnel department certifies five more candidates from the appropriate list than the number of vacant positions of the same class to be filled. Thus, if there

Washington, May 11-12, 1979, transcript, vol. 1., p. 113 (hereafter cited as transcript).

³ WASH. REV. CODE §41.04.010.

¹ Announcement of position vacancy, administrative director, May 25, 1979.

² Everett Foster, director, Pierce County Personnel Department, testimony before the Washington Advisory Committee, open meeting, Tacoma,

TABLE 4.1**Pierce County Employment Profile, 1973-78****Employment profile**

	1973	1974	1975	1976	1977	1978
Percent minority	6.6	6.5	5.8	6.5	6.6	5.7
Percent female	31.4	30.6	32.5	33.2	34.4	32.1
Total permanent employees	1,082	1,113	1,137	1,128	1,160	1,370

Source: Pierce County Equal Employment Opportunity Department.

TABLE 4.2**Pierce County Work Force by Race, 1978****Work force by race (percentages)**

White	Black	Hispanic	Asian American	Native American
94.3	3.7	0.7	0.5	0.7

Source: Pierce County Equal Employment Opportunity Department.

is only one opening, the appointing authority may select any one of the top six candidates, but no others. The employment list automatically expires after 6 months unless extended by the personnel director. Promotional examinations are limited to permanent county employees, and no preference for veterans is given.

The personnel rules provide for selective certification of the highest ranking minority eligibles on open competitive lists when the personnel director determines that "minority employees in proportion to the total minority work force in the area are underrepresented in the county work force".⁴ Selective certification of eligibles on the basis of sex, however, is specifically prohibited "unless there is clear evidence that efficient performance of duties to be assigned could only be performed by the sex specified."⁵ The rules permit recruitment for some positions to be limited to persons "with specified kinds of handicap" but fail to specify the handicaps.⁶

Employment Status of Minorities, Women, and the Handicapped

Between June 30, 1977 and June 30, 1978, the county work force grew by 210 employees, while the net increase in minority employees was 1 (from 77 to 78). Minorities represented 5.7 percent of the permanent work force in 1978 and held 4.3 percent of the administrative, professional, and technical jobs. All 57 county employees earning an annual salary of more than \$25,000 were white males. (See tables 4.1 and 4.2.)

According to the executive director of the Tacoma Urban League, the county's affirmative action program has been ineffective because department heads are not held accountable for accomplishing its objectives. The EEO officer has been confined to the role of "mere recorder of historical hiring data and publication of annual reports that are ignored by Pierce County officials."⁷

Very few of the clients of the Hispanic Cultural Center have found jobs with the county, and those

⁴ Pierce County personnel rules & policies, §350.10(b).

⁵ *Ibid.*, §350.10(a).

⁶ *Ibid.*, §310.04.

⁷ Thomas Dixon, executive director, Tacoma Urban League, transcript, vol. 2, pp. 13-14.

only in "dead-end" clerical and general support positions.⁸ In the department of community services, which has specific responsibilities in the Hispanic community and some 80 employees, there are no Hispanics.⁹

The Asian American Alliance noted three reasons for the failure of the county's affirmative action program:

1. the lack of an updated plan for several of the past 6 years;
2. insufficient staff charged with the implementation of the program; and
3. subjective hiring practices that give free rein to racial prejudices.¹⁰

A member of the Small Tribes Organization of Western Washington said that the county personnel system is "inaccessible" to Native American people:

Job announcements would arrive at our office the day before or the day of the deadline, giving us no opportunity to go through the skills bank, look for people who might qualify for the positions, and get them through the application process before the deadline closed. And this happened more than once. This happened many times.¹¹

Women in county employment are concentrated in clerical and para-professional positions (69.5 percent of the female work force). Few occupy the higher paying administrative, protective service, skilled, and semi-skilled jobs (10.0 percent of the female work force). The remaining 20.5 percent are professional or technical employees. Male employees receive on the average substantially higher annual salaries than female employees in the same job category; in the administrative, professional, technical, and protective service categories, the difference exceeds \$5,000.

In a survey conducted by the EEO department in July 1977, 32 permanent full-time employees (2.8 percent of the county work force) identified themselves as handicapped. The assistant director of the Tacoma office of the state's division of vocational rehabilitation believes that the absence of a civil service system with uniform personnel practices has

been an inhibiting factor in the county's employment of handicapped persons.¹²

Citizen Boards and Committees

There are 34 boards and committees with a total of 425 members, of whom 6.6 percent are minorities and 29.6 percent are women. No records are maintained on the number of handicapped members. Twenty boards have no minority members, and six have no women. According to a member of the League of Women Voters of Tacoma-Pierce County, "there has been little effort to bring into balance the membership of the advisory committees for the county."¹³ She added:

I let it be known at the county commissioners' offices that I have a roster of about 25 qualified women who are willing to serve their community when the openings on boards and commissions become available. That was over a year ago, and I haven't heard one word.¹⁴

Affirmative Action Efforts

The chairman of the board of Pierce County commissioners stated:

As I look back in the 1970's, I think I can truthfully say that much has been done since the State Advisory Committee's reported findings in 1971 pertaining to equal employment opportunity in county government.¹⁵

He enumerated some of the county's accomplishments: appointed an EEO officer; adopted an affirmative action plan; reorganized county government for better managerial control; formed a personnel department; developed personnel rules; and established a women's advisory group. He added that there are some limitations on what the commissioners can do:

In Pierce County we have six large departments accountable to us, and we continuously work with those department heads about increasing minority and women hiring. The other seven elected officials we can only encourage. . . . The only authority that the board has

⁸ Conrado Casas, program manager, Hispanic Cultural Center, telephone interview, Mar. 12, 1979.

⁹ Casas, transcript, vol. 2, p. 66.

¹⁰ Exhibit 19, *Asian/Pacific American Report to U.S. Commission on Civil Rights*, May 12, 1979, submitted by Arleen P. Subica to the Washington Advisory Committee, open meeting, Tacoma, Washington, May 11-12, 1979.

¹¹ Nancy Butterfield, Small Tribes Organization of Western Washington, transcript, vol. 2, p. 33.

¹² Jerry Van Noy, Division of Vocational Rehabilitation, Washington State Department of Social and Health Services, telephone interview, Apr. 17, 1979.

¹³ Peggy Peterson, League of Women Voters, transcript, vol. 1, p. 24.

¹⁴ *Ibid.*, p. 46.

¹⁵ Joe Stortini, chairman, Board of Pierce County Commissioners, transcript, vol. 1, p. 91.

[over them] is in the area of determining the budget.¹⁶

The most recently updated affirmative action plan was endorsed by all 10 elected county officials in February 1977. It establishes goals and timetables for each department and sets out the responsibilities for implementation of the program. According to the plan, the board of commissioners is to conduct a formal review of the employment status of minorities, women, and handicapped persons as often as necessary, but at least annually, and department heads, including elected officials, are to attend regular quarterly meetings held by the EEO officer to discuss achievement within their respective departments of the goals established. The plan recognizes that the cooperation of the appointing authorities, i.e., department heads, is essential for its success: "Work performance evaluation shall include evaluation on the basis of their support of and consistency with the equal employment opportunity efforts and goals of the county."¹⁷

The county EEO officer, whose staff of two includes a contract compliance officer and a clerk-typist, is charged with developing and implementing the affirmative action plan. His own evaluation of his efforts:

I think the written program is good. The implementation of that program is another matter. . . . My job has been consistently working with the department heads and other persons who are responsible for hiring, firing, and other personnel actions. The bottom line are the ones who bring the people aboard. I have, I feel, a paper commitment from all the elected officials. I have a paper commitment from all the other department heads. But I need more than a paper commitment. I need to change attitudes to make people more aware of the spirit of the equal employment opportunity laws.¹⁸

The EEO officer can only advise department heads to increase the representation of minorities, women, or handicapped persons: "I have no authority or clout to say you will."¹⁹

From June 30, 1973 to June 30, 1978, the county hired 693 full-time permanent employees, an average of 139 per year. In addition, there have been

numerous promotions, transfers, and opportunities for training. The chairman of the board of commissioners believes that improvement in the employment status of underrepresented groups in county government is possible: "The opportunities are there, definitely, and I think the only way we can reach those opportunities is to establish goals that we must reach during a certain period of time."²⁰

Department of Planning

The department of planning is divided into two sections: (1) environmental—concerned with long-range planning and developing comprehensive plans for the unincorporated communities of Pierce County; and (2) administrative—concerned with the implementation of planning codes and regulations and holding public hearings. The staff of 22 includes 11 professional planners, 6 planning technicians, and 5 secretaries.

The department has received as many as 105 applications for 2 positions. When the last opening occurred for an entry-level professional position before adoption of the personnel rules, the personnel department screened out those applicants who did not meet the minimum qualifications and sent three qualified persons to the department of planning to be interviewed. A woman was selected.²¹

The Advisory Committee questioned the planning director about the absence of minorities in his department:

Q. What efforts has the planning department made to comply with the affirmative action plan to assure representation of minorities in the department?

A. I believe we do comply with respect to women employees. One in the professional range and three para-professionals.

Q. Have you tried to get minorities into the department as well as women?

A. How do you mean tried?

Q. Have you gone out and specifically asked minority organizations or universities or other places where you might obtain qualified minority planners or clerical workers or any of the jobs in the planning department?

¹⁶ Ibid., pp. 97-98.

¹⁷ Pierce County Affirmative Action Plan, January 1977, p. 5.

¹⁸ Sigmund L. Cook, equal employment opportunity officer, Pierce County, transcript, vol. 1, pp. 118-19.

¹⁹ Ibid., p. 121.

²⁰ Stortini, transcript, vol. 1, p. 105.

²¹ J.N. Shensky, director, Pierce County Planning Department, interview in Tacoma, Washington, Mar. 28, 1979.

A. As I recall, even before the personnel department was started about 2 years ago, we did work through the manpower planning office and they did circulate job announcements to, as far as I know, all of the minority places that they should be posted, and in addition to that, because we are in professional activity, we did circulate announcements to the various universities that have planning curriculum in the State of Washington and sometimes out.²²

Q. Have you ever actually sought out a minority from a university who has a planning degree to be interviewed or hired by your department?

A. You mean to actively seek someone who is not necessarily qualified for the position?

Q. I didn't say they weren't qualified. I mean actually seek out a minority person who has a degree in planning and qualifications?

A. I would say I have no way of knowing until an actual oral interview what their background might be. It's strictly on their education and experience.²³

One of the 11 planners and 3 of the 6 technicians are women. The department has no handicapped employees. (See table 4.3.)

Q. Do you meet with the EEO office on a regular basis to evaluate your employment of minorities, women, and handicapped and seek out ways to correct underrepresentation?

A. There is an annual meeting Mr. Cook has, and we give him the affirmative action program statistics each year.²⁴

Department of Public Works

The largest single department in Pierce County, the department of public works, is organized into 14 functional units or divisions and has 285 employees. The types of employment range from professional engineer to unskilled laborer with the majority of the jobs in the service-maintenance category.

Prior to the formation of the personnel department most hiring was handled directly by the board of county commissioners. Now the personnel department screens the applicants and selects at least five persons to be interviewed within the department of public works.²⁵

In March 1979 minorities held 3.5 percent of 285 full-time jobs in the department, including 3.0 percent of the administrative, professional, and technical positions and 3.7 percent of the skilled, semi-skilled, unskilled, and clerical positions. The public works director was asked about current job openings:

Q. Is there a conscious attempt on your part to try and fill some of those positions with minorities?

A. No, to be honest about it, the answer is no. Not any more than relying on the personnel department. During my tenure [from 1969] I have on two different occasions solicited minorities in particular, but since the personnel department has come into existence, I have left that totally up to them.²⁶

The director stated his view of the problem:

It's my opinion that the minority community needs to be actively solicited for people who are available for these kinds of jobs. And within my department alone there are jobs available that do not require a college degree, they do not require a lot of pretraining. And to my knowledge those applicants don't really exist.²⁷

There are 13 women in the department, 11 of whom are in clerical positions. The two others are technicians. None of the 232 jobs that are administrative, professional, skilled craft, and maintenance are occupied by women. The department has no handicapped employees. (See table 4.4.)

Although the director works with the EEO department on a regular basis in the approval of contracts, the employment status of minorities, women, and the handicapped within the department of public works itself is discussed only at the annual EEO meeting.²⁸

Assessor

The primary responsibility of a county assessor is to complete the listing and valuation of property in the county for purposes of taxation. The Pierce County Assessor's Office has 88 employees, including the assessor, his assistant, 29 appraisers, 3 cartographers, 14 segregators (who combine and divide parcels of land), and 40 clerical workers.

²² Shensky, transcript, vol. 1, pp. 145-46.

²³ *Ibid.*, pp. 150-51.

²⁴ *Ibid.*, pp. 180-81.

²⁵ William R. Thornton, director, Pierce County Public Works Department, interview in Tacoma, Washington, April 5, 1979.

²⁶ Thornton, transcript, vol. 1, pp. 156-57.

²⁷ *Ibid.*, p. 168.

²⁸ *Ibid.*, pp. 181-82.

TABLE 4.3**Pierce County Department of Planning Employment Profile, 1973-78****Employment profile**

	1973	1974	1975	1976	1977	1978
Percent minority	0	4.3	0	0	0	0
Percent female	33.3	26.1	26.3	27.6	28.6	40.9
Total permanent employees	12	23	19	29	21	22

Source: Pierce County Equal Employment Opportunity Department.

TABLE 4.4**Pierce County Department of Public Works Employment Profile, 1973-78****Employment profile**

	1973	1974	1975	1976	1977	1978
Percent minority	3.7	3.5	3.1	4.2	4.6	6.0
Percent female	2.8	3.2	3.4	3.5	3.8	6.4
Total permanent employees	323	316	294	285	261	251

Source: Pierce County Equal Employment Opportunity Department.

To become an appraiser one must pass an examination on real property valuation prepared and administered by the Washington State Department of Personnel.²⁹ Applications for job vacancies in the assessor's office are received and evaluated by the county personnel department which refers the five or six most qualified candidates to the assessor to be interviewed.³⁰

In 1978 minorities accounted for 6.7 percent of the office's technical personnel and 2.4 percent of the clerical staff. Women occupied 31.1 percent of the technical jobs and 56.1 percent of the clerical positions. In April 1979 an attempt by the assessor to reduce the job classification of a female employee was overturned by the personnel review board. The office has no handicapped employees. (See table 4.5.)

The assessor declined to participate in the open meeting of the Washington Advisory Committee.

Auditor

The major areas of responsibility of the Pierce County Auditor's Office are: recording of deeds and

other written instruments filed with the county; auditing of claims against the county; maintenance of accounting records; preparation of the county budget;³¹ supervision of elections; collection of motor vehicle license fees; and issuance of licenses for marriage. The office employs recording clerks, accountants, typists, and cashiers. All 62 employees, except the auditor himself, are designated clerical workers.

No specialized education or training is necessary for any of the positions in the office. Employees are expected to learn on the job and "start at the bottom and work their way up."³² The auditor relies on the personnel department to select the best qualified person to fill a job vacancy and then accepts or rejects that person depending on demonstrated ability.

In 1978 female employees, including the office's three minority women, were represented at all salary levels. There were no minority males in the department. Three employees identified themselves as handicapped. (See table 4.6.)

²⁹ WASH. REV. CODE §36.21.015.

³⁰ Sheldon K. Cook, assessor, Pierce County, interview in Tacoma, Washington, Mar. 29, 1979.

³¹ WASH. REV. CODE §36.22.010.

³² Richard A. Greco, auditor, Pierce County, interview in Tacoma, Washington, Mar. 29, 1979.

TABLE 4.5**Pierce County Assessor Employment Profile, 1973-78****Employment profile**

	1973	1974	1975	1976	1977	1978
Percent minority	11.8	10.6	5.6	9.1	5.8	4.5
Percent female	50.0	51.9	48.3	53.7	54.2	42.0
Total permanent employees	102	104	89	121	120	88

Source: Pierce County Equal Employment Opportunity Department.

TABLE 4.6**Pierce County Auditor Employment Profile, 1973-78****Employment profile**

	1973	1974	1975	1976	1977	1978
Percent minority	8.0	8.5	8.5	9.8	9.8	4.9
Percent female	76.0	72.4	81.4	77.0	77.0	82.0
Total permanent employees	50	58	59	61	61	61

Source: Pierce County Equal Employment Opportunity Department.

TABLE 4.7**Pierce County Prosecuting Attorney Employment Profile, 1973-78****Employment profile**

	1973	1974	1975	1976	1977	1978
Percent minority	2.9	2.6	5.4	2.9	4.2	2.1
Percent female	41.2	43.6	37.8	34.3	33.3	35.4
Total permanent employees	34	39	37	35	48	48

Source: Pierce County Equal Employment Opportunity Department.

The auditor failed to appear at the open meeting of the Washington Advisory Committee.

Prosecuting Attorney

The prosecuting attorney prosecutes criminal actions and serves as legal counsel to the county and the local school districts. There are 31 attorneys in the Pierce County Prosecuting Attorney's Office, including the prosecuting attorney, the chief criminal deputy, the chief civil deputy, and 28 deputy prosecuting attorneys. In addition, the office has investigative, counseling, and secretarial staff.

The selection procedure for attorneys is quite different from that for other job classifications in the office. Deputy prosecuting attorneys, who must be admitted to practice in the State of Washington, are personally appointed by and serve at the pleasure of the prosecuting attorney.³³ Unsolicited resumes are received on a daily basis from attorneys from all over the country, and when a job vacancy occurs the prosecuting attorney reviews those resumes (applications) on hand. In 1978, 235 attorney applicants were considered for two positions. Secretarial job vacancies are advertised by the personnel department, and final selection is made by a committee headed by the prosecuting attorney's administrative aide.³⁴

In April 1979 there were 50 employees in the office and no minorities. The prosecuting attorney believes that qualified minority attorneys prefer to work elsewhere because of either money or location.³⁵ "Usually what we find, at least in the case of minority attorneys, is that they have many job opportunities and it's very difficult to recruit them."³⁶ The three administrators and three investigators in the office are men. The prosecuting attorney's administrative aide and 3 of the 28 deputies are women. There are no handicapped employees. (See table 4.7.)

Sheriff

The main responsibilities of the sheriff's office are law enforcement, the confinement of prisoners in the county jail, and the service of process in civil and criminal cases. The office has 144 commissioned officers and 42 other employees, including identification, property, security, communications, and

clerical personnel. All are classified civil service employees except the sheriff and six persons appointed by him to the positions of undersheriff, inspector, chief criminal deputy, chief civil deputy, jail superintendent, and administrative secretary.

A civil service system for sheriff's employees was created by the State legislature in 1959 "to establish a merit system of employment for county deputy sheriffs and other employees of the office of the county sheriff, thereby raising the standards and efficiency of such offices and law enforcement in general,"³⁷ or, in the words of the prosecuting attorney, "to eliminate political patronage in the sheriff's department."³⁸ The civil service commission, composed of three persons appointed by the board of county commissioners, provides for competitive examinations to determine the relative qualifications of persons who seek employment or promotions and establishes rank order eligible lists for the various classes of positions. Examinations are given and new eligible lists established every 2 years. New deputies are placed on 1 year's probation during which they may be terminated for cause.

Under the 1959 law, when a vacancy occurred, the commission certified to the appointing authority, i.e., the county sheriff, only the top name on the appropriate eligible list. The sheriff, in effect, had no choice in the filling of positions in the classified service. The law was amended, effective September 1, 1979, to require the certification of the top three names, thus enabling the sheriff to exercise some degree of choice in hiring and promotions.³⁹ The sheriff's administrative inspector stated:

The amended statute does not specify how the rule of three should be applied. An opinion by our Deputy Prosecuting Attorney, Mr. Terry Sebring, states that if an individual is passed over three times, his name would then be removed from the list. . . . The rule of three will certainly allow movement toward affirmative action goals.⁴⁰

Of the 144 commissioned officers employed by the sheriff's office in May 1979, there were 4 minorities, all below the rank of sergeant, and no women. The department reported no handicapped employees. (See table 4.8.)

³³ WASH. REV. CODE §36.27.040.

³⁴ Don Herron, prosecuting attorney, Pierce County, interview in Tacoma, Washington, Mar. 28, 1979.

³⁵ Herron, transcript, vol. 1, p. 196.

³⁶ *Ibid.*, p. 192.

³⁷ WASH. REV. CODE §41.14.010.

³⁸ Herron, transcript, vol. 1, p. 206.

³⁹ Wash. Sub. S. 2375, 46th Leg., Reg. Sess. (1979).

⁴⁰ James F. Boyle, administrative inspector, Pierce County Sheriff, letter to Fred Kaplan, Nov. 27, 1979.

TABLE 4.8**Pierce County Sheriff Employment Profile, 1973-78****Employment profile**

	1973	1974	1975	1976	1977	1978
Percent minority	1.4	1.4	1.4	1.5	1.3	1.8
Percent female	10.5	11.6	11.9	11.7	11.3	4.9
Total permanent employees	143	147	143	137	151	163

Source: Pierce County Equal Employment Opportunity Department.

TABLE 4.9**Pierce County Juvenile Court Employment Profile, 1973-78****Employment profile**

	1973	1974	1975	1976	1977	1978
Percent minority	13.9	12.5	13.5	14.4	16.5	15.4
Percent female	57.0	55.7	53.9	47.8	48.4	50.5
Total permanent employees	79	88	89	90	91	91

Source: Pierce County Equal Employment Opportunity Department.

Aside from sending job announcements to the usual places, the sheriff's office has not attempted to recruit or train minorities or women for the civil service examination. The undersheriff said:

All we can do right now is if the people will prepare themselves and take the examination we will hire from the list that's required by the State. . . . The reason that we don't have a number of minorities in the department is because they have not applied or have not passed high enough on the list.⁴¹

According to the administrative inspector, the newly elected sheriff plans to take a different approach to recruitment: "[H]e expresses a desire to actively recruit future candidates to the position of deputy sheriff and particularly candidates classified as minority."⁴²

Juvenile Court

The juvenile court, a division of the superior court, includes court, probation counseling, and detention services. The superior court judges, who are elected by the people, assign one of their number

and a court commissioner to the juvenile court division and appoint an administrator who is responsible for the day-to-day operation. The budget, number of positions, and compensation to be received by court employees are determined by the board of county commissioners.

The full-time permanent staff of 91 includes 4 administrators, about 25 probation officers, 35 detention officers (houseparents), and nursing, clerical, and maintenance personnel. All serve at the pleasure of the administrator of the juvenile court, who uses the services of the personnel department when an opening occurs.⁴³

Approximately 15 to 17 percent of the juveniles brought into custody are minorities, about 20 to 25 percent are girls. The court has no minority administrators, 3 minority probation officers, and 11 minority houseparents. One of the four administrators and nearly half of the probation officers and houseparents are women. Eleven court employees classify themselves as handicapped. (See table 4.9.)

The administrator of the juvenile court is concerned about the need for more minorities in the

⁴¹ Roy Durham, undersheriff, Pierce County Sheriff, transcript, vol. 1, pp. 214-15.

⁴² Boyle, letter to Fred Kaplan, Nov. 27, 1979.

⁴³ Harold J. Mulholland, administrator, Pierce County Juvenile Court, interview in Tacoma, Washington, Mar. 28, 1979.

probation office but prefers not to set specific hiring goals:

I have not at any time been hung up on any percentage. I have looked for the applicants and I think a good part of the percentages that are here represent the quality of applicants that apply.⁴⁴

⁴⁴ Mulholland, transcript, vol. 1, p. 176.

The administrator's relations with the EEO department are informal:

I do not have meetings scheduled. I'm very familiar, of course, with Sig Cook and talk with him from time to time if I have a question, but we do not have regular meetings with him. At least as far as my department.⁴⁵

⁴⁵ *Ibid.*, pp. 180-81.

Port of Tacoma

Governmental Structure

The Port of Tacoma is an independent municipality operating within the same boundaries as Pierce County. It is governed by three elected port commissioners who serve 6-year staggered terms and live in different geographic areas within the port district. The commission is charged with the responsibility of administration of the port's facilities and development of the port's properties for industrial use. Although the powers of the port district are vested in the commissioners, they delegate authority over the day-to-day operation of the port to an executive director. The port has fully equipped marine terminals, cargo storage facilities, and an industrial development district containing 1,900 acres available for lease to industry.

The port is divided into 4 departments (executive, engineering, terminals, and fiscal management) and has 186 permanent employees supplemented by approximately 90 to 100 longshoremen who are hired on a day-to-day basis. The economic significance of the port's activities, however, cannot be measured by the size of its work force. The executive director emphasized the role the port plays in industrial development as well as in the flow of cargo:

We have on pretty good statistical studies that this last year, for instance, which was a peak year in port activity, \$290 million flowed into Pierce County as a result of the ongoing operation of the port.¹

¹ Richard Dale Smith, executive director, Port of Tacoma, testimony before the Washington Advisory Committee, open meeting, Tacoma, Washington, May 11-12, 1979, transcript, vol. 1, pp. 84-85 (hereafter cited as transcript).

The huge volume of business conducted by the port district contrast sharply with the relatively small amount of taxes it collects:

We're different from other governmental bodies like counties and cities in that we must observe the same kinds of procedures and goals and objectives that a business does. It has to operate like a business. The bottom line has to be black.

We have, for instance, about \$2.4 million in taxes come in to us paid by the citizens of Pierce County each year in a budget this year of \$50 million. So, you can see that we do have to behave like a business. We have to have vast revenues.

So, it's different, but that doesn't mean we shouldn't observe the same laws.²

Personnel System

The executive director is responsible for making all personnel rules and appointing a personnel/EEO officer (one person serves both functions). Under the written policy, department heads forward notices of job vacancies to the personnel officer for dissemination. The personnel officer receives and reviews the applications and refers those applicants who meet the minimum qualifications to the appropriate department head for "testing" by oral interview.³ A veterans' preference may be claimed by individuals who have been honorably released from active military service. The "best qualified applicant or employee" is selected by the department head

² *Ibid.*, p. 85.

³ Port of Tacoma Affirmative Action Plan, Dec. 15, 1978, p. 19.

TABLE 5.1**Port of Tacoma Employment Profile, 1973-78****Employment profile**

	1973	1974	1975	1976	1977	1978
Percent minority	8.5	8.8	9.1	12.2	13.5	15.7
Percent female	18.3	18.9	18.2	17.1	19.7	20.0
Total permanent employees	153	159	176	181	178	185

Source: Port of Tacoma.

TABLE 5.2**Port of Tacoma Work Force by Race, 1978****Work force by race (percentages)**

White	Black	Hispanic	Asian American	Native American
85.5	8.6	0.5	3.8	1.6

Source: Port of Tacoma.

“without reference to segregation or discrimination.”⁴ “To assure an equitable port employment posture, all appointments, promotions, transfers and terminations [are] coordinated with the EEO officer prior to finalization.”⁵

Employment Status of Minorities, Women, and the Handicapped

As of February 28, 1979, minorities were 14.5 percent of the port’s permanent work force. They held, however, only 7.6 percent of the positions in the administrative, professional, and technical job categories. Port management (11 administrators) was exclusively white male. (See tables 5.1 and 5.2.)

A member of the NAACP and practicing attorney in Tacoma expressed three major concerns of the black community regarding port employment practices:

1. lack of upward mobility;
2. discrimination by suppliers, contractors, and tenants of port industrial property; and
3. that port officials “are not very responsive. . .and really don’t care to even entertain or

take the time to hear the thoughts and concerns of the minority community.”⁶

Another black leader added: “It’s an assumption down there that black people or minority people have no right to interfere in big business.”⁷ With regard to combining the EEO and personnel functions in one person, she said, “You can’t send the fox to guard the chickens.”⁸

The program manager of the Hispanic Cultural Center said that his organization sometimes received port job announcements 1 day before the application deadline. He cited lack of recruitment and apathy as reasons for the port’s failure to obtain more than a single Hispanic employee.⁹

The Asian American Alliance discovered during the course of its own investigation of port employment that a consultant hired by the port on a temporary basis and a sales representative, who is a Japanese citizen and works in Tokyo, were the two Asian professionals counted by the port as full-time

⁴ Ibid., p. 2.

⁵ Ibid., p. 13.

⁶ Frank Burgess, N.A.A.C.P., transcript, vol. 2, pp. 20-21.

⁷ Virginia Taylor, chairperson, Minority Concerns Task Force, transcript, vol. 2, p. 55.

⁸ Ibid.

⁹ Conrado Casas, program manager, Hispanic Cultural Center, telephone interview, Mar. 12, 1979.

permanent employees. Port affirmative action statistics, the Alliance asserts, are "suspect".¹⁰

Members of the Indian community believe that port officials regard them as adversaries whose claims to land and fishing rights are at odds with port development. The director of manpower for the Puyallup tribe found the port to be "the most distant of the local government units in its ability to communicate with Indians."¹¹

According to the port's semi-annual affirmative action status report of February 28, 1979, women constituted 23.1 percent of the port's work force. Of the 43 female port employees, 38 (88.4 percent) held clerical or para-professional positions. There were no women in the 88 administrative, skilled, and semi-skilled jobs.

The port has no handicapped employees. An employment counselor for Goodwill Industries stated: "I have been able to establish only token programs with the city and county and have had no luck at all with the port. The port doesn't even send job announcements."¹²

Affirmative Action Efforts

The executive director was asked about the port's recruitment program:

Q. Have you made any special efforts to reach out into underrepresented communities to bring them into your organization?

A. I can't honestly say that we have other than in the publishing of our job announcements which are done quite broadly in keeping with our affirmative action beliefs. So, it has been not only in the *Tacoma News Tribune*, but in the suburban newspapers as well.¹³

The director also said:

I certainly readily admit that we do not have any handicapped people in our employ. I don't know why except that I guess they haven't applied when the vacancies have occurred in answer to the published job specs.¹⁴

Since 1974, the Economic Development Administration (EDA), U.S. Department of Commerce, which provides financial assistance to the port, has been receiving complaints from the Tacoma Urban

League and several other minority organizations regarding the port's affirmative action program. Prompted by this community concern, the EDA conducted a compliance review. The port's executive director commented on the findings:

The EDA report found us in technical non-compliance for two reasons. One, because we did not have enough women in the employ. . . . They indicated likewise that we certainly had a reasonable number of minorities in the employ [but] that upward mobility had not taken place to the extent that they would have hoped.¹⁵

Under an agreement reached between the port and the EDA on December 5, 1978, the port established long-range goals by department for both minorities and women and a program for upward mobility.

Promotional opportunities with the port are enhanced through three training programs. One program pays for tuition and supplies for college-level courses taken by port professionals, such as engineers. Another provides apprenticeship training for craft workers. The third program consists of in-house training courses given by port employees in their areas of expertise, such as hydraulics or electronics.

All port contracts, leases, and purchase orders contain non-discrimination clauses. The port, however, does not monitor compliance with these provisions:

It has been suggested that the port should enforce Federal and State laws and regulations regarding affirmative action and non-discrimination. State laws governing ports as special forms of local government do not provide enforcement authority, thus this is not a function of the port.¹⁶

On November 15, 1979, the port commission established a 7-member citizens' equal employment opportunity committee. The port's executive director stated:

It is our hope that [the committee] will provide a communications link that can result in better understanding of the port by minority groups

¹⁰ Arleen P. Subica, president of the board, Asian American Alliance, transcript, vol. 2, p. 44.

¹¹ Mike Reichert, director of manpower, Puyallup Tribal Office, telephone interview, Mar. 9, 1979.

¹² John Woolard, Goodwill Industries, telephone interview, Apr. 17, 1979.

¹³ Smith, transcript, vol. 1, p. 74.

¹⁴ Ibid., p. 73.

¹⁵ Ibid., p. 72.

¹⁶ Ibid., p. 62.

and further that perhaps the port's affirmative action program may be improved thereby.¹⁷

¹⁷ Smith, letter to Fred Kaplan, Nov. 19, 1979.

Developments in Equal Employment Opportunity Law—Federal and Washington State

Voluntary Affirmative Action

Equal employment opportunity is the law of the land. In the public sector of our society this means that all persons, regardless of race, color, religion, sex, or national origin shall have equal access to positions in the public service limited only by their ability to do the job. There is ample evidence in all sectors of our society that such equal access frequently has been denied to members of certain groups because of their sex, racial, or ethnic characteristics. The remedy for such past and present discrimination is twofold.

On the one hand, vigorous enforcement of the laws against discrimination is essential. But equally, and perhaps even more important, are affirmative, voluntary efforts on the part of public employers to assure that positions in the public service are genuinely and equally accessible to qualified persons, without regard to their sex, racial, or ethnic characteristics. Without such efforts equal employment opportunity is no more than a wish. The importance of voluntary affirmative action on the part of employers is underscored by Title VII of the Civil Rights Act of 1964, Executive Order 11246, and related laws and regulations—all of which emphasize voluntary action to achieve equal employment opportunity.¹

On January 19, 1979, the Equal Employment Opportunity Commission (EEOC) published its final

Guidelines on Affirmative Action to clarify when and what kind of voluntary action is appropriate under Federal law.² The EEOC enforces Title VII of the Civil Rights Act of 1964, which makes it illegal to discriminate in employment on the basis of race, color, religion, sex, or national origin.³ The guidelines describe a process that may be undertaken by employers seeking to improve the employment opportunities of minorities and women in a manner consistent with the principles of Title VII. The first step is a self-analysis to determine whether employment practices tend to disadvantage minorities or women or leave uncorrected the effects of prior discrimination, including discrimination by other persons or institutions.⁴ The effects of prior discriminatory practices can be initially identified by comparing the employer's work force to an appropriate segment of the outside labor force. The next step is affirmative action to correct the problems disclosed by the self-analysis.⁵ Reasonable action may be taken under the guidelines regardless of whether the self-analysis established a violation of Title VII and may include interim goals or targets for previously excluded groups that are higher than the percentage of their availability in the labor force so that long-term goals may be met within a reasonable time.⁶

The United States Supreme Court in *United Steelworkers of America v. Weber*⁷ upheld an agreement between a private sector employer and a union

¹ Equal Employment Opportunity Coordinating Council "Policy Statement on Affirmative Action Programs for State and Local Government Agencies", 41 *Fed. Reg.* 38,814 (1976), reaffirmed and extended to all persons subject to Federal equal employment opportunity laws and orders in the Uniform Guidelines on Employee Selection Procedures, 29 C.F.R. §1607.13B (1979).

² 29 C.F.R. §§1608.1-1808.12 (1979).

³ 42 U.S.C. §§2000e *et seq.*

⁴ 29 C.F.R. §1708.4(a) (1979).

⁵ 29 C.F.R. §1608.4(c) (1979).

⁶ Comments to the Guidelines on Affirmative Action, 44 *Fed. Reg.* 4422, 4425 (1979).

⁷ —U.S.—, 99 S.Ct. 2721 (1979).

that reserved 50 percent of the openings in an on-the-job training program for black employees until the percentage of black craft workers in the plant roughly approximated the percentage of blacks in the local labor force. The Court ruled that adoption of such a plan "falls within the area of discretion left by Title VII to the private sector voluntarily to adopt affirmative action plans designed to eliminate conspicuous racial imbalance in traditionally segregated job categories."⁸ An employer may act upon a statistical disparity whether or not that particular employer engaged in discriminatory practices in the past.⁹ The affirmative action goal may be based on the composition of the labor force as a whole, rather than on the pool of qualified workers which would, of course, reflect the effects of prior discrimination.¹⁰

Recent Federal and State court decisions, including one in Washington, confirm that a public employer, like the private employer in *Weber*, may use race-conscious employment goals to overcome a serious underrepresentation of minorities in its work force. In confronting allegations that a city police department unconstitutionally promoted black officers ahead of some white officers who stood higher on the eligible list, the U.S. Court of Appeals for the Sixth Circuit applied principles set forth in *Regents of the University of California v. Bakke*¹¹ and concluded that the promotional scheme was justified in light of the department's prior history of racial discrimination.¹² In a case challenging the validity of a voluntarily adopted program to fill one-third of the openings for attorneys in a County's district attorney's office with qualified minority applicants until they represented 8 percent of the staff, the California Supreme Court said:

Such remedial affirmative action measures promote, rather than thwart, the attainment of the ultimate constitutional and legislative objective: a society in which equal employment opportunity is a reality rather than an elusive dream.¹³

The Washington Supreme Court, in *Maehren v. City of Seattle*,¹⁴ unanimously approved the use of "selective certification" in civil service hiring and promotion as a method of increasing the number of

minorities and women employed by the city to correspond to their representation in the available labor force. The procedure allowed the highest ranking eligible minority and female candidates, not within the top ranks of the eligibility register, to be certified and thereby considered for a vacant position in a job classification in which minorities or women were underrepresented. The court held that the selective certification procedure violates neither Title VII of the Civil Rights Act of 1964 nor the equal protection guaranties of the Federal or State constitutions in light of the underrepresentation of minorities and women in city employment as a whole, and particularly in upper-level positions. Actual personal victimization need not be proven so long as the persons benefiting by selective certification are within a class of persons likely to have been victims of discrimination.¹⁵

State guidelines on affirmative action specifically recommend voluntary programs to correct work force imbalances and recognize the utility of selective certification in accomplishing that legitimate objective:

The Washington State Human Rights Commission urges every employer and every labor union operating a hiring hall to determine whether its workforce is imbalanced in view of the composition of the community, and whether the imbalance has been caused by practices, customs, or usages of the employer, the union or others that have limited employment opportunities for members of any protected class. When these two circumstances are found to exist, the employer or union should institute a corrective employment program.¹⁶

The purpose of a corrective employment program is to include persons of the underrepresented protected class into the employment process, not to exclude others from it. . . . It is permissible for the employer to give weight to the fact that an applicant is from a class of persons which is underrepresented because practices, customs, or usages have limited opportunities for members of the class in the industry, occupation, or place of work. It is permissible to ask for applicants of only the underrepresented protected class of persons from a particular source, or at a particular time.

⁸ 99 S.Ct. at 2730.

⁹ 99 S.Ct. at 2732-33 (Blackmun, J., concurring).

¹⁰ 99 S.Ct. at 2733 (Blackmun, J., concurring).

¹¹ 438 U.S. 265 (1978).

¹² *Detroit Police Officers' Ass'n v. Young*, 608 F.2d 671 (6th Cir. 1979).

¹³ *Price v. Civil Serv. Comm of Sacramento County*, —Ca.3d—, — P.2d—,

— Cal. Rptr.—, 21 Fair Employment Practices Cases 1512, 1514 (Jan. 25, 1980).

¹⁴ 92 Wash.2d 480, 599 P.2d 1255 (1979).

¹⁵ 92 Wash.2d at 505.

¹⁶ WASH. ADMIN. CODE §162-18-070.

if other applicants are not excluded from the total hiring process but have access from another source or are considered at another time.¹⁷

Male/Female Wage Differentials

Although Federal and State laws mandate equal pay for equal work,¹⁸ the gap between men's and women's earnings persists largely because of sex differences in job assignments. The principle of "equal pay for comparable work" holds that whole classes of jobs, such as secretary, nurse, and librarian, are traditionally undervalued because they are predominately held by women and that this inequality in the form of lower wages constitutes illegal sex discrimination.

In 1974 the State of Washington undertook a study of 121 state job classifications that were 70 percent or more occupied by persons of one sex.¹⁹ Existing salary rates were compared with job worth as determined by assigning a numerical value to the knowledge and skill the job required, the mental demands it placed on the employee, the accountability of the employee, and the working conditions in which his duties were performed. This "factor-point evaluation method" allowed the salaries of unlike positions to be compared. The study showed that "women's jobs" paid on the average 20 percent less than "men's jobs" requiring comparable levels of skill, effort, and responsibility.

The EEOC has been examining the relationship between job segregation and wage differentials and has commissioned the National Academy of Sciences to investigate certain aspects of the job evaluation process.²⁰ A public hearing was planned for early 1980 "to determine whether wage rates of jobs in which women and minorities have been historically segregated are likely to be depressed because those jobs are occupied by these groups."²¹ The EEOC noted:

There is evidence that the low rates of pay associated with such segregated jobs constitute the major explanation for the "earnings gap" between minority and female workers on the one hand and white males on the other. This

gap has long been considered a major benchmark of the extent of employment discrimination. The gap has continued to grow in the last 15 years despite the enactment of Title VII and the Equal Pay Act.²²

Central to any inquiry into wage rate discrimination is the question of the proper interpretation of the Equal Pay Act²³ and Title VII of the Civil Rights Act of 1964.²⁴ The U.S. Court of Appeals for the Ninth Circuit recently held that Title VII suits for discriminatory compensation are not limited to the Equal Pay Act's "equal pay for equal work" standard.²⁵ The court ruled that even if the jobs of county jail matrons are not substantially equal to those of higher paid male guards, the matrons should be allowed to prove that some of the discrepancy in wages is due to sex discrimination in violation of Title VII.

In a suit brought by female employees (mostly nurses) of the Tacoma-Pierce County Health Department alleging that they were paid less for jobs of equal or greater worth than the sanitation positions predominantly held by males, the Washington State Court of Appeals found no actionable discrimination because the plaintiffs failed to submit proof of a specific discriminatory act committed by the defendant employer.²⁶ The court held that the fact that the health department's pay scales were influenced by a pattern of historical discrimination on the part of *other* employers was not sufficient to justify a suit under the State statute making it illegal "to discriminate against any person in compensation. . . because of such person's. . . sex."²⁷ The department had merely adopted the wage scales of the marketplace. The court said:

We would ignore economic realities if we required an employer to pay employees of different sexes the same compensation for different jobs which may, subjectively, be of equal value to the employer. The subjective value of the job is only one factor in setting wages.²⁸

The court noted that women could apply for and be hired in sanitation jobs and, once hired, command the same wages as men in those positions.

¹⁷ WASH. ADMIN. CODE §162-18-040(2).

¹⁸ 29 U.S.C. §206(d); WASH. REV. CODE §49.12.175.

¹⁹ Exhibit 5, *State of Washington Comparable Worth Study*, September 1974, submitted by Barbara Ann Christy to the Washington Advisory Committee, open meeting, Tacoma, Washington, May 11-12, 1979.

²⁰ 44 *Fed. Reg.* 48,670 (1979).

²¹ 44 *Fed. Reg.* 63,485 (1979).

²² *Ibid.*

²³ 29 U.S.C. §206(d).

²⁴ 42 U.S.C. §2000e *et seq.*

²⁵ *Gunther v. County of Washington*, 602 F.2d 882 (9th Cir. 1979).

²⁶ *Tacoma-Pierce County Public Health Employees Ass'n. v. Tacoma-Pierce County Health Dep't*, 22 Wash. App. 1, 586 P.2d 1215 (1978).

²⁷ WASH. REV. CODE §49.60.180(3).

²⁸ 22 Wash. App. at 6.

Because "women's work" is on the bottom of the wage scale, women who are in the same bargaining unit as men fall further behind with each percentage pay increase negotiated by their union representative. The business manager for Local 483 of the International Brotherhood of Electrical Workers, AFL-CIO, which represents 700 to 800 city employees, said:

We only go by what our members tell us to go by. I work for them, and I'm sympathetic to across-the-board raises, I really am. But my people aren't. So, I have to do what they tell me.²⁹

The secretary-treasurer of Teamsters Local 461, which represents more county employees than any other union local and also many city employees, said that the higher paid members consider across-the-board increases to be relative pay cuts and that both the city and county governments prefer to negotiate percentage pay raises.³⁰ Thus, the salary gap widens and women workers become increasingly frustrated. The director of the women's resource center of the Tacoma-Pierce County YWCA stated:

The only thing that will end discrimination against these women is the establishment of a system that pays with full regard to the worth of the work being done, rather than with regard to the sex of those who perform the work.³¹

Veterans' Preferences

The Federal government and virtually all of the States grant some sort of hiring preference to veterans. Washington law provides that honorably discharged wartime veterans, their surviving spouses, and spouses of veterans who have a service-connected permanent and total disability "shall be preferred for appointment and employment" in State and county jobs.³² This law was originally adopted in 1895 to benefit union soldiers and sailors.

[I]t requires that the veteran only possess the capacity necessary to discharge the duties of the position involved in order to be preferred in employment. There is no mention in the statute

that a veteran must be at least equally qualified with other applicants competing for a position in order to receive the preference.³³

Only four other states (Massachusetts, New Jersey, South Dakota, and Utah) afford a preference comparable in scope to that of Washington.³⁴ A 1979 bill that would have repealed the absolute veterans' preference in public employment failed to pass out of the Washington State House of Representatives State Government Committee.³⁵

In merit system jurisdictions, Washington law grants veterans a point advantage on civil service examinations.³⁶ Veterans who served during any period of war and were honorably discharged within the last 8 years get 10 percentage points added to their passing scores, or 5 percentage points if they are receiving retirement payments. This preference can be used only for an initial appointment, and not in any promotional examination. The law applies to the State, its political subdivisions, and municipal corporations. In 1979 a bill was introduced to the House of Representatives that would have extended the preference to surviving spouses of deceased veterans by granting them a 5 percentage point advantage on competitive examinations.³⁷ The Washington State Department of Veterans Affairs recommended a substitute bill that would have also given a 10 percent preference to veterans with a service-connected disability without regard to the 8-year time limitation.³⁸ The bill was still in committee at the end of the 1979 legislative session.

Veterans' preferences have little, if any, relevance to job performance. Rather, they were designed to facilitate the transition from military to civilian life and to reward veterans for the sacrifice of military service. Because relatively few veterans are women, the preferences operate overwhelmingly to the advantage of males. The United States Supreme Court upheld the Massachusetts hiring preference against the claim that it unconstitutionally discriminated against women.³⁹ The admittedly "severe" impact of the law on the public employment oppor-

²⁹ Vern Stonecypher, business manager, International Brotherhood of Electrical Workers Local 483, testimony before the Washington Advisory Committee, open meeting, Tacoma, Washington, May 11-12, 1979, transcript, vol. 1, p. 272 (hereafter cited as transcript).

³⁰ Lew Hatfield, secretary-treasurer, International Brotherhood of Teamsters Local 461, telephone interview, Apr. 4, 1979.

³¹ Patty Smith, Y.W.C.A., transcript, vol. 1, p. 30.

³² WASH. REV. CODE §73.16.010.

³³ Fred Hellberg, memorandum to members of House State Government Committee, Jan. 31, 1979.

³⁴ See Fleming and Shanor, "Veterans' Preferences and Public Employment: Unconstitutional Gender Discrimination?" 26 Emory L.J. 13, 17 n.13 (1977).

³⁵ Wash. H.B. 116, 46th Leg., Reg. Sess. (1979).

³⁶ WASH. REV. CODE §41.04.010.

³⁷ Wash. H.B. 91, 46th Leg., Reg. Sess. (1979).

³⁸ Washington State Department of Veterans Affairs, Proposed Substitute to H.B. 91, Feb. 1, 1979.

³⁹ Personnel Adm'r of Mass. v. Feeney, 47, —U.S.—, 99 S.Ct. 2282 (1979).

tunities of women could not be traced to a discriminatory purpose:

[N]othing in the record demonstrates that this preference for veterans was originally devised or subsequently reenacted because it would accomplish the collateral goal of keeping women in a stereotypic and predefined place in the Massachusetts Civil Service.⁴⁰

The eligible list that resulted from the 1974 firefighter examination for the Tacoma Fire Department demonstrates the impact of Washington's 10 percent hiring preference on test scores.⁴¹ There were 66 names on the eligible list. Of the top 29, 26 were veterans. Of the bottom 37, only 5 were veterans. On that particular list there were no women; however, 53 percent of the whites on the list were veterans compared with 39 percent of the minorities, and similar percentages of the whites and minorities occupied the top 29 places.

The Pierce County undersheriff described the veterans' preference as a "stumbling block" for women taking the civil service examination for deputy sheriff positions:⁴²

[T]his has been a discrimination factor against women because they have not been in the military service during a time of conflict. So, if that was eliminated, I believe they would have a better opportunity on the testing procedure.⁴³

He emphasized, however, that local government is constrained by State law on this issue.

Employment Rights of the Handicapped

Discrimination against the handicapped is a relatively new area in equal employment opportunity law. Section 504 of the Rehabilitation Act of 1973, which prohibits the exclusion of an "otherwise qualified handicapped individual" from participation in a Federally-funded program "solely by reason of his handicap,"⁴⁴ requires evenhanded treatment of the handicapped but not "affirmative efforts to

overcome the disabilities caused by handicaps."⁴⁵ With respect to employment, recipients of Federal funds are only obligated to make "reasonable accommodations" for the known physical or mental limitations of an otherwise qualified applicant or employee.⁴⁶ In contrast, section 503, which governs hiring by Federal contractors, requires employers to "take affirmative action to employ and advance in employment qualified handicapped individuals."⁴⁷ State agencies, under section 501(c) of the act, are "encourage[d]. . . to adopt and implement such policies and procedures."⁴⁸ Congress is currently considering including the handicapped as a protected class under Title VII of the Civil Rights Act of 1964.⁴⁹

A comprehensive State law declaring it an individual's civil right to be free from various types of discrimination was amended in 1973 to include a prohibition against discrimination in employment because of any physical, mental, or sensory handicap.⁵⁰ The Washington Supreme Court said in the first appellate case to interpret that part of the statute:

[W]e believe it is clear it mandated positive steps to be taken. An interpretation to the contrary would not work to eliminate discrimination. It would instead maintain the status quo wherein work environments and job functions are constructed in such a way that handicaps are often intensified because some employees are not physically identical to the "ideal employee."⁵¹

The court held that it is an unfair practice for an employer to fail or refuse to make reasonable accommodations to the physical limitations of handicapped employees.⁵² Regulations promulgated by the Washington State Human Rights Commission encourage affirmative action to employ persons with handicaps that are significant and permanent.⁵³ In the implementation of an affirmative action program for the handicapped, it is not an unfair practice under Washington law to discriminate *in favor* of a person because of the person's handicap.⁵⁴

⁴⁰ 99 S.Ct. at 2296.

⁴¹ Exhibit 10, *A Comprehensive Study of the Labor Recruitment Program for the Tacoma Fire Department*, Jan. 20, 1977, submitted by James L. Hill.

⁴² Roy Durham, undersheriff, Pierce County Sheriff, transcript, vol. 1, p. 199.

⁴³ *Ibid.*, p. 207.

⁴⁴ 29 U.S.C. §794.

⁴⁵ *Southeastern Community College v. Davis*,—U.S.—,99 S. Ct. 2361 (1979).

⁴⁶ See 45 C.F.R. §84.12 (1978).

⁴⁷ 29 U.S.C. §793(a).

⁴⁸ 29 U.S.C. §791(c).

⁴⁹ S.446, 96th Cong., 1st Sess. (1979).

⁵⁰ WASH. REV. CODE §49.60.180.

⁵¹ *Holland v. Boeing Co.*, 90 Wash.2d 384, 388-89, 583 P.2d 621 (1978).

⁵² 90 Wash.2d at 389.

⁵³ WASH. ADMIN CODE §162-22-030.

⁵⁴ WASH. ADMIN. CODE §162-22-060.

Findings and Recommendations

City of Tacoma

Finding 1: Although the number of minorities in the city work force as a whole and in all of the departments studied has increased substantially since 1973, minorities continue to be underrepresented in the police and public utilities departments and in the higher paying and supervisory positions throughout city government. Hispanics are underrepresented in all job categories.

Finding 2: Women are seriously underrepresented in the administrative, fire, police, skilled craft, and semi-skilled job categories. Top level management is exclusively male.

Finding 3: Employment opportunities for minorities and women are limited by the “rule of one” for promotions, the lack of training for upward mobility, and point preferences in civil service examinations for current city employee status and for seniority.

Recommendations to the City Manager and Director of Utilities

Recommendation 1: Minorities and women should be recruited for administrative and appointive positions throughout city government.

Recommendation 2: A training program for upward mobility should be instituted to ensure equal promotional opportunities for minorities and women.

Recommendation 3: Specific goals and programs should be developed for hiring and promoting Hispanics.

Recommendations to the Civil Service Board

Recommendation 1: Selective certification should be used for promotions in job classifications in which minorities or women are underrepresented.

Recommendation 2: Preferences in civil service examinations for current city employee status and for seniority should be abolished.

Recommendation to the Fire Chief

A training program with adequate funding should be instituted to prepare women for the firefighter civil service examination.

Recommendations to the Police Chief

Recommendation 1: Recruitment of minority and female applicants should be expanded.

Recommendation 2: A training program to prepare minorities and women for the entry-level police officer examination should be initiated.

Recommendation to the Public Works Director, Transportation Director, and Director of Utilities

A recruitment and training program to obtain minority and female craft workers should be established.

Library

Finding: Although the number of minorities employed by the library has increased substantially since 1973, minorities continue to be underrepresented in administrative and professional librarian positions.

Recommendation to the Library Director

Minorities should be recruited for administrative and professional librarian positions.

Health Department

Finding 1: The employment status of minorities, who are significantly underrepresented in the department as a whole and particularly in administrative and environmental health positions, has not changed since 1973. The department has no Hispanic or Asian/Pacific American employees.

Finding 2: Most of the major job classifications are occupied almost exclusively by persons of one sex, and women generally hold the lower paying jobs.

Finding 3: There has been no organized effort to correct the chronic underrepresentation of minorities in the health department work force or segregation by sex in certain job categories.

Recommendation to the Board of Health

An EEO advisory committee composed of health department employees and community representatives should be created to periodically evaluate the affirmative action program and make recommendations to the Board of Health and health director on how it might be improved.

Recommendations to the Health Director

Recommendation 1: Minorities and women should be recruited for administrative and environmental health positions.

Recommendation 2: Specific goals and programs should be developed for hiring and promoting Hispanics and Asian/Pacific Americans.

Recommendation to the Health Department Civil Service Board

Selective certification should be used for hiring and promotions in job classifications in which minorities or women are underrepresented.

Pierce County

Finding 1: The employment status of minorities, who are seriously underrepresented in the county work force, has not changed since 1973. Minorities are grossly underrepresented in the departments of planning and public works and in the offices of the prosecuting attorney and sheriff. The proportion of minorities in the offices of the assessor and auditor is decreasing significantly. Top managerial positions in county government are held exclusively by white males.

Finding 2: Women are seriously underrepresented in the administrative, sheriff, skilled craft, and semi-skilled job categories.

Finding 3: Pierce County has demonstrated only a "paper commitment" to affirmative action. The program, such as it is, has not had the active support of the county commissioners and department heads who are responsible for making it work. Goals and timetables are not developed on a regular basis; department heads are not held accountable for achievement of goals; and there is little monitoring of the affirmative action program.

Finding 4: State law, which provides that deputy sheriffs must be selected and promoted from the top three persons on the appropriate civil service eligible list, unduly constrains the employment opportunities of persons from groups that traditionally have been underrepresented in sheriffs' offices.

Recommendations to the Board of County Commissioners

Recommendation 1: Budget submittals by department heads should include affirmative action goals and records of past achievement.

Recommendation 2: No new positions in job classifications in which minorities or women are underrepresented should be approved without assurances from the appointing authority that qualified minorities and women will be recruited.

Recommendation 3: An EEO advisory committee composed of county employees and community representatives should be created to periodically evaluate the affirmative action program and make recommendations to the county commissioners and administrative director on how it might be improved.

Recommendations to the Administrative Director

Recommendation 1: Specific goals and programs for hiring and promoting minorities and women should be developed annually.

Recommendation 2: Minorities and women should be recruited for managerial positions in county government.

Recommendation 3: Department heads should be held accountable for achievement of affirmative action goals.

Recommendation 4: The affirmative action program should be reviewed by the administrative director and department heads on a quarterly basis.

Recommendations to the Planning Director, Public Works Director, Assessor, Auditor, Prosecuting Attorney, and Sheriff

Recommendation 1: At least one-third of all new hires should be minorities until the pattern of underrepresentation is corrected.

Recommendation 2: Women should be vigorously recruited for administrative, deputy sheriff, and craft positions.

Recommendation 3: Training programs for upward mobility should be instituted to ensure equal promotional opportunities for minorities and women.

Recommendation to the Washington State Legislature

State law governing sheriffs' offices should be amended to allow selective appointment of qualified individuals from underrepresented groups.

Recommendation to the U.S. Commission on Civil Rights

The U.S. Commission on Civil Rights should recommend: (1) that the Equal Employment Opportunity Commission institute systemic proceedings against Pierce County to correct a historical and continuous pattern of underrepresentation of minorities and women; (2) that the Office of Revenue Sharing, U.S. Department of the Treasury, which provides revenue sharing funds for county programs, conduct an employment compliance review of Pierce County; and (3) that the Law Enforcement Assistance Administration, U.S. Department of Justice, which provides law enforcement assistance funds for programs in the offices of the Pierce County Sheriff and Pierce County Prosecuting Attorney, conduct compliance reviews of those offices.

Port of Tacoma

Finding 1: Although the number of minorities in the port work force has increased significantly since 1973, minorities continue to be underrepresented in the higher paying and supervisory jobs. Hispanics are underrepresented in all job categories.

Finding 2: Women are overwhelmingly concentrated in clerical positions and grossly underrepresented in the administrative, skilled craft, and semi-skilled jobs. Port management is exclusively white male.

Finding 3: The port lacks a formal personnel system with established procedures for hiring, promoting, and terminating employees. The role of the personnel/EEO officer is not clear.

Recommendations to the Executive Director

Recommendation 1: Detailed personnel rules that provide for selective appointment of qualified individuals from underrepresented groups should be adopted.

Recommendation 2: Minorities and women should be recruited for administrative and craft positions with the port.

Recommendation 3: All prospective hirings and promotions should be reviewed by the EEO officer to ensure compliance with the affirmative action program.

Recommendation 4: Training programs for upward mobility should give priority for participation to persons from underrepresented groups.

Recommendation 5: Specific goals and programs should be developed for hiring and promoting Hispanics.

All Tacoma Area Local Government

Male/Female Wage Differentials

Finding: Jobs that are predominantly held by women traditionally have been undervalued. This has resulted in an earnings gap between male and female employees doing comparable work.

Recommendation to the City Council, Library Board of Trustees, Board of Health, Board of County Commissioners, and Port Commission

Male-dominated and female-dominated job classifications should be evaluated by an outside firm to determine whether any discrepancy in wages is due to sex discrimination. Any inequities found should be corrected by making adjustments in the salary scales.

Veterans' Preferences

Finding: Veterans' preferences have a severe adverse impact on the public employment opportunities of women.

Recommendations to the Washington State Legislature

Recommendation 1: Section 73.16.010 of the Washington Revised Code granting veterans an absolute hiring preference in public employment should be repealed.

Recommendation 2: Section 41.04.010 of the Washington Revised Code granting veterans a point advantage on civil service examinations should be

amended to provide the same preference for surviving spouses of deceased veterans and spouses of veterans with a permanent and total disability.

Employment Rights of the Handicapped

Finding 1: Handicapped persons are significantly underrepresented in all of the jurisdictions studied.

Finding 2: Tacoma area local government has not yet seriously addressed the problem of employment discrimination against the handicapped.

Recommendations to the City Manager, Library Director, Health Director, County Administrative Director, and Port Executive Director

Recommendation 1: Personnel policies and procedures should be reviewed with the assistance of

handicapped persons and organizations representing the handicapped to ensure that handicapped persons are provided equal employment opportunities.

Recommendation 2: Work facilities should be made accessible to and usable by handicapped persons.

Recommendation 3: Specific goals and programs should be developed for hiring and promoting handicapped persons.

Recommendation 4: Recruitment efforts should be made by contacting organizations that represent or train the handicapped.

Participants in the Open Meeting of the Washington Advisory Committee

May 11-12, 1979

Virginia Austin, Administrative Aide
Pierce County Prosecuting Attorney

Paul W. Becker, Jr.
Labor Relations and Personnel Supervisor
City of Tacoma Department of Public Utilities

James F. Boyle, Administrative Inspector
Pierce County Sheriff

Frank Burgess
N.A.A.C.P.

Nancy Butterfield
Small Tribes Organization of Western Washington

Ronald M. Button, Director
City of Tacoma Public Works Department

Conrado Casas, Program Manager
Hispanic Cultural Center

Barbara Ann Christy
National Organization for Women

E. E. Coates
Assistant Director for Operations
City of Tacoma Department of Public Utilities

Sigmund L. Cook
Pierce County Equal Employment Opportunity Officer

Marile Creager, Assistant Director
Tacoma Public Library

Julius L. Curry

Robert I. Deutscher, Chairman
City of Tacoma Civil Service Board

Thomas Dixon, Executive Director
Tacoma Urban League

Roy Durham, Undersheriff
Pierce County Sheriff

Judie Fortier, Women's Rights Supervisor
City of Tacoma Human Relations Department

Everett Foster, Director
Pierce County Personnel Department

David A. Goldberg
Equal Employment Opportunity Officer
City of Tacoma Human Relations Department

Kevin Hegarty, Director
Tacoma Public Library

Eric Herrmann, Personnel Officer
City of Tacoma Department of Public Utilities

Don Herron
Pierce County Prosecuting Attorney

James L. Hill, President
Tacoma Fire Fighters Union Local 31

Clyde Hupp, Secretary-Treasurer
Pierce County Central Labor Council

Ree Hutchine

Gary L. Ikeda, Chairman
Tacoma Human Relations Commission

Charles I. Kennedy
City of Tacoma Civil Service Coordinator

Yoshio Kosai, Director
City of Tacoma Transportation Department

Richard J. Krack, Chairman
Tacoma Area Task Force for the Needs of the Handicapped

Penny Lewis
Employment Specialist for the Handicapped
City of Tacoma Comprehensive Employment Services

W. B. Miller, Chief Engineer
Light Division
City of Tacoma Department of Public Utilities

Tony F. Mitchell, Chief
Tacoma Fire Department

Erling O. Mork, City Manager
City of Tacoma

Lillie Morris
Black Women's Caucus

Harold J. Mulholland, Administrator
Pierce County Juvenile Court

Floyd Oles, Vice Chairman
City of Tacoma Civil Service Board

Mike Parker, Mayor
City of Tacoma

William W. Perrett, Chief
Tacoma Police Department

Peggy Peterson
League of Women Voters

George Richardson
United Trade Workers Association

John A. Roller, Superintendent
Water Division
City of Tacoma Department of Public Utilities

Pearl H. Rose
Special Needs Program Coordinator
Fort Steilacoom Community College

Terry D. Sebring
Deputy Prosecuting Attorney
Pierce County Prosecuting Attorney

Deborah Shade

J. N. Shensky, Director
Pierce County Planning Department

Patty Smith
Y.W.C.A.

Richard Dale Smith, Executive Director
Port of Tacoma

Richard J. Sokolowski, Director
City of Tacoma Personnel Department

Vern Stonecypher, Business Manager
International Brotherhood of Electrical Workers Local 483

Joe Stortini, Chairman
Board of Pierce County Commissioners

Christy Strand
Equal Employment Opportunity Coordinator
Tacoma-Pierce County Health Department

Arleen P. Subica
President of the Board
Asian American Alliance

Bonnie Tanner, President
Pierce County Women's Advisory Group

Melvin Taylor

Virginia Taylor, Chairperson
Minority Concerns Task Force

Stanley L. Thaut, Deputy Chief
Tacoma Fire Department

William R. Thornton, Director
Pierce County Public Works Department

Jose Vigil
Tacoma Indian Center

James L. Walton, Director
City of Tacoma Human Relations Department

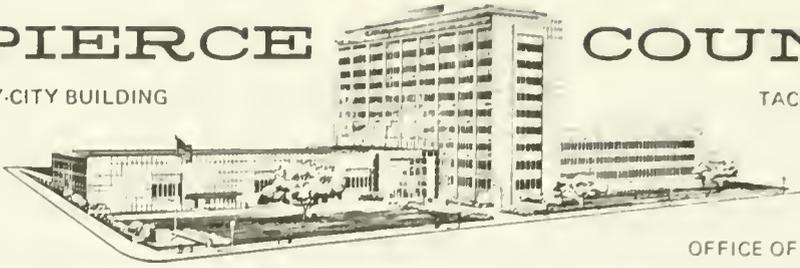
Rev. E. P. Williams, Vice President
Tacoma Ministerial Alliance

Gary L. Wolfstone

PIERCE COUNTY

1046 COUNTY-CITY BUILDING

TACOMA, WASHINGTON 98402



OFFICE OF COUNTY COMMISSIONERS

PATRICK J. GALLAGHER

JOE STORTINI

JACK BUJACICH, JR.

November 30, 1979

Mr. Fred Kaplan, Regional Attorney
U.S. Commission on Civil Rights
2852 Federal Building
915 Second Avenue
Seattle, WA. 98174

Dear Mr. Kaplan:

In response to your letter dated November 20, 1979, the information contained in your draft report is essentially accurate. The report encompasses the data provided to you by selected County Staff Personnel and accurately reflects testimony given to the Washington Advisory Committee to the U.S. Commission on Civil Rights.

Please be advised that since the hearings this past May, the Board of Pierce County Commissioners appointed the Undersigned as Administrative Director and I fully intend to support and intensify the County's Affirmative Action efforts of all departments under the Commissioner's jurisdiction. The Equal Employment Officer has just completed the Annual EEO-4 Report and informs me that there was a decrease in total County employment from 1,371 in 1978 to 1,316 in 1979. However, an increase was shown in minority representation in the County's workforce from 5.9% in 1978 to 7.6% in 1979. Of the 241 New Hires in 1979, 105 were female for a 43.6% hiring rate and 29 were minority members for a 12.0% hiring rate.

If further assistance is needed, please feel free to contact this office.

Ray Ryan


Administrative Director,
Pierce County

RR:SC/p

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