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Affirmative Action in Michigan Cities

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A statement of the Michigan Advisory Committee to the United States Commission on Civil Rights prepared for the information and consideration of the Commission. This statement will be considered by the Commission, and the Commission will make public its reaction. In the meantime, the findings and recommendations of this statement should not be attributed to the Commission but only to the Michigan Advisory Committee.

I

THE UNITED STATES COMMISSION ON CIVIL RIGHTS

The United States Commission on Civil Rights, created by the Civil Rights Act of 1957, is an independent, bipartisan agency of the executive branch of the Federal Government. By the terms of the act, as amended, the Commission is charged with the following duties pertaining to discrimination or denials of the equal protection of the laws based on race, color, religion, sex, age, handicap, or national origin, or in the administration of justice: investigation of individual discriminatory denials of the right to vote; study of legal developments with respect to discrimination or denials of the equal protection of the law; appraisal of the laws and policies of the United States with respect to discrimination or denials of equal protection of the law; maintenance of a national clearinghouse for information respecting discrimination or denials of equal protection of the law; and investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

THE STATE ADVISORY COMMITTEES

An Advisory Committee to the United States Commission on Civil Rights has been established in each of the 50 States and the District of Columbia pursuant to section 105(c) of the Civil Rights Act of 1957 as amended. The Advisory Committees are made up of responsible persons who serve without compensation. Their functions under their mandate from the Commission are to: advise the Commission of all relevant information concerning their respective States on matters within the jurisdiction of the Commission; advise the Commission on matters of mutual concern in the preparation of reports of the Commission to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Advisory Committee; initiate and forward advice and recommendations to the Commission upon matters in which the Commission shall request the assistance of the State Advisory Committee; and attend, as observers, any open hearing or conference which the Commission may hold within the State.

Affirmative Action in Michigan Cities

A statement by the Michigan Advisory Committee
to the United States Commission on Civil Rights

December 1982

ATTRIBUTION:

The findings and recommendations contained in this statement are those of the Michigan 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.

III

LETTER OF TRANSMITTAL

Michigan Advisory Committee to the
U.S. Commission on Civil Rights
December 1982

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Murray Saltzman

John Hope III, Acting Staff Director

Dear Commissioners:

The Michigan Advisory Committee to the U.S. Commission on Civil Rights in fulfillment of its mandate, is pleased to transmit to you this statement, Affirmative Action in Michigan Cities.

This statement is the result of investigations and data analysis conducted by this Advisory Committee, including a fact-finding meeting in Detroit in 1980.

The impact of about ten years of affirmative action programs in Michigan municipalities has been a noticeable increase in the employment of minorities in the cities' workforces. However, there are still a series of problems associated with the implementation of affirmative action, among them the unavailability of fully reliable data and reporting systems, and the difficulty in defining the populations at risk that should be the object of affirmative action efforts.

The ten cities in Michigan that the Committee examined, as well as other cities and the state itself, are now experiencing a serious economic downturn. Budgetary pressures are leading them to reduce their workforce, and in most cases, this is accomplished under a seniority system. As minorities are low in seniority, hired recently as a result of affirmative action programs, any layoffs or other reduction in force measures have a particularly devastating effect on those minorities.

The Committee concludes its statement with a series of findings and recommendations to federal, state and local officials, to encourage continuous practice of affirmative action, to improve the process, and remedy the problems identified.

We request that the Commission accept this statement of its Michigan Advisory Committee, and adopt its recommendations.

Sincerely,

M. Howard Rienstra, Chair
Michigan Advisory Committee

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CHAPTER I. BACKGROUND

Affirmative Action, the process of dismantling discrimination in employment, is under severe strain in Michigan today. Not only because of reluctance to accept the concept philosophically, or lag in the enforcement of the laws and regulations that mandate affirmative action for employers, but also because difficult economic conditions in Michigan threaten to wipe out even those accomplishments that ten years of affirmative action have achieved; the old expression "last hired, first fired" acquires its full meaning in the currently contracting labor market.

And yet, affirmative action represents an increasingly vital element in the search for equality of opportunities in employment in Michigan: demographic patterns in the state for the last decade show that racial minorities are the fastest growing population of Michigan, and this growth is true both for absolute numbers and in percentages of the entire population.

The Decennial Census reports the total population of Michigan at 9,258,344 persons,¹ an increase of 4.2 percent in the ten years since the 1970 Census. This rate of increase is low: it represents slightly more than a third of the 11.4 percent growth rate in the population reported for the entire country in those ten years.

Almost half of the state population is still concentrated in the Detroit metropolitan area, although the 1980 Census indicates that the Detroit Standard Metropolitan Statistical Area (SMSA) declined in population by 1.9 percent since 1970.² Detroit shares this population decrease with other older industrial cities in the Midwest and Northeast.

Racial and ethnic minorities in Michigan experienced substantial growth during this period. They represented 11.7 percent of the total population in 1970, and 15.0 percent in 1980. Their numbers grew by 33.3 percent, a rate substantially greater than that for the entire population of the state, although still lower than the 49.9 percent growth rate for non-white populations nationwide.³ Every racial and ethnic minority is present in Michigan in substantial numbers. For the most part, these minority groups are concentrated in major cities. The following Table shows the racial and ethnic breakdown of the population in the state of Michigan at the time of the 1980 Census:⁴

Total	9,258,344	100.0%
Black	1,198,710	12.95%
White	7,868,956	85.0%
Amer. Ind.	40,038	.43%
Asian	56,731	.61%
Other	93,909	1.01%
Hispanic (any Race)	162,388	1.75%

These large and growing numbers of minority persons in the state make the issue of discrimination a continuing concern in every field. Affirmative Action is the foremost avenue to secure racial and ethnic equality of opportunity in employment.

The Michigan Advisory Committee to the U.S. Commission on Civil Rights has focused its attention on Affirmative Action for the last two years. It carried out in conjunction with 12 other State Advisory Committees a major national project during 1980 and 1981, that resulted in the publication, in October 1981, of a joint report entitled "Promises and Perceptions: Federal Efforts to Eliminate Employment Discrimination Through Affirmative Action."⁵ The emphasis of this project was on the process and procedures associated with Affirmative Action.

In contributing to this national project, the Michigan Advisory Committee gathered information, conducted research on an informal basis, and held a fact-finding meeting in Detroit in May 1980. Representatives from various agencies of Federal, state and local government participated, as well as those from employers, unions, and community and civil rights groups.

While many of the statements centered on process and procedures as the project primarily intended, several speakers at the Michigan meeting offered facts, conclusions and opinions related to the impact of Affirmative Action on employment of minority groups.

After the national report was issued in 1981 the Michigan Advisory Committee continued its work on Affirmative Action, with the purpose of issuing its findings and recommendations in the present statement, that supplements the national project by emphasizing Michigan issues. In this follow up the Committee studied Affirmative Action in employment by municipal governments. It examined available employment data, most of them contained in the EEO reports that employers must file yearly with the Equal Employment Opportunity Commission.

This statement presents the results of the Committee's analyses: a picture of equal employment opportunity in municipal employment in Michigan, and the impact of the Affirmative Action effort on such equality. It also highlights findings and makes recommendations for future action by Federal and state agencies and municipalities.

This statement focuses on ten Michigan cities - Detroit, Grand Rapids, Ann Arbor, Lansing, Flint, Kalamazoo, Saginaw - which are large Michigan cities that are centers of census-defined Standard Metropolitan Statistical Areas

(SMSA's). Warren is a suburban municipality within the Detroit SMSA. Holland has a minority population that is largely Hispanic, and Sault Ste. Marie's minority population is predominantly American Indian. In the other cities analyzed, the largest component of the minority population is black. Through analysis of equal employment opportunity in the municipal government of these ten cities, the Michigan Advisory Committee hopes to present a representative picture of such opportunity in municipalities throughout the state, particularly those with significant numbers of minority residents.

The U.S. Commission on Civil Rights has been concerned with Affirmative Action for a long time. the latest Commission statement on this subject was issued November 1981, under the title Affirmative Action in the 1980s: Dismantling the Process of Discrimination.⁶

The 1981 statement was the result of careful preparation. It was issued in January 1981 in a preliminary format, for public comment, and the Commission not only received individual comments, but also held a series of expert consultations with lawyers, employers, labor unions, social scientists and government officials to discuss the meaning and implications of the concept of Affirmative Action, and the issues of implementation. These proceedings are being

published under the title, Consultations on the Affirmative Action Statement of the U.S. Commission on Civil Rights.⁷ This process allowed the Commission to revise its preliminary draft before issuing it in its final format. The Commission has published in the past other statements on Affirmative Action.⁸ And publications of the Commission, other than statements, show also the ongoing concern by the U.S. Commission on Civil Rights with this issue, and a careful study of the various aspects related to it.⁹ Advisory Committees to the U.S. Commission on Civil Rights in addition to Michigan have also studied and reported on Affirmative Action over the years.¹⁰

The Michigan Advisory Committee's concerns with Affirmative Action in the state's municipalities include the extent of the positive impact that this policy has had on the employment of women and minorities, and more urgently, the need to preserve that impact in the face of severe economic conditions that prompt several cities to reduce their workforces. For those cities these reductions can mean the loss of gains achieved during years of Affirmative Action programs, as minority and women employees, the last hired, are the most likely to be laid off or dismissed.

¹U.S. Bureau of the Census, Advance Reports, 1980 Census of Population & Housing, Michigan, PHC-V-24, issued March 1981.

²U.S. Bureau of the Census, Supplementary Reports, 1980 Census of Population, Standard Metropolitan Statistical Areas & Standard Consolidated Statistical Areas: 1980, PC 80-S1-5, issued October 1981.

³U.S. Bureau of the Census, 1970 Census of Population, Supplementary Report, Race of the Population in the United States, by States: 1970, PC(S1)-11 and 1980 Census of Population, Supplementary Reports, Age, Sex, Race and Spanish Origin of the Population by Regions, Divisions and States: 1980, PC80-S1-1, issued May 1981.

⁴U.S. Bureau of the Census, Advance Report 1980 Census of Population and Housing, Michigan PHC-V-24, issued March 1981.

⁵Washington, D.C., U.S. Government Printing Office, 1981.

⁶Clearinghouse Publication 70, Washington, D.C., U.S. Government Printing Office, 1981, therein after cited as 1981 Statement.

⁷1981 Statement, p. 5. Vol. I. Papers presented were published in 1982.

⁸U.S. Commission on Civil Rights, Statement on Affirmative Action for Equal Employment Opportunities, 1973; Statement on Affirmative Action, 1977; Washington, D.C., U.S. Government Printing Office.

⁹See e.g., U.S. Commission on Civil Rights, The Federal Civil Rights Enforcement Effort-1974, Vol. V, To Eliminate Employment Discrimination, 1975; Affirmative Action in Employment in Higher Education, 1975; Last Hired, First Fired: Layoffs and Civil Rights, 1977; Toward an Understanding of Bakke, 1979.

¹⁰See e.g., Where are Women and Blacks?: Patterns of Employment in Alabama Government, 1979; Indian Employment in New Mexico Government, 1971; State Government Affirmative Action in Mid-America (Iowa, Kansas, Missouri and Nebraska), 1978; Affirmative Action in Salt Lake's Criminal Justice Agencies (Utah), 1978; Affirmative Action or Inaction? The Pursuit of Equal Employment Opportunity in Cleveland (Ohio), 1977; Private Sector Affirmative Action: Omaha (Nebraska), 1979.

CHAPTER II. MINORITY EMPLOYMENT AND AFFIRMATIVE ACTION

States and municipalities file annually an EEO-4 report, detailing the race, ethnic origin and sex characteristics of their workforce. Those EEO-4 reports for 1973 and 1980 constitute the data bases for the analysis that follows.

Other relevant information for comparison purposes is provided by general demographic data, published by the Bureau of Census, and a digest data on the labor force characteristics of state and local area, compiled and published by the Michigan Employment Security Commission, (MESCC) for the guidance of employers preparing affirmative action plans, and based on Census and Bureau of Labor Statistics data.

1. Ten Municipalities

The analysis of minority employment and the impact of affirmative action is best expressed in terms of percentages, rather than absolute numbers of the populations involved. The proportions of the various racial and ethnic groups in the general population are compared with the workforce employed by a city, a state, or any other employer.

The basic consideration is to what extent the city's employment profile reflects the population as a whole.

This comparison can be undertaken at two levels: the city workforce composition and that of the population at large, or the city workforce compared to the available labor force by occupational categories.

The former approach - city workforce as reflective of the entire population - is the most obviously appropriate frame of reference. On occasion, this yardstick has been used by Federal civil rights enforcement agencies to gauge the level of compliance of a city with affirmative action standards.¹

Moreover, the use of available labor force figures by occupational categories would be irrelevant in some instances. For instance, in "public safety" jobs, the general labor force figures would only reflect profiles of the city government workforce, as the city is the major if not the only employer under those job categories (in the fire and police departments).

In the analysis that follows, both general population and labor force by occupation percentages are provided to present a more comprehensive comparison with municipal workforce profiles.

The actual numbers of populations involved in the ten cities under study are presented in Table 1.

All cities under consideration, with the exception of Ann Arbor, experienced a decrease in population in the 1970-80

Table 1

Population of Ten Michigan Municipalities

	1970	1980	% Change	Black & Hispanic 1980
Ann Arbor	100,035	107,316	7.3	12,254
Detroit	1,514,063	1,203,339	-20.5	787,909
Flint	193,317	159,611	-17.4	70,098
Grand Rapids	197,649	181,843	- 8.0	34,354
Holland	26,479	26,281	- .7	(3,058)*
Kalamazoo	85,555	79,722	- 6.8	13,925
Lansing	131,403	130,414	- .8	26,416
Saginaw	91,849	77,508	-15.6	34,542
Sault St. Marie	15,136	14,448	- 4.5	(1,308)**
Warren	179,260	161,134	-10.1	1,780
	<hr/> 2,141,616		Black & Hispanic	<hr/> 984,336

*Hispanics

**American Indians

decade. For some of those cities, such as Detroit and Flint, this decrease was substantial.

The total population in these cities represents 23.13 percent of the population of the state. However, the combined black and Hispanic populations in these cities, add up to 72.31 percent of the total of these populations for the entire state. This fact, while not surprising in view of the generally urban nature of Hispanic and black populations in the Midwest, warrants the conclusion that the analyses of employment practices focused in these ten municipalities can be generalized and be considered representative of employment patterns throughout Michigan municipalities.

For each of the ten municipalities, the following data are given: total population or census data by race or ethnic group; the labor force of the city; the labor force of the Standard Metropolitan Statistical Area; and the total workforce of the city. These data are given both for 1970 (census) or the closest year available to 1973 (labor force and workforce), and for 1980 for all. In this way a comparison can be made between population data, labor force data, and the actual employment and affirmative action performance of each city.

In addition, for each city, two or three job classifications are listed, that are particularly relevant for a more complete picture of the minority employment in the municipality.

Both sets of data, SMSA and city, on labor force availability are relevant to the comparison, since a city may draw applicants and employees from the entire metropolitan area, and at the same time it may need to focus specifically on the city itself, since minorities are often concentrated within its jurisdiction. City labor force data are not routinely published. Here it has been obtained by extrapolating the SMSA labor force data available, and as a function of the city's census figures of total population. The figures thus provided for city labor forces are merely indicative, and no claim is made as to their accuracy. They assume a homogeneous rate of participation in the labor force of minorities living in the suburbs and in the central city; such homogeneity is not supported by the known information afforded by other studies.

The data for total city employment are not always reliable nor strictly comparable. There are differences among cities in the type of employees included in their EEO-4 reports; employees funded by specific federal or state government grants for a program or function (for instance, CETA administrators, public service employees) may or may not be included in the city totals.

For a more accurate analysis of the mutual interaction of central city and metropolitan area, in terms of affirmative action, it would be necessary to analyze the actual

geographical area where employees of a given jurisdiction are drawn from. These data are not reported by city governments, and, unless there is an ordinance requiring city residency for its employees, collecting of those data may violate the privacy of employees or applicants.

Data on each city follows, accompanied by a series of highlights and comments.

City of Detroit

	<u>1970</u>	<u>1980</u>
Census:	43.7% Black 1.8% Hispanic	63.4% Black 2.4% Hispanic
City Labor Force:	41.4% Black .5% Hispanic	53.7% Black 1.8% Hispanic
Labor Force by SMSA:	16.3% Black 1.2% Hispanic 35.5% Female	17.4% Black 1.2% Hispanic 41.1% Female
City Workforce:	45.1% Black .2% Hispanic 16.2% Female	55.1% Black 1.2% Hispanic 41.1% Female
 Total city employment	 25,176	 22,016
Minorities	11,359 (45.12%)	12,524 (56.89%)
Selected Job Classifications:		
Officials, Professionals & Technicians:	1241 (26.4%) Black 1357 (28.9%) Female	1396 (59.9%) Black 1051 (31.5%) Female
Police & Fire:	1276 (18.1%) Black 84 (1.1%) Female	2410 (39.4%) Black 789 (11.3%) Female
Maintenance:	4613 (76.9%) Black	5089 (79.4%) Black

Source: Labor Force: Michigan Employment Security Commission,
taken from Census and Bureau of Labor Statistics figures.

City Workforce:
EEO-4 (comparable) for 1973 and 1980, prepared by City of
Detroit.

Notes: Census: total population.

Labor Force: total number of workers, employed or actively seeking
employment (available workers).

Workforce: workers employed by the municipality.

Under 1970, Census and labor force data are from the 1970 Decennial
Census.

The data for the city workforce, here and in the other cities, are
those available from the EEO-4 reports closest to 1970, as
indicated in the source.

Highlights: City of Detroit

The workforce of the city of Detroit has decreased by 12.55 percent in the seven years under study; minorities in that workforce have increased in total numbers and in their proportion to the total city workforce.

While the city workforce includes a substantially larger proportion of blacks than the labor force in the SMSA, its proportion to the city labor force is almost one to one.

The proportion of Hispanic city employees has increased from 1973 to 1980, but it has remained lower than the presence of Hispanics in the city labor force.

There has been a large increase in representation of blacks in the Officials, Professionals and Technicians classification, and in that of Public Safety (fire and police). Women's presence in the Public Safety classification has become significant during this time.

While affirmative action has proven effective in these areas, the 1980 minority employment picture implies a low level of seniority for blacks and females in job classifications where their representation has increased in the years under study. Budget reductions resulting in layoffs would affect these groups disproportionately more than non-minority males.

City of Ann Arbor

	<u>1970</u>	<u>1980</u>
Census:	6.6% Black 1.2% Hispanic	9.3% Black 2.0% Hispanic
Labor Force by SMSA:	6.8% Black .8% Hispanic 41.6% Female	6.9% Black 1.1% Hispanic 41.5% Female
City Labor Force:	5.9% Black 1.0% Hispanic	6.1% Black 1.5% Hispanic
City Workforce:	15.4% Minority	17.7% Black .3% Hispanic 22.4% Female
Total City Employment:	1,080	852
Minorities:	167 (15.47%)	157 (18.43%)
Selected Job Classifications:		
Officials, Professional & Technicians:	26 (7%) Black	35 (14.7%) Black 56 (24.2%) Female
Police & Fire:	n.a.	19 (8.3%) Black 14 (6.1%) Female
Sanitation	n.a.	53 (50.0%) Black

Source: Labor Force: Michigan Employment Security Commission, taken from Census and Bureau of Labor Statistics figures.

City Workforce: 1970 Special Report, 1980 EEO-4 Report.

Highlights: City of Ann Arbor

The Ann Arbor SMSA includes a larger percentage of minorities than the city of Ann Arbor itself. The reason for this unique feature is the presence in the SMSA of the city of Ypsilanti, with a large black population.

Ann Arbor lost 21.11 percent of its total city employees in the years 1970-1980. While this change reduced also the total number of minorities employed, the percentage of minorities employed by the city increased during the period studied.

The figures show a presence of black employees in the city workforce at a rate higher than their representation in the available labor force; many of the blacks are concentrated in sanitation, although for 1980 representation of blacks in the Professional and technicians classification series is also higher than the available labor force.

Both in the 1970 and 1980 data, the figures for Hispanics in the city workforce are much lower than their representation in the population.

City of Flint

	1970	1980
Census:	28. % Black 1.7% Hispanic	41.4% Black 2.4% Hispanic
City Labor Force:	26.8% Black 1.3% Hispanic	34.5% Black 1.5% Hispanic
Labor Force by SSEA:	11.4% Black 1. % Hispanic 34.6% Female	12.5% Black 1. % Hispanic 36.5% Female
City Workforce:	9.5% Black .5% Hispanic 16.4% Female	18.9% Black .6% Hispanic 32.1% Female
Total city employment:	1685	1596
Minorities:	175 (10.39%)	316 (19.80%)
Selected Job Classifications:		
Officials, Professionals, & Technicians:	25 (5.7%) Black 52 (12. %) Female	50 (10.7%) Black 72 (15.5%) Female
Police & Fire:	42 (13. %) Black 9 (1.7%) Female	90 (21.6%) Black 43 (10.3%) Female
Sanitation:	15 (9.7%) Black	27 (13.2%) Black

Source: Labor Force: Michigan Employment Security Commission.

City Workforce: 1973 and 1980 KEO-4 reports prepared
by the City of Flint.

Highlights: City of Flint

The city of Flint reduced its workforce by 5.2 percent from 1973 to 1980. During this time, minorities increased in total numbers and in proportion to the entire workforce.

The most dramatic increase occurred in female hires for Public Safety positions.

In spite of this progress, Flint's city workforce still presents a disparity between the city census and labor force figures and those in the city workforce. There is underrepresentation of blacks and Hispanics across the board in city employment.

City of Grand Rapids

	<u>1970</u>	<u>1980</u>
Census:	11.2% Black 1.4% Hispanic	15.7% Black 3.1% Hispanic
City Labor Force:	9.4% Black 1.3% Hispanic	11.25% Black 2.9% Hispanic
Labor Force by SMSA:	3.6% Black 1.2% Hispanic 37.8% Female	3.8% Black 1.2% Hispanic 38.0% Female
City Workforce:	6.8% Black .9% Hispanic 18.6% Female	7.8% Black 1.8% Hispanic 20.7% Female
Total City Employment:	1,841	1,937
Minorities:	148 (8.04%)	214 (11.05%)
Selected Job Classifications:		
Officials, Professionals & Technicians:	20 (4.0%) Black 50 (10.1%) Female	22 (4.1%) Black 89 (16.9%) Female
Police & Fire:	10 (2.1%) Black 4 (.8%) Female	33 (7.0%) Black 20 (4.2%) Female
Sanitation:	17 (12.8%) Black	16 (11.8%) Black

Source: Labor Force: Michigan Employment Security Commission, taken from Census and Bureau of Labor Statistics figures.

City Workforce: 1973 and 1980 EEO-4 Reports, prepared by City of Grand Rapids.

Highlights: City of Grand Rapids

Unlike several of the cities under consideration, Grand Rapids' city workforce increased between 1973 and 1980 by 5.21 percent.

The number and percentages of minorities in that workforce also increased during this period.

A striking characteristic of these figures is unique to Grand Rapids among the cities studied: while there has been almost no change in percentages in the employment of blacks in Professional occupations, and an actual decline in their numbers and percentages in Sanitation, there was a substantial increase of blacks (over 200 percent) and females (over 300 percent) in the Public Safety classifications. (See p.40 - footnote 14).

This relative success of affirmative action in the area of public safety is due first of all to a court decision for the Fire department which changed testing procedures and mandated percentages of minorities to be hired by using dual eligibility lists. In the Police department a voluntary police aide position, restricted to minorities and women, was created, followed later by a triple eligibility list based on the Detroit Police Officers case.

In spite of the increases, there is still underrepresentation of minorities across the board in Grand Rapids city workforce.

City of Holland

	<u>1970</u>	<u>1980</u>
Census:	6.6% Hispanic 0% Black	11.0% Hispanic .5% Black
Labor Force by Greater Holland:	n.a. n.a. n.a.	9.9% Hispanic .6% Black 42.4% Female
City Workforce:	3.8% Hispanic 0% Black 12.0% Female	7.1% Hispanic 0% Black 17.7% Female
 Total City Employment:	 313	 350
Minorities:	12 (3.83%)	28 (8.00%)
Selected Job Classifications:		
Officials, Professionals & Technicians:	1 (1.2%) Hispanic 4 (4.8%) Female	2 (1.9%) Hispanic 6 (5.8%) Female
Police & Fire:	5 (8.7%) Hispanic 2 (3.5%) Female	7 (12.2%) Hispanic 2 (3.5%) Female
Transportation:	2 (2.0%) Hispanic	10 (8.6%) Hispanic

Source: Labor Force: Michigan Employment Security Commission, taken from Census and Bureau of Labor Statistics figures.

City Workforce: 1976 and 1980 EEO-4 Reports, filed by the City of Holland.

Highlights: City of Holland

The largest minority group in Holland is made up of Hispanics. A unique feature of this group in Holland is the high rate of representation in the labor force, which is higher than could be expected from their presence in the total population. An explanation offered for this phenomenon is that there are many single Hispanics who are current or former migrant farmworkers or new arrivals without families.

The available data for Holland encompass only 5 years, from 1976 to 1980, so identifying trends here is more difficult than with other cities.

During this time, the city's workforce increased by 11.82 percent. Minority representation increased both in total number and in proportion to the total workforce, and these increases have been substantial.

The proportion of Hispanics and other minorities in the city of Holland's municipal workforce in 1980 are lower than their proportion of the total population and of the available labor force.

City of Kalamazoo

	<u>1970</u>	<u>1980</u>
Census:	9.9% Black .9% Hispanic	15.6% Black 1.8% Hispanic
City Labor Force:	9.0% Black .9% Hispanic	10.8% Black 1.0% Hispanic
Labor Force by SMSA:	4.9% Black .8% Hispanic 38.3% Female	5.1% Black .8% Hispanic 38.6% Female
City Workforce:	12.0% Black 1.6% Hispanic 15.0% Female	14.7% Black 1.5% Hispanic 22.0% Female
 Total City Employment:	 932	 1,039
Minorities:	136 (14.59%)	180 (17.32%)
Selected Job Classifications:		
Officials, Professionals & Technicians:	17 (7.5%) Black 15 (6.6%) Female	17 (5.3%) Black 38 (11.9%) Female
Police & Fire:	15 (7.1%) Black 6 (2.8%) Female	35 (16.4%) Black 16 (7.5%) Female
Transportation:	28 (16.6%) Black	51 (21.6%) Black

Source: Labor Force: Michigan Employment Security Commission, taken from Census and Bureau of Labor Statistics figures.

City Workforce: EEO-4 Reports, 1973 and 1980, filed by the City of Kalamazoo.

Highlights: City of Kalamazoo

The Kalamazoo city workforce increased between 1973 and 1980 by 11.48 percent. There was also an increase in the total number and proportion of minority workers for the city.

There was a substantial representation of minorities in the city's workforce by 1973. By 1980, percentages of minorities in that workforce had come quite close to those in the general population.

During this time, there has been no increase of blacks employed in the Professional and Technicians categories and their proportion has actually decreased.

Women in those job classifications have increased both in number and in proportion of the total.

City of Lansing

	1970's	1980
Census:	9.3% Black 3.8% Hispanic	13.9% Black 6.3% Hispanic
City Labor Force:	8.3% Black 2.2% Hispanic	9.2% Black 3.8% Hispanic
Labor Force by SMSA:	3.3% Black 1.7% Hispanic 38.2% Female	3.5% Black 1.8% Hispanic 38.2% Female
City Work Force:	5.6% Black 1.5% Hispanic 22.6% Female	7.9% Black 3. % Hispanic 20.8% Female
Total city employment:	991	1466
Minorities:	71 (7.16%)	173 (11.80%)
Selected Job Classifications:		
Officials, Professionals, & Technicians:	5 (7%) Black 3 (7%) Female	30 (5.6%) Black 82 (15.3%) Female
Police & Fire:	11 (7%) Black 5 (7%) Female	15 (4.3%) Black 17 (4.9%) Female
Sanitation:	n.a.	13 (12.1%) Black

Source: Labor Force: Michigan Employment Security Commission.

City Labor Force: 1972 Special Report 1980 EEO-4 both
filed by the City of Lansing

Highlights: City of Lansing

Lansing's city workforce experienced the largest growth in total numbers of all cities under study, 47.93 percent.

Minorities increased both in numbers and in proportion to the total during this time, and this increase was also substantial. The proportion of women in the municipal workforce, on the other hand, decreased.

The data for 1980 indicate that minorities and women were underrepresented in city employment and in the specific categories studied separately. Comparative analysis in those categories is not possible because there are not usable data for 1973.

City of Saginaw

	1970	1980
Census:	24.2% Black 6.8% Hispanic	35.5% Black 9. % Hispanic
City Labor Force:	21.0% Black 5.9% Hispanic	25.3% Black 6.5% Hispanic
Labor Force by SMA:	10.6% Black 3.7% Hispanic 13.9% Female	11.2% Black 3.9% Hispanic 35.1% Female
City Workforce:	12.8% Black 3.7% Hispanic 13.9% Female	14.5% Black 5. % Hispanic 14.9% Female
Total city employment:	982	910
Minorities:	168 (17.11%)	187 (20.55%)
Selected Job Classifications:		
Officials, Professionals, & Technicians:	19 (7.8%) Black 14 (5.7%) Female	36 (14.8%) Black 29 (10.7%) Female
Police & Fire:	14 (6. %) Black 1 (.4%) Female	22 (9.7%) Black 2 (.6%) Female
Housing:	27 (32.1%) Black	16 (27.5%) Black

Source: Labor Force: Michigan Employment Security Commission.

City Source KEO-4 Reports, 1977 and 1980 filed by the
City of Saginaw

Highlights: City of Saginaw

The available EEO-4 data for Saginaw are from 1977 on. Differences may be lesser and trends more difficult to define than in those cities with earlier available figures. Comparisons between Saginaw and other cities will have to be made with the disparity in data base firmly in mind.

The city workforce decreased from 1977 to 1980 by 7.3 percent, and the minorities in that workforce increased in total numbers and in proportion to the total workforce.

The proportions of minorities and females in the city workforce in 1980 were lower than those in the general population and in the available labor force.

Comparison of 1977 and 1980 data show improvement in the Professional classifications for blacks and women, and to a lesser degree for blacks in the Public Safety jobs.

During the period studied, there has been almost no difference in the presence of females in the Public Safety area. Their numbers remain negligible.

The city of Saginaw has experienced further decline in its total workforce since 1980, as will be discussed later.

City of Sault Ste. Marie

	<u>1970</u>	<u>1980</u>
Census:	3.5% Am. Ind.	9.0% Am. Ind.
City Labor Force:	3.7% Am. Ind.	2.3% Am. Ind.
Labor Force by SMSA:	1.9% Am. Ind. .5% Black 37.8% Female	2.1% Am. Ind. .6% Black 37.3% Female
City Workforce:	10.8% Am. Ind. 0.0% Black 13.0% Female	16.4% Am. Ind. 0.0% Black 15.7% Female
Total City Employment:	175	152
Minorities:	19 (10.86%)	25 (16.45%)
Selected Job Classifications:		
Officials, Professionals & Technicians	n.a. 9 (?) Female	4 (11.4%) Am. Ind. 10 (27.7%) Female
Police & Fire:	n.a. n.a.	15 (31.9%) Am. Ind. 2 (4.2%) Female
Streets:	n.a.	4 (14.8%) Am. Ind.

Source: Labor Force: Michigan Employment Security Commission, taken from Census and Bureau of Labor Statistics figures.

City Workforce: 1974 and 1980 EEO-4 Reports, prepared by the City of Sault Ste. Marie.

Highlights: City of Sault Ste. Marie

The city of Sault Ste. Marie experienced a decrease in its workforce from 1975 to 1980 by 13.14 percent. During the same time, the minority representation increased both in total numbers and in percentages.

In this city, minorities are almost exclusively American Indians. Their presence in the Public Safety classifications is substantial during the whole period under study.

City of Warren

	1970's	1980
Census:	0. % Black .7% Hispanic	.18% Black .9 % Hispanic
City Labor Force:	0. % Black .6% Hispanic	.15% Black .7 % Hispanic
Labor Force by SMSA:	16.3% Black 1.2% Hispanic 35.5% Female	17.4% Black 1.2% Hispanic 41.1% Female
City Workforce:	0 % Black 0 % Hispanic 16. % Female	0 % Black .2% Hispanic 20.6% Female
 Total city employment:	 921	 1033
Minorities:	0	5(.5%)
Selected Job Classifications:		
Officials, Professionals, & Technicians:	0 Black 28 (12.1%) Female	0 Black 42 (14.2%) Female
Police & Fire:	0 Black 2 (.6%) Female	0 Black 4 (1.2%) Female
Other:	0 Black	0 Black

Source: Labor Force: Michigan Employment Security Commission.

City Workforce:1974 and 1980 EEO-4 Reports prepared
by the City of Warren

Highlights: City of Warren

Warren is a suburban community, separated from Detroit only by Eighth Mile Road.

The city of Warren employs almost no minorities and not a single black person; the city population and labor force has almost no minorities, but the Detroit SMSA has a heavy representation of minorities.

An analysis of recruitment, hiring and other employment practices of the city of Warren could be made by studying the home addresses of the city employees, which are not available for privacy reasons. That methodology would provide an insight as to the factual hiring area of the city of Warren: how many employees reside in the city proper and how many in the rest of the metropolitan area.

Affirmative action policies otherwise in effect at the Federal and state levels, seem to have had very little if any impact on the city of Warren's workforce.

2. State

The state of Michigan employed in 1980 a total of 70,118 persons, of whom 14,365 (20.49 percent) were minorities. Comparable figures available for the year 1973 showed a total of 53,666 employees, of whom 8,295 (15.45 percent) were minorities.²

With reference to specific affirmative action categories, employment breakdown was as follows:

	<u>1973</u>	<u>1980</u>
Labor Force:	10.5% Black	11.0% Black
	1.2% Hispanic	1.2% Hispanic
	36.1% Female	41.2% Female
State Work Force:	13.7% Black	17.5% Black
	.7% Hispanic	1.2% Hispanic
	47.4% Female	53.4% Female

In period under study, 1973 to 1980, the state workforce increased 30.66 percent and minorities increased at a much

higher rate (73.18 percent) than the total. To the extent that this period encompasses virtually the entire time when affirmative action plans have been in effect, these increases can be construed as a significant success of the program.

On the other hand, the state is now in the process of substantially curtailing budget expenditures, and reducing its workforce. The preceding data alone do not allow for a prediction on how a reduction in the overall workforce will impact on minority employment.

However, data on employment characteristics by specific job category, may be indicative of possible trends. As "Officials, Professionals and Technicians (OPT)," the state of Michigan in 1973 employed a total of 2,906 black persons, (13.7 percent), and in 1980 only 2,837 (12.1 percent). Also, in 1980, the only year with available data, there were 143 blacks employed in the area of civil rights, 51.4 percent of the total. In 1981 alone, the Department of Civil Rights saw a reduction of 42 authorized positions.³

If this trend continues, the presence of blacks in the higher-paying administrative positions, already below that of blacks in the entire labor force, will decrease further. The heavy concentration of blacks in the lower-level, low-skills job categories will be emphasized. The concentration of blacks in OPT positions in a few specific departments such as

civil rights, will increase the likelihood of their total representation declining in the higher-level, high-skills job classifications.

The state employed also 8,106 (38.2 percent) women in the OPT job category in 1970, and that figure increased numerically to 8,356 in 1970, but the percentage decreased to 35.7 percent. As a whole, however, the percentage of women in the available labor force had increased during the period.

Women in OPT job categories are also concentrated in Health Care and Social Work professions. As the state reduces social service provisions in the face of budgetary difficulties, the percentage of women professionals in state employment is also likely to decrease.

Another area of concern about minority employment with the state of Michigan is the stationary level of employment of Hispanics in spite of the increases in this population over the period studied.

Finally, although there has been an improvement in the employment of blacks, figures for other minorities and women in the Public Safety job categories (Police and Firefighters), show that the state workforce is still very low in comparison with the labor force. For 1980, blacks represented 3.8 percent of the total, and women, 16.5 percent of the total employment by state in this classification.

1e.g., letter from Stephen W. Brown, Area Manager, Detroit, Dept. of Housing and Urban Development, to Abe L. Drasier, Mayor, City of Grand Rapids, declaring the city ineligible for UDAG programs on the basis of population figures vs. city workforce profiles (copy in the Commission's Midwestern Office files in Chicago).

2Michigan Department of Civil Service, Equal Employment Opportunity Statistical Report, 1973 and Annual Workforce Report, 1980.

3Michigan Civil Rights Commission, Newsletter, January 1982.

CHAPTER III. PERCEIVED PROBLEMS

The U.S. Commission on Civil Rights defines affirmative action as:

active efforts that take race, sex, and national origin into account for the purpose of remedying discrimination.¹

and an affirmative action plan as:

a systematic, comprehensive and reviewable effort to dismantle discriminatory processes....²

The most obvious yardstick for review of an affirmative action program embodied in a plan, is the effectiveness of the effort: to what extent discrimination - measured ever so crudely by the disparity between total population and/or available labor force and actual workforce profiles - is decreased. This measure of effectiveness was the purpose for this Committee's detailed analysis of the employment records of the state and municipalities in Michigan.

The concept of affirmative action has been challenged on a number of grounds. In the course of its fact-finding efforts, the Michigan Advisory Committee saw affirmative action challenged primarily as ineffective in eliminating discrimination:

One is...compelled to examine and to some extent question the impact that Affirmative Action has had or helped achieve in the areas of employment among blacks and other minorities.³

Others concurred with that statement, and put it more bluntly: "in our judgment, Affirmative Action has really failed."⁴

Specific populations, represented by their community organizations, also indicated that affirmative action efforts have not been successful in combatting discrimination against American Indians,⁵ and Hispanics.⁶ In some cases, the failure of affirmative action programs was laid to lack of information, and the inability of specific employers to reach minorities to tell them of the affirmative action programs.⁷ The Committee heard strong negative opinions on the effectiveness of affirmative action in the federal workforce⁸ as well as in the private sector.⁹

In Michigan, there are also voices to praise the impact of affirmative action,¹⁰ and some outstanding examples of effective implementation, such as the Wayne County Community College.¹¹

Where affirmative action programs have succeeded in Michigan, a decisive factor has been a commitment of the organization's leadership, that has lead to the institutionalization of affirmative action in everyday management practices.

This institutionalization has taken place voluntarily in the city of Detroit throughout the entire municipal workforce,¹² and in Wayne County Community College already mentioned.¹³

The reason for this institutionalizing of affirmative action may be the individual leadership's voluntary commitment to its principles, or the decision to comply with demands from outside authorities or agencies.

In Grand Rapids, there is a difference between the success of affirmative action programs in the Public Safety job classifications and the rest of the city's workforce. The different impact may be accounted for by the fact that the city was required by court order to establish an affirmative action program for its Fire Department, while no such requirement existed for the rest of its workforce.¹⁴

A manifestation of the institutionalization process in affirmative action is the professional recognition required of and granted to staff in this area of administration.

The Committee received allegations of disregard for qualifications as personnel are chosen to implement affirmative action programs and plans;¹⁵ in fact, there was a call at the fact-finding meeting for a licensing system for affirmative action workers¹⁶ in recognition of the fact that

devising and implementing affirmative action programs require specific management skills parallel to other areas of administration.

The U.S. Office of Personnel Management has in some way recognized this problem with defining qualifications for affirmative action, and has developed a new series of position standards, and divided the old GS-160 Equal Opportunity Series, into three separate ones: Civil Rights Analysts, GS-160, Equal Employment Opportunity Series, GS-260, and Equal Opportunity Compliance Series, GS-360.¹⁷

In the current economic situation, where there is a retrenchment in the size of budgets and workforce for both private and public employers, the question of the effectiveness of affirmative action may be pre-empted by the more fundamental one of whether affirmative action is at all possible.

Throughout the Committee's work on this issue, this connection between an expanding economy and affirmative action was repeated:

As you look at affirmative action, its success is really going...to be tied very closely to what happens in the economy. In an economic downturn, such as we are experiencing now, we don't expect that there is going to be much success with affirmative action....¹⁸

A similar viewpoint was expressed at the union level:

affirmative action works best when employers are hiring. They are not hiring right now.¹⁹

Economic conditions have not improved in Michigan since these cautionary words were expressed. In fact, at the municipal level as well as in the private sector, there have been severe budget cuts, and as a consequence, many city employees have been laid off or discharged. In mid-1981, the city of Detroit reduced its workforce by 696 black employees in the Protective Services job classification alone.²⁰ The city also reduced its workforce by 348 fewer females.

In the city of Saginaw, between 1980 and 1981 there were 38 layoffs in the city workforce and exactly 50 percent were minorities, even though minorities comprise only about 20 percent of the total city workforce.²¹ The city of Flint also experienced a personnel cut in 1981 that had an adverse impact on minorities.²²

Municipalities have implemented affirmative action programs by increasing the number of minorities in their workforces for only the last eight or ten years. As they reduce their budgets and their workforces, the gains from this decade of affirmative action effort are disappearing. The city of Detroit is an illustration of this phenomenon:

In 1977 the efforts to recruit 1,000 police officers to be comprised of blacks, other minorities and women were heralded as a milestone and immediately began to improve police-community relations.

Now, three years later--and I might add, when crime has really gone down immeasurably, all but 85 of the first class of officers recruited will be laid off.²³

Similar prospects are present at the state level,²⁴ as well as with other public employers.²⁵

Many minority employees, recruited through affirmative action plans, are at the bottom of the seniority list. The requirements of the seniority system makes these minorities, the last hired, the first to be laid off or dismissed.²⁶

Again, Detroit illustrates the point:

The majority of present employees [of the city of Detroit] who would have the lowest seniority would be minorities and women. And in any layoff, seniority is the thing that is used. It's a provision of the contract [with the union] which would be enforceable unless we negotiated it out, and I'd say that there wouldn't be a snowball's chance in hell of doing that.²⁷

Indeed, the unions have emphasized seniority as a primary concern for their members. Representing the Michigan AFL-CIO, Mr. Thomas Canfield addressed the Committee:

While the best affirmative action program would be full employment and an expanding economy, we urge our affiliates to initiate and support affirmative action programs.

We oppose any effort to erode the seniority system. Organized Labor, the courts and the public have always supported this point of view, because it prevents discrimination by assuring that all employees are treated equally based upon their job experience and without regard to racial prejudice or preference.²⁸

This emphasis on seniority is a basic union concern: "unions guard jealously the seniority agreement; that's a foundation, that's their bread and butter...."29

In fact, where the courts have been asked to choose between affirmative action provisions and the seniority system, in most cases they have upheld this system.³⁰ One Michigan exception is the case of Jackson public schools, where the state law mandating that layoffs be controlled by seniority was found to be superceded by a union contract between the teachers and the school board that prescribed layoffs with awareness of affirmative action implications.³¹

Seniority is not only essential to the unions, it is a principle most firmly adhered to at the local level of the union structure. In fact, at times the national leadership may seem in contradiction to the local union on this issue:

We found, frankly, at the national level, our national unions have been very responsive to affirmative action programming, at a lesser level, the local level, union people have not been as responsible.³²

This conflict between the principles of affirmative action and the claims of a seniority system has led spokespersons for minority and civil rights groups to accuse specific unions of opposition to affirmative action.³³

The issue remains unsolved, and there have been no clear directives from the federal or state agencies enforcing affirmative action requirements on how to reconcile both sets of requirements. Title VII of the Civil Rights Act of 1964 does permit bona fide seniority systems that discriminate in effect but not in intent.³⁴ Such systems may cripple affirmative action but they do not represent unlawful employment discrimination.³⁵

As cities in Michigan continue to lay off staff, the gains in affirmative action, that is, the process of dismantling discrimination, may be wiped out.

There are other problems in the dismantling of discriminatory practices through affirmative action in Michigan. Current regulations direct employers to use employee self-identification in determining the race or ethnic origin of the employer's workforce. With American Indians, this system has permitted abuses. American Indians occupy a special place in relationship to the federal government. For the purposes of health benefits, participation in tribal affairs, and many other areas, the federal government has specified criteria for identification, and those include parentage, affiliation with a recognized Indian legal jurisdiction, or identification by Indian

officials.³⁶ Only for purposes of affirmative action is self-identification alone the basis for status as an American Indian.

Hispanics also have been misidentified because of reliance on self-identification as the sole criterion for group membership. The definition set forth by the Interagency Task Force on Minority Definitions is: "Hispanic: A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race."³⁷ This definition does not address the criterion for membership and whether self-identification alone is sufficient.

In a period of decreasing employment, some have identified a conflict between affirmative action and non-discrimination by reason of age:

...where reduction in force is required, the employer is wise to try to implement that reduction in force while at the same time retaining the overall levels of minority and women representation within the remaining work force.

So, if that is in fact the wise course, the employer will look for alternative ways to effect his reduction in work force. One way is to encourage individuals to retire, early retirements, mutually satisfactory retirements.

In the past, this was a viable approach perhaps to accomplish the goal of leveling the work force somewhat, but now, with the Age Discrimination in

Employment Act, an employer perhaps is--feels somewhat impeded in his attempts to encourage people to exit the work force early.³⁸

Similar experiences have been reported by university officials. The Age Discrimination in Employment Act permits those employees who otherwise would have retired at age 65 or earlier to remain in their jobs. An affirmative action plan counting on a given number of job openings due to retirements will see those openings disappear or decrease in number. Because affirmative action programs place principal emphasis on the hiring process, the opportunities for their implementation may be reduced as employees continue to work past their anticipated retirement.

One of the issues in affirmative action with potentially the most far-reaching implications is now being debated at the federal as well as the state level: that of the standards for affirmative action. Affirmative action has traditionally been predicated on impact, that is, the discriminatory effect of existing personnel and other policies of an employer or group of employers. It is the effect of this discrimination that affirmative action programs are expected to remedy. In this sense, affirmative action is required of some employers even absent a proven intent to discriminate or an individual history of intentional discrimination. In recent months, officials of federal civil

rights enforcement agencies have emphasized intent to such an extent as to announce that in the future the federal government may, even in cases where discrimination has been proven, limit remedies to the specific ascertained victims of the discriminatory practice, and not seek class-wide remedies for employers' discriminatory actions. Recently, however, the United States Supreme Court reaffirmed that the distinction between discriminatory intent and effect is valid and both represent unlawful employment practices.

In a slightly different context, any affirmative action program, and any determination of unlawful employment discriminatory practices will again find a conflict between effect or intent as standard of measure. The goodwill intent of the employer to eliminate discrimination may be used as a criterion for compliance, instead of demanding that a remedial plan be effective in changing the profile of the employer's workforce, expanding opportunities for minorities and thus dismantling the discrimination process.

¹1981 Statement, p. 3.

²Ibid.

³Transcript of the fact-finding meeting on affirmative action, before the Michigan Advisory Committee to the U.S. Commission on Civil Rights, Detroit, Michigan, Detroit Plaza Hotel, Thursday, May 1 and Friday, May 2, 1980. Statement by Erma Henderson, p. 24, herein after cited as Transcript, name of participant, and page.

⁴Transcript, Larry L. Simmons, p. 101.

⁵Transcript, Edye Nichols, p. 80.

⁶Transcript, Dorothy Gonzalez, p. 93.

⁷Ibid.; Transcript, Richard Muniz, p. 577.

⁸Transcript, Walter Douglas, p. 242.

⁹Ibid., p. 218.

¹⁰E.g., Transcript, Emma Henderson, p. 27; Transcript, Lynn Corson, p. 81; Transcript, Jameel Hansen, p. 232

¹¹Transcript, Regionald Wilson, p.70 ff.

¹²Transcript, Louis Coison, p. 330.

¹³Transcript, Larry L. Simmons, p. 101.

¹⁴See above, Footnote 4 of Chapter II.

¹⁵Transcript, Kenneth Adler, p. 165.

¹⁶Transcript, Mary Pollack, p. 208.

¹⁷U.S. Office of Personnel Management, Handbook X-118, Transmittal Sheet No. 182, November 1980.

¹⁸Transcript, Larry L. Simmons, p. 100.

¹⁹Transcript, Benjamin Perkins, UAW, p. 213.

²⁰City of Detroit, Affirmative Action Report, March 24, 1981.

²¹Letter from David Minnich, Budget and Management Analyst, City of Saginaw, to Howard Rienstra, Michigan Advisory Committee member, July 6, 1981.

²²City of Flint, EEO Report, February 27, 1981.

²³Transcript, Emma Henderson, p. 27.

²⁴Transcript, Lynn Corson, p. 85.

²⁵For instance, with reference to the University of Michigan. Transcript, Charles Allman, pp. 161, 181.

²⁶Transcript, Walter Douglas, p. 237.

²⁷Ibid.

²⁸Transcript, Thomas Canfield, pp. 326-327.

²⁹Transcript, Larry Knox, p. 262.

- 30Transcript, Walter Douglas, p. 238.
- 31See contract of Jackson Public Schools with the Teacher's Union, 1980-1983 Chapter IX, pp. 21-24.
- 32Transcript, Leon Hardiman, p. 316.
- 33Transcript, Louis, Colson, p. 331 and Marvin Beatty, p. 335.
- 3442 U.S.C. Sect. 2000e-2h(1976).
- 35Ibid.
- 36Transcript, Edye Nichols, p. 78.
- 37Federal Interagency Committee on Education. Racial and Ethnic Definitions, Washington, D.C., 1975.
- 38Transcript, Larry Knox, p. 258.

CHAPTER IV. FINDINGS AND RECOMMENDATIONS

Affirmative action programs have been in operation now for a decade, long enough to have produced a positive impact on equality of employment opportunities in Michigan and the country.

An examination of available figures shows that in Michigan affirmative action has had a positive impact in the employment of minorities and women by municipal government. There are exceptions to this general statement.

There are problems with affirmative action programs, some of them present since their inception, some due to current budgetary and economic conditions that are causing reductions in workforce.

Specifically, the Michigan Advisory Committee offers the following findings and recommendations:

Finding 1

There are no consistent, reliable data on the impact of affirmative action programs. Available data, while warranting the findings in this statement, lack in comparability and are not readily available to policy analysts and managers.

Recommendation 1

Data gathering and reporting by employers to the Equal Employment Opportunity Commission need to be clarified and standardized. EEOC should strive to obtain comparability both among employers and over periods of time in order to determine with certainty the impact of affirmative action programs.

Finding 2

In general, affirmative action programs have assisted in dismantling the discrimination in employment in Michigan municipal workforces. Of the ten cities examined, all but one, Warren, show an increase in employment by minorities and women over the decade studied. These increases are in most cases reflected in total numbers, and in proportions of minorities and women in the city's municipal workforces. The impact of affirmative action programs has been uneven in the municipalities studied. And these programs have not yet assisted substantially in improving equality of employment opportunities for Hispanics and American Indians, for women, and for Blacks outside of the central cities.

Recommendation 2

The federal, state and local governments must continue the affirmative action policies undertaken in the last few years. Particular emphasis must be placed in improving equality of

employment opportunities for those vulnerable groups that are not yet fully served by these programs: American Indians, Hispanics, women, and Blacks outside of the central cities.

Finding 3

In specific cities and other governmental agencies, affirmative action programs have been particularly successful. One of the major factors in this success is the commitment by the top officials of the institutions that have caused affirmative action programs to be institutionalized into the management process. There are also indications that external pressure to establish affirmative action programs has been effective: in one city an effective affirmative action program was implemented only in the employment sectors where a court order had prescribed the program, or where a program could be created based on other court decisions.

Recommendation 3

Mayors and other top executive officials must adopt affirmative action policies and institutionalize them throughout the city is government. Federal and state agencies must continue to enforce affirmative action provisions without which the programs will not be effective. Enforcement procedures must be simplified in process, but enforced consistently. In enforcing affirmative action, Federal and state agencies cannot rely only on the intent of policy makers

that their affirmative action programs eliminate employment discrimination, but must insist that those programs be effective in dismantling the process of discrimination.

Finding 4

Affirmative action programs in Michigan municipal workforces are still inadequate. Problems include:

- a. Qualifications and authority of the staff assigned to develop and implement affirmative action programs are inconsistent and unstandardized.
- b. Defining who is a member of a vulnerable group that may be eligible for affirmative action efforts, such as Hispanics and American Indians, is solely a matter of criterion-less self reporting.

Recommendation 4

The Equal Employment Opportunity Commission and the Michigan Civil Rights Commission should re-adopt and reissue definitions of the populations at risk: for American Indians, the definitions used by the Bureau of Indian Affairs should be used, and for Hispanics, the definitions adopted by the Inter-Agency Task Force on Minority Definitions.

Staff assigned to affirmative action programs should have specific job descriptions that detail qualifications and training, as well as their authority and duties.

Finding 5

Many municipalities are reducing their workforces under current economic and budgetary constraints. Because seniority rules ordinarily provide that the first hired be the last fired, those minority employees that were hired recently as a result of affirmative action programs face the most immediate danger of dismissal and layoffs. There are indications that in some cities the affirmative action gains of the last few years have already been lost due to reductions in force.

Recommendation 5

The Federal and state governments must pass legislation and regulations that include affirmative action considerations in cases of reduction in force, layoffs and other personnel actions. Specifically, the principles of affirmative action must be coordinated by law and regulation with those of employment security.

Finding 6

In cities where budgetary restrictions dictate reductions in workforce, attempts to achieve this reduction through attrition and other voluntary separations conflict with the policy of the Age Discrimination in Employment Act, which encourages delayed retirement.

Recommendation 6

The Federal and state government must pass legislation to coordinate the requirements of affirmative action with those of non-discrimination in retirement by reason of age. Such legislation must include incentives that will enable municipal governments to retain their affirmative action policies while encouraging voluntary separations from the workforce of non-minority workers.