

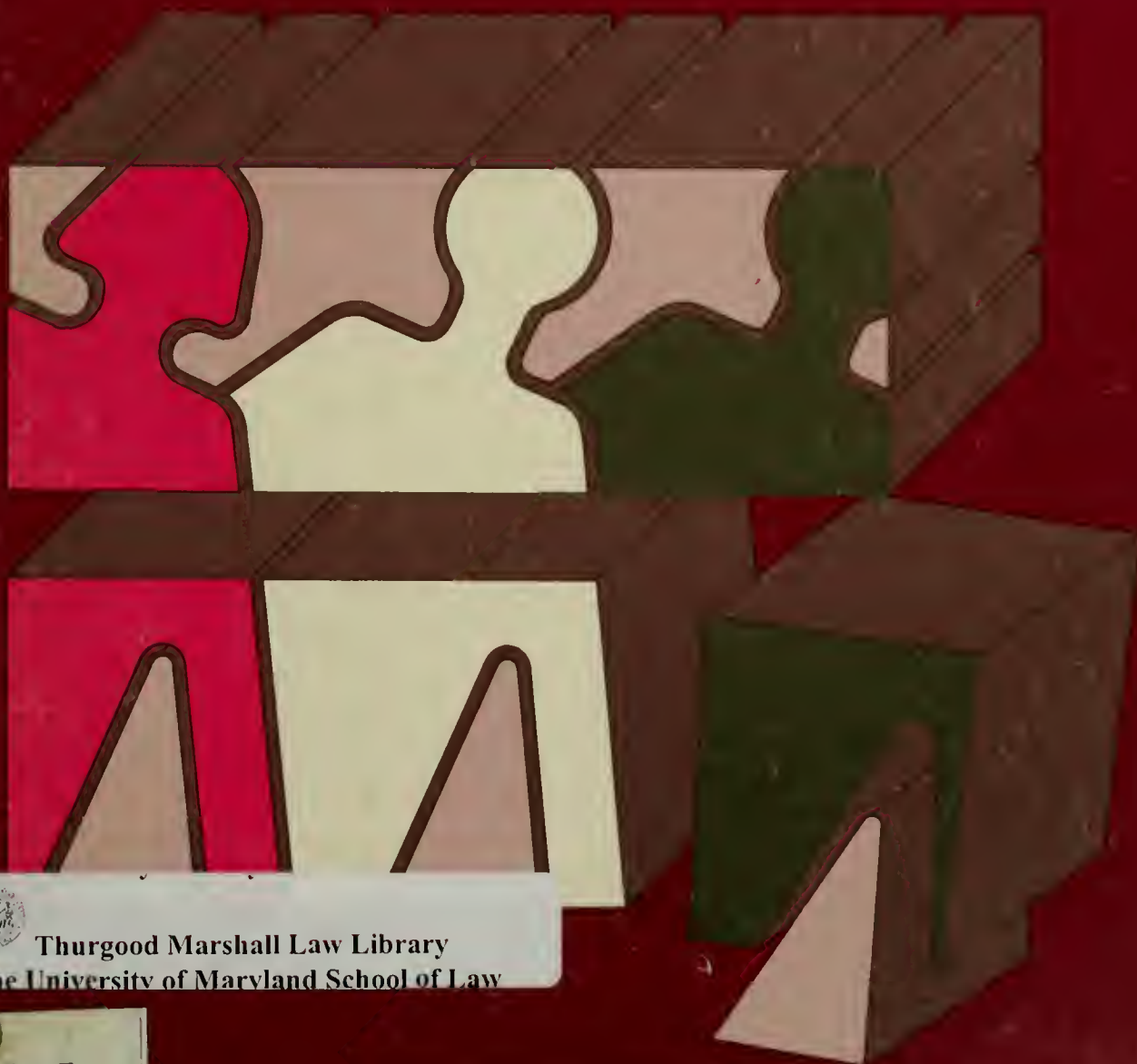
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Federal Affirmative Action Efforts In Mid-America

March 1983



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... Kansas, Missouri and Nebraska Advisory Committees to the United States Commission on Civil Rights prepared for
consideration of the Commission. This report will be considered by the Commission and the Commission will make
In the meantime, the findings and recommendations of this report should not be attributed to the Commission but only to
Missouri and Nebraska Advisory Committees.

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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.

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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.

Federal Affirmative Action Efforts In Mid-America

—A report prepared by the Iowa, Kansas, Missouri, and Nebraska Advisory Committees to the United States Commission on Civil Rights

Attribution:

The conclusions in this report are those of the Iowa, Kansas, Missouri and Nebraska Advisory Committees 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 Committees for submission to the Commission and will be considered by the Commission in its program planning and in formulating its recommendations to the President and the Congress.

Right of Response:

Prior to the publication of a report, the State Advisory Committees afford to all individuals or organizations that may be defamed, degraded, or incriminated by any material contained in the report an opportunity to respond in writing to such material. All responses have been incorporated, appended, or otherwise reflected in the publication.

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Iowa, Kansas, Missouri and Nebraska
Advisory Committees to the
U.S. Commission on Civil Rights
March 1983

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John Hope III, *Acting Staff Director*

Dear Commissioners:

The Iowa, Kansas, Missouri and Nebraska Advisory Committees submit this report of their review of Federal affirmative action efforts in Region VII as part of their responsibility to advise the Commission about civil rights issues within their States.

The Advisory Committees' interest in this problem is an outgrowth of their participation in the 13 Advisory Committees' Spring 1980 review of Federal efforts to promote equal opportunity. To determine the current status of Federal affirmative action efforts, the Advisory Committees obtained data from major agencies in the Kansas City metropolitan area, interviewed personnel and equal opportunity officers of those agencies, obtained assessments of the Federal plans from major Federal contractors in the region, and interviewed representatives of major Federal employee groups representing minorities and women.

The Advisory Committees make no findings and recommendations in this report because they believe all relevant findings and recommendations have already been made by the Commission and by the Advisory Committees in previous reports on affirmative action efforts in the public and private sectors. The Committees conclude that past and present Federal affirmative action efforts have been insufficient to promote equal opportunity in the Federal service. They note continued disparities in the utilization of minority and white female Federal employees and the insufficiency of current affirmative action plans to remedy these legacies of past discrimination.

The Advisory Committees urge you to consider the facts presented in this report in planning further efforts to ensure that the Federal Government leads rather than follows the private sector in promoting equal opportunity.

We urge you to consider the contents of this report in your program planning and to assist these Advisory Committees in their follow-up activities.

Respectfully,

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Introduction

The quest for equality in the Federal service has been long in coming. But even as progress is made, there are those who deride what is done. A typical example of the complaints being heard are those of O. Glenn Stahl, a teacher of public administration, who has written:

Now, much of what developed from affirmative action of the older 1960s type—positive effort to create truly equal competition for jobs and schooling, with no outright favors for anyone based on mere group membership—has been to the good. Many able blacks, Hispanics, and women have seen the old barriers swept away and have demonstrated that they can compete quite successfully and can produce on the firing line of performance. These people stand only to lose by continued pressure for selection of minorities and women regardless of merit, because their success will become suspect by everyone unacquainted with the facts of their selection and achievement.

...the recent trends are bad for everyone involved: (1) they take attention away from the only fair and safe guide for hiring and firing, the quality of the individual, and they depreciate the importance of good work; (2) they ignore the true availability of trained personnel by ethnicity or sex by focusing on raw numbers with few qualitative and other realistic market considerations; (3) they create deep resentment and aggravate the backlash from the newly-discriminated-against; (4) they gradually undermine productivity in both the public and private sectors; (5) they accentuate divisiveness in our society by their undue glorification of group membership instead of individual effort; (6) they pit each minority group against every other; (7) they sap the self-respect and ultimately the true

opportunity for equal treatment of minority group members themselves.¹

Mr. Stahl fails to provide substantive evidence for any of his complaints. That he has misinterpreted, whether deliberately or not, the nature of the Federal affirmative action effort is beside the point. His views are heard in less literate quarters and probably reflect the perspectives of some in the Federal service. A comprehensive refutation of Mr. Stahl's assertions can be found in Elizabeth Bartholet's 1982 *Harvard Law Review* article, "Application of Title VII to Jobs in High Places."² The Iowa, Kansas, Missouri and Nebraska Advisory Committees have addressed many of Mr. Stahl's allegations about the nature of affirmative action in their two studies of State government affirmative action efforts.³ They have pointed out that affirmative action efforts do ensure that the quality of the individual is paramount in determining hiring; that they ensure that true availability is not ignored; that with proper administration rather than reluctant compliance affirmative action programs encourage greater productivity; and, that they make clear to all that true merit, without regard to discriminatory beliefs, will apply thereby ensuring that everyone believes opportunity exists.⁴ The notions that affirmative action accentuates divisiveness, pits minority groups against each other or saps self-respect, have been criticized by the U.S. Commission on Civil Rights in

¹ O. Glenn Stahl, "To The One Who Merits It," *The Bureaucrat* (Spring 1981), p. 17.

² Elizabeth Bartholet, "Application of Title VII to Jobs in High Places," *Harvard Law Review* (May 1982) Vol. 95, No. 5, pp. 947-1027. See especially pp. 955-959.

³ Iowa, Kansas, Missouri and Nebraska Advisory Committees,

State Government Affirmative Action in Mid-America (1978) and *State Government Affirmative Action in Mid-America: An Update* (1982).

⁴ *Ibid.*

its statement, *Affirmative Action in the 1980s: Dismantling the Process of Discrimination*.⁵

In subsequent chapters we point out, what Mr. Stahl does not completely deny, that discrimination by the Federal Government over an extended period of time resulted in a Federal work force that is not representative either of the nation or its best talents. Mr. Stahl admits that minorities and women were at least overlooked for posts for which they may well have been the most qualified.⁶ But Mr. Stahl submits there should be no remedy. The Advisory Committees do not agree, nor indeed does the present administration. What remains in dispute is the method to be used. The Advisory Committees submit that because the present methods for affirmative action do indeed ensure a meritocracy in the civil service, they meet even Mr. Stahl's test for an appropriate remedy. Indeed, many large private sector employers have found that affirmative action efforts result in a better, more productive work force.⁷

To consider what has and is being done, the Advisory Committees first held a factfinding meeting on March 20, 1980. Similar factfinding meetings were held by nine other Advisory Committees to the Commission throughout the nation. The results of that initial review were published in 1981.⁸

The Advisory Committees in Region VII subsequently decided to explore what was being done to effectuate the new Federal affirmative action effort. The Advisory Committees' concerns were heightened by the deterioration in opportunities for minorities and women during 1981. The Bureau of Labor Statistics reported that recorded unemployment of black workers rose to 17.3 percent by year end. While the rate of Hispanic unemployment did not rise, at 10.4 percent it was unacceptably high. Both these figures are appalling compared to the then total unemployment rate of 8.8 percent.⁹

This report is the result of the Advisory Committees' research. In it, the Committees review the history of Federal employment practices, the changing nature of the Federal effort over the past two years, the efficacy of enforcement efforts and the perceptions of the participants in the effort. The

report is based on interviews with the affirmative action officers of several units of the Department of Health and Human Services (the Office of the Regional Director (ORD), Health Care Finance Administration (HCFA), Social Security Administration Regional Office (SSA/RO) and Mid-America Program Service Center (MAPSC), Office of Human Development Services (OHDS)), the Department of Housing and Urban Development (HUD), the Department of Labor (DOL), the Environmental Protection Agency (EPA), the General Services Administration (GSA), Federal Aviation Administration (FAA), Federal Highway Administration (FHWA), the Office of Personnel Management (OPM), and the Equal Employment Opportunity Commission (EEOC). Other agencies were excluded because the plans prepared were national or covered areas beyond Region VII or did not have affirmative action officers based in Kansas City.

The Advisory Committees reviewed the planning documents submitted to EEOC by the agencies listed above. The Committees also obtained from the Office of Personnel Management data on employment patterns of Federal agencies in Region VII.

In addition to affirmative action efforts, the Advisory Committees reviewed the effects of the FY 1982 round of reductions in force on Federal efforts to ensure quality and sought to determine what was being done to coordinate the need to reduce the total work force with the need to ensure equity. To do so, the Committees interviewed responsible personnel officers in the agencies listed.

A draft of the Committees' report was circulated to the affected agencies for their review and comment. All responses have been incorporated into the final draft.

The Advisory Committees did not review the program efforts for the handicapped. Although EEOC issued directives on transition year and multiyear planning efforts regarding the handicapped that required regional initiatives, only the Environmental Protection Agency and General

Federal Efforts to Eliminate Employment Discrimination Through Affirmative Action (October 1981).

* These are December 1981 figures, seasonally adjusted. U.S. Department of Labor, Bureau of Labor Statistics, *Employment in Perspective: Minority Workers* (1981).

⁵ U.S. Commission on Civil Rights, *Affirmative Action in the 1980s: Dismantling the Process of Discrimination* (November 1981).

⁶ O. Glenn Stahl, "To The One Who Merits It," *The Bureaucrat* (Spring 1981), p. 15.

⁷ Bernard E. Anderson, "An Economic Defense of Affirmative Action," *Black Enterprise*, May 1982, p. 40.

⁸ U.S. Commission on Civil Rights, *Promises and Perceptions:*

Services Administration actually prepared such initiatives.¹⁰ The remaining agencies' efforts were prepared, for the most part on a departmentwide basis, by their Washington headquarters.¹¹ HUD stated that while it was aware of the need to reach out to the handicapped and disabled veterans, it was unable to do so because its work force was shrink-

¹⁰ Norma Edgerson, Personnel Officer, EPA, telephone interview, May 4, 1982; Marvin Johnson, Regional Personnel Officer, GSA, telephone interview, May 6, 1982.

¹¹ Karen Whyte, EEO Officer, DOL, telephone interview, May 3, 1982; Joseph Estrada, EEO Officer, ORD/HHS, telephone interview, Apr. 30, 1982; Jim Austin, EEO Coordinator, HUD,

ing. HUD stated it would monitor applications when it began to accept them. It expected to lose 41 people by September 30, 1982 of whom one would be handicapped. It expected to hire six people, none of whom would be handicapped.¹² Thus, it was impossible to determine what regional efforts were planned or undertaken.

telephone interview, May 4, 1982; Wanda Rayna, FAA personnel, memo to Mary McLaughlin, Dec. 1, 1981.

¹² Jim Austin, memo to staff, June 25, 1982. (Memo or letter to staff when used in this report means a memorandum or letter to USCCR staff.)

The Changing View of the Federal Government on Opportunities for Minorities, Women and the Handicapped in the Public Service

The treatment of minorities and women civil servants by the Federal Government has ranged from outright discrimination to tolerance and infrequent bouts of concern. The Federal Government's posture has been amply illustrated in Commission on Civil Rights reports, most notably the Federal Civil Rights Enforcement Effort series and the recent thirteen State Advisory Committee report, *Promises and Perceptions: Federal Efforts to Eliminate Employment Discrimination* (1981).

Until passage of the Pendleton Act in 1883 which required selection of civil servants based on merit, the civil service was largely governed by patronage. By 1930, merit systems administered by a civil service system covered 80 percent of the service; by 1943, the merit systems covered 95 percent of the service.¹

Until 1865, black Americans were prohibited by statute from working in the postal service and were excluded from most other services by custom.² Only in 1877 were black workers appointed to significant positions.³ By 1910 black civil servants had become nearly six percent of the Federal service.⁴ But beginning with the administration of President William Howard Taft, segregation was re-established in the Census Bureau and President Woodrow Wilson

extended that to the Treasury and Postal Service.⁵ Beginning in 1914 the Civil Service Commission required photographs be attached to applications and by 1918 black employment had fallen below five percent. Although concentrated in lower level jobs, and still kept in segregated facilities, by 1944 black workers had become 12 percent of all Federal workers.⁶ As late as the early 1960's segregated Federal facilities persisted in some parts of the country using a variety of informal means.⁷

Women were subjected to similar treatment. Until the early 20th century women employed as clerks by the Federal Government received half the pay of their male counterparts.⁸ Although by 1904 women made up 7.5 percent of the Federal civil service, only in 1912 was a woman appointed to be a bureau chief.⁹ As late as 1960, women could be rejected as applicants simply because they were women.¹⁰

Only in 1940, with the passage of the Ramspeck Act, did the Federal Government formally prohibit, by statute, discrimination in the Federal service.¹¹ In 1941 President Roosevelt established a Presidential Committee on Fair Employment Practices to investigate discrimination complaints. Abolished in 1946 because of congressional opposition, it had been ineffective during its five years of operation because

¹ U.S. Commission on Civil Rights, *The Federal Civil Rights Enforcement Effort—1974: Vol. V: To Eliminate Employment Discrimination* (July, 1975) (hereafter cited as OFCRE-1974), pp. 2-3.

² *Ibid.*, p. 7.

³ *Ibid.*

⁴ *Ibid.*

⁵ *Ibid.*

⁶ *Ibid.*, p. 8.

⁷ Oral History on file, Department of Political Science, University of Wisconsin-Milwaukee.

⁸ OFCRE-1974, p. 9.

⁹ *Ibid.*

¹⁰ *Ibid.*

¹¹ *Ibid.*, p. 10.

its investigative agency, the Civil Service Commission, refused to investigate matters within the discretion of an agency and refused to make findings of discrimination unless Commission rules had been violated.¹² In 1954, the United States Supreme Court ruled in *Bolling v. Sharpe*¹³ that it was unconstitutional for the Federal Government to practice discrimination.¹⁴ President Eisenhower established a purely advisory Presidential Committee on Government Employment Policy in 1955.¹⁵

In March 1961, the President John F. Kennedy, by Executive Order 10925, established the President's Committee on Equal Employment Opportunity to promote and ensure equal opportunity without regard to race, creed, color or national origin in Federal employment and by Federal contractors. The Committee had authority to investigate complaints, issue recommendations and orders and require reconsideration of final decisions by department and agency heads.¹⁶

The *Bolling v. Sharpe* prohibition of discrimination was restated so far as the Federal service was concerned in the 1964 Civil Rights Act, which also included the first Federal policy statement prohibiting discrimination based on sex, although the Federal Government was not brought under the enforcement provisions of Title VII.¹⁷

Under Executive Order 11246, President Lyndon B. Johnson restated the Government's commitment to equal opportunity in the public service. He instructed the head of each Federal agency to "establish and maintain a positive program of equal employment opportunity. . . ."¹⁸ The Civil Service Commission was to "supervise and provide leadership and guidance in the conduct of equal employment opportunity programs. . . ."¹⁹ and to provide a mechanism for processing complaints of discrimination.²⁰ Under the provisions of this order, the Civil Service Commission issued regulations in 1966 that required each agency designate an equal employment opportunity officer to carry out a "posi-

tive, continuing program [of] equal opportunity. . . ."²¹

The U.S. Commission on Civil Rights first dealt with Federal employment in its 1961 report, *Employment*.²² It noted the inability of the President's Committee on Government Employment Policy, established by President Eisenhower, to obtain adequate data to determine the extent to which minorities were represented in the Federal work force because its surveys did not cover all Federal employees. The Commission's own surveys noted dramatic disparity in the distribution by General Schedule (GS) level of white and other minority employees. Blacks were disproportionately concentrated in grades GS 1-4.²³ The Commission noted that if Federal policy were being followed, minorities would be flocking to the Federal Government because the opportunities would be greater. In fact, the Commission alleged that Federal practice was no different than that in the private sector. The legacies of past practices discouraged black applicants and at times Federal officials with hiring authority abused their discretion to avoid hiring a black worker.²⁴ The Commission expected significant changes from Executive Order No. 10925 (establishing the President's Committee on Equal Opportunity). Some agencies had issued directives reaffirming the nondiscrimination policy of the administration and conducted some recruitment efforts to reach black applicants in predominantly black colleges and universities,²⁵ but it was too soon to permit an evaluation of the new initiatives.²⁶

The first formal requirement for affirmative action in the Federal service was issued by President Richard M. Nixon on August 8, 1970. Executive Order No. 11478, as amended, restated the Federal commitment to equal opportunity without discrimination and asserted that it was the policy of the Federal Government to preclude discrimination in its employment practices through "a continuous affirmative action program in each executive depart-

¹² Ibid.

¹³ 347 U.S. 497 (1954).

¹⁴ Ibid., p. 9.

¹⁵ Executive Order No. 10590, 20 *Fed. Reg.* 409 (1955); Ibid., p. 10.

¹⁶ Thomas I. Emerson, David Haber and Norman Dorsen, *Political and Civil Rights in the United States*, Vol. 2 (Boston: Little, Brown, 1967), p. 1879.

¹⁷ OFCRE-1974, p. 11.

¹⁸ Executive Order No. 11246, 30 *Fed. Reg.* 12349 (1965, Part I, Sec. 102. This Part was superseded by Executive Order No. 11478, 34 *Fed. Reg.* 12985 (1969).

¹⁹ Ibid., Sec. 103.

²⁰ Ibid., Sec. 104.

²¹ Emerson, and others, *Political and Civil Rights in the United States*, p. 1880.

²² U.S. Commission on Civil Rights, *Employment* (1961).

²³ Ibid., p. 34.

²⁴ Ibid., pp. 38-40

²⁵ Ibid., p. 42.

²⁶ Ibid., p. 21.

ment and agency. This policy. . . applies to and must be an integral part of every aspect of personnel policy. . . .”²⁷ Section 2 of the order required the head of each department and agency “establish and maintain an affirmative action program of equal employment opportunity.”²⁸ They were to:

- provide sufficient resources to administer the program;
- assure that recruitment activities reach all sources of candidates, fully utilize the skills of existing employees and enable them to enhance their skills to the maximum;
- provide training to managers and supervisors to enable them to understand and implement the policy of affirmative action;
- cooperate with employers, schools and public or private groups to improve employment opportunities generally;
- provide a system to evaluate the effectiveness of agency efforts.²⁹

The Civil Service Commission was ordered to provide “leadership and guidance” to assure that the objectives of the order were carried out. It was:

- “to review and evaluate agency program operations periodically;
- to obtain such reports from departments and agency as it deems necessary and report to the President as appropriate on overall progress;”³⁰
- to consult with individuals, groups and organizations to assist it;
- to establish a “prompt, fair and impartial” mechanism for reviewing complaints of discrimination;³¹
- to “issue such regulations, orders, and instructions as it deems necessary and appropriate to carry out this order and assure that the executive branch of the Government leads the way as an equal opportunity employer.”³²

Each agency head was instructed to comply with such regulations, orders or instructions.³³

The Commission on Civil Rights reported that, as of 1971, there was widespread lack of confidence in the equal opportunity complaint process because

agencies were allowed by the Civil Service Commission to investigate and judge complaints from their own employees. In addition, selection procedures that would be illegal if they were used by private sector employees continued to be used by the Federal Government.³⁴ In its 1971 report, *Federal Civil Rights Enforcement Effort*,³⁵ it noted that despite the mandate of Executive Order 11246, the Civil Service Commission’s role “was more characterized by passivity than by ‘leadership’”³⁶ and that the Civil Service Commission’s “application of the merit system without regard to existing preferential practices and procedures is tantamount to ignoring the most prevalent form of discrimination in employment.”³⁷ Pointing to a 1966 operations letter issued by the Civil Service Commission that prohibited the use of measurable objectives, the Civil Rights Commission commented that:

The CSC directive served to undercut efforts of many EEO officers and impair the entire program. EEO officers who tried to develop plans replete with specific percentages and/or numerical goals and target dates were taken to task by CSC’s Bureau of Inspections which, in essence, praised the intent but vetoed the most expeditious measure for attaining the goal.³⁸

Although, in subsequent instructions, the Civil Service Commission required “action items,” it maintained the contradictory policies of approving “results-oriented equal employment opportunity programs” but rejecting “the establishment of specific quantitative goals in hiring of minority employees as representing preferential treatment.”³⁹

The Office of Personnel Management, in a comment on a draft of this report, stated:

The historical discussion of goals and timetables fails to note that in 1971 the erstwhile Civil Service Commission explicitly endorsed the use of goals and timetables in Federal sector affirmative action. This policy was enunciated in a memorandum to all agency heads directly from CSC Chairman Hampton.⁴⁰

²⁷ Executive Order No. 11478, 34 *Fed. Reg.* 12985 (1969), as amended, Sec. 1.

²⁸ *Ibid.*, Sec. 2.

²⁹ *Ibid.*, Sec. 2.

³⁰ *Ibid.*, Sec. 3.

³¹ *Ibid.*, Sec. 4.

³² *Ibid.*, Sec. 5.

³³ *Ibid.*

³⁴ OFCRE-1974, pp. 13-14.

³⁵ U.S. Commission on Civil Rights, *Federal Civil Rights Enforcement Effort* (September 1970), (hereafter cited as OFCRE).

³⁶ *Ibid.*, p. 21.

³⁷ *Ibid.*, p. 21.

³⁸ *Ibid.*, p. 36.

³⁹ *Ibid.*, p. 37.

⁴⁰ A. Diane Graham, Assistant Director for Affirmative Employment Programs, OPM, letter to staff, July 9, 1982.

The U.S. Commission on Civil Rights, in its November 1971 report, *The Federal Civil Rights Enforcement Effort, One Year Later*, pointed out that:

The [1971 memorandum]. . . was not an affirmative declaration, but instead, a mere suggestion that numerical goals and timetables were an acceptable management tool to deal with problems of minority underrepresentation where they are thought to exist. It also imposed certain restrictions upon the use of this important tool. Further, the CSC statement was not responsive to this [Civil Rights] Commission's recommendation that a government-wide program for achieving equitable representation of minority group citizens at all wage and grade levels of Federal employment be established.⁴¹

The Civil Rights Commission also noted that among the Federal agencies that had not yet set up measurable objectives for itself was the Civil Service Commission, although 85 percent of its minority employees were in the lower grades of the general schedule.⁴²

The 1972 Amendments to Title VII extended to Federal employees basic protections that had been afforded employees of private employers since 1964, banning discrimination on the basis of race, color, religion, sex, or national origin in any personnel actions affecting employees or applicants in military departments, executive agencies, the Postal Service, and in all positions within the competitive service of the Federal Government. Federal employees were given the same right as private sector employees to sue in Federal District Court for adjudication of their discrimination claims.⁴³ The Civil Service Commission was directed to review and approve agency affirmative action plans on an annual basis, routinely to evaluate agency equal employment opportunity programs, and review the merit system's selection standards in relation to civil rights.⁴⁴

In its 1973 update, the U.S. Commission on Civil Rights continued to complain about the reluctance of the Civil Service Commission to implement aggressively the powers it had been given to promote affirmative action. With the passage of the 1972 amendments to the 1964 Civil Rights Act, the Civil Service Commission finally began to use its

regulatory powers which were essentially no different from those already granted by the Nixon executive order.⁴⁵

The U.S. Commission on Civil Rights complained that the Civil Service Commission still was reluctant to require quantifiable objectives and timeliness and without these it was impossible to determine whether the planning process accomplished anything since there were no standards for measuring good faith efforts at implementation. In short, internal or external evaluation was impossible.⁴⁶ The Civil Rights Commission asserted that "Accepting agency plans without goals and timetables, as has occurred in. . . [1972], appears to be a violation of the spirit of the executive orders and statutes which direct CSC and the agencies to use all possible affirmative steps to end job discrimination in the Federal service."⁴⁷ The Civil Rights Commission complained that:

—the action items that would explain how objectives were to be achieved were poorly illustrated by the Civil Service Commission so that agencies did not provide the level of detail needed either for evaluation or monitoring;⁴⁸

—the Civil Service Commission failed to establish procedures or effectively monitor efforts to ensure that upward mobility programs were used to increase the effectiveness of the civil service by making the best use of existing personnel;⁴⁹

—the Civil Service Commission had failed to supply precise guidelines for use by agencies in evaluating their own affirmative action efforts;⁵⁰

—the Civil Service Commission monitoring guidelines were adequate but that the reviews based on them were not.⁵¹

The Civil Rights Commission did commend the Civil Service Commission for being willing to switch from a consultative to a regulatory approach when agencies failed to cooperate in remedying deficiencies noted in reviews.⁵²

In 1974 the U.S. Commission on Civil Rights, continuing its criticism of the Civil Service Commission, protested that the Federal agencies were

⁴¹ U.S. Commission on Civil Rights, *The Federal Civil Rights Enforcement Effort, One Year Later* (November 1971), pp. 5-6.

⁴² *Ibid.*, p. 6.

⁴³ 42 U.S.C. 2000e-16.

⁴⁴ OFCRE-1974, pp. 13-14 and 42 U.S.C. 2000e-16 (Reorg. Plan No. 1 of 1978, 43 *Fed. Reg.* 19807 (1978); 92 Stat. 3781, gave this responsibility to EEOC).

⁴⁵ U.S. Commission on Civil Rights, *The Federal Civil Rights Enforcement Effort: A Reassessment* (January 1973), p. 14.

⁴⁶ *Ibid.*, p. 15.

⁴⁷ *Ibid.*

⁴⁸ *Ibid.*

⁴⁹ *Ibid.*, p. 16.

⁵⁰ *Ibid.*, p. 16.

⁵¹ *Ibid.*, p. 18.

⁵² *Ibid.*, p. 18.

required to do far less than were Federal contractors.⁵³ It restated its position that "In refusing to require that Federal agencies set measurable objectives for integrating all levels of Federal employment, the [Civil Service] Commission has failed to carry out fully its responsibility under Title VII and the Executive Order for ensuring that all possible measures be taken to eliminate job discrimination in the Federal service."⁵⁴ The Civil Rights Commission protested that the instructions which the Civil Service Commission provided agencies, encouraged inaccurate portraits of agency work force utilization;⁵⁵ the labor force data provided by the Civil Service Commission for internal agency evaluation of affirmative action efforts was completely inadequate; and, the guidelines did not provide a mechanism for determining whether affirmative action efforts had any impact on agency employment profiles.⁵⁶

The Civil Service Commission was concerned only whether the guideline procedures were being implemented.⁵⁷ Most of the agencies reviewed by the Civil Rights Commission had failed to conduct serious work force analysis, or only simplistic ones; did not compare work force to labor force to determine availability;⁵⁸ failed to determine how many job openings might be filled through affirmative action;⁵⁹ or conducted self-evaluations that did not provide the data needed to determine how many employees, in particular minorities or women, benefited from particular actions.⁶⁰ The data showing changes in utilization were not presented in a format that made analysis or interpretation possible.⁶¹ The Civil Rights Commission stated that the guidelines for agencies to use in developing action items for the coming year were entirely inadequate;⁶² some agencies were allowed to set goals for ultimate utilization of minorities and women below those existing levels of utilization.⁶³ The Civil Rights Commission concluded:

In sum, the [Civil Service] Commission has failed to require agencies to follow its own guidelines on identifying problems to be addressed in affirmative action plans.

Even if the guidelines were followed, however, a thorough analysis of the problem of underutilization would not be obtained. Further, the Commission allows agencies to claim progress, although the data presented do not indicate that such a conclusion can be drawn. Finally, agencies are permitted to establish vague "action items" which ultimately may have no impact on the status of women and minorities in Federal employment.⁶⁴

The Civil Rights Commission also expressed concern that the Civil Service Commission's process for evaluating compliance was inadequate. It stated that "all of the general review reports prepared prior to 1972 ignored the possible EEO implications of personnel practices which were otherwise inconsistent with Commission regulations. For example, where violations or irregularities were found in position classifications and merit promotion systems, no consideration was given to the impact of these factors on the employment of minorities and women."⁶⁵ Nor were the special equal employment opportunity evaluation reports prepared prior to 1972 effective.⁶⁶

Even after the passage of Title VII amendments of 1972, the Civil Rights Commission found that the reports "did not reflect any meaningful improvement in the quality of the [Civil Service] Commission's evaluation of agency personnel practices in terms of equal employment opportunity."⁶⁷ The Civil Rights Commission criticized the failure of the Civil Service Commission to determine whether affirmative action plans had been effectively implemented⁶⁸ and concluded that "the [Civil Service] Commission has not made meaningful improvements since 1972 in its evaluations of agencies' personnel practices as they bear on equal employment opportunity. Further, the Commission has failed to exercise the expanded authority granted by Congress in 1972 to correct discriminatory practices and to give relief to victims of discrimination."⁶⁹

In 1977 the Civil Rights Commission again reviewed the efforts of the Civil Service Commission to promote affirmative action and concluded that despite new guidelines for affirmative action issued in April 1976, the Civil Service Commission still was

⁵³ OFCRE-1974, p. 88.

⁵⁴ *Ibid.*, p. 90.

⁵⁵ *Ibid.*, pp. 92-93.

⁵⁶ *Ibid.*, p. 92.

⁵⁷ *Ibid.*, pp. 95-96.

⁵⁸ *Ibid.*, p. 99.

⁵⁹ *Ibid.*, p. 100.

⁶⁰ *Ibid.*, pp. 102-3.

⁶¹ *Ibid.*, pp. 104-5.

⁶² *Ibid.*, pp. 109-110.

⁶³ *Ibid.*, pp. 112-113.

⁶⁴ *Ibid.*, p. 114.

⁶⁵ *Ibid.*, p. 131.

⁶⁶ *Ibid.*, p. 132.

⁶⁷ *Ibid.*, p. 133.

⁶⁸ *Ibid.*, p. 135.

⁶⁹ *Ibid.*, p. 137.

not implementing the provisions of Title VII regarding Federal employment.⁷⁰ The Civil Rights Commission was particularly concerned about Civil Service Commission:

—acceptance of any utilization ratio proposed by individual agencies within 50 percent of the existing total Federal work force proportions, as an ultimate goal for utilization of minorities;⁷¹

—requiring only agencies with more than 500 employees to develop full affirmative action plans;⁷²

—continued rejection of the notion that Title VII standards applicable to private and other public employees were equally applicable to Federal employees;⁷³

—failure to fully comply with its own guidelines and in doing so not noting deficiencies in equal opportunity planning or practice;⁷⁴

—proposing to rely increasingly on internal affirmative action evaluations prepared by the agencies because this would not result in effective monitoring.⁷⁵

In 1978, President James E. Carter reorganized the personnel administration system of the Federal Government by abolishing the Civil Service Commission and dividing its responsibilities between several agencies. Administrative tasks were given to the newly created Office of Personnel Management (OPM).⁷⁶ As part of this reorganization and effective Oct. 1, 1978, responsibility for Federal agency affirmative action efforts was substantially transferred to EEOC.⁷⁷ The most visible affirmative action effort left to OPM was the Federal Equal Opportunity Recruitment Program (FEORP) which had been mandated by the Civil Service Reform Act of 1978.⁷⁸ Other equity programs OPM retained included the Federal Women's Program, Hispanic Employment Program, Upward Mobility Program, Selective Placement Program and Worker-Trainee

Opportunities Program. Since these do not require affirmative action planning, per se, they are not reviewed in this report.

The Federal Affirmative Action program (FAA) administered by EEOC and the Federal Equal Opportunity Recruitment Program (FEORP) administered jointly by EEOC and OPM have complementary purposes. The FAA is designed to produce comprehensive efforts by Federal agencies to correct systemic problems that have resulted in the underutilization of minorities and women.⁷⁹ FEORP is one part of that effort, concerned with the recruitment of minorities and women to meet specific needs. Because of the differing points of origin, however, there was initially some duplication in the material required to satisfy each program requirement. This was eliminated later.

OPM commented:

In accordance with 5 U.S.C. sec. 7201, FEORP is administered solely by OPM. EEOC's role was primarily in the developmental stages, when it developed guidelines (December 1978) upon which OPM based its governing regulations. EEOC's current role in FEORP is a limited advisory one, pursuant to Executive Order 12067.⁸⁰

While this may be legally correct, it is not the practice. EEOC, as part of its review of Federal affirmative action effort, requires that plans submitted to it include considerable detail on the operating unit's Federal Equal Opportunity Recruitment Program plan.⁸¹ And OPM, although legally responsible for monitoring the plan, does not receive a copy of the plan except upon special request. OPM does not review the plan except as part of either general personnel reviews or the handful of FEORP reviews it conducts each year while EEOC stated that it would be reviewing the plans on a systematic basis (although there is little evidence it actually has done so).⁸²

Management. OPM states that "'underutilization' in the Federal service is a personnel term of art, meaning a situation where a specific employee is in a position that does not fully utilize the employee's education and experience." (A. Diane Graham, Assistant Director for Affirmative Employment Programs, OPM, letter to staff, July 9, 1982.) In this report underutilization is used to mean that people from particular race/sex groups are utilized less than would be expected given the labor force estimates of their availability.

⁸⁰ A. Diane Graham, letter to staff, July 9, 1982.

⁸¹ EEOC, *Management Directive 707* (Jan. 23, 1981), p. 69.

⁸² OPM, *Federal Personnel Manual System Letter (FPM) 720-2*;

⁷⁰ U.S. Commission on Civil Rights, *The Federal Civil Rights Enforcement Effort—1977: To Eliminate Employment Discrimination: A Sequel* (December 1977), pp. 39–40.

⁷¹ *Ibid.*, pp. 43–44.

⁷² *Ibid.*, p. 44.

⁷³ *Ibid.*, p. 47.

⁷⁴ *Ibid.*, p. 48.

⁷⁵ *Ibid.*, p. 51.

⁷⁶ *Reorg. Plan No. 2 of 1978*, 43 *Fed. Reg.* 36037, 92 Stat. 3783.

⁷⁷ *Reorg. Plan No. 1 of 1978*, 42 *Fed. Reg.* 19807, 92 Stat. 3781.

⁷⁸ 5 U.S.C. Sec. 7201.

⁷⁹ It should be noted that this report uses "underutilization" rather than "underrepresentation" or "less than adequate representation," the terms preferred by the Office of Personnel

FAA requirements for FY 1980 were described in EEOC's *Management Directive 702*, effective Dec. 1, 1979. This required submission of an affirmative action plan and FEORP plan to EEOC in two phases. By Feb. 1, 1980 agencies were to submit a review of their employment patterns in their six most populous occupations, an affirmative action program plan for two of them and an affirmative recruitment program plan for FEORP.⁸³ By April 1, 1980 Federal agencies were to submit an affirmative action program for two additional occupations and a design for an internal monitoring and evaluation system for review of the agency affirmative action plan.⁸⁴ FY 1980 was to be a transitional year.⁸⁵ EEOC stated it would develop a systematic multi-year affirmative action plan framework, a methodology for determining underutilization, a more comprehensive work force analysis, a more systematic process for conducting and reporting analyses of impediments to equal employment opportunity.⁸⁶

Agencies with 500 or more employees were to prepare full length affirmative action plans.⁸⁷ Agencies with fewer than 500 employees were to submit modified plans including in Phase I goals for two target occupations and in Phase II a system for internal monitoring and evaluation.⁸⁸

At approximately the same time, OPM issued guidelines for the preparation of Federal Equal Opportunity Recruitment Programs.⁸⁹ These also required identification of occupational groupings in which minorities or women were utilized at levels lower than would be expected from the available labor force. Agencies that identified such occupations were to design recruitment strategies to correct the problems.⁹⁰

Of these, the EEOC instructions were the more controversial because of public criticism by two Commissioners of the procedures selected by EEOC. Then EEOC Commissioners Ethel Bent Walsh and J. Clay Smith objected to the Commission's guidelines for the Federal sector because they utilized as a benchmark the Bureau of Labor

Statistics' data on actual employment in broad categories (such as professionals) rather than narrower actual occupational groupings (such as engineers). Further, Commissioner Walsh objected that it would be possible to use the OFCCP eight factor availability analysis to measure those potentially available for employment rather than the more restricted Bureau of Labor Statistics' actual availability estimate. She argued that to use the formulation proposed by EEOC would prevent further recruitment and hiring in the Federal sector.⁹¹

Relevant to the affirmative action planning for minorities and women, EEOC published *Management Directive 705* on July 1, 1980. This prescribed a form for reporting numeric accomplishments during the first transition year and extended the transition period. In so doing, agencies were instructed to choose new target occupations if they had reached their goals for the original ones or revise upward their proposed accomplishments for the original target occupations if those goals had not yet been reached. The additions were to reflect potential hiring during the coming reporting period.⁹²

On January 23, 1981, EEOC issued *Management Directive 707*. This superseded the transition year planning process by requiring plans covering a five year period.⁹³ The directive:

- required calculation of underrepresentation and development of appropriate remedial goals over the five year period;⁹⁴
- authorized use of local civilian labor force statistics as a basis for determining goals for all categories for FAA purposes;⁹⁵
- gave permission to utilize PATCO (professional, administrative, technical, clerical, other) groupings where job series contained fewer than 100 person;⁹⁶
- stated that in some cases underrepresentation would be so severe it could not be fully remedied in a five year period, given probable future

⁹⁰ Ibid., para. 2-1.

⁹¹ Ethel Bent Walsh, Memorandum to the Commissioners, Oct. 31, 1979 and J. Clay Smith, Jr., Dissent on Section 717 Instructions for the Development of Federal Affirmative Action Plans, voted Nov. 6, 1979.

⁹² EEOC, *Management Directive 705* (July 1, 1980).

⁹³ EEOC, *Management Directive 707* (Jan. 23, 1981), p. 1.

⁹⁴ Ibid., p. 12.

⁹⁵ Ibid., p. 6.

⁹⁶ Ibid., p. 42.

Federal Equal Opportunity Program, Sept. 19, 1979; Wanda Dorsey, Region VII Affirmative Action Officer, EEOC, interview in St. Louis, Oct. 23, 1981 and letter to staff, Aug. 24, 1981.

⁸³ EEOC, *Management Directive 702* (Dec. 11, 1979), p. 11-2.

⁸⁴ Ibid.

⁸⁵ Ibid., p. 1-1.

⁸⁶ Ibid., p. 1-3.

⁸⁷ Ibid., p. 11-2.

⁸⁸ Ibid., pp. 11-1, 11-2.

⁸⁹ OPM, *Federal Personnel Manual System Letter (FPM) 720-2; Federal Equal Opportunity Recruitment Program*, (Sept. 19, 1979).

vacancies and that the best effort possible was acceptable;⁹⁷

—required that agencies implement an applicant flow monitoring system, if they had not already done so;⁹⁸

—required a barrier analysis be prepared showing how agencies would correct barriers that were within the control of the individual agencies to improve utilization of minorities and women.⁹⁹

EEOC stated it would evaluate plan accomplishments based on improvements in work force utilization. It stated that “With good faith efforts, the comprehensive agency program should result in a net increase in the representation of minorities and women in specific occupations and occupational levels within the agency’s work force”¹⁰⁰ and “The systematic nature of agency affirmative action planning will be assessed by careful review of problem identification and agency action steps. These instructions required agencies to engage in a comprehensive analysis which involves management, budget and personnel considerations.”¹⁰¹ Finally, EEOC stated it would evaluate plans to ensure that all the figures required in the format specified were provided and a complete FEORP plan was included.¹⁰² It would review the information systems and monitoring procedures as well as the extent to which affirmative action plans had been incorporated into the management of the agency. Agencies were to monitor their own efforts to incorporate affirmative action into the management and budget process.¹⁰³

A variety of management directives not directly related to the main elements of affirmative action

planning were issued in the years since 1979. On September 23, 1980, EEOC issued *Management Directive 704* that instructed agencies to add plans for prevention of sexual harassment in the work force to the transition year plans submitted under *Management Directive 702*.¹⁰⁴

On July 1, 1980, EEOC issued *Management Directive 706* that provided follow-up for an earlier directive, *Management Directive 703*, on planning for the utilization of the handicapped, including disabled veterans.¹⁰⁵ On February 20, 1981, EEOC issued *Management Directive 708*. It required accomplishment reports for FY 1980 and planning reports for FY 1981. While many of the forms are superficially similar to those provided for minorities and women planning and accomplishment reporting, the numeric goals required are far less precise and EEOC did not specify how it would review the accomplishments.¹⁰⁶ A new element required by *Management Directive 709* was the barrier analysis to assess facility accessibility. The instructions prescribed an accomplishment report and continued planning in FY 1981 and FY 1982.¹⁰⁷

Summary

The Federal Government has moved from segregation to fairly specific regulations designed to promote equal opportunity that will ensure the Federal service is representative of the nation and that the legacy of past discrimination is eliminated. The quality of the current Federal effort in Federal Region VII is assessed in succeeding chapters of this report.

⁹⁷ Ibid., p. 48.

⁹⁸ Ibid., p. 5.

⁹⁹ Ibid., p. 62.

¹⁰⁰ Ibid., p. 71.

¹⁰¹ Ibid.

¹⁰² Ibid.

¹⁰³ Ibid., p. 72.

¹⁰⁴ EEOC, *Management Directive 704* (Sept. 23, 1980).

¹⁰⁵ EEOC, *Management Directive 706* (July 1, 1980).

¹⁰⁶ EEOC, *Management Directive 708* (Feb. 20, 1981).

¹⁰⁷ EEOC, *Management Directive 709* (Oct. 6, 1981).

The Utilization of Minorities and Women in the Federal Service

The Advisory Committees could not obtain data on the Federal work force that would allow analysis of the impact of current affirmative action efforts. The most recent available data from the Office of Personnel Management (OPM) was for the year 1980. Thus, what follows in this chapter is a description of the changes in the Federal work force that preceded most of the affirmative action efforts reported in subsequent chapters of this report. When

¹ The 1974 data provided a breakdown of the individual agency work forces by GS (General Schedule) grade. The 1979 and 1980 data included breakdowns by job series, occupational grouping, average salary and average grade. To obtain comparable data for the totals in 1974, some recalculation was undertaken. Rather than use the EEOC mandated format as prescribed in its *Management Directive 702* or the format for State and local government prescribed in EEO-4, OPM provides figures for each ethnic group as a whole and for women in each ethnic group. OPM's failure to use the standard format is inexplicable. OPM states that:

data from our Central Personnel Data (CPDF), which is under our exclusive Government-wide operational control, are generated in whatever formats are deemed appropriate for the statistical report being produced. CPDF is an all-encompassing automated file and includes data on 53 separate data elements reported to us by Federal agencies, usually on a monthly basis. Upon request, OPM can generate reports in a wide variety of formats for a wide variety of uses. (A. Diane Graham, letter to staff, July 9, 1982)

The Advisory Committees' staff requested data in a format comparable to that which agencies were required to submit to EEOC as part of their plans. A formal request was transmitted to the Regional Director of OPM's Mid-Continent Regional Office on Dec. 15, 1981. Thereafter, staff were in frequent telephone communication with OPM staff, both regional and national, attempting to obtain the requested data. The data used in this report were the nearest to the format we requested that OPM staff could provide.

Although the data used for all three years has been computerized by OPM, the Advisory Committees were given print-

new data becomes available, in November 1982, further analysis will be possible.

Even determining the changes prior to 1980 posed some difficulties. The data on Federal employment in the years 1974, 1979 and 1980 provided by OPM were not in a consistent format. While some recalculations made comparisons possible, the differing formats limited the analyses that could be conducted.¹ Thus the Advisory Committee has limited its analysis to changes in the Region VII Federal work

ed/microfiche tables rather than print-outs. There is no evidence that OPM has analyzed individual job series or job categories to determine whether there are examples of prima facie disparities of opportunity. Such an analysis could only be done at the national level, since the regional office does not have a computer capability. At the national level OPM possesses a capacity to perform a considerable amount of the data presentation required by the U.S. Equal Employment Opportunity Commission and OPM in the affirmative action and recruitment program planning. While the task would no doubt be expensive, it would probably be cheaper for OPM than it is for the sum of the individual agencies and their subunits.

The Advisory Committees' staff noted that in each of the three years for which OPM provided data, the number of employees of the regional office of the U.S. Commission on Civil Rights is overstated. GSA found similar errors in the data on their employees. (John Platt, Regional Administrator, GSA, letter to staff, July 2, 1982.) The Committees guess that there are errors in the reporting of other agency work forces. OPM insists such errors are entirely the fault of agencies' misreports to OPM. (A. Diane Graham, letter to staff, July 9, 1982.) For the Commission, the error rate is in excess of 10 percent; the rate for GSA is about three percent. The Committees persist in using OPM's data because it is the best available. No comparable data were available on older or handicapped Federal workers. Additional errors may have been caused by the poor quality of the printed copies of the microfiche data. The Advisory Committees recognize this problem, but have been unable to resolve it since print-outs were not available. The Committees' staff made every possible effort to resolve visible discrepancies.

force during the period 1974–1980 and a comparison of the work force to various estimates of availability.

a. Changes in the Region VII Federal Work Force

During the period 1974–1980, 15 of 23 agencies' work forces increased in size. The number of blacks increased in 14 of the 15 (it decreased in one). The number of Hispanics also increased in 12 of these, and decreased in three. During the same period the work forces of seven agencies decreased. In three of these the black work force decreased at an even larger rate, in one it decreased at a lesser rate and in three it increased. In these seven agencies the number of Hispanics in the work force decreased proportionately less than the total work force in one agency, increased in five and did not change in one. OPM did not provide data on the employment of women in Region VII in 1974.²

The average grades of Federal employees in Region VII rose by up to 1.2 grades or decreased by up to 0.6 grades during the period 1974–1980.³ In the 21 agencies employing more than 100 persons for which the Advisory Committees had data, black workers had lower grades in 1980 in four than they had in 1974, Hispanic workers had lower grades in six, Asian workers had lower grades in six and Indian workers had lower grades in five.⁴ (See Appendix A, Table A-2) But in many agencies,

minorities' average grades increased by more than 1.0 grades. This was true for blacks in nine agencies, for Hispanics in seven agencies, for Asians in four agencies, for Indians in eight agencies. Whites made such gains in three agencies.⁵ (See Appendix A, Table A-2)

While the relatively increasing responsibility of minorities is commendable, their absolute position remained generally lower than those of whites. Blacks had lower average grades (with more than one grade difference) in 1980 than whites in 15 of 21 agencies reviewed. Hispanics had lower average grades in six agencies, Asians in three agencies and Indians in eight agencies. (See Appendix A, Table A-2)

Data for 1980 by job categories (Administrative, Professional, Technical and Clerical) for each agency show significant disparities between whites and other ethnic groups and between whites and females (both white and other) in the administrative, professional and technical but not in the clerical categories. This is the pattern one would expect if the legacy of past discrimination by an employer had not been corrected. It may also suggest unequal patterns of current employment, but, since in some cases minorities or women have higher grades than whites, this must be suggested with caution.⁶ (See Appendix A, Table A-3)

² One agency, Department of Energy, did not exist in 1974.

³ The data provided by OPM made it impossible to determine the change in the relative utilization of women between 1974–1980. However, it is possible to determine the change in the utilization of minorities. The evidence for this is, admittedly, somewhat ambiguous. In 1974 the then Civil Service Commission published data showing the distribution of general schedule employees by grouped grades. In 1980 OPM provided data showing average grade. To make the data comparable, the average grade for 1974 had to be calculated. This was done by Advisory Committee staff, using the midpoint of each group as a basis for averaging for 21 Federal agencies (the Postal Service did not use GS scale grades in 1980). Analysis of the resulting data is problematic. Changes could be due to grade creep (promotion of persons without substantial change in function) as well as actual increased responsibility. Differences in the ranking of similar jobs in different agencies may somewhat distort the results. What can be seen is that, over time, there have been some changes in the ranking of employees from each ethnic group. The analysis, however, is impeded by the relatively small range of changes. OPM, in a comment on the draft of this report noted that:

a myriad of factors other than discrimination affect average grade level or salary. Most prominent among these factors are education, experience, and length of Federal service. Without controlling for these important variables, the analysis is likely to be skewed. For example, do black employees in Region VII with the same level of education, quality of

experience, and length of Federal service as similarly situated white employees have lower average grades than the white employees? The answer to that question would shed a great deal of light on the effectiveness of Federal affirmative action efforts. (A. Diane Graham, letter to staff, July 9, 1982.)

OPM's points are well taken. However, OPM does not indicate it has any intention to undertake the analysis it says would be essential. Absent such analysis by the only agency with the data and resources to process them, the Advisory Committees have necessarily relied on what was available to them, recognizing the limits to which the data can be interpreted.

⁴ The agencies were: blacks—Interior, Commerce, Army, Federal Deposit Insurance Corp. (FDIC); Hispanics—Agriculture, Army, Office of the Secretary of Defense, Interior, Justice, Transportation; Asians—Air Force, Agriculture, Defense Supply Agency, Interior, Treasury, HHS/Education; Indians—Agriculture, Veterans Administration, General Service Administration, Office of the Secretary of Defense, Defense Supply Agency.

⁵ The agencies were: blacks—Navy, HHS/Education, Housing and Urban Development, Justice, Labor, Environmental Protection Agency, EEOC, OPM, Small Business Administration; Hispanics—Navy, Defense Supply Agency, Environmental Protection Agency, GSA, EEOC, OPM, Small Business Administration; Asians—Army, Justice, Transportation, GSA; Indians—HHS/Education, Housing and Urban Development, Interior, Justice, Labor, Transportation, Treasury, Small Business Administration; whites—HHS/Education, EPA, SBA.

In the professional job category, black workers' average grades were lower than whites' in seven of 23 agencies, Hispanic workers' average grades were lower in five agencies, Asian workers' average grades were lower in five and Indian workers' average grades were lower in two. White women's average grades were lower than all whites in 16 agencies, black women's average grades were lower in 11, Hispanic women's average grades were lower in three, Asian women's average grades were lower in four and Indian women's average grades were lower in four. In short, women professionals appear very often to have had grades significantly lower than their male counterparts (the disparity would have been even greater if specific data on males had been provided by OPM) and minorities in some agencies, most notably Transportation, had lower grades than their white counterparts.⁷ (See Appendix A, Table A-3-a)

In the administrative job category, black worker's average grades were lower than whites' in four agencies. Hispanic workers' average grades were lower in five, Asians' in six, Indians' in five, white

women's in 16, black women's in 12, Asian women's in three and Indian women's in four. In short, women administrators very often had grades significantly lower than their male counterparts and minorities in some agencies, notably Transportation and FDIC, had lower grades than their white counterparts.⁸ (See Appendix A, Table A-3-b)

In technical jobs, black workers' average grades were lower than whites' in eight agencies, Hispanics' in four agencies, Asians' in three agencies, Indians' in three agencies, white women's in nine agencies, black women's in 11 agencies, Hispanic women's in eight agencies, Asian women's in four and Indian women's in nine. In short, yet again, women technicians very often had grades significantly lower than their male counterparts and minorities in some agencies, most notably Interior, had lower grades than their white counterparts.⁹ (See Appendix A, Table A-3-c)

In the clerical job category, few agencies graded minorities significantly less than whites and in no agency were white women's average grades lower

⁶ Although OPM's data is computerized it was unable to provide print-outs that would have enabled the Advisory Committee to compare grade ranges by job series (although it does maintain this data for each agency). Thus, the Advisory Committees were forced to use compressed data for each job category. The use of this categorical data has some inherent problems, *sui generis*. Obviously, there are a wide range of jobs with different levels of compensation within the job categories. Thus, some variation in grade and compensation is to be expected. In this study, a deviation of more than one grade level is regarded as larger than would be expected. However, this procedure is arbitrary and open to question. In its defense, no alternative procedure appeared feasible.

⁷ Agencies where minorities/white women had lower grades than whites were: blacks—Agriculture, Air Force, Defense Supply Agency, Energy, Interior, Transportation, Environmental Protection Agency; Hispanics—Agriculture, Army, Labor, Transportation, Treasury; Asians—Air Force, Energy, Health and Human Services, Interior, Transportation; Indians—Health and Human Services, Veterans Administration; white women—Agriculture, Commerce, Air Force, Army, Defense Supply Agency, Energy, Education, Health and Human Services, Housing and Urban Development, Interior, Justice, Labor, Transportation, Treasury, Environmental Protection Agency, General Services Administration; black women—Agriculture, Air Force, Army, Education, Health and Human Services, Interior, Justice, Transportation, Treasury, Environmental Protection Agency, General Services Administration; Hispanic women—Army, Office of the Secretary of Defense, Treasury; Asian women—Air Force, Army, Health and Human Services, Interior; Indian women—Army, Health and Human Services, Interior, Veterans Administration.

⁸ The agencies where minorities/women had lower grades than whites were: blacks—Air Force, Transportation, Treasury, FDIC; Hispanics—Commerce, Labor, Transportation, Treasury, FDIC; Asians—Army, Defense Supply Agency, Health and

Human Services, Transportation, FDIC, General Services Administration; Indians—Agriculture, Office of the Secretary of Defense, Housing and Urban Development, Labor and Veterans Administration; white women—Agriculture, Commerce, Army, Defense Supply Agency, Education, Housing and Urban Development, Interior, Justice, Labor, Transportation, Treasury, FDIC, General Services Administration, Office of Personnel Management, Small Business Administration, Veterans Administration; black women—Agriculture, Commerce, Air Force, Army, Navy, Housing and Urban Development, Labor, Transportation, Treasury, FDIC, General Services Administration and Office of Personnel Management; Hispanic women—Agriculture, Army, Defense Supply Agency, Interior, Justice, Labor, Treasury, Veterans Administration; Asian women—Army, Health and Human Services, Transportation; Indian women—Agriculture, Health and Human Services, Interior, Veterans Administration.

⁹ Agencies in which there was a disparity of more than 1.0 between whites and others were: blacks—Commerce, Air Force, Navy, Office of the Secretary of Defense, Education, Interior, Transportation, Environmental Protection Agency; Hispanics—Air Force, Defense Supply Agency, Interior, Transportation; Asians—Agriculture, Army, Interior; Indians—Agriculture, Navy, Health and Human Services; white women—Commerce, Air Force, Army, Office of the Secretary of Defense, Energy, Interior, Justice, Transportation, General Services Administration; black women—Agriculture, Commerce, Air Force, Navy, Office of the Secretary of Defense, Education, Housing and Urban Development, Interior, Justice, Transportation, Environmental Protection Agency; Hispanic women—Agriculture, Commerce, Air Force, Army, Office of the Secretary of Defense, Defense Supply Agency, Transportation, Veterans Administration; Asian women—Agriculture, Army, Interior, Veterans Administration; Indian women—Agriculture, Commerce, Army, Navy, Health and Human Services, Interior, Transportation, General Services Administration, Veterans Administration.

than whites. In short, there was no pattern of discrimination.¹⁰ (See Appendix A, Table A-3-d)

b. Utilization Analysis of Federal Employees in Region VII

The Advisory Committees believe that the Federal work force ought to be representative of the nation, since it is the nation's government. At the same time, promotion preferences and the absence of available trained or trainable persons makes perfect representation difficult. Indeed, the absence of adequate data makes it difficult to determine what could be done to assure as representative a work force as possible. Unlike private industry, the Federal Government has never attempted to use its own standards of availability (the eight factor test formerly used by OFCCP for Federal contractors) to determine what minority or white women workers are available for Federal employment. Instead, the Federal Government has used surrogate measures that approximate availability—the civilian labor force and professional labor force, sometimes nationwide, sometimes in the labor market area. Because the agencies reviewed in this study are regional, the Advisory Committees have chosen to use the national labor force estimates and regional labor force estimates. In addition, however, the Advisory Committees have assembled data on private sector utilization of minorities and white women in the various job categories in the region. The Advisory Committees believe that, at minimum, the Federal work force should match the private sector's utilization levels and that a match exists if utilization exceeds 80 percent of the availability estimate.

Table A-4 in Appendix A shows the total employment of agencies in 1980 that employed more than 100 persons; they employed a total of 102,002 persons. Compared to the four categories of private sector employment that are comparable to Federal employment, only in three of 24 agencies were black workers utilized less than in the private sector. In no

agency were Hispanics utilized less. The proportions of Asians and Indians in the private sector were too small for comparison. Sixteen agencies utilized white women at levels less than in the private sector, as did eight agencies for black women. The availability of Hispanic, Asian and Indian women was so small that no substantial patterns could be noted. (See Appendix A, Table A-4)

There were more agencies that deviated from the national civilian labor force (NCLF). Eight agencies utilized blacks to a lesser extent than their numbers in the national civilian labor force. All agencies utilized Hispanics at less than availability. Asians and Indians were too small a proportion of the NCLF for comparison. White women were utilized at less than NCLF levels in ten agencies, for black women in nine agencies and for Hispanic women in all but one agency. Again, Asians and Indian women were so small a part of the national civilian labor force as to make significant comparison impossible.

Compared to the regional civilian labor force (RCLF), black workers were utilized less in three agencies, Hispanics were not utilized less in any agency. Asians and Indians were too small a proportion of the RCLF for comparison, white women were utilized less in ten agencies, black women in four agencies. Again, the proportions of Hispanic, Asian and Indian women in the RCLF made comparison impossible.¹¹

Table A-5 in Appendix A shows the distribution of 18,597 administrative workers. Only white women were utilized at less than the private sector level by any appreciable number of agencies (five), although other groups might have been included if agencies employing no one from the group were counted. Black administrators were a smaller proportion of the Federal work force than the national professional labor force (NPLF) in three agencies. Hispanic administrators were similarly underrepresented in 17 agencies, white women in 15 agencies, black women in four agencies and Hispanic women

¹⁰ Agencies in which there was a disparity of more than 1.0 between whites and others were: blacks—FDIC; Hispanics—Energy; Asians—Transportation; Indians—Defense Supply Agency; black women—FDIC; Hispanic women—Navy, Energy; Asian women—Transportation; Indian women—Defense Supply Agency.

¹¹ Utilization by agencies at less than the estimate noted (total work force): (Agencies with no persons in the ethnic group are omitted.) Private Sector: black—Interior, Air Force, FDIC; Hispanics—None; white women—All except Navy, HHS, Treasury, OPM, Education, EPA, SBA, VA; black women—Agricul-

ture, Commerce, Air Force, Energy, Interior, Justice, Transportation, FDIC; National CLF: blacks—Agriculture, Commerce, Air Force, Energy, Interior, Justice, Transportation, FDIC; Hispanics—All; white women—Agriculture, Air Force, OSD, Energy, Interior, Justice, Transportation, FDIC, GSA, Postal Service; black women—Agriculture, Commerce, OSD, Air Force, Energy, Interior, Justice, Transportation, FDIC; Regional CLF: blacks—Interior, Air Force, FDIC; Hispanics—None; white women—Agriculture, Air Force, OSD, Energy, Interior, Justice, Transportation, FDIC, GSA, Postal Service; black women—Air Force, Interior, Justice.

in 13 agencies. There were too few Asian or Indian men or women in the NPLF for any significant deviations to be noted. In no agency were black administrators utilized to a lesser extent than they were in the regional professional labor force (RPLF). The proportions of Asian and Indian administrators in the RPLF were too small for comparison. In four agencies Hispanics were used to a lesser extent. White women were utilized at less than the RPLF in 12 agencies, black women in one agency. Again, in some cases agencies employed no members of particular groups and in the case of Hispanic, Indian and Asian women the numbers and percentages were too small for significant comparison.¹²

Table A-6 in Appendix A shows the utilization of 12,961 professional workers. Discounting those agencies that employed no persons from particular groups as professionals, blacks were utilized at less than private sector levels in three agencies; Asians in six; white women in 17; black women in four. The numbers of Hispanics and Indians and Asian women in the private sector work force were too small for comparison. Again, discounting those agencies that utilized no persons from the particular group, blacks were utilized at lower levels than in the national professional labor force by nine agencies; Hispanics by 13 agencies; Asians by six agencies; white women

by 17 agencies; black women by eight agencies; Hispanic women by seven agencies. There were too few persons in the NPLF from other groups for comparison. Compared to the regional professional labor force, blacks were underutilized in three agencies; Hispanics in six agencies; white women in 16 agencies; black women in four agencies. There were too few persons in the RPLF from other groups for comparison.¹³

Table A-7 in Appendix A shows the utilization of 16,950 technical workers. Most agencies matched the private sector's utilization of blacks, Hispanics, Asians and Indians. White women were utilized at less than private sector levels by six agencies, black women by seven agencies. The proportions of other ethnic groups in the private sector were too small for comparison. Most agencies matched utilization of minorities and women in the regional professional labor force and the regional civilian labor force. But white women were underutilized in six agencies and black women in four agencies compared to the regional civilian labor force.¹⁴

Table A-8 in Appendix A shows the utilization of 39,858 clerical workers. Most agencies matched the utilization levels of minorities and women in the private sector and indeed, only in the case of white women were most agencies' utilization levels not well above the private sector's.

¹² Utilization by agencies at less than the estimate noted (administrators): (Agencies with no workers from the ethnic group are not included.) Private Sector: blacks—None; Hispanics—Too small; Asian—Too small; white women—Air Force, Army, Interior, Justice, Transportation, FDIC; black women—Too small; Hispanic women—Too small; National PLF: blacks—Air Force, Interior, FDIC; Hispanics—All except Commerce, OPM, Education, Energy, Interior, EPA, Labor, EEOC; Asian—None; white women—All except Agriculture, Army, Navy, Commerce, Education, HHS, EPA, GSA, SBA, Postal Service; black women—Air Force, Interior, Justice, Postal Service; Hispanic women—Agriculture, Air Force, Army, OSD, DSA, HHS, HUD, Justice, Transportation, Treasury, GSA, Postal Service, VA; Regional PLF: blacks—None; Hispanics—Agriculture, Air Force, Army, Postal Service; Asian—Too small; white women—All except Agriculture, Army, Navy, Commerce, Education, HHS, HUD, EPA, GSA, SBA, VA, Postal Service; black women—Justice; Hispanic women—Too small.

¹³ Utilization by agencies at less than the estimate noted (Professionals): (Agencies with no workers from the ethnic group are not included.) Private Sector: blacks—Commerce, Air Force, Interior; Hispanics—Too small; Asian—Air Force, HHS, OSD, Justice, Treasury, Transportation; white women—All except EEOC, FDIC, OPM, VA, Education, Justice; black women—Agriculture, Air Force, Army, Interior; Hispanic women—Too small; National PLF: blacks—Agriculture, Commerce, Air

Force, Army, EPA, Interior, Treasury, GSA, Labor; Hispanics—All but HUD, Labor, Transportation; Asian—Air Force, HHS, OSD, Justice, Treasury, Transportation; white women—All except, EEOC, EPA, FDIC, OPM, VA, Justice, Education; black women—All but OSD, Education, HHS, HUD, Labor, EEOC, Postal Service, GSA, SBA, VA; Hispanic women—All but Labor, VA; Regional PLF: blacks—Commerce, Air Force, Interior; Hispanics—All but Army, Energy, HHS, HUD, Interior, Labor, Transportation, EPA, GSA, VA; Asian—Too small; white women—All except, EEOC, EPA, FDIC, OPM, VA, Justice, Education; black women—Agriculture, Air Force, Army, Interior; Hispanic women—Too small.

¹⁴ Utilization by agencies at less than the estimate noted (Technical workers): (Agencies with no workers from the ethnic group are not included.) Private Sector: blacks—Agriculture, Commerce, Air Force, Interior, Justice; Hispanics—Too small; white women—Agriculture, Commerce, Air Force, Interior, Transportation, Postal Service; black women—Agriculture, Commerce, Air Force, Energy, Interior, Justice, Transportation; Regional PLF: blacks—Interior; Hispanics—Too small; white women—Commerce, Transportation, Postal Service; black women—Commerce, Interior; Regional CLF: blacks—Commerce, Air Force, Interior, Justice; Hispanics—Air Force, Army, Interior, Treasury, OSD, VA; white women—Agriculture, Commerce, Transportation, Air Force, Interior, Postal Service; black women—Commerce, Interior, Justice, Air Force.

Transition Year Plans and Accomplishments

In 1982, several agencies still had not prepared the multiyear plan that was supposed to be implemented on October 1, 1981. Consequently, the Advisory Committee review concentrates on the transition year plans that were submitted for the FY 1980 transition year and, as a practical matter, continued to be operative through the end of FY 1981 and into FY 1982.

Comparative analysis poses some problems because larger agencies were major operating components, required to prepare their own plans; while smaller agencies often were not major operating components and thus merely prepared materials incorporated into national plans. Some agencies' plans covered only their facilities in Kansas City or St. Louis. Others had plans that covered facilities throughout the region. Here each plan has been treated as though it is a regionwide plan.

Acknowledging that the transitional plans were temporary adds to the difficulties of evaluation. First efforts at a substantially revised affirmative action format were bound to be difficult. Furthermore, the knowledge that the procedures would change yet again in a short period may have made the procedural changes and new data formats required seem pointless if yet further changes were to be required in a few months. Moreover, as a first effort, the instructions were perhaps not as clear as they might have been. EEOC's description of its review criteria could have been the basis for agency determinations of the sufficiency of their own effort. But as the

following analyses of agency efforts will show, even these criteria might not have helped an agency ensure that it complied with the spirit as well as the letter of the planning and implementation processes.

a. Plans

i. Federal Affirmative Action Plan Instructions

Major facility and regional plans were, for FY 1980, to be consolidated at national level into a single plan which reflected the Federal regional lines.¹

In the first phase agencies were to evaluate their work forces by occupational group, grade and pay level, and supervisory responsibility. They were to calculate an underrepresentation index, and develop goals and timetables using vacancy projections from the agency personnel office. In choosing their target occupations, agencies were urged to consider those with the highest degree of underrepresentation, the widest grade range ("mainstream occupations") or occupations where substantial numbers of vacancies were anticipated.²

In analyzing recruiting, an agency was to identify recruitment sources, determine minority and female applicant flow from those sources, rank each recruitment source in order of effectiveness in recruiting affected classes and, if analysis revealed any source failed to produce significant numbers of minorities

¹ EEOC, *Management Directive 702* (Dec. 11, 1979), p. II-1.

² *Ibid.*, pp. III-1 to 5.

and women, redirect recruitment activities to alternate sources.³

Data on promotions by occupation and grade were to be analyzed to determine barriers and targeting groups for promotion.⁴

Agencies were to determine what portion of their selection procedure, if any, caused adverse impact and either discontinue, modify or replace the procedure. They were to complete a validation study of those selection procedures, meet requirements for interim use of a procedure, or "otherwise justify the use of the procedure under Federal law."⁵

In determining their goals, agencies were to multiply the percentage of the underrepresented group in the appropriate civilian labor force by the number of projected vacancies.⁶ For labor force they were to use either the nearest SMSA or the national, whichever contained the larger proportion of minorities or women in the occupation being analyzed.⁷

To correct underutilization, agencies were required to develop and implement innovative staffing strategies, of which the most important are training and education.⁸

In a second phase, agencies were to develop monitoring systems that included information systems to provide periodic status reports on: statistical work force profile and on affirmative action goals, employment and other historical or trend data; achievement of specific goals within designated timetables; integration of barrier analyses; elimination of impediments; innovative staffing procedures; and, revisions of agency selection procedures. Overall management and budget planning was to be integrated with affirmative action planning.⁹

Responsibility for affirmative action planning was vested in the head of each Federal agency. EEOC was to review and approve or disapprove the agency plan and report to the President and Congress on the accomplishments of each agency.¹⁰ No report has been prepared to date.

³ Ibid., p. III-7.

⁴ Ibid., p. III-7.

⁵ Ibid., pp. III-7 to 8.

⁶ Ibid., pp. III-13 to 14.

⁷ Ibid., p. III-4.

⁸ Ibid., pp. III-16 to 17.

⁹ Ibid., p. III-19.

¹⁰ Ibid., p. 2 and Executive Order No. 12067, 43 *Fed. Reg.* 28967 (1978), as amended.

¹¹ OPM, *Federal Personnel Manual System Letter (FPM) 720-2: Federal Equal Opportunity Recruitment Program*, Sept. 19, 1979.

ii. Federal Equal Opportunity Recruitment Program (FEORP) Plan Instructions

OPM spelled out the requirements for FEORP in 5 CFR Part 720 and provided implementation guidance in FPM 720-2.¹¹ These remain in effect. They require Federal Equal Opportunity Recruitment Program plans that include:

—Analysis of underutilization in broad occupational categories: Professional, Administrative, Technical, Clerical and Other.¹²

—Separate determinations by "mainstream" occupations—highly populous occupations which tend to lead to a higher position in the agency. These analyses were to be made by grade level.¹³ Comparison is to the higher of either national or local labor force (except for grades 4 or below where local is authorized).¹⁴

—Calculation of an index of underutilization by taking the quotient of agency employment proportion for each race/sex group divided by the appropriate civilian labor force and multiplied by 100.¹⁵

—Efforts targeted toward jobs which are most likely to be actually available and towards job which show the highest underrepresentation.

—Agencies' special efforts to recruit using sources likely to produce persons from underrepresented race/sex groups.¹⁶ Agencies are to specify target sources likely to meet their needs and ensure adequate efforts to reach those.¹⁷

—Internal promotions were to take account of underrepresentation.¹⁸

—Agencies are to consider availability, using bridging positions and special internal recruitment efforts.¹⁹

—Special efforts to recruit persons with bilingual skills where needed and take account of the capacities of persons with limited abilities in English.²⁰ In addition to the usual external programs agencies were to utilize, geographic recruiting in areas likely to provide underrepresented persons, special mailing lists, skills banks, radio and TV announcements, union sources, current employee

¹² Ibid., para. 2-2(c).

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid., para. 2-2(d).

¹⁶ Ibid., para. 2-3(c).

¹⁷ Ibid., para. 2-3(b).

¹⁸ Ibid., para. 2-5(d).

¹⁹ Ibid., para. 2-5.

²⁰ Ibid., para. 2-4(c).

referrals from underrepresented groups, and participation in special events.²¹ Agencies are encouraged to work together to address common underrepresentation problems and establish clearinghouses for recruitment through the Federal Executive Boards.²²

iii. Implementation

Table B-1 in Appendix B summarizes EEOC's criteria for evaluation of agencies' FY 1980 transition year affirmative action plans. Table B-2 in Appendix B shows compliance with these by the agencies in Region VII whose plans were reviewed by the Advisory Committees. Most agencies omitted at least some of the information that was required or provided less detail than could reasonably be expected. The summaries in most of the plans are very thin on specific actions, usually because agencies failed to provide an adequate barrier analysis—or any at all—that would show what needed to be done. In some cases, it appears that agency headquarters instructions resulted in different data or formats from those required in *Management Directive 702*.

Utilization of available vacancies to correct identified deficiencies varied widely from agency to agency. Only Federal Aviation Administration, Social Security Administration and General Services Administration expected to have more than 100 vacancies. To correct underutilization in the transi-

tion year, GSA proposed to use 68.4 percent of its anticipated 117 vacancies; Federal Aviation Administration, 34.5 percent of its 142 vacancies; Social Security Administration, 19.6 percent of its 148 vacancies. In agencies with smaller numbers of vacancies, HUD proposed to use 61.5 percent of its 13 vacancies; HDS, 57.1 percent of its seven vacancies; Office of the Regional Administration of HHS, all of its three anticipated vacancies; EPA, 41.9 of its 31 anticipated vacancies; Department of Labor, 23.5 percent of its 17 vacancies; Federal Highway Administration, none of its five vacancies; and, OPM, one-quarter (12) of its 48 vacancies.²³ GSA targeted 74 occupations, SSA targeted six, FAA targeted seven, OPM targeted six, HUD targeted four, HHS/ORD, EPA and DOL targeted three occupations and HDS, HCFA, FHWA and EPA targeted two occupations.²⁴ Many of these positions were targeted for minorities, but the exact number assigned to each ethnic and sex group was difficult to ascertain in some cases because often they were not stated precisely by ethnic/sex group but by sex and separately by race.²⁵ In short, contrary to the popular belief, even as part of a fairly intensive effort and despite ample evidence in the plans of underutilization, many agencies proposed to utilize only a proportion of their vacancies to correct deficiencies.

²¹ Ibid., para. 2-4(b).

²² Ibid., para. 2-4(d).

²³ Data contained in this chapter was obtained from the following transition year plans submitted by the respective agencies to the Central States Regional Office of the U.S. Commission on Civil Rights. General Services Administration, *Affirmative Action Plan FY 1980*, provided by Lucius Long, Principal EEO Official, Region VI; Department of Labor, *Affirmative Action Program Plan, FY 1980* (July 28, 1980); Department of Housing and Urban Development, Region VII, *Equal Employment Opportunity Plan, FY 1980* (Aug. 25, 1979); Environmental Protection Agency, *Affirmative Action Program Plan, FY 1980* (May 1, 1980); Office of Personnel Management, *Mid-Continent Region FY 1980 Affirmative Action Plan* (n.d.); Federal Aviation Administration, *Affirmative Action Program Plan, FY 1980* (Jan. 18, 1980); Federal Highway Administration, Region VII, *Affirmative Action Program Plan, FY 1980* (Jan. 16, 1980); Social Security Administration Regional Office, *Affirmative Action Program, FY 1980* (Jan. 18, 1980); Social Security Administration, Regional Field Operations, *Affirmative Action Program, FY 1980* (Jan. 18, 1980); Social Security Administration, Mid-America Program Service center, *MAMPSC Workforce Profile* (n.d.); Social Security Administration, Kansas City Field Assessment Office, *Affirmative Action Program, FY 1980* (Jan. 14, 1980); Social Security Administration, Office of Hearings and Appeals, *Affirmative Action Program, FY 1980* (Jan. 21, 1980); Department of Health and Human Services, Office of Human Development Services, *Affirmative Action Program Plan, FY 1980* (Mar. 12, 1980); James R. Bergfalk, Principal Regional Official, memorandum to Jean Mason, July 16, 1980 (this contains the data for the Office of the Regional Director of HHS); Department of

Health and Human Services, Health Care Financing Administration, *Affirmative Action Program Plan, FY 1980* (Feb. 29, 1980). The Advisory Committee received copies of OPM's 1981 regional equal employment opportunity plans for FY 1980 and 1981, and the 1980-1981 equal opportunity recruitment program agreement, dated September 13, 1979. In the latter, the region noted the underutilization of black men and women at the GS 14-15 level. Because it anticipated only one vacancy, it did not propose any action. It noted that women seemed somewhat underutilized at the GS-12 level but that this would be corrected by promotion. However, these promotions would require further remedial action to increase utilization of white women at the GS 9-11 level. The agency noted underutilization of black men at the GS 5-8 level and proposed to recruit two. It thought it would place them in any of four slots through recruitment from the St. Louis area, or if necessary in the Kansas City or Wichita areas. OPM noted an underutilization of Hispanic men at GS 9-11 would be corrected by promotion but that this would require recruitment of Hispanics at the GS 5-7 level. OPM stated it would use the same process utilized for blacks.

²⁴ Because not all agencies followed the EEOC format, varied forms had to be used to obtain these numbers.

²⁵ In 1980 the regional director of OPM noted that he had made significant efforts to hire minorities and women and that these had been notably successful, especially since he had a full-time staff of only 192. He noted that of 50 personnel selections, 74 percent were women and 22 percent were minorities; of 70 promotions 80 percent were women and 17 percent were minorities. He cited a variety of appointments of women and minorities to mid-level positions. (Gerald K. Hinch, letter to staff, Mar. 25, 1980, p. 2.)

Analysis of the job series data in the plans reveals underutilization not evident in the aggregate analysis prepared by the Advisory Committees and reported in Chapter 3 of this report. The data formats for most plans made it impossible to determine whether the most populous occupations, those with the longest career ladders, or any of the other tests of appropriateness had been satisfied. This was not necessarily the fault of the agencies but of the format prescribed by EEOC, although agencies could have supplied the necessary data.

The employment barriers specified by the agencies in their FY 1980 plans were, for the most part, beyond the capacity of the agencies to correct. Some agencies provided no barrier analyses, others (including some agencies that were major operating components) provided barrier analyses prepared in their national headquarters. Some agencies mentioned barriers that were substantially beyond their control. For example, the Federal Highway Administration noted the principal barrier was salary and that it had tried intensive recruitment without overcoming this obstacle. HUD mentioned the problem of certification and noted this was an OPM problem. The field assessment unit of the Social Security Administration stated it had few positions, little turnover and that nothing could be done locally. SSA's Office of Hearings and Appeals stated the problem was the minimum qualifications but that changing these was beyond their control. Other agencies did mention barriers within their control and suggested remedies. In some cases the proposed solutions seem unlikely. For example, the Federal Aviation Administration proposed to overcome barriers for professional engineers by using a cooperative education program.

Even when agencies proposed actions clearly within their capability, their proposals were vague. For example, EPA promised more intensive efforts

to visit colleges, monitor applications, use the Veterans Readjustment Act, cooperative education, community contacts and high schools but did not provide any supporting detail. Similarly, the SSA's Mid-America Program Service Center promised to work to establish career ladders and improve training but did not specify how. Some plans, such as OPM's, were specific.²⁶ In short, it is hard to imagine how most of the plans could have been used to initiate specific actions to achieve the numeric goals set or how EEOC could have evaluated accomplishment.

To help assess Federal efforts, the Advisory Committee sought the views of private sector experts including the affirmative action officers of Bendix's Kansas City plant, United Telecom, and InterNorth. They varied in their views of the effectiveness of the Federal effort. InterNorth was concerned about the failure of the Federal Government to use the eight factor availability system for determining the labor force.²⁷ United Telecom noted the failure of some agencies to report on their prior year's goals and accomplishments.²⁸ It also noted that the actual dates and responsible authorities for many activities were not listed, although this is considered a must in the private sector.²⁹ Another reviewer noted that Federal agencies were being allowed to do multiyear plans but that the private sector was required to do annual plans and reports; OFCCP required private contractors to evaluate each and every occupation, while Federal agencies were not required to do so; and, insufficient attention was being paid to management level jobs with decisionmaking capacity. He pointed out that excuses by Federal agencies for inability to obtain minorities or women such as salary constraints would be rejected if they were offered to the Federal agencies by contractors. He noted the continued presence of "white islands" of employ-

²⁶ In its 1981 report, OPM indicated the following actions to eliminate barriers:

1. Internal cost control to assign costs for internal affirmative action and equal opportunity efforts.
2. Increased awareness of the availability of EEO counselors.
3. Expansion of recruitment sources to increase availability of minorities, women, handicapped and disabled veterans.
4. Absence of statistical data on the work force be remedied by requiring quarterly data from the personnel officer.
5. Increased participation of EEO officials in hiring by providing them with advance new hire estimates.
6. Increased skills of minorities, women, handicapped by ensuring that individual development plans are prepared and utilized.
7. A survey to be taken to determine skills of existing

employees, thus enabling the agency to determine underutilization of existing resources.

8. Increased publicity for the affirmative action program efforts.

9. Reports to determine whether employees were being given an equal chance for promotion.

10. Increased utilization of minorities and women in training courses. (OPM, Mid-Continent Region, *Affirmative Action Program Plan, FY 1981.*)

²⁷ W.E. Diesing, Research Specialist, InterNorth, letter to staff, Jan. 5, 1982 (hereafter cited as InterNorth letter).

²⁸ W.M. Washington, Affirmative Action Officer, United Telephone System, letter to staff, Feb. 1, 1982.

²⁹ Ibid.

ment in some areas and large blocks of minorities or women in others.³⁰ Only the Bendix commentator, who limited his review to a comparison of what the Federal agencies were ordered to do and what they actually did, was generally satisfied with their activity.³¹ He commented "Some of the plans are long on numbers and short on narrative which leaves a lot to the reader's imagination and does not articulate the real effort being exerted. Exceptions are the plans submitted by the Environmental Protection Agency, Office of Personnel Management, HCFA, Department of Labor and FHWA which were very well done, easy to understand and substantive."³²

b. Accomplishments

Less than six months after the agencies were supposed to complete the first phase of the transition year planning process, EEOC issued instructions for agencies to report on their FY 1980 accomplishments.³³ EEOC stated that: "The emphasis in reporting accomplishments under the FY 1980 affirmative action plan will be on bottom line results; only where necessary to clarify specific results should explanatory narrative be appended to the reporting format."³⁴ The data required for phases one and two were a calculation of net change compared to expected change based on the affirmative action plan (EEOC figures 1 and 2) and report on the distribution by level (high, middle, entry) for the starting and ending periods for the targeted

occupations (EEOC figures 3 and 4). Although the Advisory Committees asked all agencies they contacted to submit this information, not all did.

Regional reports in the format prescribed by EEOC were submitted to the Advisory Committees by HHS/HDS, Office of the Regional Director of HHS, EPA and the various units of the Social Security Administration.³⁵ HUD submitted data that covered somewhat comparable ground but were not in the same format as the other agencies. In some cases agencies did not prepare such forms because they were not required to do so by their headquarters. The principal reason was that many were not major operating components. Data about them, in theory, were aggregated in headquarters submissions. The Advisory Committee did not review that data.

Most of the agencies did not reach their affirmative action goals although they increased their work forces over the transition year. EPA fell below its goal by six. The regional office of the Social Security Administration fell below its goal by 12 (it had a net loss of 11 staff including white males) for 318 (clerical) series jobs but exceeded its goal by one for 105 (administrative) series jobs. Field Operations in SSA exceeded its goals by 19 in 998 (clerical) series jobs but fell below them by 19 for 105 series jobs, although it had a net gain of 22 jobs in the 998 series and a net loss of only two in 105 series. The Field Assessment Unit exceeded its 105 series goal by one although it had a net increase of five. It

³⁰ Interview on file, CSRO.

³¹ Jimmie L. Banks, Equal Opportunity Administrator, Bendix, Kansas City Division, letter to staff, Dec. 22, 1982.

³² Ibid.

³³ EEOC, *Management Directive 705* (July 1, 1980).

³⁴ Ibid., p. 2.

³⁵ The following FY 1981 year plans and accomplishment reports were utilized in the preparation of this report. They were provided by the respective agencies and are on file at the Central States Regional Office of the Commission. Environmental Protection Agency, *Affirmative Action Accomplishment Report for Minorities and Women (October 1, 1980 through September 30, 1981)* (Oct. 18, 1981); FY 80 *Accomplishment Report* (n.d.); General Services Administration, *FY 1981 Affirmative Action Plan* (n.d.); Federal Aviation Administration, Central Region, *Affirmative Action Accomplishment Report for Minorities and Women (October 1, 1980 through September 30, 1981)* (Nov. 16, 1981); Department of Labor, *Equal Employment Opportunity Plan Accomplishment Report, FY 1979* (n.d.); Department of Housing and Urban Development, *Affirmative Action Review* (Aug. 25, 1980), *FY 80 Annual Affirmative Action Report* (December 1980), *Mid-Year Affirmative Action Accomplishments* (July 8, 1980); Office of Personnel Management, *Federal Equal Opportunity Recruitment Program Agreement, FY 80-81* (Nov.

1979), *Affirmative Action Program Plan, FY 1981* (Jan. 12, 1981); Linda Carson, Regional Administrator (HDS), memorandum to Teresa Hawkes, Region VII Affirmative Action Initiatives for FY 1982 (July 10, 1981); DHHS/OHDS, *FY 81 Increment of Goals* (n.d.); Linda Carson, memorandum to Benna Cooper, FY '82 Affirmative Action Initiatives Performance and Variance Analysis (Jan. 19, 1982), memorandum to Carolyn A. Woodard, FY '80 Affirmative Action Plan (AAP) Accomplishment Report (Oct. 31, 1980); George James, memorandum to James F. Donovan (HCFA), Equal Opportunity FY 81 Final Report (Nov. 9, 1981); Viola J. Sanchez, Office of the Secretary, Memorandum to EEO Managers, FY 80 Affirmative Action Accomplishment Report and FY 81 Goals (Jan. 30, 1981); James R. Bergfalk, memorandum to Viola J. Sanchez, Amendment to FY 81 Affirmative Action Goals—OMS Target Rate (Jan. 22, 1981), *AAP Accomplishment Report and Transition Period Goals FY 81* (Nov. 28, 1980); William L. Parks, Acting ROD, HHS, memorandum to Eugene Kinlow, Accomplishment Reports and FY 1981 Affirmative Action Program Plans for Hiring, Placement and Advancement of Handicapped Individuals Including Disabled Veterans (Apr. 14, 1981); Al Kemp, memorandum to Viola Sanchez, FY 1981 Affirmative Action Accomplishment Report (Nov. 19, 1981); Acting Principal Regional Official, memorandum to Viola Sanchez, Region VII, Affirmative Action Progress Report, October 1, 1980–March 31, 1981 (Apr. 30, 1981).

exceeded its goal for 993 (technical) series by one although it had a net gain of four. The appeals unit exceeded its goal by 150 although it had a net gain of 149 (it did not report a second occupation series). The Mid-America Program Service Center fell 141 below its goal, but had a net loss of 181 staff in series 301 (clerical). It fell 28 below its goal for series 993, although it had a net gain of four. Human Development Services exceeded its goals in series 101 (administrative) by one and matched its goal in series 300. The Office of the Regional Director of HHS matched its goal where there was a vacancy, failed to meet it for another series where there was no vacancy. Notes on OPM's 1980 plan suggest that some of its goals were reached.

As stated earlier, HUD did not use the prescribed format. It reported that for jobs at GS-12 and up it exceeded its goal for blacks but did not reach its goal for women or Hispanics although the work force did increase. For GS 5-11 (non-clerical) jobs, although the work force decreased, it exceeded its goal for women and blacks but not for Hispanics.³⁶

³⁶ Frank Davis, Memorandum to Regional Administrators, Affirmative Action Accomplishments for FY 1980 (Jan. 28, 1981).

Another element of the analysis requested by EEOC was the change in levels of work. HUD reported that the proportions of women, blacks and Hispanics at grades GS-12 and up increased.³⁷ The pattern at HDS was also of increases for black men, Native American men and women at mid-senior level jobs. EPA reported gains for white women and black men in such jobs. The Field Operations portion of SSA reported gains for white women, black men, black women and Hispanic men and women at these levels. Similar gains were reported by the Assessment Centers (SSA) for white women, Hispanic men, black men and black women; and by the Program Service Center (SSA) for white women, black women, Asian women and American Indian women.

In short, although additions to staff did not match goals, it appears that promotional efforts, whether by mere seniority or design, did increase some minority and white women's representation at mid and senior level.

³⁷ Ibid.

The Multiyear Plans

The Advisory Committees reviewed multiyear plans from the Federal Aviation Administration (FAA), Federal Highway Administration (FHWA), Environmental Protection Agency (EPA), Department of Housing and Urban Development (HUD) and General Services Administration (GSA). Other agencies contacted did not have multiyear plans specific to their activities in Region VII or had not yet issued instructions to their regional offices for preparing such plans. No agency had actually refused to prepare these plans.

The Office of Human Development Services of HHS reported that:

The EEOC requirement for Multiyear Affirmative Action Plans was waived for our agency due to an impending reduction in force. Instead, we were requested by our Central Office to develop three Affirmative Action Initiatives for FY 1982.¹

These initiatives focused on providing assistance to employees to improve their skills, including job finding.²

EPA stated in its plan that:

A multiyear approach could not have come at a better time. In an era of budget trimming that is bound to have long-lasting effects, it would have been most difficult, at best, to set realistic one-year affirmative action goals. At its worst, it could have been a foolish prospect to project an annual negative goal during a year of work force shifts and consolidation. As it stands, Region VII will absorb the

largest resource cuts of any region in EPA in FY 1981. . . .

Region VII expects to revise this edition of the multiyear plan when work-year ceilings are known. . . . Though underrepresentation figures can be computed, ultimate goals are not able to be projected. This document will serve as a foundation for future planning, then, when reliable work-year ceilings are projected.³

EPA estimated no new hires in FY 1982, five in FY 1983, five in FY 1984, nine in FY 1985 and nine in FY 1986. It noted that:

In the absence of much external hiring, internal job redesign and upward mobility take on added significance as a personnel management tool to reach affirmative action goals. Unfortunately, a RIF would cause. . . enough disruption through bumping and retreat rights to make job redesign difficult. Nevertheless, internal recruitment through upward mobility and job redesign will remain an important strategy for eliminating underrepresentation.⁴

EPA did present a barrier analysis stating that strict hiring constraints affected efforts to attract professional engineers and administrators. It proposed internal job redesign, use of upward mobility and co-op recruiting as remedies but could set no milestones. Noting a general lack of qualified candidates for professional jobs, EPA proposed recruitment efforts at women's colleges and schools with substantial enrollments of minorities or women. To remedy the lack of a sufficient number of minority

¹ Linda Carson, Regional Administrator, letter to staff, Dec. 23, 1981.

² Ibid., memo attached.

³ EPA, Region VII Affirmative Action Plan, Fiscal Year 1982 (Sept. 8, 1982) (hereafter cited as EPA multiyear plan).

⁴ Ibid.

and male candidates for clerical jobs it proposed recruitment efforts at high schools and junior colleges, reinstitution of the stay-in-school program and efforts to attract such applicants through summer employment opportunities.⁵

The Federal Highway Administration noted, "Although underrepresentation exists in all the most populous occupations in the region, there are no annual goals established because of the current hiring freeze, and anticipated reduction in force."⁶ It proposed to hire a total of eight white women or minority persons over the five year duration of the plan. This would result in increases of less than one percent in the utilization of persons from each ethnic group (assuming these eight were the only new hires and the number of white men remained constant). Its analysis noted that most of the barriers to hiring minorities or women were beyond its control. It proposed to maintain linkages with colleges and other sources that would yield candidates when the hiring freeze is lifted and proposed to assign non-technical duties to lower level employees when possible.⁷

HUD stated:

Our ultimate goal is for HUD's work force to reflect the representation of each minority/sex group in the appropriate local . . . labor force. While staffing levels have not been approved for the coming fiscal years, it is clear that they will be considerably reduced from our present level. Therefore it is impossible to predict, at this time, when our ultimate goal will be achieved.⁸

HUD did offer annual goals based on the professional and local labor force estimates. It proposed to increase the utilization of white female professionals from 6 percent to 22 percent, and maintain the current representation of all groups which already exceeded the local labor force estimates.⁹ In its barrier analysis, HUD cited lack of opportunities at entry levels, lack of recruitment from outside the agency and lack of opportunity to train for higher level responsibility. It proposed to establish at least

one bridge position by the end of FY 1982,¹⁰ advertise all vacancies through the "Special Examining Unit" thereby bypassing OPM lists and give consideration and notice of this to target recruitment sources, and provide rotational assignments to higher level positions.¹¹ HUD also proposed to establish a supervisor development program involving at least five persons by the end of FY 1982.¹² HUD proposed, when released from the hiring freeze, to recruit through individual ethnic groups outside the agency for clerical employees.¹³ HUD also proposed to provide career counseling for clerical employees to assess skill levels and help them plan training for technical upgrading.¹⁴

GSA provided long-term and annual goals in its FY 1982 plan.¹⁵ But a comment on the plan by a Washington reviewer noted that the agency probably would not do very much hiring because of instructions issued in its administrator's order A-76 regarding outside contracting.¹⁶ However, assuming hiring did occur, as planned, GSA's long term proposal was to double the proportion of white women professionals from 11.3 percent to 22.3 percent; reach 1.25 percent black females, from none; retain its level of 2.8 percent black males; and hire one person from any of the other ethnic groups where none were currently employed as professionals.¹⁷ In the administrative jobs, GSA proposed to increase utilization of white women from 31.1 to 35.1 percent; retain its level of black men at 3.9 percent, black women at 5.3 percent, and other ethnic groups at 5.0 percent.¹⁸ For technical jobs, GSA proposed to retain its ratio of 56.7 percent white women, 3.8 percent black men, 5.4 percent black women, 0.8 percent Hispanic men, 0.8 percent Hispanic women, 2.5 percent Indian men and 0.4 percent Indian women. They proposed to hire one person in any of the other underrepresented ethnic groups. For clerical jobs, GSA proposed to retain its levels of 72.2 percent white women, 10.9 percent black women, 0.4 percent Hispanic men, 1.5 percent

agencies to bypass OPM registers. These establish independent lists of applicants for specified jobs.

⁵ Ibid.

⁶ FHWA, Region VII, Affirmative Action Multiyear Plan, FY 1982 (Oct. 1, 1981) (hereafter cited as FHWA multiyear plan).

⁷ Ibid.

⁸ HUD, Equal Employment Opportunity Plan, *Affirmative Action Multiyear Plan, FY 1982, Region VII* (Feb. 12, 1982) (hereafter cited as HUD multiyear plan).

⁹ See Gerald F. Simpson, Regional Administrator, HUD, letter to staff, June 21, 1982.

¹⁰ James E. Austin, memo to staff, June 25, 1982.

¹¹ HUD multiyear plan. Special examining units can be used by

¹² James E. Austin, memo to staff, June 25, 1982.

¹³ HUD multiyear plan.

¹⁴ James E. Austin, memo to staff, June 25, 1982.

¹⁵ GSA, Region VII, *Affirmative Action Plan, FY 1982* (Sept. 8, 1981) (hereafter cited as GSA multiyear plan).

¹⁶ Grant B. Williams, Director of Civil Rights, memo to Regional Administrator, Oct. 7, 1981.

¹⁷ GSA multiyear plan.

¹⁸ Ibid.

Hispanic women, 2.3 percent Indian women, 3.1 percent black men, and 0.2 percent Asian men. They proposed to hire one person in any of the other underrepresented ethnic groups. Based on proposed A-76 contracting, GSA only proposed to hire one white woman in the other category. Lack of vacancies, hiring freeze, absence of internal candidates, absence of candidates on OPM registers, and

proposed A-76 contracting are cited as barriers in the various categories of workers where underutilization has been identified. But most of these are stated to be beyond the control of GSA. The only tangible commitments are that "If vacancies occur, consideration will be given to selecting one of the underrepresented groups," and restructuring efforts to allow upward mobility or lower grade entry.

Perspectives on the Federal Affirmative Action Effort

To gain perspective on the Federal affirmative action effort, the Advisory Committees' staff interviewed officials responsible for preparing agencies' affirmative action plans and representatives of groups of Federal employees.

There was general agreement that the new procedures were an improvement over the old, although the reasons varied. Dr. Joseph Estrada, EEO Officer, Office of the Regional Director of the Department of Health and Human Services, stated that under the Civil Service Commission there had been too many formats.¹ Karen Whyte, EEO Officer, U.S. Department of Labor, agreed, stating that the instructions requiring a rational, factual data base made sense.² Esther Gonzalez, Regional Civil Rights and EO Manager of the Social Security Administration, agreed that the EEOC guidelines provided a clear formula for calculations and required numeric goals rather than rhetoric. But she was concerned that hiring constraints and the switch from national to area civilian labor force statistics might limit goals and make future changes unlikely.³ John Schuster, Acting Director, Civil Rights, of the Environmental Protection Agency thought the new

scheme had the advantage of enabling agencies to look at long term trends.⁴ Betty Cantrell, Assistant Director for Management and Equal Opportunity Officer, Mid-America Program Service Center, Social Security Administration, stated that with that agency's high turnover rate it helped to have definitive plans that could be kept in mind when hiring.⁵ Lucius Long, Equal Opportunity Coordinator of the General Services Administration, stated that "As long as you keep the semblance of the plan it does some good."⁶

Two Federal officials thought the new guidelines were not helpful. Dennis G. Prouty of HCFA stated that in the transition year the goals set by his agency were unrealistic because they were based on national statistics. He thought the shift to local data to be used in the multiyear plan would make the goals more realistic.⁷ Jim Austin, a personnel officer at the Department of Housing and Urban Development, stated that HUD had shown its commitment by doubling the proportion of minorities it employed in a five or six year period and commented "If you

¹ Joseph Estrada, EEO Officer, Office of the Regional Director, Department of Health and Human Services, interview in Kansas City, Missouri, Feb. 23, 1982 (hereafter cited as HHS/ORD interview).

² Karen Whyte, EEO Officer, U.S. Department of Labor, interview in Kansas City, Missouri, Feb. 25, 1982 (hereafter cited as DOL interview).

³ Esther Gonzalez, Regional Civil Rights and EO Manager, Social Security Administration, interview in Kansas City, Missouri, Feb. 25, 1982 (hereafter cited as SSA/RO interview).

⁴ John Schuster, Acting Director, Civil Rights, EPA, interview

in Kansas City, Missouri, Feb. 25, 1982 (hereafter cited as EPA interview).

⁵ Betty Cantrell, Assistant Director of Management and Equal Opportunity Officer, Mid-America Program Service Center, Social Security Administration, interview in Kansas City, Missouri, Mar. 1, 1982 (hereafter cited as MAPSC interview).

⁶ Lucius Long, Equal Opportunity Coordinator of the General Services Administration, interview in Kansas City, Missouri, Mar. 3, 1982 (hereafter cited as GSA interview).

⁷ Dennis Prouty, HCFA, interview in Kansas, Feb. 26, 1982 (hereafter cited as HCFA interview).

have a commitment then the paper didn't improve anything."⁸ He added that "If you are not hiring anyone, it the plan— doesn't help." The only opportunities for affirmative action, he said, were in hiring of which they were doing none or career ladders which they had.⁹

The Advisory Committees asked whether the planning had been helpful in promoting affirmative action. Most agencies commented that the job freezes had vitiated many of the potential benefits of the plans. EPA staff stated that the freezes would eliminate what momentum affirmative action planning had generated.¹⁰ MAPSC staff stated that when the freeze came there was not much one could do, but that plans did provide a concrete basis for deciding what should be done rather than relying on guesswork.¹¹ HCFA staff commented that the plan did increase awareness of the problems and resulted in procedural changes that would promote equal opportunity although the freeze frustrated hiring efforts.¹² Dr. Estrada of the Office of the Regional Director of HHS commented that "Anything we can do for affirmative action is a help," noting that requiring agencies to examine their statistics forced them to collect the necessary data. As a result of the plan HHS worked to increase the number of women it hired, got them into mid-level positions and developed bridge positions.¹³

The Advisory Committees thought that the commitment of agencies' top management would be essential to effective affirmative action. Agency EEO officers generally thought there was such a commitment.¹⁴ Some spoke of the personal commitment of the chief executive officer.¹⁵ Others spoke of specific actions taken by their chief executive.¹⁶ Commenting on the attitudes of her agency's senior managers, generally, the EEO officer at the Department of Labor stated that 70 percent of the managers there are truly committed, citing improvements in

utilization statistics or recruitment efforts.¹⁷ HUD's senior staff were also said to be committed.¹⁸

Although they have just been implemented, inclusion of affirmative action as a critical job element in performance evaluation standards that are negotiated by the administrators with their superiors but then become the basis for review of the administrator seemed a potential test of present or future commitment. Most agencies did make plan fulfillment either a critical job element (meaning the administrator was liable to be demoted or dismissed if he/she failed to achieve goals or an acceptable level of effort) or part of a critical job element for the chief executive officer and supervisory personnel.¹⁹ In some cases, however, while plan accomplishment had been a critical job element in FY 1981 it was not in FY 1982.²⁰ In at least one case the plan accomplishment is merely one of a series of items in a broad purpose category, such as one which requires adequate utilization of human resources.²¹ In another case it is not clear whether the provisions of the critical job element have been enforced.²²

The exact level of commitment of supervisory staff to affirmative action varied from agency to agency. The supervisors at MAPSC and FHWA seem to accept the policy.²³ EPA's EO officer stated the response was mixed—some of the cynical seem relieved "the pressure is off" and are slipping back into "unacceptable behavior," some are uninformed and do not understand equal opportunity.²⁴ DOL's equal opportunity officer reported that 70–75 percent of its supervisors are committed and about 60 percent are morally committed. She was pleasantly surprised that, when the heat was taken off, supervisors remained committed.²⁵ HCFA staff noted that responses varied but that the requirement for commitment remains.²⁶ HUD's personnel officer noted that about 90 percent are committed. He stated that there are still some "old-time" supervi-

⁸ Jim Austin, interview in Kansas City, Mar. 1, 1982 (hereafter cited as HUD interview).

⁹ Ibid.

¹⁰ EPA interview.

¹¹ MAPSC interview.

¹² HCFA interview.

¹³ HHS/ORD interview.

¹⁴ To some extent, of course, answers were constrained by the fact that the EEO officers represented the agencies.

¹⁵ HHS/ORD interview; William Massey, Director, Civil Rights, Federal Aviation Administration, interview in Kansas City, Mo., Feb. 19, 1982 (hereafter cited as FAA interview); GSA interview.

¹⁶ EPA interview; HUD interview; Vincent Shields, Director, Civil Rights, Federal Highway Administration, interview in

Kansas City, Feb. 19, 1982 (hereafter cited as FHWA interview); HCFA interview.

¹⁷ DOL interview.

¹⁸ HUD interview.

¹⁹ EPA interview, DOL interview, SSA/RO interview, MAPSC interview, HUD interview, FHWA interview, FAA interview.

²⁰ SSA/RO interview, HCFA interview.

²¹ EPA interview.

²² HHS/ORD.

²³ MAPSC interview, FHWA interview.

²⁴ EPA interview.

²⁵ DOL interview.

²⁶ HCFA interview.

sors who are not totally committed but that these pose no problem for implementation.²⁷ Social Security's equal opportunity officer stated that its accomplishments speak for themselves, they have only one Hispanic and few black males above grade GS-11.²⁸ GSA's equal opportunity officer stated: "We have a forward looking set of supervisors. We had a lot more push from the administration in the past." There had been civil rights statements from all of the agency's administrators except the current one. GSA's officer commented, "The working people and supervisors notice this—they will think the program is not as vibrant as it should be." He mentioned he is not getting the same level of cooperation he got in the past.²⁹

Although equal opportunity officers thought job freezes and firings that have occurred in the last few years had made accomplishment of affirmative action more difficult, the Advisory Committees wanted to know the actual effects of the freezes and budget cuts.

The General Accounting Office reported that freezes appeared to have no effect on affirmative action employment programs. It stated that:

Total Federal statistics provided by OPM show that during the four hiring freezes, the percentage of minorities and women in the work force continued to increase and the percentage of white males decreased. OMB, OPM, and Equal Employment Opportunity Commission officials could not show why improvement in representation generally continued during the four hiring freezes. However, during the last Carter freeze, a joint letter dated May 10, 1980, from the heads of OMB, OPM, and the Equal Employment Opportunity Commission, directed agencies to convert their numerical affirmative hiring goals to percentages and to continue emphasizing affirmative action programs. This could help explain why, while fewer people were hired during the third Carter freeze, the percentages of women and minorities in the work force increased.

While some agency officials stated that the freezes affected their ability to meet affirmative action goals, they were unable to show that freezes unfairly affected women and minorities. They noted other factors which may have also affected achieving these goals, such as high attrition rates

in the positions occupied by minorities and a lack of minority candidates in technical fields.³⁰

The agencies in Region VII disagreed. EPA staff alleged the freezes had a severe impact by eliminating upward mobility and thereby eliminating the flexibility that made change possible.³¹ HHS staff alleged that under the freeze they had done no external hiring since January 1981, could not recruit from the outside or use career ladders because there had been no promotion opportunities.³² The Department of Labor's equal opportunity officer noted that while she monitors employment, promotions, awards and training, since there was no money there was nothing to monitor.³³ FAA staff noted that its inability to use the cooperative training program any longer or staff positions at lower levels would make recruitment of hard to reach groups more difficult or impossible.³⁴ HUD had used a special examining unit to attract people from groups who were eliminated from the normal selection process but had been unable to do so recently since there were no hires. HUD staff noted that of 10 positions staffed through this unit, eight had been either minorities or women and the remaining two were disabled veterans.³⁵

GSA staff thought they had made progress, despite freezes. They noted that as a result of the transition year plan, and their analysis of many more occupations than required, the personnel office had established a monitoring system. This made it possible to notify hiring officers that the job category in which they wished to hire was deficient in utilization of particular groups and that the personnel office could provide additional recruitment help to remedy the underutilization. The personnel office also called attention to the individuals from the deficient categories in the referrals list from which selection would be made.³⁶

Given the inability that most agencies reported to achieve numeric goals, the Advisory Committees wondered what Federal officials thought should be the standard for judging plan accomplishment. Four noted that there remain many areas such as promo-

²⁷ HUD interview.

²⁸ SSA/RO interview.

²⁹ GSA interview.

³⁰ Comptroller-General, *Recent Government-wide Hiring Freezes Prove Ineffective in Managing Federal Employment* (March 10, 1982), FPCD-82-21, p. 22.

³¹ EPA interview.

³² HHS/ORD interview.

³³ DOL interview.

³⁴ FAA interview.

³⁵ HUD interview.

³⁶ Helen Robinson, GSA Personnel, telephone interview, July 7, 1982.

tion, training, separations that are subject to numeric review.³⁷ One thought past successes and the limited current changes could still be taken into account.³⁸

The Advisory Committees sought to determine what data were available to agency affirmative action officers to use in monitoring plan implementation. Five reported receiving some printout data showing current employment.³⁹ Two monitored other items such as promotions, assignments, training or awards.⁴⁰ Two also monitored applicant flow when there were jobs to fill.⁴¹

By late 1981, some Federal agencies, including the U.S. Department of Justice, were refusing to participate in the multiyear plan. The Advisory Committees sought to determine whether this example had an adverse affect on the posture of other agencies regarding compliance. There was no evidence this lead was followed.⁴²

In general, agencies were satisfied with their existing affirmative action efforts, except to the extent that job freezes and budget cuts required an end to further efforts. Some even pointed to changes they had undertaken despite the curtailment of opportunity.⁴³

There are few groups of Federal employees, other than the various unions, to contact for perceptions of the effectiveness of the Federal affirmative action effort. The Advisory Committees' staff did talk to representatives of the Federal Women's Program Coordinators and Hispanic Program Coordinators. A representative of the Federal Women's Program Coordinators stated that so far as her own agency was concerned, the Federal Women's Program is not alive, although there are program representatives. But she also was unsure that these programs were any longer necessary for women, although they might remain necessary for minorities. She thought it was time women took responsibility for getting their own training and making applications for better jobs. Where there were career ladders and nontechnical opportunities as in the Social Security Administration, women could do well. However, she noted that opportunities such as those in her

agency were probably the exception rather than the rule.⁴⁴

The chairperson of the Hispanic Program Coordinators noted that the Hispanic coordinators have not officially discussed Federal affirmative action and FEORP, because their job is to encourage agency actions rather than criticize. She noted it is often hard to assess accomplishments because of the job freezes, RIFs and the very low availability percentages for some groups in some job categories. She opposed setting impossible goals. She suggested that direct hire procedures as opposed to the traditional list systems would make it easier to reach minorities; that recruiting be done nationwide, that areas with concentrations of particular groups recruit them and then disperse the new recruits throughout the country; that agencies maintain recruitment links with minority and women's groups so that they can be used when the hiring freeze ends.⁴⁵

In general, then, the affirmative action programs appeared remarkably alive, considering the current posture of the Federal Government and the statements of some senior officials in Washington. But while to internal and external observers the programs now appeared healthy, there was no evidence this would continue indefinitely into the future. These observers feel past and present successes could easily be eroded in the face of current and future neglect.

In December 1980, the General Accounting Office published its only review to date of the new system of promoting affirmative action, noting a variety of problems:

—Civilian labor force estimates were inappropriate bases for measuring specific occupations, even where these estimates were appropriate the requirement contained in the transition year instructions that the higher of national or local CLF data be used resulted in unreasonable determinations.

—Such elements as "the impact which external and internal availability of women and minorities will have on the goalsetting process and the time frames established for achieving the hiring goals and eliminating underrepresentation" were omitted. The formulas provided might result in requirements that they seek a higher proportion of

³⁷ MAPSC interview, HHS/ORD interview, DOL interview, HCFA interview.

³⁸ HUD interview.

³⁹ FAA interview, HHS/ORD interview, HCFA interview, HUD interview, FHWA interview.

⁴⁰ MAPSC interview, FHWA interview.

⁴¹ HHS/ORD interview, HUD interview.

⁴² HHS/ORD interview, DOL interview, HCFA interview, HUD interview.

⁴³ HHS/ORD interview, GSA interview.

⁴⁴ Paula Harrison, interview in Kansas City, Feb. 25, 1982; and letter to staff, June 28, 1982.

⁴⁵ Rose Vest, Chairperson, Hispanic Program Coordinators, interview in Kansas City, Mar. 1, 1982.

minorities and women in future hiring than would be available in the normal recruitment area.

—Internal sources (people who could be promoted) were considerably smaller than EEOC believed them to be.

⁴⁶ The Comptroller General of the United States, *Achieving Representation of Minorities and Women in the Federal Work Force* (FPCD 81-5, Dec. 3, 1980), pp. 11-17.

—The failure to set long-range timeframes might make it difficult to evaluate effective compliance.⁴⁶

Most of these concerns were addressed by EEOC in its multiyear plan requirement and thus are no longer applicable.

The Monitoring Process

Under the Carter administration, primary responsibility for monitoring Federal affirmative action efforts was transferred from OPM to EEOC. At about the time of the transition, 13 Advisory Committees to the U.S. Commission on Civil Rights held factfinding meetings to determine what was planned. The then director of EEOC's nationwide Federal affirmative action efforts, Alfredo Matthews, described to the New Jersey Advisory Committee what his agency thought it had accomplished in drafting the transition year instructions issued to the Federal agencies. He asserted the new planning process would be more objective so that results could be measured at the end of that process. To complaints that, "You should be interested only in results, not process" he responded that since EEOC would hold all agencies responsible for implementation and monitoring, agencies needed to use uniform procedures.¹ He contended that it was necessary to centralize responsibility for evaluation in Washington to avoid regional variations in enforcement standards or methods. EEOC's ultimate purpose was not to "drive agencies to the wall." It "wanted some success with the process."²

Seven or eight agencies' plans would be reviewed for completeness and accuracy and they would be the targets of compliance reviews. Mr. Matthews believed pre-compliance review, contact with the

agency, an on-site review and then monitoring of a few agencies would constitute "a very powerful message to the Federal sector."³ He promised that the agencies would be able to generate less paper when multiyear plans began in FY 1981.⁴ (The multiyear plans did not, in fact, begin until FY 1982.)⁵

Mr. Matthews cited EEOC's response to one agency to show that the Federal community had been put on notice that affirmative action requirements could not be ignored:

One of the agencies had sent us something they had on the shelf and sent it to us thinking they would impress us with the magnitude of the thing that they sent and they sent it on February 1 and forced me to sign for the material. We opened the box and found all policy statements that had been issued since 1974. We found very serious deficiencies. We put the box together again and shipped it back to that agency. That really sent a shock to that agency and the message was carried elsewhere.⁶

What was done, at least in Region VII, by EEOC to monitor compliance with planning instructions was far more limited than Mr. Matthews suggested it would be. The Federal Affirmative Action Officer for Region VII told staff that during FY 1980 EEOC limited its activities to providing technical assistance.⁷ Although nationwide, EEOC had targeted the Veterans Administration; Postal Service; Federal Communications Commission; and the De-

¹ New Jersey Advisory Committee to the U.S. Commission on Civil Rights, Transcript of the Apr. 10-11, 1980 Factfinding Meeting, Vol. I, p. 20.

² Ibid., Vol. I, p. 32.

³ Ibid., Vol. I, p. 28.

⁴ Ibid., Vol. I, p. 29.

⁵ EEOC, *Management Directive 707*, Jan. 23, 1981, p. III-30.

⁶ Ibid., Vol. I, pp. 47-48.

⁷ Wanda Dorsey, Unit Chief, Federal Affirmative Action Program, EEOC, interview in St. Louis, Oct. 23, 1981.

partments of Health, Education and Welfare; Interior; Navy and Commerce; the Region VII officer was instructed to limit her efforts primarily to the Postal Service and Veterans Administration.⁸ For units of these agencies, she provided technical assistance on plan development, implementation of procedural alternatives, establishment of career development pyramids and development of new or expanded upward mobility opportunities.⁹ The Region VII affirmative action unit of EEOC "reviewed FY 1980 plans and maintained appropriate interface with the agency as needed to monitor program implementation."¹⁰ The transition year was supposed to end in October 1980 but actually carried over until October 1981 (the end of FY 1981). In the second transition year, the Region VII office focused on "plan implementation within the Veterans Administration and plan development within the Postal Service."¹¹ The office reviewed 10 Veterans Administration medical centers' plans and accomplishment reports and provided technical assistance on multiyear planning. In addition the office received, but apparently did not review, 23 Postal Service Management Section Centers' plans.¹² In addition, on-site technical assistance visits were made to Federal agencies in Kansas City, Omaha and Des Moines.¹³ Commenting on her efforts as of August 1981, the Region VII Affirmative Action Officer of EEOC stated:

The "transition period" has been both a challenging and learning experience for the agencies and the EEOC. Agencies, in most instances, found it necessary to revamp and upgrade their computerized data files and record keeping systems, establish new and closer ties between EEO and personnel staffs, revise and upgrade upward mobility and targeted recruitment programs and establish new levels of affirmative action accountability for their managers and supervisors. We feel that we have made considerable progress in educating agencies on the necessity for affirmative action to become a critical part of their personnel budget and management planning. The multi-

year planning concept should have a significant impact on the reduction of minority and female underrepresentation. It will allow agencies to annually target specific objectives on a priority basis, allowing them to devote time and resources in ways that achieve gains which are durable; both lasting and comprehensive. Each year's objectives can be achieved, and subsequent years can build upon the previous year's gains.¹⁴

But at the times of her visits to the Federal Aviation Administration and the National Weather Service Kansas City facilities in 1981, neither had any plans.¹⁵ She noted that most agencies in the region had been unprepared to implement EEOC's guidelines. While EEOC wanted agencies to look at their whole personnel systems, most agencies' plans dealt only with recruitment.¹⁶ Most blamed their failure to recruit on OPM or the absence of suitable applicants. Since most of the plan content was tabular, only the barrier analysis was really susceptible to qualitative review.¹⁷

EEOC did not provide any actual reviews it had conducted on agencies in Region VII. Indeed, beginning in January 1981, the one person in EEOC's Federal Affirmative Action Unit for Region VII ceased reporting to headquarters and instead reported to the Director of the St. Louis District Office or his delegate who issues instructions for her activities based on instructions sent from Washington.¹⁸

At the time of the March 1980 Missouri Advisory Committee factfinding meeting, OPM regional offices still had primary responsibility for implementation of the Federal Equal Opportunity Recruitment Program and had only recently transferred responsibility for Federal affirmative action efforts to EEOC.¹⁹

In his March 20, 1980 statement, OPM's regional director, Gerald Hinch, stated his remaining authority to review Federal agency affirmative action

specific strategy for these reviews have not been finalized. Targeting of specific agencies will probably be maintained. Budgetary constraints will probably limit travel within the region. This may not adversely impact this region since the majority of the larger Federal installations are in Missouri (St. Louis and Kansas City)."

¹⁵ Wanda Dorsey, interview in St. Louis, Mo., Oct. 23, 1981.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Subsequently, however, beginning in January 1982, responsibility for monitoring FEORP was transferred from the regions to OPM headquarters; *OPM News*, Dec. 23, 1981.

⁸ Wanda Dorsey, letter to staff, Aug. 24, 1981.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Ibid.

¹² Such data was requested on Apr. 28, 1982 and not provided.

¹³ Wanda Dorsey, letter to staff, Aug. 24, 1981.

¹⁴ Ibid.; Ms. Dorsey also said "Emphasis has also been put on the Handicap program. Although the major thrust of this program is directed from the Office of Government Employment in the Washington headquarters, on-site program reviews are scheduled for August and September at various selected agencies and their installations in the field. FY 82 projections include compliance/program reviews in both 717 and 501 program areas. The

efforts was the Civil Service Reform Act, Sec. 310.²⁰

He noted that during the preceding 12 months his staff had reviewed the affirmative action efforts of 20 agencies,²¹ that when a deficiency was noted, it was spelled out in an evaluation report, actions necessary to correct the deficiency to meet the requirements of Federal law or regulation were indicated and a timeframe for action was provided. Among the deficiencies OPM had noted in its reviews were underrepresentation, lack of targeted recruitment program, inadequate program evaluation, minimal involvement in the affirmative action process by managers and supervisors, inactive or low recognition of the Federal Women's Program or Hispanic Employment Program, inadequate documentation to support Quality Step Increases, failure to document the duties of EEO personnel, ineffec-

tiveness of key EEO officials.²² Similar findings were made in FY 1981.²³

As of April 1981, the regional director of OPM noted:

the role of the Office of Personnel Management has changed from one of enforcement to that of monitoring, evaluating and providing technical assistance concerning FEORP plans. Field installations are not required to submit such plans to OPM, but are expected to have them available for review upon request. To assure compliance with this requirement, we have requested Federal agencies to certify to us that they have developed a FEORP plan or are covered by a national agency plan.²⁴

He submitted a long list of technical assistance activities conducted in Region VII in support of FEORP.²⁵

²⁰ Gerald K. Hinch, letter to staff, Mar. 25, 1980.

²¹ Ibid., p. 11.

²² Ibid, pp. 12-14. Mr. Hinch reviewed for the Advisory Committee nine investigations conducted by his office. In a review of the St. Louis office of IRS, he stated OPM performed an extended EEO assessment. He stated that the agency, subsequently, had used OPM's work and additional efforts of its own to prepare an affirmative action plan. Mr. Hinch reported that individual "visitations" were made with the regional offices of HEW and GSA and the IRS Service Center in Kansas City to discuss Veterans' Employment Program and Selective Placement Program initiatives. He reported that all three subsequently used these authorities to reach minorities or women who could not have been reached through the register process. He reported the Omaha office of the Corps of Engineers requested and was provided a copy of OPM's FEORP plan so that it could be a model for Corps efforts but at the time of his statement no change could be reported. Mr. Hinch reported his staff met with the equal employment opportunity committee of the Troop Support and Aviation Material Readiness Command—St. Louis to discuss methods to improve the internal structure needed to reach EEO goals. OPM staff also reported meeting with Corps of Engineers staff in Kansas City to "help them restructure their EEO organization to achieve pre-established goals." It provided a seminar on FEORP for the Kansas City managers of GSA's public building service. OPM reported that as a result of deficiencies noted in a review of the Air Force Plant Representative Office—St. Louis, it provided a list of minority contacts, procedural information regarding special employment programs, a seminar on job and promotion application procedures and assistance in establishing contact with the State Employment Service, Veterans Administration and local rehabilitation agencies. (Ibid, pp. 15-16.)

²³ During FY 1981 the regional office monitoring of FEORP programs involved reviews of the plans at seven Federal facilities (including a self-analysis of the regional effort). OPM stated:

In each of the reviews (all of which were on-site) there were instances in which this office identified non-compliance with various provisions of requirements of Part 720. Once the weakness in the plan was identified, our office staff provided technical assistance and advice on plan and program modifications to assist the agencies in more effectively carrying out their programs. Our review was complete when we felt the agency had complied with major provisions of Part 720.

(Gerald K. Hinch, Memorandum to Michael R. Frost, "Monitoring and Evaluation of Agency FEORP Plans—FY 81," Dec. 21, 1981.)

In addition, OPM reported that its Agency Compliance and Evaluation unit, which conducts routine personnel management evaluations covering the whole spectrum of Federal personnel service requirements, reviewed FEORP plans as a part of its Personnel Management Evaluations. Such reports covered 10 additional Federal facilities. Although these reviews were completely under the control of the Agency Compliance and Evaluation unit, that group consulted with the Affirmative Employment Program officials prior to and during each review. (Ibid.)

²⁴ Gerald Hinch, letter to staff, Apr. 30, 1981.

²⁵ Gerald K. Hinch, memorandum to Michael R. Frost, Dec. 21, 1981; These were:

Technical Assistance Visits
FEORP—29 agency visits
FWP—27 agency visits
HEP—12 agency visits
Selective Placement—14 agency visits

Interagency Training
FEORP—9 courses reaching 835 participants
FWP—4 courses reaching 350 participants
Selecting Placement—22 briefings reaching 200 participants
HEP—2 briefings reaching 63 participants

Consulting/Special Projects
Community Organizations Visited—10
Interagency Briefings Conducted (FEB)—18
Planned St. Louis Women's Career Convention—300 participants
Developed and conducted 2-day course—Sexual Harassment
Issued 3 regional letters re: FEORP

Outreach Activities
3 College Career Days
5 High School and Community Job Fairs
Local Radio Station Interview—FEORP Clearinghouse
Speaker and Co-sponsor of National IMAGE Women's Conference
Panelist: ASPA Women in Public Sector

The regional office, based on its work, commented that:

1) There is a need for clear and current FPM (Federal Personnel Management) guidelines clarifying the relationship between FEORP and AEP (Affirmative Employment Plan) programs. This need comes out of the many changes communicated in EEOC guidances and directives. Agencies have shown a reluctance to aggressively pursue FEORP objectives in the absence of clear, current and comprehensive FPM directives.

2) Although OPM has no legislatively-mandated enforcement mechanism for FEORP, agencies would benefit from clearly understanding OPM's monitoring and evaluation role.²⁵

For FY 1982, regional offices were instructed to give highest priority to monitoring and evaluation of FEORP plans and their implementation.²⁷ They were directed to review the FEORP plans of at least 10 percent of Federal facilities in their region. OPM headquarters instructed:

In those reviews particular attention should be directed toward ensuring that—

- (1) internal recruitment and Upward Mobility are being used where external recruitment is minimal;
- (2) agencies are moving away from paperwork adherence to FEORP requirements and toward institutionalizing FEORP considerations as part of normal staffing practices;
- (3) special emphasis programs are involved in FEORP and contributing to positive results and;

Missouri Governor's Committee on Employment of the Handicapped (President)
Regional Council—Blacks in Government
St. Louis Partnership Committee IYDP Chairperson
Missouri Epilepsy Federation—Board of Directors
Sponsored HEP, FWP and EEO Awards Programs

Area Office Services

Our three (3) area offices have taken a very active role in assisting agencies in meeting their FEORP objectives. Following is a summary of the types of activities which our AO's perform in support of FEORP:

Developed a FEORP referral file of prospective Hispanic applicants for use by area agencies.
Published bi-weekly newsletter, "Noticiero," listing vacancies in local Federal agencies. Distributed to HEPM's and Hispanic organizations.
Conducts quarterly Workshops on Veterans Employment and Selective Placement Programs.
Attend and participate in Black History Month Observation activities.
Conducts monthly briefings for FWP and HEP Councils.

(4) field components are receiving adequate instructions and support from agency headquarters.²⁸

In addition, FEORP reviews were to be a part of at least three personnel management evaluations,²⁹ guidelines and assistance were given high priority to ensure field agencies understood their central offices' guidelines regarding disabled veterans programs, FEORP data submissions and special emphasis program management; training courses and inter-agency activities were encouraged. However, OPM gave individual agency technical assistance and response to inquiries low priority because they were not cost effective. OPM assigned consultation with constituent groups to headquarters, although regional offices could continue such activities when this could be done at low cost.³⁰ The Mid-Continent Region proposed to implement these guidelines by devoting one staff day of each personnel management review to a review of the FEORP plans and programs, selective placement programs and veterans employment programs.³¹

OPM headquarters stated that for fiscal year 1982 the budget for affirmative employment programs at the Mid-Continent Region was \$79,000 for salaries and expenses.³² This did not include training center courses or funds expended in on-site monitoring and evaluations conducted as a part of personnel management evaluations by the office's Agency Compliance and Evaluation Unit. OPM stated that 2.9 staff

Serve as resource persons at 29 agency FEORP seminars or workshops.

Sponsored Seminars for Native American officials and coordinators.

The General Accounting Office reviewed OPM's administration of FEORP as of June 1980. It noted that as of that time OPM had yet to develop a plan for reviewing FEORP submissions. (The Comptroller General, *Achieving Representation of Minorities and Women in the Federal Work Force* (FPCD 81-5) (Dec. 3, 1980), p. 27.) OPM stated, in December 1980, that it thought it should "focus on insuring maximum consistency and avoiding undue workload demands on agencies." (Ibid., p. 36.)

²⁵ Ibid.

²⁷ A. Diane Graham, Assistant Director for Affirmative Employment Programs, OPM, letter to staff, May 27, 1982, "Affirmative Employment Program, FY 1982, Program Guidance."

²⁸ Ibid.

²⁹ Ibid.

³⁰ Ibid.

³¹ A. Diane Graham, letter to staff, May 27, 1982, "Mid-Continent Region Affirmative Employment Program, FY 1982 Program Activity Delegation."

³² A. Diane Graham, letter to staff, May 27, 1982.

years had been allocated for the affirmative employment program function.³³ Although the one person assigned full-time to affirmative employment programs during the first portion of FY 1982 was reassigned as part of the realignment following headquarters' assumption of primary responsibility for this effort, OPM contended its investment in FEORP actually increased in FY 1982, rising from 2.59 person years for the first three quarters of FY 1981 to 3.16 person years for the first three quarters of FY 1982. The Regional Director of OPM stated that in FY 1983 his office would exceed its headquarters' mandated target of reviewing at least 7 percent of all regional facilities' FEORP plans in on-site reviews and would also exceed the mandate for reviewing affirmative employment programs in at least three personnel management evaluations.³⁴

At the time of his confirmation, the current director of the Office of Personnel Management was asked what role he saw for OPM in the Federal affirmative action effort. Dr. Donald J. Devine replied:

I am fully committed to following the law, precisely the Garcia Amendment. . . .

I am committed to following the law, I think, however, that we have engaged in the whole question of affirmative action in a much too combative way. . . it was necessary in a certain period of our history to go through use of Government force to move from a totally unacceptable racial situation in this country to a more humane and balanced one. But I think that period is past. I think that the opportunities before us are opportunities to develop a truly harmonious system of racial relations in the United States.

Force is necessary on occasion, but I don't think that is what the United States is all about. The United States, as I understand it, is about achieving free and unforced integration.

. . . more methods of conciliation and arbitration should be used, rather than direct Government directives.

. . . I think. . . we have to let people know they are welcome and that we want a harmonious integrated society to really achieve the goals that our whole Western tradition is about.³⁵

³³ Ibid.

³⁴ Gerald K. Hinch, letter to staff, Aug. 23, 1982.

³⁵ Committee on Governmental Affairs, United States Senate, *Hearing before the Committee on Governmental Affairs. . . on the Nomination of Donald J. Devine. . .* (March 11, 1981), p. 26.

³⁶ Office of Personnel Management, press release, Dec. 23, 1981.

The Deputy Director of OPM, Loretta Cornelius, made the following statement in connection with the transfer of responsibility for FEORP from the regional offices to OPM headquarters:

I feel very strongly that OPM's Affirmative Employment programs are important. As a member of the President's Task Force on Legal Equity for Women, I have a special responsibility to ensure that these programs are organized and managed in the best possible way.

OPM is one of the Federal agencies assigned a 16 percent reduction in its fiscal 1982 budget. Obviously, such a reduction must affect all OPM programs, including Affirmative Employment, both at the central office in Washington and in the agency's ten regions.³⁶

The agency stated that because of the budget reductions, the affirmative employment program activity of OPM would be concentrated in headquarters units.³⁷ The Deputy Director went on to state:

The central office Affirmative Employment staff has been exempted from any reductions. In OPM's regional offices, we will not be able to offer as many affirmative employment services. But we do intend to carry out our major affirmative employment obligations. And the newly centralized programs, headquartered in Washington, will continue to operate special emphasis programs for veterans; women; and Hispanic, disabled and minority employment, as well as continue to fulfill our responsibilities in managing the Federal Equal Opportunity Recruitment Program.³⁸

The Deputy Director stated that she had conducted extensive discussions with headquarters affirmative employment staff, "and they are confident that OPM can continue to carry out its important affirmative employment responsibilities under this revised system of organizations, and within our reduced budget."³⁹ Neither the Deputy Director nor her staff specified how this would be done. But the regional office stated that its resources committed to affirmative action monitoring would, in fact, increase despite the reorganization.⁴⁰

The Advisory Committees did ask the agencies about the availability of technical assistance from EEOC and OPM and the extent of evaluation they provided. GSA and HUD did report they had

³⁷ Ibid.

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ Gerald K. Hinch, letter to staff, Aug. 23, 1982.

received considerable technical assistance from EEOC and OPM.⁴¹ The remaining agencies consulted by the Advisory Committees reported they had received either only routine assistance (such as answers to telephone inquiries on technical points) or none.⁴² HUD reported its plan had been reviewed by OPM as part of a planned review of personnel practices and DOL reported an OPM

review of OSHA did include EEO and handicap issues.⁴³ Some agencies reported they had received requests for their accomplishment reports.⁴⁴ Department of Labor reported its headquarters told it to forward all EEOC requests for evaluative materials to headquarters.⁴⁵ Other agencies had received no requests for information or reviews.

⁴¹ HUD interview, GSA interview.

⁴² HHS/ORD interview, DOL interview, SSA/RO interview, FAA interview.

⁴³ HUD interview, DOL interview.

⁴⁴ MAPSC interview, SSA/RO interview.

⁴⁵ DOL interview.

Personnel Cuts and Affirmative Action

Everyone interviewed agreed that hiring freezes and staffing reductions made accomplishment of affirmative action more difficult. But the effect of actual firings (separations in Federal jargon) remain uncertain. The whole process is called a reduction in force (RIF). The following description simplifies and generalizes the process; for every statement there are exceptions.

In the Federal system positions are abolished. However, the person in the abolished post may not be fired. Who is fired depends on such factors as whether the person in the position is a career employee, a career-conditional employee (that is one with less than three years of "creditable" service), or a veteran. Veterans have top priority, career employees who are not veterans have next, and career-conditional employees have fewest retention rights in Federal employment. In addition, within each category account is taken of years of service, into which can be factored some additional credits based on superior performance appraisals expressed as additional years of service that are nominally credited to the worker. Workers who are faced with loss of their posts can "bump" other workers in similar jobs or other jobs for which they are qualified if the other workers have fewer claims based on these factors. Career veterans can bump non-veterans, workers with greater seniority can bump those with less seniority and so on. The process of bumping becomes a chain in which workers bump each other

until the last person can find no position in which there is a lower status employee to bump. The last person is the one actually separated from Federal service.

Because Federal workers can retain their pay for two years after bumping a lower ranked employee,¹ it is logical for workers to use their rights with the sometimes peculiar consequences. The effect of the whole process is to make difficult any precise calculation, in advance, of the impact on utilization caused by the abolition of certain positions, although not impossible since bump rights can be calculated from the RIF rosters that affected agencies are supposed to develop.

In the Kansas City area, the Environmental Protection Agency, Department of Health and Human Services and Department of Labor bore the brunt of the process of retrenching Federal employment during FY 1982.² Other agencies may have experienced some retrenchment but not to the same degree, and often involving only one or two persons in remote installations. For example, the General Services Administration (GSA) reported it had separated a few people, but mainly in outstations such as telephone switchboards or maintenance facilities in smaller communities in the region where there were no alternate agency facilities.³

The national pattern of the effect of separations on affirmative action has been partially documented by the Federal Government Service Task Force,

¹ OPM, *Federal Personnel Manual*, Ch. 351.

² Christine Carlson, Personnel Staffing Specialist, DOL, interview in Kansas City, May 6, 1982.

³ Marvin Johnson, Regional Personnel Officer, GSA, telephone interview, May 6, 1982.

chaired by Congressman Michael Barnes of Maryland. Efforts by the Advisory Committees to obtain a complete picture comparable to that of the task force were frustrated by the inability of the Office of Personnel Management to supply the data. Thus, our review is limited to those agencies that had personnel facilities in the Kansas City area and could be contacted to obtain relevant information.

Congressman Barnes' Task Force stated that the data provided to it, namely, separations as of Oct. 1, 1981, showed that "minorities were RIFed at 1.5 times the rate of non-minorities, or simply stated, for every two non-minority employees RIFed, three minority employees were RIFed, downgrade or lateral—for each three non-minority employees affected by such action. . .actions of some kind affected five women for every six men so affected."⁴ Congressman Barnes also reported disparate separation rates based on occupation:

The difference between minority administrator RIFs and non-minority administrator RIFs is striking. Minority administrators were 3.2 times as likely to be RIFed as non-minority administrators. They were also 3.4 times as likely to be RIFed as minority clerks. It is also telling to note that minority administrators experienced RIFs at a rate that was 250 percent above the average rate of RIFs.⁵

He further noted that "women administrators are 1.6 times as likely to be RIFed as men administrators and 2.5 times as likely to be RIFed as women clerks. Women experienced RIFs at a rate that was 123 percent above the average RIF rate."⁶ Moreover, Congressman Barnes pointed out that minorities and women in grades 12–14 were more likely to be RIFed than were non-minorities or men. Thus, he reports, minority employees in grades 12–14 were 2.7 times as likely to be separated as non-minorities. Women in those grades were 2.5 times as likely to be separated as men in those grades.⁷

In October 1981 the Office of Personnel Management (OPM) issued its operations letter 273–947, beginning a study of the RIF process. It stated in an attachment to the letter that it wanted to know whether there were "dry runs to help determine how alternative cutbacks would affect the agency's

mission or particular groups of employees such as women, minorities, or those eligible for retirement."⁸

OPM also sought to determine whether the establishment of retention registers, procedures in implementing the RIF, and use of discretion were applied consistently.⁹ OPM stated that where a RIF has not yet begun it has the right to require corrective action regarding the preparations.¹⁰ The Advisory Committees have been unable to determine whether OPM has actually done so. Similarly, OPM did not supply the Advisory Committees with copies of the reports that were prepared based on the operations letter and thus the Committees could not determine the extent to which RIF procedures have had an improperly adverse effect on minorities, women, the handicapped or older workers.

The major RIFs in the Kansas City area, aside from the close-down of the Community Services Administration, have been at the Environmental Protection Agency (EPA), the Department of Labor (DOL) and the Department of Health and Human Services (HHS).

EPA reported they did not have much control over the RIF system under the existing regulations. There was little adverse impact because women and minorities had enough seniority to be retained. In fact, EPA pointed out, it had relatively few separations. Most of the people whose jobs were eliminated were converted to permanent part-time work.¹¹ As of January 1982, EPA data show that 30 jobs were abolished of which 12 (40 percent) were held by white men, 13 (43.4 percent) were held by white women, one (3.3 percent) was held by a black man and four (13.3 percent) were held by black women. In addition, two part-time positions, both held by white women, were abolished. Five white men and three white women received alternate, permanent, full-time positions. Two white men, 15 white women, two black men and two black women received offers of part-time positions.¹² In the end, two white men, two white women and one black woman

⁴ Statement by Representative Michael D. Barnes, "Impact of 1981 RIFs on Minorities and Women and Updated RIF Projections for FY 1982," (Dec. 30, 1981), p. 2. Note that the Task Force sometimes uses RIF as a synonym for separation. In this report, except for direct quotes from the Task Force, RIFs include downgrades and transfers.

⁵ Ibid., p. 3.

⁶ Ibid., p. 3.

⁷ Ibid., p. 3.

⁸ Office of Personnel Management, *OPM Operations Letter 273–947* (Oct. 29, 1981), Attachment 1.

⁹ Ibid.

¹⁰ Ibid., p. 2.

¹¹ Norma Edgersson, telephone interview, May 4, 1982.

¹² EPA, data supplied to USCCR, on file at CSRO.

actually left the agency and did so rather than accept permanent part-time positions.¹³

EPA reported that, as of July 1981, 44.7 percent of its personnel were white men, 42.7 percent were white women, 3.4 percent were black men, 7.5 percent were black women.¹⁴ While actual separations were few, overall, 34 percent of the 50 employees affected by the RIF were white men, 50 percent were white women, four percent were black men and 12 percent were black women.¹⁵ In short, women, black and white, were disproportionately affected. The figures were even more dramatic if the proportions reduced from full to part-time work are examined. Only 9.5 percent of those moved to part-time work were white men, while 71.5 percent were white women, 9.5 percent were black men and 9.5 percent were black women.¹⁶

The Department of Labor abolished 46 positions in Region VII, resulting in 37 actual separations.¹⁷ The largest number of separations was in the Employment and Training Administration (ETA). Five of the 23 persons affected there retired on voluntary retirements (four white male professionals and one black female clerical).¹⁸ Two white women clericals were separated, one got a job with the Department of Defense, the status of the other is unknown. Six white women professionals were separated. One took a private sector temporary job, one obtained a temporary job with the Social Security Administration (but this was expected to become permanent), and one took a clerical permanent position in the Occupational Safety and Health Administration. One declined the offer of a clerical position and retired. One was hired on a temporary position that subsequently has been converted to permanent with Department of the Army. The other one's status was unknown. Two black male professionals were separated. One took a temporary job with Drake University; there was no information on the other and he was presumed to be unemployed.¹⁹ One black woman professional took a job in the private sector. One black woman clerical moved to a permanent position at the Marine Corps Finance Center. In short, of the 18 mandatory separations, eight were of white women, five of white men, two

of black men and three of black women. In addition eight people were reassigned, three white male professionals, two black male professionals, one white female professional, one black female professional and one white female clerical. Two white male professionals, one white female professional and one black male professional were demoted. In short, 12 people beyond the actual number of separations suffered in the RIF process.²⁰

Four people from the department's Labor Management Services Administration were involved in RIFs. Two white men moved into the private sector, one white female clerical moved to a temporary position at the Social Security Administration (subsequently transferred to a permanent position with FDIC) and one white male professional moved to a temporary position. In the Office of the Assistant Secretary all four persons involved in RIFs were permanently placed in other Federal agencies.²¹ At the Occupational Safety and Health Administration all six persons in the RIF were offered positions, however, one white female declined the offer of an equivalent position and was separated. In addition, 13 persons were demoted (10 white men, two white women and one black female) and seven were reassigned (five white men and one Samoan male, and one white woman). At the Employment Standards Administration two black women professionals were demoted in the RIF process.²²

Department of Labor's personnel office pointed out that there was an almost even breakdown between white men and others in position RIFs, suggesting management did not purposely abolish the jobs of women and minorities. But minorities and women did suffer in the final separation process because they came in later and/or lacked veteran status. The personnel office noted that except for people from the Employment and Training Administration (ETA), it had been successful in placing people. ETA people came to Federal service without extensive prior education/experience or their backgrounds were primarily Federal/State government or education. These people developed highly specialized skills that are not currently in demand in

¹³ Norma Edgerson, telephone interview, May 4, 1982 and John J. Franke, Regional Administrator, letter to staff, July 9, 1982.

¹⁴ EPA, *Affirmative Action Program Plan, Fiscal Year 1982* (July 8, 1981).

¹⁵ Data supplied by EPA, on file at CSRO.

¹⁶ Ibid.

¹⁷ Christine Carlson, interview in Kansas City, May 6, 1982.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Ibid.

²¹ Ibid.

²² Ibid.

the private sector. This fact, coupled with their high grades, will make it difficult to find comparable employment, although some have found jobs in the private sector and most clericals were placed.²³

ETA statistics show that as of September 30, 1981, 45.2 percent of ETA Region VII employees were white men, 23.8 percent were white women, 13.1 percent were black men and 13.1 percent were black women.²⁴ However, 27.8 percent of those separated were white men, 44.4 percent were white women, 16.7 percent were black men and 11.1 percent were black women. The ratios for the race/sex of persons in positions abolished are different, 47.8 percent of positions abolished were held by white men, 13.0 percent were held by black men, 26.1 percent were held by white women and 13.0 percent were held by black women.²⁵

Part of the reason for the problem DOL (and other agencies) are facing in placing separated personnel is that there are no big defense agencies who are hiring in town and most other agencies are not hiring.²⁶ Personnel does not have plans for any further RIFs, although some units are discussing furloughs. Personnel noted that the individual units, not personnel, determine what positions will be abolished.²⁷

The Regional Personnel Office of the Department of Health and Human Services (HHS) data show that its RIFs had been concentrated in three units: Office of the Regional Director (ORD), Office of Human Development Services (OHDS) and the Public Health Service (PHS).²⁸ It stated that the RIF at the Office of Regional Director had been dictated entirely from headquarters which specified the positions to be abolished; there had been limited local option in choosing positions to be abolished in the other two offices. The regional personnel office did not conduct an impact analysis by race/sex to determine, prospectively, whether the RIF would have a disparate impact on minorities or women. There are no current plans for a further RIF. Personnel noted that it had no control over the RIF decisions and agency managers' discretion was limited to choosing from among the people RIFed if they had existing vacancies. The end result, how-

ever, would be largely controlled by who had veterans preference.²⁹

The Regional Director of HHS commented that:

OPM and agencies conducting RIFs must process the RIF within the Veteran's Preference Law and the RIF regulations, once the organization and positions to be abolished are decided upon. OPM is looking at some alternatives at this time which would give more weight to performance evaluations and seniority and attempt to minimize veteran's preference. These new proposals should be considered carefully for the possibility of a more negative effect on minorities and/or women.³⁰

Unlike the other agencies reviewed, the rights of HHS staff whose jobs are abolished to "bump" others are limited. Clericals can bump clericals in any agency or operating division of HHS. But professionals can only bump other professionals in their own agency or operating division and cannot bump clericals. Thus, unlike other agencies, the relevant comparative data are the work forces of the individual units involved in RIFs.³¹

The smallest RIF was in the Office of the Regional Director, where four positions were abolished, all professional. Two were held by white women, one by an Hispanic man and one by a white man. A black female was ultimately also affected. The white man and one of the white women were placed at jobs with the same or higher grade. The other white woman and the black woman were placed at lower grade jobs within HHS. The Hispanic male was reassigned to ORD. Prior to the RIF, 44.3 percent of this office's professional staff were white men, 12.5 percent were black women, 1.1 percent were black men, 1.1 percent were Hispanic women, 1.1 percent were Hispanic men and 39.8 percent were white women.

In the Public Health Service, all the 25 people involved in the RIF were professionals. Prior to the RIF, white men constituted 56.7 percent of the professional work force of PHS, black men were 5.9 percent, Hispanic men were 0.5 percent, white women were 30.0 percent, black women were 5.9 percent, Hispanic women were 0.5 percent and Asian women were 0.5 percent. Of those affected by the RIF, eight percent were black men, eight

²³ Ibid.

²⁴ Kenneth A. Mills, Acting Director, EEO, USDOL, letter to Preston David, Nov. 30, 1981.

²⁵ Ibid.

²⁶ Christine Carlson, interview in Kansas City, May 6, 1982.

²⁷ Ibid.

²⁸ Data supplied by Regional Personnel Office, HHS, on file in CSRO.

²⁹ Richard H. Frohardt, Regional Personnel Officer, HHS, interview in Kansas City, Missouri, May 11, 1982.

³⁰ Al Kemp, letter to staff, July 1, 1982.

³¹ Ibid.

percent were black women, four percent were white men and 68 percent were white women. Twenty percent of those placed at their former or a higher grade (five people) in HHS were black men, 20 percent were black women and the balance were white women. Of those who were downgraded in the RIF (nine people), 11.1 percent were black men, 11.1 percent were white men and 55.6 percent were white women. The two people who left Federal service for the private sector were white women. Nine people were separated—22.2 percent were black women and 77.8 percent were white women. The status of four is unknown; of the five others, two women were employed by private industry, two are unemployed and one is in the military.

Prior to the RIF, OHDS staff comprised 74 persons, 24.6 percent of whom were white women, 15.4 percent were black women, 3.1 percent were Asian women, 3.1 percent were Asian men, 40 percent were white men, 10.8 percent were black men, 1.5 percent were Hispanic men, 1.5 percent were American Indian women. There were seven white female and two black female clericals. One white female clerical was involved in the RIF, she retired. Of the 20 professional positions abolished, half were held by white men, one-quarter were held by white women, 15 percent by black women, five percent by black men and five percent by Asian men. Of those who got similar or better positions in the RIF, 11.1 percent were black men, 66.7 percent were white men and 22.3 percent were white women. Of those who were downgraded or moved to part-time work in the RIF, 5.6 percent were black men, 16.7 percent were black women, 5.6 percent were Asian women, 33.3 percent were white men and 38.9 percent were white women. Two persons, a black male and a white female were separated and there is no information on their current employment status.

In short, throughout Health and Human Services operating divisions in Region VII, minorities and women were likely to be the victims of RIFs to a greater extent than they were represented in the work force and were a larger proportion of those who suffered downgrade or separation than they were in the work force. HHS provided data on the

handicapped status of people from HDS and ORD involved in the RIF. Almost half of those who obtained a similar or better position were handicapped. Less than a third of those who were downgraded were handicapped.³²

GSA reported it had not conducted a major RIF in the Kansas City area, although there had been a handful of separations in outlying stations where there were no alternate positions.³³ Department of Housing and Urban Development (HUD) reported that although it was still above its FY 1982 personnel ceiling, it hoped attrition would be sufficient. However, it made contingency plans for a RIF based on what work must be done and what can be eliminated. It had not projected who will go out, but it did know what positions would be abolished. HUD personnel noted there was nothing it could do to protect individuals but it did not expect minorities and women to be disproportionately affected by a RIF because they are well distributed.³⁴ The Federal Aviation Administration (FAA) reported it had not had a major RIF and had no plans for one, although headquarters has warned one may be necessary, depending on the final budget. Its Personnel Officer stated FAA could not predict in advance the impact of a RIF on minorities and women, but could assess the outcome at each stage of the process. However, he felt that although most minorities and women had been hired in the last ten years, there would be no disastrous effect on their utilization because they were well distributed throughout the FAA work force.³⁵

Federal Highway Administration had not yet experienced any RIF at the regional level and was unsure whether any would occur. If one does occur, they would follow the Federal Personnel Manual. They expected to be able to predict the impact by race and sex but doubted they could do anything about any disparity because positions eliminated would be based on the needs of the agency and there is not too much transferability of skills. However, they did not expect the effects would be disproportionate.³⁶

To summarize, it is apparent that both nationwide and in Region VII the impact of the RIF process has been felt, disproportionately, by minorities and

³² Data supplied by HHS, Regional Personnel Office, on file at CSRO.

³³ Marvin Johnson, Regional Personnel Officer, telephone interview, May 6, 1982.

³⁴ Jim Austin, telephone interview, May 4, 1982.

³⁵ Keith Chrisenson, Personnel Officer, FAA, telephone interview, May 12, 1982.

³⁶ Carl Eschbacher, Personnel Officer, FHWA, telephone interview, May 10, 1982.

women. There is no evidence that Office of Personnel Management, which has the authority to ensure that RIF plans minimize this impact, has made any effort to prevent minorities and women assuming a disproportionate share of the burden of Federal service retrenchment. OPM, in commenting on a draft of this report, stated:

These statements seem to be based on the erroneous assumption that OPM took no action to ease the effect of RIF on minorities and women. The changes necessary to lessen the impact on minorities and women require regulatory or statutory change. It was clearly impossible to completely overhaul the RIF rules before the recent personnel and budget reductions took effect.

The Administration is also committed to assisting individuals who have been displaced through RIFs. Between April 1981 and January 1982, over 2700 displaced employees were placed as a result of OPM's two major outplacement efforts—the Interagency Placement Assistance Program and the Displaced Employee Program. Agencies have reported an additional 5200 successful placements.

³⁷ A. Diane Graham, letter to staff, July 9, 1982.

³⁸ Gerald K. Hinch, letter to staff, Aug. 23, 1982.

As I am sure you are aware, Director Devine is reviewing the RIF procedures, and is likely to move in the direction of giving greater weight to performance in a RIF situation. We are encouraged that several civil rights groups have suggested this type of reform as an assistance to minorities and women who might be involved in RIFs.³⁷

OPM provided no evidence of efforts it made to ensure that its own regulations regarding efforts to minimize the impact on minorities and women were implemented. Nor did it provide any evidence to contradict the disparate final impact of RIFs on minorities and women or any indication that the new rules would reduce these in the future. The regional office reported that it had placed 124 people who had been separated and had made 459 referrals to Federal, State and local government or private sector employees.³⁸ Like its headquarters, the regional office insisted that further efforts would require new regulations.³⁹

³⁹ Ibid.

Conclusions

In 1981, the U.S. Commission on Civil Rights published a report, *Who Is Guarding the Guardians?* that focused on the failure of police forces to police their own conduct. The same question needs to be asked about the Federal Government itself in its employment practices.

The history of Federal employment practices contains examples of discrimination against minorities and women that match any in the private sector. The history of Federal efforts to assure a merit-based, representative bureaucracy appear weak by comparison to the extent of past wrongs. After many years, the Federal Government finally, in 1980, decided to impose on itself the same kinds of requirements for affirmative action planning it had imposed on the private sector. Quantitative plans, specific timeframes and objectives whose accomplishments could be measured had been sought by the U.S. Commission on Civil Rights for many years. Finally, as required by statute, the Office of Personnel Management required Federal agencies to devise numerically based measures of the underutilization of minorities and women and develop specific recruitment strategies to remedy these deficiencies. At the same time, as a result of a general reorganization of responsibility for Federal personnel management, the Equal Employment Opportunity Commission was allowed to require specific affirmative action planning measures like those imposed on Federal contractors by the U.S. Department of Labor.

Despite a history of discrimination, despite inadequate remedies masked by rhetorical flourishes, the

Federal civil service in Region VII became far more representative of the region in 1980 than it was in 1974. But this was not true of all the agencies, nor was it true in each occupational category in all the agencies whose total work force profile showed increased utilization of the underrepresented. Similarly, although there was a pattern of improvement, the pay levels of minority and female employees in some of the agencies in the region continued to lag behind those of white males in similar occupations. A variety of other indicators also suggest that minorities and women did not, in 1980, have the positions they might have held, absent past discrimination.

The affirmative action plans reviewed by the Advisory Committees were originally prepared for the 1980 transition year and most remained in effect until October 1982. By and large the tabular information required was provided. However, even when they were done, the narrative tables generally did not supply specific details. Particularly deficient were the barrier analysis summaries and the summaries of the plans that were to show target occupation, transition year goals, objectives, specific actions and quarterly milestones. Since these were the action elements of the plans, and the only really reviewable parts, their omission or deficiency would have caused a serious problem if EEOC had actually reviewed the plans. Their absence certainly must have made internal agency reviews of compliance difficult.

Multiyear affirmative action plans were just being drafted by most agencies when the Advisory Com-

mittees collected data. Although agencies made formal and quantified commitments to reduce underutilization of minorities and women, they stated these were unlikely to be implemented due to reduced personnel ceilings and hiring freezes. Some agencies did suggest that internal measures could be taken to improve the status of minorities and women already employed.

Because the model for Federal affirmative action plans came from the private sector, the Advisory Committees asked private sector experts in affirmative action planning for their comments on the Federal plans. These experts criticized many aspects of the Federal plans they reviewed (all those submitted to the Advisory Committees). Some suggested that the Federal Government would have rejected these documents had they been submitted, pursuant to Federal regulations, by private contractors seeking to do business with the Federal Government. Some admired the numeric data that had been assembled, others deplored insufficient attention to qualitative elements in the planning process. One reviewer noted that the agency explanations for their inability to find and hire minority or women workers would have been rejected by either EEOC or the U.S. Department of Labor if offered by private sector employers.

The Advisory Committees asked the affirmative action officers of several Federal agencies about the current and probable future status of agency efforts. By and large, the officers thought that affirmative action was alive and well. It generally had the support of chief executive officers and most supervisory staff. The officers disagreed on the effectiveness of the planning process; some thought it was helpful while others thought that when there was no hiring it was pointless. Despite lack of hiring, many agencies were expanding their capacity to monitor utilization of their employees. Many affirmative action officers thought that, despite the freeze on hiring, a variety of affirmative actions remained for which concrete results could be measured and that numeric accountability should continue to be imposed on Federal agencies.

At least initially, EEOC's primary purposes in imposing specific planning procedures were to make Federal efforts to assure equality measurable, to simplify its task of monitoring Federal efforts by obtaining uniform data on efforts from Federal agencies, to make sure the agencies would act while not imposing objectives they would reject out-of-

hand, and to show that affirmative action could improve the utilization of minorities and women without damaging the efficiency of the agencies. OPM's purposes were to comply with the requirements of the "Garcia Amendment" by ensuring that agencies knew in what job categories they utilized fewer minorities or women than were potentially available to them and make specific plans to expand their recruitment efforts to remedy the underutilization.

Whether these purposes could be achieved depended in part on how cooperative agencies were and the level of commitment they developed to the planning process and plan implementation. But it also depended, as previous Federal experience with private sector employers shows, on the quality and quantity of monitoring and reviewing undertaken by the two compliance agencies. One staff person at EEOC in Region VII could hardly have been expected to accomplish much. Whatever her accomplishments with the agencies she did review, however many technical visits she made, the assignment of only one person to compliance was bound to communicate to other agencies that there was vast scope for noncompliance. Similarly, the transfer of most FEORP responsibilities from regional units to headquarters, when coupled with the fact that OPM did not even receive copies of FEORP plans for separate review, must have communicated to agencies that, at least so far as regional operations were concerned, they were relatively immune from scrutiny. That, despite these signals, agencies continued some level of commitment to affirmative action planning is tribute to them, not to the compliance agencies. But it is also a measure of the relative ease with which agencies could comply and this was because, despite a mass of numeric tabulation, the actual objectives required of the agencies (as two EEOC Commissioners complained when guidelines were issued) were quite modest.

At about the same time affirmative action planning and plan implementation were beginning, the Federal service was confronted with a new dilemma—the need to substantially reduce its size. Regulations and procedures governing the firing of personnel (separations in *Federalese*) had been established long before. But the scope and impact of the current round of firings made the impact of these on affirmative action salient. Based on what data OPM could provide, Congressman Michael Barnes asserted that, nationwide, the firings did have an adverse

affect on minority and women employees at the professional and administrative levels. A look at the data from those agencies in Region VII that fired substantial numbers of people shows that this was generally true in Region VII. Certainly, in Region VII, minorities and white women were disproportionately fired compared to their shares of the work forces of their agencies.

OPM alleges that it has done all it was required to do to minimize adverse impact and is currently reviewing RIF regulations to see what more can be done. But there is no evidence that, even under the provisions of existing regulations, OPM made much effort to ensure that agencies were at least aware before they acted of the disparate impact their firings would have on minorities and white women. Nor has anyone, other than officials from OPM, asserted that any of the changes being contemplated will reduce the extent to which Federal employees dismissed in budget-cutting efforts are, disproportionately, minorities or white women.

Over the years, opportunities for minorities and white women in the Federal service have increased. But the level of change has been as great, or greater, in the private sector. If the Federal agencies had practiced nondiscrimination over the years, this could be the result of a plateau effect. But the evidence suggests that, if there was any difference, the Federal commitment was not significantly greater than the private sector's. Although there has been a well documented need for effective affirmative action planning and plan implementation in the Federal sector, neither past nor present efforts have been effective. Indeed, at the present time, some in the private sector would allege that, certainly on paper and probably in practice, many large private sector companies have a greater commitment to affirmative action than the Government.

In hard times it has been customary to see affirmative action as an expensive luxury. This is not the case. It is one of the best ways to assure an efficient employment system that hires and retains only the best the market can provide. It does so by ensuring that all potential employees are available for selection and the person selected not only meets the requirements for the job but is likely to want to stay in the job. The success of the private sector in using affirmative action as an efficient management tool should show the way for the Federal Government. The costs of affirmative action will be found to be nominal compared to the costs of inaction or continued business as usual.

What must the Federal Government do? It must design affirmative action strategies that are self-enforcing upon the agencies. It must ensure that the data necessary to design such strategies are readily available at low cost. It must ensure that the costs of noncompliance with appropriate affirmative action objectives exceed the psychological benefits that managers or supervisors may derive from discrimination. We are convinced that, once in place, the benefits to the agencies and to the nation will become apparent and justify continued effort to assure equal opportunity without regard to extraneous factors.

The Commission and these Advisory Committees have repeatedly presented findings and recommendations indicating what needed to be done. We do not believe further findings and recommendations are appropriate. What is required is that the Federal Government make a commitment, not merely in rhetoric or formal instruction, but in practices, similar to those the Commission has urged on it before and that these Advisory Committees have urged on private and other public sector employers.

Appendix A

Table A-1
Change in Composition of Federal Agencies in Federal Region VII
1974-1980

	Total	White	Black	Hispanic	Asian/ Pac. Islander	American Indian/ Alaskan Native
<u>AGRICULTURE</u>						
1974	7529	7082 (94.1)	369 (4.9)	45 (0.6)	24 (0.3)	9 (0.1)
1979	7518	7016 (93.3)	381 (5.1)	59 (0.8)	33 (0.4)	29 (0.4)
1980	7922	7338 (92.6)	427 (5.4)	73 (0.9)	40 (0.5)	44 (0.6)
△ 1974-1980	+393	+256 (65.1)	+58 (14.8)	+28 (7.1)	+16 (4.1)	+35 (8.9)
% △	+5.2	+3.6	+15.7	+62.2	+66.7	+388.9
<u>COMMERCE</u>						
1974	741	700 (94.5)	35 (4.7)	5 (0.7)	1 (0.1)	0
1979	758	703 (92.7)	37 (4.9)	12 (1.6)	3 (0.4)	3 (0.4)
1980	808	751 (92.9)	40 (5.0)	10 (1.2)	3 (0.4)	4 (0.5)
△ 1974-1980	+67	+51 (76.1)	+5 (7.5)	+5 (7.5)	2 (3.0)	4 (6.0)
% △	+9.0	+7.3	+14.3	+100.0	+200.0	+400.0
<u>AIR FORCE</u>						
1974	6617	6185 (93.5)	305 (4.6)	80 (1.2)	16 (0.2)	31 (0.5)
1979	4939	4639 (93.9)	194 (3.9)	69 (1.4)	12 (0.2)	25 (0.5)
1980	4905	4606 (93.9)	198 (4.0)	68 (1.4)	10 (0.2)	23 (0.5)
△ 1974-1980	-1712	-1579 (92.2)	-107 (6.3)	-12 (0.7)	-6 (0.4)	-8 (0.5)
% △	-25.9	-25.5	-35.1	-15.0	-37.5	-25.8
<u>ARMY</u>						
1974	20666	18089 (87.5)	2357 (11.4)	121 (0.6)	62 (0.3)	37 (0.2)
1979	19500	16832 (86.3)	2383 (12.2)	155 (0.8)	78 (0.4)	52 (0.3)
1980	19156	16410 (85.7)	2441 (12.7)	171 (0.9)	75 (0.4)	59 (0.3)
△ 1974-1980	-1510	-1679 (111.1)	+84 (5.6)	+50 (3.3)	+13 (0.9)	+22 (1.5)
% △	-7.3	-9.3	+3.6	+41.3	+21.0	+59.5
<u>NAVY</u>						
1974	622	573 (92.1)	42 (6.8)	6 (1.0)	1 (0.2)	-
1979	730	550 (75.3)	173 (23.7)	7 (1.0)	-	-
1980	771	560 (72.6)	199 (25.8)	11 (1.4)	-	1 (0.1)
△ 1974-1980	+149	-13 (8.7)	+157 (105.4)	+5 (3.4)	-1 (0.7)	+1 (0.7)
% △	+24.0	-2.3	+373.8	+83.3	-100.0	+100.0

Table A-1 (Cont'd)

	Total	White	Black	Hispanic	Asian/ Pac. Islander	American Indian/ Alaskan Native
<u>OSD</u>						
1974	3458	2939	476	24	18	1
		(85.0)	(13.8)	(0.7)	(0.5)	(0.0)
1979	3565	3051	473	27	13	1
		(85.6)	(13.3)	(0.8)	(0.4)	(0.0)
1980	3828	3305	473	33	15	2
		(86.3)	(12.4)	(0.9)	(0.4)	(0.1)
Δ 1974-1980	+370	+366	-3	+9	-3	+1
		(98.9)	(0.8)	(2.4)	(0.8)	(0.3)
% Δ	+10.7	+12.5	-0.6	+37.5	-16.7	+100.0
<u>DSA</u>						
1974	1030	926	96	4	1	3
		(89.9)	(9.3)	(0.4)	(0.1)	(0.3)
1979	869	753	99	11	5	1
		(86.7)	(11.4)	(1.3)	(0.6)	(0.1)
1980	850	736	98	10	4	2
		(86.6)	(11.5)	(1.2)	(0.5)	(0.2)
Δ 1974-1980	-180	-190	+2	+6	+3	-1
		(105.6)	(1.1)	(3.3)	(1.7)	(0.6)
% Δ	-17.5	-20.5	+2.1	+150.0	+300.0	-33.3
<u>ENERGY</u>						
1974	DID NOT EXIST					
1979	229	207	14	3	1	4
		(90.4)	(6.1)	(1.3)	(0.4)	(1.7)
1980	249	230	13	3	1	2
		(92.4)	(5.2)	(1.2)	(0.4)	(0.8)
Δ 1979-1980	+20	+23	-1	0	0	-2
		(115.0)	(5.0)			(10.0)
% Δ	+8.7	+11.1	-7.1	-	-	-50.0
<u>HEALTH, EDUCATION & WELFARE (HHS & ED)</u>						
1974	4917	3922	820	77	9	89
		(79.8)	(16.7)	(1.6)	(0.2)	(1.8)
1979	5574	4504	888	98	13	71
		(80.8)	(15.9)	(1.8)	(0.2)	(1.3)
1980	5602	4416	962	106	20	96
		(78.8)	(17.2)	(2.0)	(0.4)	(1.7)
Δ 1974-1980	+685	+494	+142	+29	11	7
		(72.1)	(20.7)	(4.2)	(1.6)	(1.0)
% Δ	+13.9	+12.6	+17.3	+37.7	+122.2	+7.9
<u>HOUSING & URBAN DEVELOPMENT</u>						
1974	693	581	103	8	-	1
		(83.8)	(14.9)	(1.2)		(0.1)
1979	663	532	114	16	-	1
		(80.2)	(17.2)	(2.4)		(0.2)
1980	684	535	127	20	-	2
		(78.2)	(18.6)	(2.9)		(0.3)
Δ 1974-1980	-9	-46	+24	+12	-	+1
		(511.1)	(266.7)	(133.3)		(11.1)
% Δ	-1.3	-7.9	+23.3	+150.0		+100.0
<u>INTERIOR</u>						
1974	1574	1321	29	12	4	208
		(83.9)	(1.8)	(0.8)	(0.3)	(13.2)
1979	1682	1378	50	14	11	229
		(81.9)	(3.0)	(0.8)	(0.7)	(13.6)
1980	1709	1402	49	18	11	229
		(82.0)	(2.9)	(1.1)	(0.6)	(13.4)

Table A-1 (Cont'd)

	Total	White	Black	Hispanic	Asian/ Pac. Islander	American Indian/ Alaskan Native
<u>INTERIOR (Cont'd)</u>						
△ 1974-1980	+135	+81 (60.0)	+20 (14.8)	+6 (4.4)	+7 (5.2)	+21 (15.6)
%△	+8.6	+6.1	+69.0	+50.00	+175.00	+10.1
<u>JUSTICE</u>						
1974	1817	1708 (94.0)	86 (4.7)	14 (0.8)	1 (0.1)	8 (0.4)
1979	1755	1588 (90.5)	124 (7.1)	33 (1.9)	2 (0.1)	8 (0.5)
1980	1924	1737 (90.3)	142 (7.4)	30 (1.6)	3 (0.2)	12 (0.6)
△ 1974-1980	+107	+29 (27.1)	+56 (52.3)	+16 (15.0)	+2 (1.9)	+4 (3.7)
%△	+5.9	+1.7	+65.1	+114.3	+200.0	+50.0
<u>LABOR</u>						
1974	480	412 (85.8)	53 (11.0)	11 (2.3)	3 (0.6)	1 (0.2)
1979	733	600 (81.9)	92 (12.6)	31 (4.2)	3 (0.4)	7 (1.0)
1980	697	567 (81.3)	91 (13.1)	29 (4.2)	4 (0.6)	6 (0.9)
△ 1974-1980	+217	155 (71.4)	+38 (17.5)	18 (8.3)	1 (0.5)	5 (2.3)
%△	+45.2	+37.6	+71.7	+163.6	+33.3	+500.0
<u>TRANSPORTATION</u>						
1974	3124	2908 (93.1)	156 (5.0)	32 (1.0)	21 (0.7)	7 (0.2)
1979	3259	2990 (91.7)	201 (6.2)	52 (1.6)	5 (0.2)	11 (0.3)
1980	3202	2896 (90.4)	229 (7.2)	54 (1.7)	8 (0.2)	15 (0.5)
△ 1974-1980	+78	-12 (15.4)	+73 (93.6)	+22 (28.2)	-13 (16.7)	+8 (10.3)
%△	+2.5	-0.4	+46.8	+68.8	-61.9	+114.3
<u>EEOC</u>						
1974	100	55 (55.0)	39 (39.0)	5 (5.0)	-	1 (1.0)
1979	120	63 (52.5)	52 (43.3)	5 (4.2)	-	-
1980	113	61 (54.0)	49 (43.4)	3 (2.7)	-	-
△ 1974-1980	+13	+6 (46.2)	+10 (76.9)	-2 (15.4)	-	-1 (7.7)
%△	+13.0	+10.9	+25.6	-40.0		-100.0
<u>EPA</u>						
1974	259	238 (91.9)	16 (6.2)	5 (1.9)	-	-
1979	314	280 (89.2)	30 (9.6)	3 (1.0)	-	1 (0.3)
1980	336	300 (89.3)	33 (9.8)	3 (0.9)	-	-
△ 1974-1980	+77	+62 (80.5)	+17 (22.1)	-2 (2.6)		
%△	+29.7	+26.1	+106.3	-40.0		

Table A-1 (Cont'd)

	Total	White	Black	Hispanic	Asian/ Pac. Islander	American Indian/ Alaskan Native
<u>TREASURY</u>						
1974	5256	4610	593	34	12	7
		(87.7)	(11.3)	(0.6)	(0.2)	(0.1)
1979	5067	4350	659	42	9	7
		(85.8)	(13.0)	(0.8)	(0.2)	(0.1)
1980	5439	4600	776	45	11	7
		(84.6)	(14.3)	(0.8)	(0.2)	(0.1)
△ 1974-1980	+183	-10	+183	+11	-1	-
		(5.5)	(100.0)	(6.0)	(0.5)	
%△	+3.5	-0.2	+30.9	+32.4	-8.3	0
<u>FDIC</u>						
1974	245	243	2	-	-	-
		(99.2)	(0.8)			
1979	259	247	8	3	1	-
		(95.4)	(3.1)	(1.2)	(0.4)	
1980	271	258	9	3	1	-
		(95.2)	(3.3)	(1.1)	(0.4)	
△ 1974-1980	+26	15	+7	+3	1	
		(57.7)	(26.9)	(11.5)	(3.9)	
%△	+10.6	+6.2	+350.0	+300.0	+100.0	
<u>GSA</u>						
1974	3055	2062	949	31	3	10
		(67.4)	(31.0)	(1.0)	(0.1)	(0.3)
1979	2509	1745	704	37	2	21
		(69.5)	(28.1)	(1.5)	(0.1)	(0.8)
1980	2571	1791	713	35	5	27
		(69.6)	(27.7)	(1.3)	(0.1)	(1.0)
△ 1974-1980	-484	-271	-236	+4	0	+17
		(56.0)	(48.8)	(0.8)		(3.5)
%△	-15.8	-13.1	-24.9	+12.9	0.0	+170.0
<u>OPM/CSC</u>						
1974	219	176	36	6	-	1
		(80.4)	(16.4)	(2.7)		(0.5)
1979	188	158	26	4	-	-
		(84.0)	(13.8)	(2.1)		
1980	181	144	31	6	-	-
		(79.6)	(17.1)	(3.3)		
△ 1974-1980	-38	-32	-5	0	-	-1
		(84.2)	(13.2)			(2.6)
%△	-17.4	-18.2	-13.9	0.0	-	-100.0
<u>POSTAL SERVICE</u>						
1974	30232	25025	4906	228	49	24
		(82.8)	(16.2)	(0.8)	(0.2)	(0.1)
1979	28712	23902	4478	277	31	26
		(83.2)	(15.6)	(1.0)	(0.1)	(0.1)
1980	28569	23745	4476	296	27	25
		(83.1)	(15.7)	(1.0)	(0.1)	(0.1)
△ 1974-1980	-1663	-1280	-430	+68	-22	-1
		(77.0)	(25.9)	(4.1)	(1.3)	(0.1)
%△	-5.5	-5.1	-8.8	+29.8	-44.9	-4.2

Table A-1 (Cont'd)

	Total	White	Black	Hispanic	Asian/ Pac. Islander	American Indian/ Alaskan Native
<u>SBA</u>						
1974	249	219 (88.0)	24 (9.6)	5 (2.0)	-	1 (0.4)
1979	267	234 (87.6)	29 (10.9)	4 (1.5)	-	-
1980	297	256 (86.2)	36 (12.1)	4 (1.3)	-	1 (0.3)
△ 1974-1980	+48	+37 (77.1)	+12 (25.0)	-1 (2.1)	-	0
% △	+19.3	+16.9	+50.0	-20.0	-	0
<u>VA</u>						
1974	11716	9322 (79.6)	2219 (18.9)	111 (0.9)	44 (0.4)	20 (0.2)
1979	11505	9074 (78.9)	2193 (19.1)	152 (1.3)	65 (0.6)	21 (0.2)
1980	11918	9383 (78.7)	2259 (19.0)	159 (1.3)	87 (0.7)	30 (0.3)
△ 1974-1980	+202	+61 (30.2)	+40 (19.8)	+48 (23.8)	+43 (21.3)	+10 (5.0)
% △	+1.7	+0.7	+1.8	+43.2	+97.7	+50.0

△ = Change

Sources: Data supplied by OPM, on file at CSRO.

Table A-2
Average Grade of GS Scale Workers Employed by Federal Agencies in Region VII
1974 & 1980

	Total	White	Black	Hispanic	Asian/ Pac. Islander	American Indian Alaskan Native
<u>AGRICULTURE</u>						
1974	8.1	8.2	6.1	7.2	11.8	11.3
1980	8.17	8.24	6.92	6.87	10.95	8.30
Diff	+0.1	0	+0.8	-0.3	-0.8	-3.0
<u>COMMERCE</u>						
1974	8.2	8.2	7.3	8.3	12.5	-
1980	8.58	8.62	5.00	9.00	13.00	9.25
Diff	+0.4	+0.4	-2.3	+0.7	+0.5	+9.3
<u>AIR FORCE</u>						
1974		7.61	5.4	5.9	8.9	8.1
1980	7.82	7.92	5.98	6.53	7.00	8.64
Diff		+0.3	+0.6	+0.6	-1.9	+0.5
<u>ARMY</u>						
1974	7.3	7.5	5.5	7.6	6.9	8.1
1980	7.53	7.80	5.06	7.10	8.06	8.71
Diff	+0.2	+0.3	-0.4	-0.5	+1.2	+0.6
<u>NAVY</u>						
1974	5.0	5.1	4.1	4.1	5.5	-
1980	5.76	5.93	5.33	5.09	-	4.00
Diff	+0.8	+0.8	+1.2	+1.0	-5.5	+4.0
<u>OSD</u>						
1974	9.2	9.3	8.3	9.7	9.8	12.5
1980	9.45	9.49	9.14	9.57	10.33	8.00
Diff	+0.3	+0.2	+0.8	-0.1	+0.5	-4.5
<u>DSA</u>						
1974	8.4	8.6	6.6	5.0	10.0	8.8
1980	8.42	8.69	6.56	8.25	5.75	3.50
Diff	0	+0.1	0	+3.3	-4.2	-5.3
<u>HEALTH, EDUCATION & WELFARE (HHS & Education were combined & calculated)</u>						
1974	6.8	7.1	5.7	6.2	8.4	4.9
1980	7.96	8.23	7.00	6.90	7.26	6.55
Diff	+1.2	+1.1	+1.3	+0.7	-1.1	+1.7
<u>HUD</u>						
1974	9.3	9.5	8.6	8.2	-	6.5
1980	9.50	9.52	9.65	8.15	-	7.50
Diff	+0.2	0	+1.1	0	-	+1.0
<u>INTERIOR</u>						
1974	8.4	8.7	8.5	10.4	10.3	6.5
1980	8.60	8.76	7.47	9.12	10.18	7.51
Diff	+0.2	+0.1	-1.0	-1.3	-0.1	+1.0
<u>JUSTICE</u>						
1974	8.3	8.4	7.2	8.5	6.5	8.3
1980	8.74	8.77	8.23	8.00	10.33	11.10
Diff	+0.4	+0.4	+1.0	-0.5	+3.8	+2.8

Table A-2 (Cont'd)

	Total	White	Black	Hispanic	Asian/ Pac. Islander	American Indian/ Alaskan Native
<u>LABOR</u>						
1974	9.5	9.8	7.4	8.6	8.3	6.5
1980	9.77	9.94	8.57	9.00	8.50	10.17
Diff	+0.3	+0.1	+1.2	+0.4	+0.2	+3.7
<u>TRANSPORTATION</u>						
1974	10.6	10.6	9.0	10.3	8.5	7.6
1980	10.97	11.13	9.28	9.63	10.00	10.92
Diff	+0.4	+0.5	+0.3	-0.7	+1.5	+3.3
<u>TREASURY</u>						
1974	7.7	7.99	5.4	6.4	8.8	6.6
1980	7.13	7.43	5.28	6.73	8.55	8.71
Diff	-0.6	-0.6	+0.1	+0.3	-0.2	+2.1
<u>EPA</u>						
1974	8.4	8.6	5.0	8.8	-	-
1980	9.41	9.66	7.12	10.33	-	-
Diff	+1.0	+1.1	+2.1	+1.5	-	-
<u>EEOC</u>						
1974	8.5	8.7	8.1	9.5	-	6.5
1980	9.14	8.89	9.37	10.67	-	-
Diff	+0.6	+0.2	+1.3	+1.2	-	-6.5
<u>FDIC</u>						
1974	9.7	9.7	11.3	-	-	-
1980	9.80	9.91	6.86	7.00	9.00	-
Diff	+0.1	+0.2	-4.4	+7.00	+9.00	-
<u>GSA</u>						
1974	6.3	6.7	4.6	6.0	5.0	8.4
1980	6.81	7.11	5.43	8.33	8.00	8.04
Diff	+0.5	+0.4	+0.8	+2.3	+3.0	-0.4
<u>OPM (Civil Service Commission)</u>						
1974	6.7	7.1	5.0	3.8	-	6.5
1980	7.59	7.79	6.70	7.17	-	-
Diff	+0.9	+0.7	+1.7	+3.4	-	-6.5
<u>SBA</u>						
1974	8.2	8.3	7.8	7.6	-	2.5
1980	9.25	9.26	9.19	10.50	-	5.00
Diff	+1.1	+1.0	+1.4	+2.9	-	+2.5
<u>VA</u>						
1974	6.4	7.51	4.9	7.2	10.6	6.5
1980	7.08	7.33	5.69	8.06	11.46	6.19
Diff	+0.7	-0.2	+0.8	+0.9	+0.9	-0.3

Diff. = 1980 average grade subtracted from 1974 average grade.

Source: Data supplied by OPM, on file at CSRO.

Table A-3
Average GS Grades by Agency - 1980
a. Average GS Grade of Professionals - 1980

Agency	TOTAL					FEMALE				
	White	Black	Hispanic	Asian/ Pac.Isl.	Am.Indian Al.Native	White	Black	Hispanic	Asian/ Pac.Isl.	Am.Indian Al.Native
Agriculture	11.03	10.01	9.00	11.86	11.00	9.04	9.86	-	12.25	-
Commerce	11.96	11.00	14.00	13.00	-	9.29	-	-	-	-
Air Force	11.67	9.67	11.00	9.00	13.00	9.36	9.00	11.00	9.00	-
Army	11.48	10.95	10.39	10.91	12.38	9.44	9.38	8.20	8.67	9.00
Navy	12.07	-	-	-	-	-	-	-	-	-
OSD	10.40	10.69	10.62	10.70	11.00	9.56	9.93	9.00	9.50	-
DSA	11.66	10.00	-	-	-	7.00	-	-	-	-
Energy	10.91	9.75	12.00	9.00	13.00	8.78	-	-	-	-
Education	12.54	11.67	-	-	-	11.38	11.50	-	-	-
HHS	12.11	11.65	12.00	9.67	9.50	10.71	10.38	13.00	8.00	9.27
HUD	12.43	12.63	11.67	-	-	10.00	12.00	-	-	-
Interior	11.34	9.57	12.25	10.33	10.76	9.44	7.00	11.00	9.00	10.00
Justice	10.81	11.09	10.00	13.00	15.00	9.26	9.00	10.00	15.00	-
Labor	11.42	11.75	9.75	12.00	13.00	10.35	12.50	11.00	-	13.00
Transportation	12.67	10.33	11.00	11.00	-	10.33	8.33	-	-	-
Treasury	11.41	10.59	9.00	12.00	12.00	9.90	9.62	8.00	-	-
EPA	11.59	9.71	12.50	-	-	9.83	9.50	-	-	-
EEOC	12.20	13.25	-	-	-	12.00	12.00	-	-	-
FDIC	13.50	-	-	-	-	13.00	-	-	-	-
GSA	11.10	11.25	12.00	-	13.00	9.07	8.75	11.00	-	-
OPM	11.00	-	-	-	-	11.00	-	-	-	-
SBA	12.92	12.00	-	-	-	12.00	12.00	-	-	-
VA	10.23	9.65	11.59	12.72	8.80	9.43	9.42	9.68	10.76	8.67

Table A-3
b. Average GS Grade of Administrators - 1980

Agency	TOTAL					FEMALE				
	White	Black	Hispanic	Asian/ Pac.Isl.	Am.Indian Al.Native	White	Black	Hispanic	Asian/ Pac.Isl.	Am.Indian Al.Native
Agriculture	10.60	10.26	10.60	11.67	9.17	8.41	9.52	8.67	11.00	9.00
Commerce	11.19	11.38	9.33	-	-	7.93	10.00	-	-	-
Air Force	10.01	8.91	10.14	12.00	12.40	9.27	8.00	12.00	-	-
Army	10.75	9.93	10.33	9.63	11.25	9.45	9.27	8.50	8.40	10.67
Navy	10.67	10.33	11.00	-	-	9.82	9.60	11.00	-	-
OSD	10.61	10.74	11.38	11.50	5.00	9.79	10.57	10.50	-	-
DSA	10.71	10.10	10.40	9.00	-	9.50	10.33	7.00	-	-
Energy	12.00	12.00	-	-	-	11.17	12.00			
Education	11.09	11.50	11.75	-	-	9.36	10.50	11.00	-	-
HHS	10.84	10.87	10.47	9.33	10.38	10.29	10.79	10.00	8.50	9.63
HUD	11.54	11.63	11.13	-	9.00	10.07	10.52	12.00	-	-
Interior	11.08	11.25	10.57	12.67	10.41	9.57	10.67	8.00	11.00	9.00
Justice	11.82	11.79	11.20	-	12.00	9.40	11.25	9.00	-	-
Labor	11.95	11.46	10.61	-	10.75	10.66	9.75	9.00	-	-
Transportation	12.00	10.51	10.95	10.25	12.33	9.35	9.14	11.00	7.00	-
Treasury	11.15	10.06	8.69	11.00	11.50	9.18	9.24	7.33	11.00	-
EPA	11.50	12.00	-	-	-	10.67	12.00	-	-	-
EEOC	11.06	10.84	10.67	-	-	10.55	10.32	-	-	-
FDIC	10.90	8.40	7.00	9.00	-	8.68	6.33	-	-	-
GSA	10.70	9.79	11.11	7.00	11.38	9.18	8.63	11.00	-	-
OPM	11.48	11.00	12.50	-	-	9.43	10.29	-	-	-
SBA	11.47	11.70	11.67	-	-	8.98	11.60	-	-	-
VA	10.71	10.55	11.10	-	7.50	9.00	9.89	7.00	-	4.00

Table A-3

c. Average GS Grade of Technicians - 1980

Agency	TOTAL					FEMALE				
	White	Black	Hispanic	Asian/ Pac.Isl.	Am.Indian Al.Native	White	Black	Hispanic	Asian/ Pac.Isl.	Am.Indian Al.Native
Agriculture	7.08	6.87	7.08	6.00	5.00	6.13	6.04	5.60	5.00	1.00
Commerce	9.99	7.67	9.75	-	9.25	7.20	6.00	8.00	-	7.00
Air Force	7.61	5.89	6.60	-	8.33	5.59	4.83	6.00	-	-
Army	7.16	6.81	6.85	5.67	6.70	6.00	6.65	6.00	5.50	5.20
Navy	7.40	6.23	9.00	-	4.00	6.85	5.80	-	-	4.00
OSD	8.23	7.16	8.50	8.33	-	6.91	6.77	6.00	-	-
DSA	6.15	6.04	4.00	-	5.52	5.92	6.05	4.00	-	-
Energy	8.46	8.67	9.00	-	-	7.40	8.00	-	-	-
Education	7.67	6.00	-	-	-	7.80	5.50	-	-	-
HHS	8.26	8.29	7.93	7.40	5.45	7.90	8.16	7.29	7.40	5.46
HUD	6.97	6.67	-	-	6.00	6.61	4.50	-	-	6.00
Interior	7.32	6.00	6.00	6.00	7.00	6.03	5.00	-	6.00	5.00
Justice	7.41	7.63	9.00	-	9.00	6.30	6.00	7.00	-	7.00
Labor	7.23	7.00	-	-	-	6.48	7.75	-	-	-
Transportation	10.57	8.81	9.23	12.00	10.50	6.99	6.67	6.50	-	6.00
Treasury	6.19	6.10	6.64	5.67	6.50	6.10	6.10	6.00	5.57	6.50
EPA	7.06	5.80	-	-	-	6.77	5.80	-	-	-
EEOC	9.00	-	-	-	-	9.00	-	-	-	-
FDIC	9.00	-	-	-	-	9.00	-	-	-	-
GSA	7.50	7.67	7.00	12.00	8.50	6.33	7.30	7.00	12.00	5.00
OPM	6.62	6.50	7.00	-	-	6.62	6.50	7.00	-	-
SBA	7.30	7.00	7.00	-	-	6.68	7.00	7.00	-	-
VA	5.83	4.91	5.21	5.14	5.10	5.25	4.87	4.78	4.75	4.71

Table A-3

d. Average GS Grade of Office/Clerical Workers - 1980

Agency	TOTAL					FEMALE				
	White	Black	Hispanic	Asian/ Pac.Isl.	Am.Indian Al.Native	White	Black	Hispanic	Asian/ Pac.Isl.	Am.Indian Al.Native
Agriculture	4.41	4.06	4.12	4.00	4.00	4.44	4.10	4.07	4.00	4.00
Commerce	3.67	4.00	5.00	-	-	3.87	4.27	5.00	-	-
Air Force	4.71	4.07	4.82	4.60	4.20	4.61	3.94	4.08	4.60	4.20
Army	4.19	3.92	3.76	4.25	5.09	4.14	3.95	3.69	4.13	5.09
Navy	4.65	4.41	4.00	-	-	4.56	4.40	3.38	-	-
OSD	4.89	4.72	4.33	-	-	4.91	4.73	4.33	-	-
DSA	4.55	4.77	5.00	4.67	3.50	4.51	4.84	5.00	4.50	3.50
Energy	4.83	4.25	3.00	-	5.00	4.82	4.25	3.00	-	5.00
Education	5.17	5.27	-	-	-	5.27	5.10	-	-	-
HHS	4.65	4.30	4.44	5.50	4.55	4.65	4.32	4.56	5.29	4.37
HUD	4.55	4.71	4.33	-	-	4.59	4.73	4.00	-	-
Interior	4.63	4.20	4.00	-	4.37	4.73	4.57	4.00	-	4.21
Justice	5.20	5.09	5.14	5.00	-	5.15	5.00	4.50	5.00	-
Labor	4.81	4.12	4.00	6.00	5.00	4.87	4.23	4.00	6.00	5.00
Transportation	5.09	5.32	4.75	4.00	5.00	5.11	5.32	4.75	4.00	5.00
Treasury	3.89	3.57	3.55	3.00	-	3.94	3.56	3.78	3.00	-
EPA	5.00	5.09	6.00	-	-	5.04	5.11	6.00	-	-
EEOC	5.17	4.54	-	-	-	5.17	4.54	-	-	-
FDIC	4.24	3.00	MD	-	-	4.24	3.00	MD	-	-
GSA	4.62	4.37	5.00	-	5.00	4.70	4.49	5.00	-	5.00
OPM	4.06	4.09	3.67	-	-	4.11	4.08	3.67	-	-
SBA	4.43	3.60	-	-	5.00	4.42	3.67	-	-	5.00
VA	4.35	3.95	4.23	4.40	4.67	4.39	4.16	4.31	4.25	4.50

SOURCE: Data supplied by OPM, on file at CSRO.

Table A-4

Total Work Force of Federal Agencies in Region VII with 100 or More Employees - Percent of All Workers
1980

Agency	Number of Employees	TOTAL					FEMALE				
		White	Black	Hispanic	Asian/ Pac.Isl.	Am.Indian/ Al.Native	White	Black	Hispanic	Asian/ Pac.Isl.	Am.Indian/ Al.Native
Agriculture	7,922	92.6	5.4	0.9	0.5	0.6	26.9	2.6	0.3	0.1	0.1
Commerce	808	92.9	5.0	1.2	0.4	0.5	31.2	2.0	0.2	0.0	0.1
Air Force	4,905	93.9	4.0	1.4	0.2	0.5	23.6	1.6	0.4	0.1	0.1
Army	19,156	85.7	12.7	0.9	0.4	0.3	31.5	8.5	0.3	0.2	0.1
Navy	771	72.6	25.8	1.4	0.0	0.1	53.6	20.2	1.2	0.0	0.1
OSD	3,828	86.3	12.4	0.9	0.4	0.1	21.1	3.8	0.2	0.1	0.0
DSA	850	86.6	11.5	1.2	0.5	0.2	32.9	7.4	0.5	0.2	0.2
Education	134	70.9	26.1	3.0	0.0	0.0	39.6	17.9	0.7	0.0	0.0
Energy	249	92.4	5.2	1.2	0.4	0.8	21.3	2.8	0.4	0.0	0.4
HHS	5,468	79.0	17.0	1.9	0.4	1.8	48.6	14.1	1.3	0.3	1.2
HUD	684	78.2	18.6	2.9	0.0	0.3	35.2	9.8	1.0	0.0	0.1
Interior	1,709	82.0	2.9	1.1	0.6	13.4	17.1	1.0	0.4	0.2	4.8
Justice	1,924	90.3	7.4	1.6	0.2	0.6	24.1	1.5	0.5	0.1	0.1
Labor	697	81.3	13.1	4.2	0.6	0.9	31.7	6.9	1.6	0.3	0.3
Transportation	3,202	90.4	7.2	1.7	0.2	0.5	14.2	2.5	0.3	0.1	0.1
Treasury	5,439	84.6	14.3	0.8	0.2	0.1	51.0	11.9	0.4	0.1	0.1
EPA	336	89.3	9.8	0.9	0.0	0.0	38.7	7.4	0.3	0.0	0.0
EEOC	113	54.0	43.4	2.7	0.0	0.0	33.6	29.2	0.0	0.0	0.0
FDIC	271	95.2	3.3	1.1	0.4	0.0	26.2	2.6	0.4	0.0	0.0
GSA	2,571	69.6	27.7	1.3	0.1	1.0	29.7	13.4	0.4	0.0	0.5
OPM	181	79.6	17.1	3.3	0.0	0.0	47.0	13.3	2.2	0.0	0.0
Postal Serv.	28,569	83.1	15.7	1.0	0.1	0.1	11.6	4.4	0.1	0.0	0.0
SBA	297	86.2	12.1	1.3	0.0	0.3	41.1	5.7	0.3	0.0	0.3
VA	11,918	78.7	19.0	1.3	0.7	0.3	43.3	10.6	0.5	0.3	0.1

Table A-4 (Cont'd)

	<u>TOTAL</u>					<u>FEMALE</u>				
	White	Black	Hispanic	Asian/ Pac.Isl.	Am.Indian/ Al.Native	White	Black	Hispanic	Asian/ Pac.Isl.	Am.Indian/ Al.Native
Private Sector-1978	90.02	7.64	1.43	0.48	0.43	36.39	3.56	0.50	0.23	0.14
4 Categories-1978	93.08	5.03	0.94	0.51	0.41	46.41	3.53	0.52	0.22	0.15
RPLF - 1980	95.22	2.85	1.10	0.60	0.11	22.33	1.25	0.23	0.14	0.03
RCLF - 1980	93.53	5.15	0.98	0.14	0.16	35.08	2.48	0.37	0.06	0.06
NPLF	91.32	5.30	3.21	1.30	0.16	24.44	2.23	1.00	0.29	0.04
NCLF	87.47	9.90	5.96	0.74	0.24	36.52	4.75	2.28	0.31	0.09

SOURCES: OPM - 1980 Survey
 EEOC - MND-707 (1981)
 EEOC - Summary by State (1978)

Table A-5

Ethnic Group of Administrative Workers of Federal Agencies in Region VII with 100 or More Employees as a Percent
of All Administrative Workers in the Agency
1980

Agency	Administrative Employees	TOTAL					FEMALE				
		White	Black	Hispanic	Asian/ Pac.Isl.	Am.Indian/ Al.Native	White	Black	Hispanic	Asian/ Pac.Isl.	Am.Indian/ Al.Native
Agriculture	1,193	92.5	5.1	0.8	0.5	1.0	19.2	2.4	0.3	0.1	0.2
Commerce	59	81.4	13.6	5.1			23.7	3.4			
Air Force	890	94.8	3.6	0.8	0.2	0.6	12.5	1.2	0.1		
Army	4,131	88.1	10.8	0.7	0.2	0.3	21.4	6.3	0.1	0.1	0.1
Navy	88	71.6	27.3	1.1			25.0	11.4	1.1		
OSD	566	91.9	6.2	1.4	0.4	0.2	12.9	2.5	0.4		
DSA	442	93.9	4.8	1.1	0.2		13.1	2.0	0.2		
Education	57	61.4	31.6	7.0			24.6	17.5	1.8		
Energy	40	95.0	5.0				17.5	5.0			
HHS	1,507	87.1	10.4	1.1	0.3	1.1	33.6	7.2	0.4	0.1	0.5
HUD	393	79.6	18.1	2.0		0.3	18.3	6.9	0.3		
Interior	213	78.9	3.8	3.3	1.4	12.7	9.9	1.4	1.4	0.5	3.3
Justice	476	93.1	5.0	1.1		0.8	8.4	0.8	0.2		
Labor	394	80.7	13.7	4.6		1.0	14.2	5.1	1.0		
Transportation	1,890	92.1	6.2	1.1	0.2	0.3	6.2	2.0	0.2	0.1	
Treasury	959	92.8	5.5	1.4	0.1	0.2	15.0	2.2	0.3	0.1	
EPA	52	92.3	7.7				40.4	5.8			
EEOC	67	47.8	47.8	4.5			16.4	28.4			
FDIC	217	95.9	2.8	0.9	0.5		10.1	1.8			
GSA	386	86.5	8.8	2.3	0.2	2.0	30.8	4.9	0.7		0.2
OPM	80	83.8	13.0	2.5			17.5	8.8			
Postal Service	3,854	93.8	5.5	0.6	0.0	0.1	28.2	1.1	0.1		0.0
SBA	183	85.8	12.6	1.6			21.9	2.7			
VA	460	91.1	6.3	2.2		0.4	18.5	2.0	0.2		0.2

Table A-5 (Cont'd)

	<u>TOTAL</u>					<u>FEMALE</u>				
	White	Black	Hispanic	Asian Pac.Isl.	Am.Indian/ Al.Native	White	Black	Hispanic	Asian/ Pac.Isl.	Am.Indian/ Al.Native
Private Sector Administrators-1978	95.98	2.58	0.64	0.23	0.46	15.72	0.77	0.11	0.03	0.07
RPLF - 1980	95.22	2.85	1.10	0.60	0.11	22.33	1.25	0.23	0.14	0.03
RCLF - 1980	93.53	5.15	0.98	0.14	0.16	35.08	2.48	0.37	0.06	0.06
NPLF - 1980	91.32	5.30	3.21	1.30	0.16	24.44	2.23	1.00	0.29	0.04
NCLF - 1980	87.47	9.90	5.96	0.74	0.24	36.52	4.75	2.28	0.31	0.09

SOURCES: OPM - 1980 Survey
 EEOC - MND-707 (1981)
 EEOC - Summary by State (1978)

Table A-6

Ethnic Group of Professional Workers of Federal Agencies in Region VII with 100 or More Employees as a Percent of
All Professional Worker Employees in the Agency

Agency	Professional Employees	TOTAL					FEMALE				
		White	Black	Hispanic	Asian/ Pac.Isl.	Am.Indian Al.Native	White	Black	Hispanic	Asian/ Pac.Isl.	Am.Indian Al.Native
Agriculture	2,176	94.5	3.2	0.2	1.3	0.8	5.2	0.3		0.2	
Commerce	173	97.1	0.6	0.6	1.7		4.0				
Air Force	294	96.6	2.0	0.7	0.3	0.3	12.2	0.7	0.3	0.3	
Army	2,148	94.7	2.6	1.3	1.1	0.4	9.7	0.6	0.2	0.1	0.0
Navy	16	100.0									
OSD	2,019	88.3	10.5	0.6	0.5	0.0	13.3	2.8	0.1	0.2	
DSA	38	92.1	7.9				5.3				
Education	27	88.9	11.1				29.6	7.4			
Energy	86	91.9	4.7	1.2	1.2	1.2	10.5				
HHS	409	86.3	9.0	1.0	0.7	2.9	17.1	3.2	0.2	0.5	2.7
HUD	68	72.1	23.5	4.4			10.3	4.4			
Interior	436	84.6	1.6	0.9	1.4	11.5	3.7	0.2	0.2	0.5	2.8
Justice	261	92.3	5.7	0.8	0.8	0.4	29.9	1.5	0.8	0.4	
Labor	98	88.8	4.1	4.1	2.0	1.0	17.3	2.0	1.0		1.0
Transportation	253	92.9	4.7	2.8	0.4		4.7	1.2			
Treasury	880	94.9	3.6	0.8	0.6	0.1	12.2	1.5	0.2		
EPA	167	94.6	4.2	1.2			18.0	1.2			
EEOC	9	55.6	44.4				33.3	11.1			
FDIC	2	100.0					50.0				
GSA	107	94.3	3.7	0.9		0.9	11.2	1.8			
OPM	1	100.0					100.0				
Postal Service	54	85.2	14.8				9.3	13.0			
SBA	13	92.3	7.7				7.7	7.7			
VA	3,226	86.5	9.7	1.4	2.2	0.2	54.3	8.1	0.8	0.9	0.1

Table A-6 (Cont'd)

	<u>TOTAL</u>					<u>FEMALE</u>				
	White	Black	Hispanic	Asian/ Pac.Isl.	Am.Indian/ Al.Native	White	Black	Hispanic	Asian/ Pac.Isl.	Am.Indian/ Al.Native
1978 Professional Private Sector	94.81	2.86	0.75	1.24	0.37	35.87	1.54	0.23	0.37	0.1
RPLF-1980	95.22	2.85	1.10	0.60	0.11	22.33	1.25	0.23	0.14	0.03
RCLF-1980	93.53	5.15	0.98	0.14	0.16	35.08	2.48	0.37	0.06	0.06
NPLF-1980	91.32	5.30	3.21	1.30	0.16	24.44	2.23	1.00	0.29	0.04

SOURCES: OPM - 1980 Survey
 EEOC - MND-707 (1981)
 EEOC - Summary by State (1978)

Table A-7

Ethnic Group of Technical Workers of Federal Agencies in Region VII with 100 or more employees as a percent of all technical worker employees of the agency - 1980

Agency	Technical Employees	TOTAL					FEMALE				
		White	Black	Hispanic	Asian/ Pac.Is1.	Am.Indian Al.Native	White	Black	Hispanic	Asian/ Pac.Is1	Am.Indian Al.Native
Agriculture	2726	93.3	5.0	1.3	0.1	0.3	19.4	2.1	0.2	0.0	0.0
Commerce	312	93.6	3.8	1.3		1.3	6.4	0.6	0.3		0.3
Air Force	617	95.6	3.1	0.8		0.5	25.6	1.9	0.2		
Army	3214	87.8	11.7	0.8	0.2	0.3	29.1	7.4	0.4	0.1	0.2
Navy	101	76.2	21.8	1.0		1.0	51.5	14.9			1.0
OSD	222	75.2	22.5	0.9	1.4		33.8	13.5	0.5		
DSA	104	72.1	26.9	1.0			48.1	20.2	1.0		
Education	9	66.7	33.3				55.6	22.2			
Energy	45	91.1	6.7	2.2			33.3	2.2			
HHS	1603	78.6	17.5	1.8	0.3	1.8	51.6	15.2	1.1	0.3	1.5
HUD	43	83.7	14.0			2.3	76.7	9.3			2.3
Interior	548	94.5	1.1	0.7	0.4	3.3	21.7	0.4		0.2	0.9
Justice	189	93.1	4.2	1.6		1.1	47.1	1.1	0.5		0.5
Labor	36	86.1	13.9				63.9	11.1			
Transportation	683	86.4	9.2	3.2	0.3	0.9	11.7	2.6	0.3		0.1
Treasury	1835	83.4	15.6	0.6	0.2	0.2	70.0	14.6	0.3	0.2	0.2
EPA	41	75.6	24.4				53.7	24.4			
EEOC	1	100.0					100.0				
FDIC	2	100.0					100.0				
GSA	306	82.3	14.7	1.3	0.3	1.3	48.0	8.8	0.6	0.3	0.3
OPM	18	72.2	22.2	5.6			72.2	22.2	5.6		
Postal Service	752	71.5	25.7	1.9	0.7	0.3	21.0	13.8	0.4	0.1	0.1
SBA	13	76.9	15.4	7.7			61.5	15.4	7.7		
VA	3530	73.6	25.0	0.9	0.2	0.3	38.4	14.3	0.3	0.1	0.2
1978 PS Tech		91.33	6.71	0.96	0.60	0.39	36.13	4.40	0.41	0.26	0.10
RPLF - 1980		95.22	2.85	1.10	0.60	0.11	22.33	1.25	0.23	0.14	0.03
RCLF - 1980		93.53	5.15	0.98	0.14	0.16	35.08	2.48	0.37	0.06	0.06
NCLF - 1980		87.47	9.90	5.96	0.74	0.24	36.52	4.75	2.28	0.31	0.09

SOURCES: OPM - 1980 Survey

EEOC - MND - 707 (1980)

EEOC - Summary by State (1978)

Table A-8

Ethnic Group of Clerical Workers of Federal Agencies in Region VII with 100 or More Employees As A Percent of All Clerical Worker Employees of the Agency - 1980

Agency	Employees	TOTAL					FEMALE				
		White	Black	Hispanic	Asian/ Pac.Isl.	Am.Indian Al.Native	White	Black	Hispanic	Asian/ Pac.Isl.	Am.Indian Al.Native
Agriculture	1435	89.6	8.6	1.2	0.1	0.4	83.5	7.3	1.0	0.1	0.4
Commerce	240	94.6	5.0	0.4			87.9	4.6	0.4		
Air Force	1040	91.9	5.5	1.6	0.5	0.5	80.1	4.6	1.5	0.5	0.5
Army	5799	77.0	21.7	0.8	0.3	0.2	66.9	18.7	0.7	0.3	0.2
Navy	555	71.0	27.4	1.6			61.1	23.6	1.4		
OSD	455	89.0	10.3	0.7			81.5	8.8	0.7		
DSA	227	79.7	17.2	0.9	1.3	0.9	73.1	14.1	0.9	0.9	0.9
Education	41	73.2	26.8				63.4	24.4			
Energy	30	80.0	13.3	3.3		3.3	73.3	13.3	3.3		3.3
HHS	1889	72.6	23.4	2.5	0.4	1.1	65.7	21.1	2.3	0.4	1.0
HUD	180	76.1	18.9	5.0			76.7	18.3	3.3		
Interior	220	65.0	4.5	0.9		29.5	60.0	3.2	0.9		19.5
Justice	314	90.1	7.3	2.2	0.3		77.1	5.4	1.3	0.3	
Labor	158	78.5	16.5	3.8	0.6	0.6	75.3	13.9	3.8	0.6	0.6
Transportation	292	88.4	9.6	1.4	0.3	0.3	83.6	7.5	1.4	0.3	0.3
Treasury	1715	77.1	22.1	0.6	0.1		71.8	19.7	0.5	0.1	
EPA	70	82.9	15.7	1.4			77.1	12.9	1.4		
EEOC	36	63.9	36.1				63.9	36.1			
FDIC	50	92.0	6.0	2.0			92.0	6.0	2.0		
GSA	828	69.9	28.0	0.7		1.3	53.7	21.6	0.6		1.3
OPM	82	76.8	19.5	3.7			69.5	15.9	3.7		
Postal Service	21890	83.2	15.6	1.0	0.1	0.1	9.3	5.0	0.1	0.0	0.0
SBA	89	87.5	11.4			1.1	83.0	10.2			1.1
VA	2223	80.8	17.8	1.0	0.2	0.1	69.3	12.4	0.7	0.2	0.1
Private Sector											
1978 - clerical		70.84	7.21	1.21	0.33	0.40	74.96	6.05	0.96	0.25	0.25

SOURCES: OPM - 1980 Survey EEOC - Summary by State (1978)

Appendix B

Table B-1

EEOC Criteria for Evaluation of Agencies' Affirmative Action Plans for Fiscal Year 1980

NOTE: These criteria were developed from the evaluation criteria listed in EEOC's instructions. Changes for the most part have only been made in the format. (Figure numbers in the instructions are in parentheses)

1. A signed policy statement must be submitted with the plan.
 - a. The statement should contain a clear statement of top management's intention to enforce equal opportunity and affirmative action planning requirements.
 - b. The statement should include as an attachment, a copy of the directive or instructions from the agency head to management at all levels regarding the enforcement of the requirements.
2. A workforce profile must be developed, populous occupations identified and work force dispersion analyzed.
 - a. A figure showing agency work force profile by grade/pay level must be completed. (4)
 - b. A figure showing the agency work force profile by occupational series must be completed. (5)
 - c. A figure showing work force dispersion by populous occupations by grade/pay level must be completed. (6)
 - d. A figure showing current work force dispersion for populous occupations by level of authority must be completed. (7)
 - e. Agencies must be developing plans and procedures to implement the full work force analysis for the fiscal year 1981 multi-year planning.
3. Determination of underrepresentation.
 - a. A figure on determination of underrepresentation must be completed. (8)
 - b. A figure showing vacancy projections must be completed. (9)
4. Targeting occupations for transition year affirmative action goals. The following criteria must be used in selecting target occupations.
 - a. Select occupations where the highest degree of underrepresentation for more than one group exists, as demonstrated by the determinations of underrepresentation.
 - b. Occupations with the widest grade range.
 - c. Occupations where substantial vacancies are anticipated.
5. Analyze impediments to elimination of underrepresentation. Agencies are required to submit a narrative showing:
 - a. Exact selection procedure(s) where adverse impact is found.
 - b. Specific agency actions to eliminate the adverse impact.
 - c. The number of employees and/or applicants affected by these procedures.
 - d. A figure showing promotion trend analysis must be completed. (10)
 - e. A barrier analysis summary must be completed. (11)
6. FEORP - for each targeted occupation, ethnic group, sex, show underrepresented group, occupation level, agency work force, Federal work force, CLF - indicate order of priority - recruitment strategy to be utilized. (12)

7. Goals - show targeted occupation, level, percent of group in CLF, total and estimated vacancies. (13)
8. Summary of plan - targeted occupation, transition year goal, objectives, specific actions, quarterly estimates. (14)
9. Identification of qualified/qualifiable applicants. EEOC will look to FEORP criteria first. These are:
 - a. The number of qualified and qualifiable employees identified who represent potential applicants for the two targeted occupations.
 - b. Specific agency actions taken to identify applicant pools within the Federal government and civilian labor force for the two targeted occupations.
 - c. The type of focused recruitment strategies developed including:
 - 1) number of personal contacts with colleges having a substantial minority and female enrollment
 - 2) number of personal contacts with minority and female professional organizations
 - 3) resources committed recruitment activities
 - 4) actual number of applicants recruited from among underrepresented groups
 - 5) completion and submission of affirmative recruitment (FEORP).
10. Establishment of transition year affirmative action goals.
 - a. Extent to which goals are actually achieved for targeted occupations.
 - b. Accuracy with which agency completed the calculations to determine transition year goals.
 - c. Adherence to time frame establishment for goal achievement.
 - d. A figure showing the transition year goals must be completed.
11. Staffing and recruitment strategies. In evaluating agency use of innovative staffing strategies, the following will be considered:
 - a. Any type of specific external staffing strategies used to fill positions by level (entry level and above).
 - 1) the relationship to the identified employment barriers for the targeted occupations
 - 2) the relationship to the achievement of goals.
 - b. Any type of specific internal staffing strategies used to fill positions by level (entry level and above).
 - 1) the relationship to the employment barriers identified for the targeted occupations
 - 2) the relationship to the achievement of goals.

Source: EEOC, MND 702.

Table 8-2
Provisions of Data Requested by EEOC

Data Required	Agency/ Plan Date:	Labor 7/28/80	HHS/ORD 7/16/80	EPA 5/1/80	HHS/SSA/MAMPSC 1/18/80	HHS/HCFA 11/26/79	HUD 9/25/79	HHS/HDS 3/12/80	FHWA 1/16/80	FAA 1/18/80	GSA 1/3/80
1. work force profile, populous occupation identification and work force dispersion											
a. work force by grade/pay levels (Fig. 4)	for each unit not overall		done	done	done	done	done	done	national not regional data	not done	not ^c done
b. work force by occupational series (Fig. 5)	not done		done	done	done	done	done	done	national not regional data	not done	not ^c done
c. work force dispersion for populous occupations by occupational grade/pay level (Fig. 6)	done		done	done	done	done	done	Table incomplete Grade 12-15	national not regional data	not done	not ^c done
d. work force dispersion for populous occupations by level of authority (Fig. 7)	done		not ^a done	done	done	not done	done	not done	not done	done	not ^c done
2. determination of underrepresentation											
a. determination of under- representation (Fig. 8)	done for selected occupations only		done	done	done	not done	done	done	done	not done	done
b. vacancy projections(Fig. 9)	not done		done	done	done	done national not local	done	done	done	done	done
3. analysis of impediments to elimination of underrepresentation											
a. promotion trend analysis (Fig. 10)	not done		not ^a done	for one year only analysis by ethnic group not provided	done	not done	no trend data only one year reported	not done	done	not done	done

Table B-2
 Provisions of Data Requested by EEOC

Data Required	Agency/ Plan Date:	Labor 7/28/80	HHS/ORD 7/16/80	EPA 5/1/80	HHS/SSA/MAMPS 1/18/80	HHS/HCFA 11/26/79	HUD 9/25/79	HHS/HHS 3/12/80	PHWA 1/16/80	FAA 1/18/80	GSA 1/3/80
b. barrier analysis summary (Fig. 11)		done	not ^a done	done- thin	done- thin	not done	not done in proper format very thin analysis	not done	not done	done but not as instructed	not ^d done
4. FEORP--for each targeted occupation show ethnic group, sex, underrepresented group, occupational level, agency work force, Federal work force CLF--indicate order of priority and recruitment strategy to be used (Fig.12)	There is a table but not with this data		not ^a done	not done (but full FEORP appended)	done	not done- covered in national plan	done-very thin strategy	not done covered by HQ plan	done very thin	done-very thin on specifics	done ^d
5. Summarize goals, targeted occupation, level, percent of group in CLF, total and estimated vacancies (Fig. 13)	There are goals, but not the data required		done but ^b goals not actually calculated	done	done	done national not local	done	done	some regional data, done national	done	not ^d done
6. Summarize plan showing targeted occupation, transition year goal, objectives, specific action and quarterly milestones (Fig. 14)	There are goals and specific actions, not in this format		Combined categories to reach goals per EEOC agree- ment	done- thin on specific actions	done- specific action is very thin	done	done specific actions very thin	done no specific actions	done national but not regional. Specific in numbers but not in what will be done	not done	not ^d done

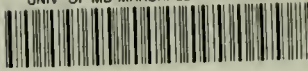
^aHHS stated that these items were added by its central office to the plans, prior to submission to EEOC.(Al Kemp, Regional Director, letter to staff, July 1, 1982.)

^bHHS stated that this was done in accordance with its central office's instructions.(Al Kemp, letter to staff, July 1, 1982.)

^cGSA does assemble two tables from which this data could be extracted (John 8. Platt, Regional Administrator, letter to staff, July 2, 1982.) but GSA's format is very much more complicated making analysis difficult.

^dMuch of the disparity was due to GSA headquarters' instructions that differed from MND 702.(John 8. Platt, letter to staff, July 2, 1982.)

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