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# The Quest for Equal Employment Opportunity in Oklahoma State Government

March 1978

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# The Quest for Equal Employment Opportunity in Oklahoma State Government

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

## **Attribution:**

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

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## LETTER OF TRANSMITTAL

OKLAHOMA ADVISORY COMMITTEE TO THE  
U.S. COMMISSION ON CIVIL RIGHTS  
March 1978

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Manuel Ruiz, Jr.

Murray Saltzman

Louis Nunez, *Acting Staff Director*

Sirs and Madam:

During the early part of February 1977, the Oklahoma Advisory Committee conducted a 2-day open hearing at the State Capitol in Oklahoma City to receive information on the employment of minorities and women in State government and to assess the impact of the State's merit system on equal employment opportunity.

This report is an attempt to summarize the findings of that hearing and the extensive field investigations conducted by Commission staff prior to the hearing. In preparing this report, the Advisory Committee was cognizant that equal employment opportunity in Oklahoma State government has always been a major issue in this State. Therefore, our main purpose in developing this report is to influence, in a positive way, the basic thrust of affirmative action and equal employment opportunity in State government. As part of this effort, we have carefully examined the overall employment composition of the State's work force, utilizing previous studies. We have also attempted to analyze the State's merit system and its response to the needs of minorities and women. In addition, the report describes the employment of minorities and women in seven selected State agencies.

We are offering many recommendations. They are directed primarily to the Governor, to the State personnel board and other appropriate State agencies, and to Federal agencies.

It is our hope that the Commission will support our recommendations and use its influence to help expedite the implementation of equal employment opportunity in Oklahoma State government.

Respectfully,

Hannah Atkins  
Chairperson



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## **THE UNITED STATES COMMISSION ON CIVIL RIGHTS**

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## **THE STATE ADVISORY COMMITTEES**

An Advisory Committee to the United States Commission on Civil Rights has been established in each of the 50 States and the District of Columbia pursuant to section 105(c) of the Civil Rights Act of 1957 as amended. The Advisory Committees are made up of responsible persons who serve without compensation. Their functions under their mandate from the Commission are to: advise the Commission on 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.

## **ACKNOWLEDGMENTS**

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# Introduction

On February 10 and 11, 1977, a special subcommittee of the Oklahoma Advisory Committee to the United States Commission on Civil Rights met in open session at the State capitol in Oklahoma City. The purpose of the hearing was to seek information on the employment of minorities and women in State government and to assess the impact on equal employment opportunity<sup>1</sup> of the Oklahoma Merit System, which underlies the whole structure of State government employment. This system, serving over 50 State agencies with approximately 25,000 classified employees, was created by law in 1959 by the 27th State Legislature. Among the goals of the system outlined in the original statute, the very first mandates equal employment opportunity for all citizens of the State.<sup>2</sup>

Whether or not the merit system has fulfilled its mandate was the central question at the Advisory Committee's hearing, for employment discrimination in State government has been an extremely important issue in Oklahoma. As far back as 1969, the Oklahoma Human Rights Commission reported that:

\*\*\*despite the presence of the Merit System and other safeguards designed to make the State colorblind and unconscious of race or ethnic background, Negroes, Indians, and Mexican Americans are not being hired or promoted as readily as Caucasians.<sup>3</sup>

A more recent study prepared by the same commission in cooperation with the Oklahoma Governor's Advisory Commission on the Status of Women reported that out of a total merit system work force in 1974 of 23,201 employees, 3,264, or about 14 percent, were minorities. Of the minority total, 1,937, or approximately 8 percent of the merit system work force, were black, and 1,057, or about 4.6 percent, were American Indian. Mexican Americans and Asian Americans together constituted only about 1 percent of the total work force in the State's merit system.<sup>4</sup>

A significant finding of this study was that almost two-thirds of all minority employees were concentrated in three major occupational functions with low median annual salaries—public welfare, hospitals, and health. Moreover, the median salaries of these minority employees were \$700 to \$1,900 lower than those earned by white employees in the same categories. The report further noted that more than three-fourths of all women workers were employed in those three functions and earned median salaries up to \$2,600 lower than their male counterparts.<sup>5</sup>

These and other recent studies have provided the framework for the 6 months of field investigation and for the hearing that preceded this Advisory Committee report. The Committee has not attempted to duplicate the research or repeat the findings of earlier investigators from the Oklahoma Human Rights Commission, the Governor's Advisory Commission on the Status of Women, the U.S. Civil Service Commission, and the U.S. Equal Employment Opportunity Commission. The Committee's efforts were designed not only to measure minority and female participation in the merit system, but also to examine the practices, programs, attitudes, and obstacles that have produced already documented exclusionary conditions and patterns.

The hearing had four objectives:

- To document the status of equal employment opportunities for minorities and women in State government.
- To assess current efforts at the State level to promote affirmative action with respect to the employment of minorities and women.
- To focus public attention on the problems affecting minorities and women with respect to employment opportunities in State government.
- To stimulate specific actions and initiatives designed to promote affirmative action and assure employment opportunities for minorities and women in Oklahoma State government.

To serve these ends, representatives from such groups as the NAACP, Urban League, Governor's Advisory Council on Spanish-American Relations, Governor's Advisory Commission on the Status of Women, and the Oklahoma Indian Affairs Commission were invited to share their views on the merit system and affirmative action efforts now being implemented by various State agencies. In addition, the Governor and other State officials were invited to testify on their efforts to bring about affirmative action and equal employment opportunities within their respective agencies.

This report summarizes the findings of this hearing and the extensive field investigations conducted by Commission staff and members of the Advisory Committee. It examines in great detail the current composition of the State's work force. The special problems of identification as it affects American Indians in Oklahoma State government are also discussed. In addition, the State's affirmative action and equal employment opportunity efforts are outlined and evaluated.

Subsequent chapters deal with the merit system and some of the major problems inherent in it. The employment of minorities and women in seven State agencies is examined with respect to those agencies' affirmative action efforts. Another chapter attempts to define the overall direction being taken by State officials to bring about equal employment opportunity in State government.

What responsibility does State government have with respect to affirmative action and equal employment? William Rose, director of the Oklahoma Human Rights Commission, was very emphatic in his statement before the Advisory Committee as to what kind of role State government should play. He said, in part, "Clearly, State government's undisputed moral and legal obligation to equality of opportunity for all her citizens requires that she be the model equal opportunity employer." (I, 54)<sup>6</sup>

Governor David L. Boren, in a recent minicabinet meeting of State law enforcement agency heads, stated:

We must all work together to assure that we have a strong and effective affirmative action program in Oklahoma\*\*\*not because the Federal government has told us to do so, but because we know it is the right thing to do.<sup>7</sup>

Despite these declarations, it appears that all is not well with respect to affirmative action and

equal employment opportunity in Oklahoma State government. Many barriers still exist that not only prevent minorities and women from entering State employment but also hinder their upward mobility. In this context, William Rose stated:

\*\*\*the human rights commission feels that the system for bringing minorities and women into State employment and providing upward mobility currently contains within itself systemic barriers of very questionable legality, such as examinations and qualifications with no demonstrable relationship to performance. (I, 57)

He added:

These barriers are further buttressed by the presence of agencies whose work force composition indicates very clearly, to the human rights commission, at least, a less than affirmative, good faith effort to make equality of employment opportunity a reality within their respective work forces. (I, 57)

Thus, the issues surrounding job equality and affirmative action in Oklahoma State government are complex and far ranging, and admit no simple solutions. They must be addressed with more than mere good intentions. In this instance, action does speak louder than words.

While the Advisory Committee has made many recommendations to deal with the forms of job discrimination found in State government, it cannot dictate what the State of Oklahoma must do. Only the Governor, the State legislature, and in the long run, the citizens of Oklahoma, can establish policies and implement programs that will enable State government to fulfill its obligation as an equal opportunity employer. This is the challenge!

## Notes to Chapter 1

1. The following definitions will apply:

**Equal employment opportunity** provides an employment environment whereby all employees and employment applicants are judged on individual merit without regard to race, color, national origin, religion, sex, age, physical disability, or political affiliation.

**Affirmative action** can best be described as the method used by the public employer to assure that positive steps are taken to assure equal employment opportunity and to overcome effects of past discrimination.

**An affirmative action plan (AAP)** is a written plan of action incorporating measurable goals and timetables indicating what steps the employer will take to bring about equal employment opportunity (EEO). It is a positive management tool to be used at all organizational levels. The AAP is a flexible plan which is reviewed, evaluated, and updated on a periodic basis and revised when necessary.

Source: Southwest Federal Regional Council, *Uniform Interagency Guidelines for EEO Affirmative Action Plans* (Dallas, Tex., June 1975), p. 1.

2. 74 Okl. St. Ann. §801 et seq (1959).

3. State of Oklahoma, Human Rights Commission, *Racial and Ethnic Employment in the Merit System*, Part-1. Distribution Data (Dec. 31, 1969), p. 13.

4. State of Oklahoma, Human Rights Commission and Governor's Advisory Commission on the Status of Women, *Female, Racial and Ethnic Employment in the Classified Work Force* (December 1975), table 2, "State Merit System Employees by Sex, Racial/Ethnic Status, 1974," p. 10.

For the purpose of this report, the following group definitions are used:

**White**—a person having origins in any of the original peoples of Europe, North Africa, or the Middle East

**Black**—a person having origins in any of the black racial groups of Africa

**Hispanic**—a person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin regardless of race

**American Indian or Alaskan Native**—a person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition

**Asian American or Pacific Islander**—a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands.

**Other**—This designation pertains to those who are not identified

Source: U.S., Executive Office of the President, Office of Management and Budget, *Circular No. A-46 Revised Transmittal Memorandum No. 6*, "Race and Ethnic Standards for Federal Statistics and Administrative Reporting" (May 12, 1977).

"Minority groups" as used in this report refers to those population groups who identify themselves as black, Hispanic, American Indian, and Asian American. The category "Hispanic," while not a race identification, is included as a separate ethnic category and is not included under the "white" category.

5. *Ibid.*, p. 1.

6. Volume and page numbers in parentheses cited here and hereafter in the text refer to passages in transcripts of testimony before the Oklahoma Advisory Committee to the U.S. Commission on Civil Rights at its open meeting in the State capitol, Oklahoma City, Okla., Feb. 10-11, 1977.

7. State of Oklahoma, Office of the Governor, press statement, Oklahoma City, Mar. 25, 1977, p. 1.



## The Employment of Minorities and Women in Oklahoma State Government

The Oklahoma Merit System is the basic mechanism through which the State of Oklahoma recruits, hires, and trains its work force. It is a statewide merit system of personnel administration covering all State employees in agencies that might be brought under the Oklahoma Merit Act by executive order of the Governor.<sup>1</sup> Elected officials and their employees, and employees of the legislative and judicial branches, were specifically excluded from coverage under the merit system.<sup>2</sup>

As of November 1976, there were 25,235 full-time employees working in 53 agencies covered by this system.<sup>3</sup> These agencies ranged in size from the giant Oklahoma Department of Institutions, Social and Rehabilitative Services with a work force of almost 9,100 to the Governor's Commission on Employment of the Handicapped with only 2 employees.<sup>4</sup> Within these two extremes there exists a wide diversity of agencies, departments, and commissions, each with its own specific functions, requirements, and policies. In aggregate, they constitute the programmatic foundation for State government in Oklahoma.

In 1969, the Oklahoma Human Rights Commission conducted a survey of the merit system work force. In a report released later that year, the commission found that blacks, American Indians, and Hispanics were not being hired or promoted as readily as whites. Consequently, they were represented in the State work force in proportions less than their proportions in the Oklahoma population. The commission stressed that this condition was a product of several factors, some operative within State government and others outside the system.<sup>5</sup>

The commission also came up with a number of major findings as part of its survey. Among these findings were the following:

- The unquestioned commitment of State government to the cause of equal employment opportunity has not been reinforced by sufficiently aggressive and continuing programs designed to ensure that this commitment is being positively and affirmatively implemented at every level.

- Discriminatory practices, long since morally and legally discredited, continue to influence the types of jobs and levels of promotion for which minorities may be considered.

- Minorities, particularly Negroes, have not been convinced that equality of opportunity is a reality within State government.<sup>6</sup>

Two years later the Oklahoma Human Rights Commission reported the following:

Negroes and American Indians have not been able to obtain entry into jobs covered by the merit system; or move upward on equal terms with Caucasians. These groups have been discriminated against on the basis of race. That this discrimination may be largely a function of systemic barriers and not the result of State policy or conscious acts makes it no less unlawful.<sup>7</sup>

Women encountered similar obstacles. In 1975, the Oklahoma Human Rights Commission and the Governor's Advisory Commission on the Status of Women concluded:

\*\*\*the classified employment system of the State of Oklahoma, through the combination of systemic inadequacies and less than effective effort by agency hiring and promotion authorities, has not provided equality of employment opportunity for women and minorities in the manner required by law.<sup>8</sup>

Despite efforts to bring about change and to enhance equal employment opportunity in State government, this condition persists. If anything, the problems have become more complex. William Rose, director of the Oklahoma Human Rights Commission, spoke at the February 1977 hearing about his perception that the merit system had failed to become a model for equal employment opportunity:

The reasons for this shortcoming are complex and should not be over-simplistically ascribed to intentional racism and sexism. Those sins were clearly present in years past. However, their residue is now intermingled with the systems and procedures that are the current



villains. The result is what is often referred to as "institutional racism and sexism." (1, 54-55)

With the above serving as an introduction, the remainder of this chapter will examine the composition of the Oklahoma Merit System's work force. More specifically, we will analyze in great detail the number and percentage of minority and female employees currently employed in Oklahoma State government. We will also examine the distribution of this work force by race, ethnicity, and sex, by job category, and by salary level in order to determine whether any disparities exist between groups. The main objective of this analysis is to assess the State's current level of success in affirmative action as reflected in the employment patterns of minorities and women in the merit system.

## Minority Distribution

Table 2.1 describes the composition of the State merit system's full-time work force by race, ethnicity, and sex as of 1976. A total of 3,397, or 13.5 percent, of all employees were members of minority groups. The system's work force was 8.7 percent black and 3.8 percent American Indian. Asian Americans and Hispanic Americans were at 0.40 percent and 0.58 percent, respectively. This composition may be compared to that of the general population, which was estimated in 1975 as being approximately 7.1 percent black and 4.2 percent American Indian, and recorded in the 1970 census as approximately 2.0 percent Hispanic and 0.1 percent Asian American.<sup>9</sup> In relation to their numbers in the State's population, Hispanics appeared to be the most under-represented of all the racial-ethnic groups in State government.

Table 2.2 describes the racial and ethnic composition of the Oklahoma Merit System work force during the period 1969-76. The shifts in the minority proportions of the work force can be measured against the population figures just presented, which can reasonably be expected to have remained fairly stable during the period.

A look at the racial-ethnic distribution in table 2.2 of State employment over the last 8 years reveals the emergence of some interesting patterns. For instance, while the total number of white employees has been increasing, the overall

white proportion has been steadily decreasing. In 1969 white employees made up 90.5 percent of the State's work force; by 1976 the proportion had declined to 86.5 percent. At the same time, both the number and percentage of black employees in the merit system increased. In 1969 blacks made up about 5 percent of the work force. By 1976, they comprised 8.7 percent of the merit system employment. During the same period, the proportions of Hispanic, Asian American, and American Indian employees remained relatively stable.<sup>10</sup>

While there has been an increase in the number of minority members employed in the Oklahoma Merit System over the years, they still constitute only a small portion of the State's work force. In 1969 minorities made up only 9.5 percent of the State's work force, in 1973 12.8 percent, and by 1976 only 13.5 percent. Although the black proportion of the work force has surpassed the black population proportion, this does not of itself indicate equality of opportunity. This will become apparent in subsequent sections of this chapter when salary and job classification distributions are presented. Furthermore, many State agencies employed no minorities at all or only one or two "token" minorities. Of the 53 State agencies under the merit system in 1976, 12 had no minority employees and another 18 had fewer than five. Also, 20 agencies employed no blacks, 29 had no Hispanic employees, and 16 had no Indians (see appendix A).

## Gender Distribution

Table 2.1 shows that women comprised 52.6 percent of all employees in State government in 1976. However, proportions by gender varied among the racial and ethnic groups in the Oklahoma Merit System. While 58 percent of all American Indian employees were men, only 31 percent of black employees were male. In between these extremes, 48 percent of all white employees, 56 percent of Hispanic ones, and 55 percent of Asian American employees were men. When these gender proportions are considered, it is evident that black males must be considered an under-represented group.

The numbers of women employed at individual agencies varied from lows of 7.6 percent in the turnpike authority and 8.4 percent in the department of transportation to 100 percent on the

**TABLE 2.1****Merit System Employment by Race-Ethnicity and Gender—November 1976**

Race-Ethnicity Group	Group Total	Group Percent	Male	Female	Male Percent	Female Percent
White	21,838	86.54	10,578	11,260	48.44	51.56
Minority	3,397	13.46	1,372	2,025	40.39	59.61
Black	2,190	8.68	679	1,511	31.00	69.00
Hispanic	147	0.58	82	65	55.78	44.22
Asian American	102	0.40	56	46	54.90	45.10
American Indian	958	3.80	555	403	57.93	42.07
Work Force Total	25,235	100.00	11,950	13,285	47.35	52.65

Source: U.S., Equal Employment Opportunity Commission, *State and Local Government Information (EEO-4): Jurisdiction Information Summary, Oklahoma State Government* (November 1976).

**TABLE 2.2****Merit System Employees by Race and Ethnicity—1969-76****NUMBERS OF FULL-TIME EMPLOYEES**

Employee Group	1969 <sup>a</sup>	1971 <sup>b</sup>	1973 <sup>c</sup>	1974 <sup>d</sup>	1975 <sup>e</sup>	1976 <sup>f</sup>
White	16,403	17,569	19,784	19,937	20,287	21,838
Black	903	1,040	1,784	1,937	1,878	2,190
Hispanic	45	55	107	123	129	147
Asian American	— <sup>g</sup>	— <sup>h</sup>	65	—	62	102
American Indian	693	963	943	1,057	959	958
Other	80	—	16	147	71	— <sup>k</sup>
Total	18,124	19,627	22,699	23,201	23,386	25,235

**PERCENTAGE DISTRIBUTIONS**

Employee Group	1969	1971	1973	1974	1975	1976
White	90.50	89.51	87.16	85.93	86.75	86.54
Black	4.98	5.30	7.86	8.35	8.03	8.68
Hispanic	0.25	0.28	0.47	0.53	0.55	0.58
Asian American	—	—	0.29	—	0.27	0.40
American Indian	3.82	4.91	4.15	4.56	4.10	3.80
Other	0.45	—	0.07	0.63	0.30	—
Total	100.00	100.00	100.00	100.00	100.00	100.00

<sup>a</sup> State of Oklahoma, Human Rights Commission, *Racial and Ethnic Employment in the Merit System*, Part I, Distribution Data (Dec. 31, 1969), table 1, "Distribution by Grade," p. 11.

<sup>b</sup> State of Oklahoma, Human Rights Commission, *Survey and Study: Racial and Ethnic Composition of the Merit System Work Force* (Oct. 19, 1971), table A, "Distribution Within Grade by Race and Ethnic Group," p. 5.

<sup>c</sup> U.S., Equal Employment Opportunity Commission (EEOC), *State and Local Government Information (EEO-4): Jurisdiction Information Summary, Oklahoma State Government* (Aug. 6, 1974).

<sup>d</sup> State of Oklahoma, Human Rights Commission and Governor's Advisory Commission on the Status of Women, *Female, Racial, and Ethnic Employment in the Classified Work Force* (December 1975), table 2, "State Merit System Employees by Sex, Racial/Ethnic Status, 1974," p. 10.

<sup>e</sup> EEOC, *Jurisdiction Information Summary, Oklahoma* (August 1976).

<sup>f</sup> *Ibid.*, November 1976.

<sup>g</sup> No information on Asian American employees.

<sup>h</sup> *Ibid.*

<sup>i</sup> The "Other" category includes Aleuts, Eskimos, Malayans, Thais, and others not covered by the specific categories on the EEO-4 form.

<sup>j</sup> No information on Asian American employees.

<sup>k</sup> No data included in "Other" category for 1976.

cosmetology board.<sup>11</sup> As was the case with minority groups, distribution among job types and salary levels will have to be considered before final judgments about equality of opportunity for women are made.

## Occupational Distribution

Figure 2.1 displays representation in specific types of occupations for minorities in aggregate and for women. This gives a broad picture of areas of concentration or exclusion.

Table 2.3 lists the 1976 distribution across job categories<sup>12</sup> within each race or ethnicity and gender group. Such a distribution can disclose whether a group's members are clustered in certain occupations, a sign of possible exclusion from other occupations. (However, such distributions can mask an overall exclusion, for each group in the distribution totals 100 percent. For example, the proportion of Hispanic employees working as professionals suggests adequacy, until it is recalled that this "adequate" fraction is taken from a larger, significantly inadequate fraction—Hispanics in the merit system.)

As this table shows, slightly more than 6.2 percent of all merit system workers were classified as officials or administrators. White employees were slightly above this proportion while blacks were significantly underrepresented in this category. Less than 2 percent of all black employees in the merit system were classified as either officials or administrators. Hispanic employees fared better, but they were still under the systemwide proportion. Asian Americans and American Indians were above the systemwide proportion.

In the professional category, table 2.3 shows blacks also underrepresented. Nearly 25 percent of all State employees were classified as professionals, yet only 11.6 percent of the black work force was so classified. White employees were slightly above the overall proportion and Hispanic and Asian Americans significantly above it. The proportion of Indian employees in this category was slightly below the overall proportion.

Underrepresentation in some classifications can be alternately described as concentration in others. In this case, the concentration was such that black employees exceeded the State proportion in only two job categories—paraprofessional and service-maintenance. These jobs are usually supportive

and require less formal training and experience than professional and technical jobs. Proportionately, the service-maintenance job category dominated the black job profile, with 29.5 percent of the black work force employed in this category.

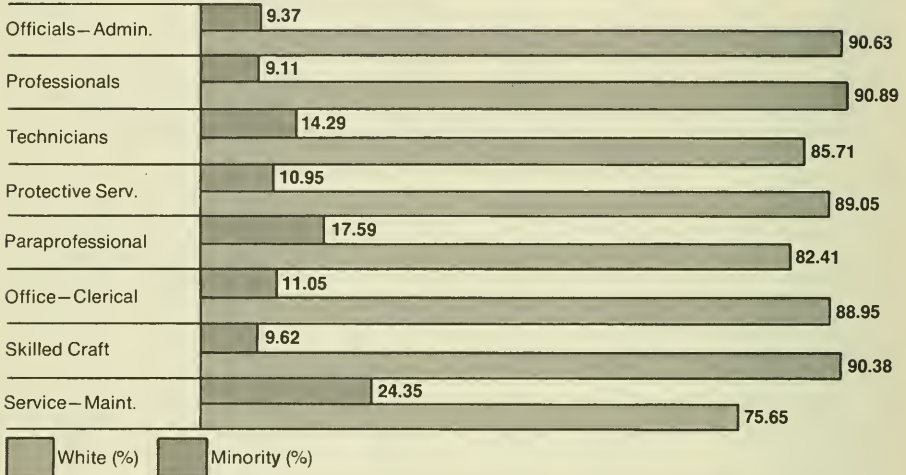
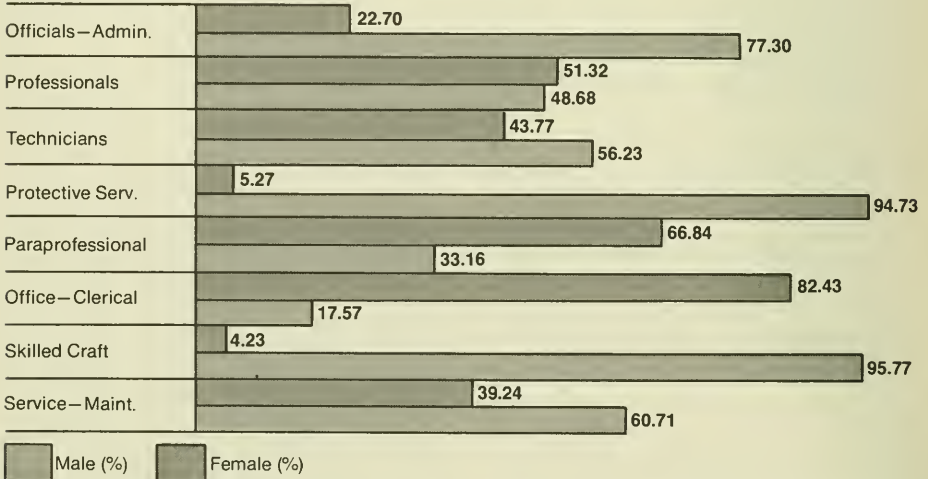
The distribution of Hispanic employees in 1976 closely reflected the overall distribution of the State's work force. Hispanics exceeded the State proportion in the professional, technician, and paraprofessional categories. Over one-fourth of all Hispanic employees were classified as professionals.

In 1976 American Indians exceeded the merit system proportions in five job categories: official-administrative, technician, protective service, skilled craft, and service-maintenance. Nearly one-fourth of all Indian employees were classified as professionals and 9.2 percent were classified as officials and administrators.

Asian Americans also scored high in the top job categories. As of 1976, Asian American employees exceeded the State proportion in the official-administrative, professional, technician, and service-maintenance categories. Over one-third of all Asian American State employees were classified as professionals.

Women appear to be having difficulty in breaking into certain kinds of jobs. As table 2.3 points out, over 56 percent of all women in the merit system were concentrated in two job categories: paraprofessional (18.7 percent) and office-clerical (37.4 percent). Another 24 percent were classified as professionals; this is comparable to the male figure. Less than 3 percent were employed as officials and administrators. In contrast, over 10 percent of all males in the merit system were employed in this category.

Computing horizontally in table 2.4 gives the distribution by race or ethnicity and gender groups within each job category. Such percentages should echo those in the general population, or at least the race-gender proportions in the State government work force as a whole (given in the "total" row). In 1976 white employees occupied 90.6 percent of all the official and administrative jobs in Oklahoma State government, a figure that exceeded the overall white proportion in the Oklahoma Merit System work force (86.5 percent). The same condition was true for Asian American and Indian employees. In contrast,

**FIGURE 2.1****Composition of Occupational Groups in the Merit System – 1976.****RACIAL-ETHNIC COMPOSITION****Job Category****Gender Composition**

Source: U. S., Equal Employment Opportunity Commission, *State and Local Government Information (EEO-4): Agency Summary* (August 1976).

**TABLE 2.3**  
**Occupational Distributions of Race-Ethnicity and Gender Groups in the Merit System—1976**  
**NUMBERS OF FULL-TIME EMPLOYEES**

Job Category	Total	White	Black	Hispanic	Asian American	American Indian	Total Minority	Male	Female
Officials-Admin.	1,568	1,421	40	6	13	88	147	1,212	356
Professionals	6,146	5,586	255	42	40	223	560	2,992	3,154
Technicians	1,903	1,631	165	17	8	82	272	1,070	833
Protective Service	1,233	1,098	51	6	2	76	135	1,168	65
Paraprofessional	3,712	3,059	496	26	15	116	653	1,231	2,481
Office-Clerical	6,027	5,361	486	27	9	144	666	1,059	4,968
Skilled Craft.	1,134	1,025	52	6	0	51	109	1,086	48
Service-Maint.	3,512	2,657	645	17	15	178	855	2,132	1,380
Total	25,235	21,838	2,190	147	102	958	3,397	11,949	13,285

**PERCENTAGE DISTRIBUTIONS**

Job Category	Entire Work Force	White	Black	Hispanic	Asian American	American Indian	Total Minority	Male	Female
Officials-Admin.	6.21	6.51	1.83	4.08	12.75	9.19	4.33	10.14	2.68
Professionals	24.36	25.58	11.64	28.57	39.22	23.28	16.48	25.04	23.74
Technicians	7.54	7.47	7.53	11.56	7.84	8.56	8.01	8.95	6.27
Protective Service	4.89	5.03	2.33	4.08	1.96	7.93	3.97	9.78	0.49
Paraprofessional	14.71	14.01	22.65	17.69	14.71	12.11	19.22	10.30	18.68
Office-Clerical	23.88	24.54	22.19	18.38	8.81	15.03	19.61	8.86	37.40
Skilled Craft.	4.49	4.69	2.37	4.08	0.00	5.32	3.21	9.09	0.36
Service-Maint.	13.92	12.17	29.46	11.56	14.71	18.58	25.17	17.84	10.38
Total	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00

Source: U.S., Equal Employment Opportunity Commission, *State and Local Government Information (EEO-4): Agency Summary* (August 1976).

**TABLE 2.4****Composition of Occupational Groups in the Merit System—1976**

PERCENTAGE DISTRIBUTIONS OF FULL-TIME EMPLOYEES BY RACE, ETHNIC GROUP, AND GENDER

Job Category	Total	White	Black	Hispanic	Asian American	American Indian	Total Minority	Male	Female
Officials-Admin.	100.00	90.63	2.55	0.38	0.83	5.61	9.37	77.30	22.70
Professionals	100.00	90.89	4.15	0.68	0.65	3.63	9.11	48.68	51.32
Technicians	100.00	85.71	8.67	0.89	0.42	4.31	14.29	56.23	43.77
Protective Service	100.00	89.05	4.14	0.49	0.16	6.16	10.95	94.73	5.27
Paraprofessional	100.00	82.41	13.36	0.70	0.40	3.13	17.59	33.16	66.84
Office-Clerical	100.00	88.95	8.06	0.45	0.15	2.39	11.05	17.57	82.43
Skilled Craft.	100.00	90.38	4.59	0.53	0.00	4.50	9.62	95.77	4.23
Service-Maint.	100.00	75.65	18.37	0.48	0.43	5.07	24.35	60.71	39.29
Total Work Force	100.00	86.54	8.68	0.58	0.40	3.80	13.46	47.35	52.65

Source: U.S., Equal Employment Opportunity Commission, *State and Local Government Information (EEO-4): Agency Summary* (August 1976).



although blacks made up nearly 9 percent of the work force, they occupied only about 3 percent of the jobs in this category; Hispanics were also underrepresented.

In the other job categories there were similar disparities. White employees exceeded their overall work force proportion in the following categories: officials and administrators, professional, protective service, office and clerical, and skilled crafts. Black employees, in comparison, matched or exceeded their overall proportion in only three categories: technician, paraprofessional, and service-maintenance.

Table 2.4 also shows that males exceeded females in every job category except three: professional, paraprofessional, and office-clerical. Women as well as minorities are concentrated in the less desirable jobs. Figure 2.2 restates this condition graphically as the percentage distributions of merit system employees by job category and sex for 1973 and 1976. In general, there appeared to be little change from 1973 to 1976. There were slight increases in the proportions of females employed as officials and administrators, professionals, technicians, and service-maintenance personnel. However, males also experienced increases in the official-administrative, professional, office and clerical, and skilled craft categories. The shifts are perhaps more reflective of changes in the government structure than of adjustments in the relative status of the sexes.

## Salary Distribution

With respect to salary distribution, there are wide disparities between whites and minorities and between males and females. Leonard Benton, director of the Urban League of Oklahoma City, stated in his testimony before the Advisory Committee:

\*\*\*blacks and minority State government personnel are concentrated in job categories with general low pay and low upward mobility.

Three-fourths of all blacks are located in three lower job categories: paraprofessionals, office-clericals, and service-maintenance\*\*\*. Their respective median salaries are: service-maintenance, \$3,585\*\*\*; paraprofessional, \$3,644; and office-clericals, \$3,926. Only .4 percent of all blacks are in top administrative or professional job categories that pay more than \$16,000 a year. (1, 231-32)

Jan Dreiling, chairperson of the Governor's Advisory Commission on the Status of Women, cited figures from the report that commission helped to prepare:

All groups of female employees, regardless of their racial-ethnic categories, have lower median annual salaries than did the males in their group. Almost half, 48.2 percent of all females, earn \$6,000 or less per year, compared to 26 percent of all males. (1, 127)

She added:

The two lowest paid categories, office-clerical and paraprofessional, were overwhelmingly female\*\*\*more than one-half of all women were in those positions compared to 19 percent of all men\*\*\*[Nevertheless] median salaries for men in these categories are from \$900 to \$1,800 higher than those of women\*\*\*. Overall, women workers earned a median annual salary \$1,700 lower than men and \$2,400 lower than the national median annual salary for all State and local governmental employees. (1, 128)

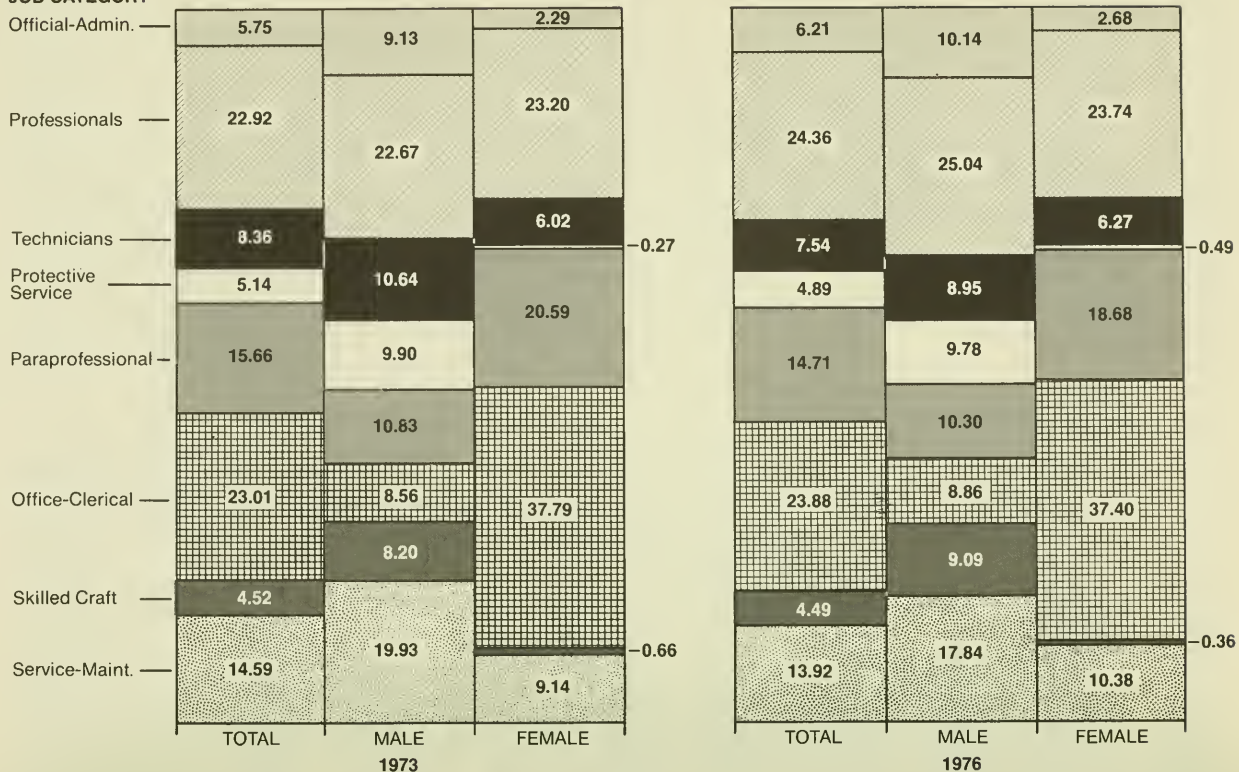
Table 2.5 describes the distribution across salary levels within each racial, ethnic, or gender group. Adding appropriate rows and columns shows 47.1 percent of the State's total work force in 1976 earning less than \$8,000 annually. Similar addition reveals that 65 percent of black male employees and 69 percent of black female employees were in that range, as were nearly 52 percent of all white females. In contrast, only 38 percent of all white males made less than \$8,000 a year.

Approximately 20 percent of the Oklahoma Merit System work force was in the \$10,000 to \$12,900 annual salary range. Slightly over 22 percent of all white males and 20 percent of all white females were in this range. In comparison, only about 9 percent of black employees were at this level. Hispanics did slightly better with about 16 percent of Hispanic males and 9 percent of Hispanic females in this range. About 21 percent of the Indian males and nearly 20 percent of the Indian females were in the \$10,000 to \$12,000 range.

Higher on the wage scale, white males begin to dominate. Nearly 18 percent of all white males were making more than \$13,000 a year in 1976. In contrast, only about 11 percent of the entire work force earned in that range. Only 6 percent of minority males, 6 percent of white females, and

**FIGURE 2.2**

Occupational Distributions of Gender Groups in the Merit System—1973 and 1976.

**JOB CATEGORY**

Source: U. S., Equal Employment Opportunity Commission, *State and Local Government, Information (EEO-4): Jurisdiction Information Summary* (August 1974 and November 1976).



**TABLE 2.5**
**Salary Distributions of Race-Ethnicity and Gender Groups in the Merit System—1976**
**NUMBERS OF FULL-TIME EMPLOYEES**

Annual Salary (thousands)	MALE							FEMALE				
	Total	White	Black	Hispanic	Asian American	American Indian	White	Black	Hispanic	Asian American	American Indian	
\$ 0.1– 3.9	13	2	0	0	0	0	11	0	0	0	0	
4.0– 5.9	3,366	896	165	13	10	76	1,700	370	17	11	108	
6.0– 7.9	8,520	3,136	283	17	8	148	4,100	677	25	9	117	
8.0– 9.9	5,431	2,313	144	10	2	103	2,490	283	13	7	66	
10.0–12.9	5,031	2,348	62	13	7	117	2,252	132	6	15	79	
13.0–15.9	1,667	977	16	4	10	64	527	41	0	2	26	
16.0–24.9	1,079	813	9	12	14	43	173	8	2	1	4	
24.0+	128	93	0	13	5	4	7	0	2	1	3	
Total	25,235	10,578	679	82	56	555	11,260	1,511	65	46	403	

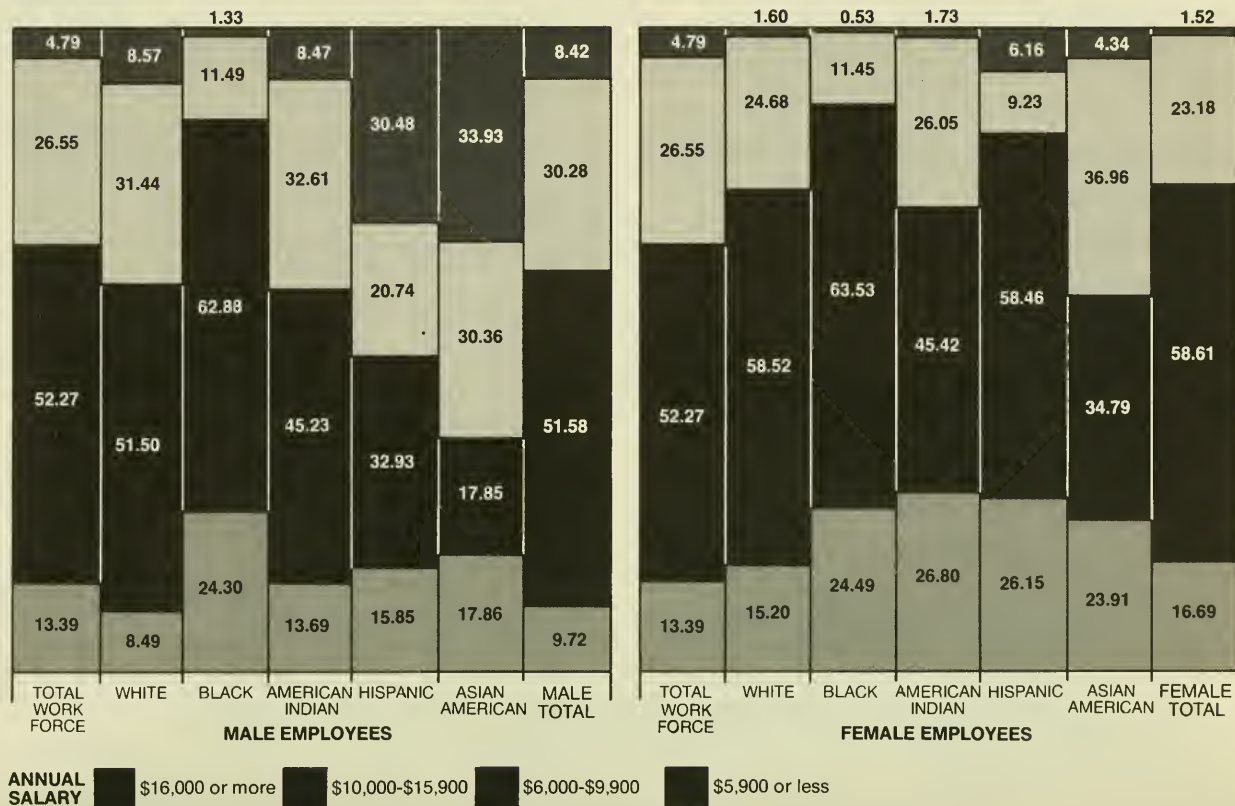
**PERCENTAGE DISTRIBUTIONS**

Annual Salary (thousands)	Entire Work Force	MALE					FEMALE				
		White	Black	Hispanic	Asian American	American Indian	White	Black	Hispanic	Asian American	American Indian
\$ 0.1– 3.9	0.05	0.02	0.00	0.00	0.00	0.00	0.10	0.00	0.00	0.00	0.00
4.0– 5.9	13.34	8.47	24.30	15.85	17.86	13.69	15.10	24.49	26.15	23.91	26.80
6.0– 7.9	33.75	29.64	41.67	20.73	14.28	26.67	36.41	44.80	38.46	19.57	29.04
8.0– 9.9	21.52	21.86	21.21	12.20	3.57	18.56	22.11	18.73	20.00	15.22	16.38
10.0–12.9	19.94	22.20	9.13	15.85	12.50	21.08	20.00	8.74	9.23	32.61	19.60
13.0–15.9	6.61	9.24	2.36	4.89	17.86	11.53	4.68	2.71	0.00	4.35	6.45
16.0–24.9	4.28	7.69	1.33	14.63	25.00	7.75	1.54	0.53	3.08	2.17	0.99
25.0+	0.51	0.88	0.00	15.85	8.93	0.72	0.06	0.00	3.08	2.17	0.74
Total	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00

Source: U.S., Equal Employment Opportunity Commission, *State and Local Government Information (EEO-4): Agency Summary* (August 1976).

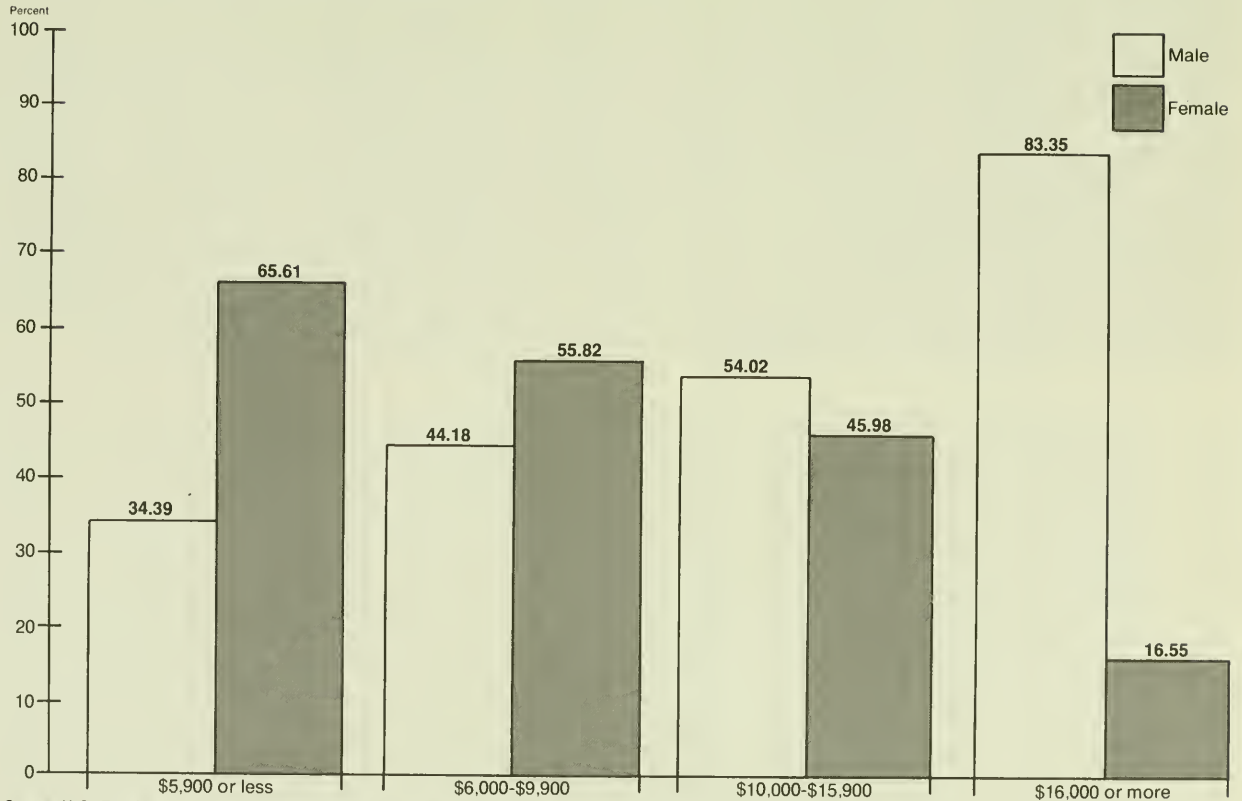
FIGURE 2.3

Salary Distributions of Race-Ethnicity and Gender Groups in the Merit System – 1976.

Source: U. S., Equal Employment Opportunity Commission, *State and Local Government Information (EEO-4): Agency Summary* (August 1976).

**FIGURE 2.4**

**Gender Composition of Salary Ranges in the Merit System – 1976.**



Source: U. S., Equal Employment Opportunity Commission, *State and Local Government Information (EEO-4): Jurisdiction Information Summary: Oklahoma State Government (August 1976)*.

less than 5 percent of all minority females in the Oklahoma Merit System made more than \$13,000 a year.

Figure 2.3 describes distributions similar to those in table 2.5, but for somewhat broader salary ranges. The patterns evident in the table persist. In 1976, approximately 13 percent of all Oklahoma Merit System workers made less than \$5,900 annually, but only 9.7 percent of the male work force earned in that range. For white males, the figure for this low range was only 8.5 percent. For black males the figure was 24.3 percent. For females the figure was about 16.7 percent. Approximately 15 percent of the white female work force made less than \$5,900 a year. In contrast, nearly 25 percent of all minority females were in this category. (In fact, over 88 percent of all black female employees made less than \$10,000 a year. For the entire work force, the figure was about 66 percent.)

Slightly over half of all males and females were in the \$6,000 to \$9,900 range. Over 30 percent of the male work force was at the \$10,000 to \$15,900 level. For females, the figure was slightly over 23 percent.

Systemwide, about 5 percent of the work force made \$16,000 or more a year. Approximately 8 percent of the male work force was in the \$16,000-plus category, but only 1.5 percent of all female employees. For white males the percentage was about 8.6. Only about 1 percent of all black males made this salary. American Indians did better with over 8 percent earning \$16,000 or more annually. Thirty percent of the Hispanic males and nearly 34 percent of all the Asian American male employees were in this range.

Of all white females, only 1.6 percent were at the \$16,000-plus level. Hispanic and Asian American female employees did much better with about 6.2 and 4.3 percent, respectively. However, only 0.5 percent of all black females and 1.7 percent of the American Indian females made \$16,000 or more a year, which brought the figure for all minority females at this level down to less than 1 percent. In every racial and ethnic group females were far less common than their male counterparts at the higher wage levels.

Figure 2.4 makes direct comparison between male and female merit system employees at specific salary levels, dramatically showing the dif-

ference between males and females with respect to wages. As salary increases, the proportion of females steadily declines. At the \$16,000-plus level, the disparity is striking. Over 83 percent of all merit system employees earning \$16,000 or more a year were male.

The major conclusion that can be derived from the above analysis is that a disproportionate number of females and minorities are concentrated in lower paying and less skilled jobs, the kind with little opportunity for upward mobility.

## Notes to Chapter 2

1. 74 Okl. St. Ann. §802 (1959).
  2. *Ibid.*, §803(1), (5), and (6).
  3. U.S., Equal Employment Opportunity Commission (EEOC), *State and Local Government Information (EEO-4): Jurisdiction Information Summary*, Oklahoma State Government (November 1976).
  4. *Ibid.*
  5. State of Oklahoma, Human Rights Commission, *Racial and Ethnic Employment in the Merit System* (Dec. 31, 1969), p. 6.
  6. *Ibid.*, p. 13.
  7. State of Oklahoma, Human Rights Commission, *Survey and Study: Racial and Ethnic Composition of the Merit System Work Force* (Oct. 19, 1971), p. 15.
  8. State of Oklahoma, Human Rights Commission and the Governor's Advisory Commission on the Status of Women, *Female, Racial and Ethnic Employment in the Classified Work Force* (December 1975), p. 6.
  9. Figure for black population is from David L. Word (U.S. Bureau of the Census), "Population Estimates Derived from Merging Administrative Records" (paper delivered at Annual Meeting of the Population Association of America, St. Louis, Mo., Apr. 27-29, 1977); figure for American Indians from U.S., Department of Health, Education, and Welfare, Indian Health Service, "Annual Population Projections and Estimates of Indians Residing in the States" (unpublished). The Indian Health Service's estimates are based on natural increase and do not reflect changes arising from redefinitions of the term "American Indian."
  10. *Racial and Ethnic Employment in the Merit System, Part I, Distribution Data*; see also, EEOC, *Jurisdiction Information Summary*.
- Appendix A describes employment in each of the merit system agencies by race, ethnicity, and sex for 1969 and 1976.
11. EEOC, *Jurisdiction Information Summary*.
  12. For the purpose of this report, the following job category descriptions are used:

**Officials and Administrators:** Occupations in which employees set broad policies, exercise overall responsibility for the execution of these policies, or direct individual departments or special phases of the agency's operations, or provide specialized consultation on a regional, district, or area basis.

**Professionals:** Occupations which require specialized and theoretical knowledge which is usually acquired through college training or through work experience and other training which provides comparable knowledge.

**Technicians:** Occupations which require a combination of basic scientific or technical knowledge and manual skill which can be obtained through specialized post-secondary school education or through equivalent on-the-job training.

**Protective Service Workers:** Occupations in which workers are entrusted with public safety, security, and protection from destructive forces.

**Paraprofessionals:** Occupations in which workers perform some of the duties of a professional or technician in a supportive role, which usually requires less formal training and/or experience normally required for professional or technical status. Such positions may fall within an identified pattern of staff development and promotion under a "New Careers" concept.

**Office and Clerical:** Occupations in which workers are responsible for internal and external communication, recording and retrieval of data and/or information and other paperwork required in an office.

**Skilled Craft Workers:** Occupations in which workers perform jobs which require special manual skills and a thorough and comprehensive knowledge of the processes involved in the work which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs.

**Service-Maintenance:** Occupations in which workers perform duties which result in or contribute to the comfort, convenience, hygiene or safety of the general public or which contribute to the upkeep and care of building, facilities or grounds of public property.

Source: U.S., Equal Employment Opportunity Commission, *EEOC Form 164, State and Local Government Information (EEO-4) (RCS:OMB No. 124-R 0009), Instruction Booklet*, pp 5-6.

## The Oklahoma Merit System and Equal Employment Opportunity

The first section of this chapter outlines the administrative and legal basis for the Oklahoma Merit System and the system's relationship to equal employment opportunity in State government. Subsequent sections examine the various enforcement mechanisms at both the State and Federal levels in the area of employment discrimination, their impact on minorities and women, efforts currently being undertaken by the State of Oklahoma to implement affirmative action, and some of the problems the State is having as it strives to deal with the very complex questions surrounding this issue.

### The Oklahoma Merit System: An Overview

#### Coverage

As noted in the previous chapter, there are more than 25,000 State employees covered under the Oklahoma Merit System. These employees are defined as being in the "classified service."<sup>1</sup> The classified service is not explicitly defined by statute, but is considered to consist of all positions in the executive branch that the Governor may place under merit system coverage, except those set out in statutory definitions of unclassified service. Such exemptions are very numerous and broad parameters have been established for some.<sup>2</sup> Among those offices and positions included in this category are:

- Persons chosen by election or appointment to fill an elective office and their employees.
- Members of boards and commissions, and heads of departments, agencies, and institutions required by law to be appointed by the Governor.
- All employees in the office of the Governor and all persons required by law to be appointed by the Governor.
- Judges, referees, receivers, jurors, assistant attorney generals, and notary publics, as such.

- Persons engaged in public work for the State, but employed by contractors when the performance of such contract is authorized by the legislature or other competent authority.

- Seasonal employees employed during the period May 1 through October 15 in a calendar year.

- Persons employed in a professional or scientific capacity to make or conduct a temporary and special inquiry, investigation, or examination on behalf of the legislature or a committee thereof, or by authority of the Governor.<sup>3</sup>

Except for those just listed, Oklahoma's government employees should expect to be treated in a manner consistent with merit system principles. Equal employment opportunity in public service—that is, the consideration of applicants and employees strictly on the basis of qualifications and potential, without regard to such factors as race, politics, religion, national origin, age, sex, or physical disability—is one such basic merit system principle.<sup>4</sup> The Oklahoma Personnel Board has the responsibility for assuring that all State agencies under the State's merit system comply with that principle, and the Oklahoma Personnel Office has the responsibility for implementing this mandate.<sup>5</sup>

#### Organization and Responsibilities

The Oklahoma Personnel Board is composed of seven members appointed by the Governor. One member is appointed from each congressional district and one from the State at large. There can be no more than four persons on the board from any one political party. Appointments for board members are for 7-year terms.<sup>6</sup>

Among the board's major responsibilities are the following:

- Adopt rules and regulations to implement the merit system.
- Select and appoint a personnel director and consult with him or her in the formulation of policies.
- Approve the budget prepared by the director for administering the personnel program.



- Investigate alleged violations of the merit system.
- Hear appeals from employees and others who claim their rights under the merit system have been violated.
- Investigate upon its own initiative, upon complaint filed by an aggrieved person, or upon complaint filed by the Human Rights Commission any violation of merit system rules.
- Adopt and enforce a uniform compensation plan for each class of positions.<sup>7</sup>

The duties of the director of the personnel board are also spelled out in the rules and include:

- Establish and maintain a roster of all employees covered by the merit system.
- Prepare and submit a budget to the Oklahoma Personnel Board.
- Investigate the operation and effect of the merit system.
- Appoint employees of the board, experts, and special assistants as necessary to carry out the provisions of the merit system.
- Carry out the merit system and the rules and regulations adopted thereunder.<sup>8</sup>

With respect to job classifications within the merit system, the Oklahoma Personnel Board is required to adopt a classification plan for each agency, establishing uniformity among agencies whenever possible. For each class of positions, each plan is to include a title, a description of the duties, and the minimum qualifications required for seeing that the same means of recruitment and testing are used to fill all the positions within each class and that the same schedule of pay is applied to all positions within a class.<sup>9</sup>

The State Wage Adjustment and Salary Board is an integral part of the merit system. It is responsible for recommending to the Oklahoma Personnel Board a uniform compensation plan for all State employees. It is composed of nine State agency directors or their designees and two members each from the house of representatives and the State senate.<sup>10</sup>

The Oklahoma Personnel Office administers the merit system. It works with the various State agencies in the areas of recruitment, test and job development, training, and upward mobility. At the present time, it consists of 38 statutory positions divided into two organizational

units—clerical services and technical services. The clerical services division is further divided into four sections: examinations and administration, register, personnel transaction, and office services. The technical services division has two sections: job classification and salary administration, and examination research and development.<sup>11</sup>

The operations of the merit system are financed by pro rata assessments to program agencies covered under the Merit System of Personnel Administration Act.<sup>12</sup> As of July 1976, the cost per classified employee in the merit system was approximately \$4.71. The agency share of the cost for administering the merit system ranged from lows of \$14 for the Oklahoma Highway Safety Program Department and the Oklahoma Board of Professional Engineers and Land Surveyors, with three employees each, to a high of \$41,614.85 for the Oklahoma Department of Institutions, Social and Rehabilitative Services.<sup>13</sup>

## Procedures

In seeking applicants for State employment, the Oklahoma Personnel Board is required to publicly announce all entrance examinations at least 14 days in advance of the closing date for applications. In order to attract qualified applicants the board is responsible for seeing that notices of examination are posted throughout the State and in the media.<sup>14</sup>

Individuals wanting to take a particular examination must submit an application to the board. It is then established whether the applicant meets the minimum qualifications for that position. This process is a prerequisite for admission to the examination for a classified position.<sup>15</sup>

According to merit system rules and regulations the examination is to be practical in nature and be conducted to reveal the capacity of the applicant for the particular position. A written test is usually required. However, the board can waive this requirement for positions that are custodial in nature or require a skill that can be evaluated in terms of training and experience. Also, positions that are scientific or professional in nature or where an examination is impractical may be filled without a written examination.<sup>16</sup>

Examinations are scheduled as the need arises. However, for positions where there is a continuing need for appointments, examinations may be ad-

ministered frequently and the resulting eligibles merged into the registers in accordance with final ratings, regardless of when the examination was taken.<sup>17</sup>

Applicants who fail the examination cannot retake the test fewer than 30 days after the initial examination. An exception to this rule is that when an applicant fails only the performance part of the test, he or she may after 14 days retake only the failed part without repeating any section of the test previously completed successfully. Also, if an inadequate register exists, applicants may retake the tests after a lapse of 7 days.<sup>18</sup>

As noted above, once an applicant passes the examination or is otherwise declared eligible, this person is placed on a register. A register is simply an official list of persons eligible for a class of positions in the order of their final rating in an examination.<sup>19</sup> The director of the Oklahoma Personnel Office is responsible for maintaining the registers necessary to provide an adequate supply of candidates for the available positions in the classified system.<sup>20</sup> Registers are usually statewide. An exception is when the director makes provision for the establishment of registers by geographical area or organizational unit.<sup>21</sup> The director can also exercise discretion in compiling a register from other existing registers when none is available for a vacancy and in cancelling or merging registers.<sup>22</sup> The director may also remove names from a register permanently or temporarily for various stated reasons. For example, a person may be removed from the register for failure to respond within 4 days of mailing of request of availability for appointment.<sup>23</sup>

Upon receipt of a request for a certificate listing the eligibles for a certain position by an agency, the director of the personnel office submits a written list of available persons. If the agency has only one position open, the list is usually restricted to five persons receiving the highest score in the examination, or to the top 10 percent of the eligibles on the register not to exceed 15 names. All persons whose scores are tied with the lowest ranking eligibles may also be certified as equal with that eligible.<sup>24</sup>

If the number of eligibles on a certificate is fewer than five, the appointing officer of the agency may decline the certificate and instead make a provisional appointment to that position for a

period not to exceed 6 months.<sup>25</sup> Merit system rules also provide for selective certification in cases where eligibles with special experience or training are needed.<sup>26</sup>

All appointments to either full- or part-time classified positions have to be made under the provisions of the merit system. The appointing officer of a particular agency can make the following types of appointments: temporary, provisional, emergency, and noncompetitive.<sup>27</sup>

Temporary appointments are those in which a certificate is issued with names of persons who have indicated that they are willing to accept temporary employment. The employment is for the duration of need, but cannot exceed 6 months in any 12-month period.<sup>28</sup>

A provisional appointment can be made when an agency is sent a certificate with fewer than five names. In this case the appointing authority for the agency may submit the name or names of persons to fill the position pending the establishment of an adequate register. The person must meet the minimum qualifications as to training and experience for the position. According to merit system rules, no provisional appointment can be continued for more than 30 days after an adequate register has been established or more than 6 months from the date of appointment.<sup>29</sup>

In a case where an emergency exists, persons can be appointed without regard to minimum qualifications. This constitutes an emergency appointment. However, this person cannot be appointed for more than 60 working days with any State agency during a 12-month period.<sup>30</sup>

There are, of course, some exceptions to the general rule. For example, if certification of a person appointed in an emergency is requested by the agency and the Oklahoma Personnel Board fails to act on that certification within the initial emergency employment period, then an extension of 60 working days may be granted. However, the person so appointed must have passed the examination requirements within the initial period of employment. Also, if the first period of employment ends before a certificate of eligibles can be issued, an extension may be granted. However, when the certificate is received by the appointing authority, the extension is ended.<sup>31</sup>

In order to obtain an extension of a person hired under an emergency appointment, the appointing



authority must, within the initial period of employment, submit to the Oklahoma Personnel Office a request for certification indicating the name of the person to be certified. State agencies that have to adhere to Federal standards for a merit system may not exceed an additional 30 working days for emergency appointments.<sup>32</sup>

The fourth type of appointment available to an appointing authority is called noncompetitive. This is for positions where the character of the work makes it impracticable to supply the necessary personnel through competitive examination. Included in this category are unskilled or semiskilled workers, domestic personnel, and custodial workers.<sup>33</sup>

## **Enforcing Equal Employment Opportunity in the Merit System**

As indicated earlier, equal employment opportunity is a basic merit system principle. However, the mere passive prohibition of discriminatory practices is not sufficient to assure its implementation. Consequently, a program of affirmative action is usually considered to be an essential part of any effort to bring about equal employment practices whether it be in the private sector or in the public sector. Underscoring this need is a whole array of Federal Executive orders, regulations, and laws relating to affirmative action and equal employment opportunity.

### **Title VII**

Perhaps one of the most significant steps taken in the last 10 years to ensure equal employment opportunity in State government was the enactment of the Equal Employment Opportunity Act of 1972<sup>34</sup> amending Title VII of the Civil Rights Act of 1964, which laid the foundation for all subsequent action in this area. As a result of these amendments, coverage of Title VII was extended to include State government. The basic statute reads in part:

It shall be an unlawful employment practice for an employer to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin.<sup>35</sup>

Overall responsibility for enforcing Title VII of the Civil Rights Act of 1964 was assigned to the U.S. Equal Employment Opportunity Commission (EEOC).<sup>36</sup> In Oklahoma, however, a complaint of discrimination concerning State employment practices must first be filed with the Oklahoma Human Rights Commission before the EEOC can take jurisdiction.<sup>37</sup>

The commission has a broad mandate to discourage discrimination and encourage fair treatment for all persons regardless of race, color, religion, national origin, or ancestry.<sup>38</sup> Its obligations with respect to discrimination in State employment are very specific. A section of the statute authorizing the commission specifically prohibits discrimination in State employment:

It is hereby prohibited for any department or agency of the State of Oklahoma, or any official or employee of the same for and on behalf of the State of Oklahoma to refuse to employ or to discharge any person, otherwise qualified, on account of race, color, creed, national origin, or ancestry\*\*\*<sup>39</sup>

The method of enforcing this prohibition is spelled out in the same section of the statute:

It shall be the duty of the State Personnel Board to investigate, upon its own initiative, or upon a complaint filed by any aggrieved person, or upon a complaint filed by the Human Rights Commission, any violation of this section and to enforce compliance with the same both in the classified and nonclassified service. The Human Rights Commission shall investigate upon its own initiative or on any complaint filed with it, any such violation and it may also file a formal complaint with the State Personnel Board.

This section of the statute further reads:

When any complaint is filed by the Human Rights Commission with the State Personnel Board, the State Personnel Board, shall set a hearing on the same, at which hearing the Director of the Human Rights Commission, or his representative, may appear and present the findings of the Commission in regard to such violation.

William Rose, director of the Oklahoma Human Rights Commission, in his testimony before the Advisory Committee, explained the role of his agency:

The commission has two sets of functions assigned by statute. One set requires the commission to administer and enforce State laws prohibiting discrimination in employment and access to public accommodations on the basis of race, color, religion, sex, and so forth\*\*\* The second function of the commission is to serve as an advisor to the Governor and the State personnel board on matters relating to discrimination in State employment\*\*\* (I, 59)

According to Rose, the commission is also a 706 deferral agency. This means, he said, every complaint alleging employment discrimination in the private sector filed with the EEOC must first be deferred to the State commission for action. However, he noted, the commission rarely acts on these complaints because of insufficient staff. (I, 60) He also remarked that employment discrimination cases against State agencies are filed in the same manner. The commission usually handles the initial investigation but when it gets to a point where it must have a legal adversary relationship with another State agency, it faces a serious problem—at that stage, the State attorney general functions as the commission's attorney and also as the attorney for the agency in question.<sup>40</sup> As a result, those cases involving discrimination in State employment are usually referred back to the EEOC for action.<sup>41</sup>

Once the EEOC has obtained jurisdiction it tries to reach a conciliation agreement with the agency. If it is not successful, the EEOC has no alternative but to refer the case to the U.S. Attorney General, who can bring a civil action against the State in the appropriate U.S. district court in order to seek compliance with Federal law.<sup>42</sup>

### **Intergovernmental Personnel Act**

Another Federal law that directly affects the State's merit system is the Intergovernmental Personnel Act of 1970.<sup>43</sup> The basic purpose of this law is to encourage the development and use of State and local government personnel merit systems. The U.S. Civil Service Commission is the overseeing agency designated to assure compliance with this act, and utilizes two methods to achieve this end. First, the Civil Service Commission is authorized under this act to furnish technical advice and assistance, on request, to State and local governments seeking to improve their personnel systems. The assistance may include grants to

State governments for the purpose of extending and strengthening their personnel administration systems.<sup>44</sup>

The second method used by the Civil Service Commission is its enforcement function. There is a strict requirement that agencies and programs of State and local governments that receive grant-in-aid funds from a Federal agency must develop and implement a merit system of personnel administration.<sup>45</sup> In fact, the Civil Service Commission can make a grant only if the applicant provides for the establishment of a merit system and/or the improvement of an existing system based on merit principles.<sup>46</sup>

### **Implementing Equal Employment Opportunity in the Merit System**

As pointed out previously, it is not enough to merely prohibit discrimination. Therefore, a program of affirmative action is a necessary part of any program to deal with this issue. In its most general sense, the term "affirmative action" refers to the concept that discrimination can be eliminated when employers take positive steps to identify and change policies, practices, attitudes, and any other institutional barriers that cause or perpetuate inequality. Typically, affirmative action is aimed at eliminating prospective discrimination, including eliminating the effects of past discriminatory practices that still limit the opportunities of women and minorities. However, this concept of affirmative action does not appear to be operative within the context of the Oklahoma Merit System, especially at the agency level.

Over the years a number of studies conducted by the Oklahoma Human Rights Commission and the U.S. Civil Service Commission have revealed that the Oklahoma Merit System has a number of serious deficiencies in the areas of equal employment opportunity and affirmative action, especially in terms of recruitment, job classification, hiring practices, promotion systems, and testing procedures. Moreover, these studies have indicated that these deficiencies are of a long-term duration. For example, in 1963 and 1964, according to William Rose, director of the Oklahoma Human Rights Commission, that commission had reported that despite the presence of the merit system, minorities were not being hired or promoted as readily as whites.<sup>47</sup>

In December 1972, a special review team from the U.S. Civil Service Commission conducted a major study of the Oklahoma Merit System. This study was undertaken to analyze and evaluate the operational and administrative status of the system. Specifically, the Civil Service Commission, as a consultant, was asked to review those programs for which the system was responsible, determine what improvements should be made, and recommend solutions or actions to improve the system. One year later, the Commission released its study, *Report of Findings and Recommendations: Oklahoma Merit System*. In the area of equal employment opportunity, the review team had found the following deficiencies:

- With respect to wages and educational requirements, it was found that educational and experience requirements in some cases were derived from the compensation plan rather than from job demands, particularly in the higher level job classifications. This tendency to establish education and experience requirements so as to command a predetermined pay grade, with little regard for actual job requirements, was felt to lead to internal inequities within the plan, and was found to be particularly troublesome in view of the increasing pressures for equal employment opportunity\*\*\*<sup>48</sup>

- In the area of class specifications it was found that only a bare majority of the State's job class specifications contained statements outlining minimum qualifications which could meet the tests of job relativity as required by EEOC guidelines, Federal standards for a merit system of personnel administration, or the decision of the U.S. Supreme Court in the *Griggs vs. Duke Power Company* case.<sup>49</sup>

- Regarding affirmative action, the review team did not find any programs which sufficiently recognized the need for affirmative action in the Merit System office or the program agencies (exclusive of some agencies administering Federal grant-in-aid programs). In fact, the review team reported, responses from individual agency contacts ranged from complete ignorance of affirmative action to requests for assistance in the development of such plans. Two agency personnel offices expressed concern about the lack of leadership supplied by the Merit System in the development of affirmative action programs.<sup>50</sup>

In 1974 the Oklahoma Human Rights Commission and the Governor's Advisory Commission on

the Status of Women conducted another evaluation of the State's merit system with respect to equal employment opportunity. Its report, *Female, Racial and Ethnic Employment in the Classified Work Force*, was published in 1975. The commission's evaluation revealed the following:

- The State has failed to mount the kind of affirmative, aggressive recruitment program which is indispensable to preventing or remedying sex, race, or ethnic imbalances in distribution and/or representation.<sup>51</sup>

- The system used for measuring applicants is seriously deficient in terms of compliance with the requirements of both State and Federal laws. Specifically\*\*\*there are regulations issued by the U.S. Equal Employment Opportunity Commission dealing with properly validated and standardized employee selection procedures that can significantly contribute to the implementation of nondiscriminatory personnel policies. Non-adherence to these employee selection procedures can lead to situations that show a discriminatory effect.<sup>52</sup>

- The promotion system as currently operated does not necessarily provide the opportunity for all qualified and interested persons to compete for advancement. The extent to which agency heads have exercised their option to select and allow only one person to apply for promotion is not known. However, it is certain that it has been exercised on numerous occasions. The gross underrepresentation of women and minorities in the ranks of officials and administrators in all functions may well have been influenced by the manner in which candidates for promotion have been selected.<sup>53</sup>

The report concluded:

\*\*\*the classified employment system of the State of Oklahoma, through a combination of systemic inadequacies and less than effective effort by agency hiring and promotion authorities, has not provided equality of employment opportunity for women and minorities in the manner required by law.<sup>54</sup>

In December 1976, the U.S. Civil Service Commission released another study, *Report of Qualitative Evaluation of Personnel Operations of the Oklahoma State Personnel Board*. The report dealt with all phases of the Oklahoma Merit System. With respect to equal employment opportunity, the Civil Service Commission reported:

Affirmative action for equal employment opportunity (EEO) is not evidenced to the extent contemplated by the standard on EEO. The State Personnel Board does not have an adequate affirmative action plan for assuring EEO in personnel services provided to covered State agencies. Systemic weaknesses in classification, selection, career advancement, and complaint processing which may adversely impact on the employment opportunities of minorities and women are not being corrected in a planned manner.<sup>55</sup>

The team reviewing the merit system also found that the deficiencies identified above indicated either a "disregard or lack of recognition by State agencies of the relationship between effective personnel management and equal employment opportunity."<sup>56</sup> The specific EEO-related weaknesses found by the review team were:

- classification specifications containing minimum qualification requirements appeared to be unrealistically high and had not been documented as necessary for satisfactory job performance;
- a number of examinations had not been validated as job related;
- appointments had been made without competition and incumbents were assigned to jobs other than ones for which they were employed;
- promotion procedures which did not appear to give full consideration to all eligible employees, hereby possibly reducing the chances for minorities and women to advance, had been used;
- no rule or policy prohibiting reprisal against employees seeking to appeal adverse actions or filing discrimination complaints had been implemented.<sup>57</sup>

Another major weakness found by the review team in the discrimination complaint system was that none of the State officials interviewed were able to fully explain how complaints of alleged discrimination in State government were to be investigated and resolved through administrative channels.<sup>58</sup> It also found that:

There was no evidence of a systemic use of posters, supervisory announcements or other means for communicating the required discrimination complaint system to employees and applicants for employment.<sup>59</sup>

In the area of promotions, the investigators reported:

The method by which promotions are made is perhaps the greatest single impediment to affirmative action efforts within the State system. Promotional opportunities usually are not announced, therefore, eligible employees, including minorities and women, may not have an opportunity to apply and be considered.<sup>60</sup>

They added:

The finding that few minorities and women occupy the higher level positions indicates that the promotion system should be examined to determine if all groups are being given an equal opportunity for consideration. It is especially significant in that women hold over 50 percent of all professional positions but occupy less than 30 percent of all the managerial positions.<sup>61</sup>

## Commitment to Equal Employment Opportunity in the Merit System

Affirmative action implies a commitment to change current policies insofar as they pose barriers to equal employment opportunity. It also implies a change in attitude. Dr. Earl Mitchell, a member of the Oklahoma Personnel Board, stated the case when he said, "If there is no commitment to equal opportunity in the true sense then all of the executive orders and affirmative action plans will never have any results whatsoever\*\*\*" (II, 384)

The Governor of Oklahoma has shown strong support for an effective affirmative action effort in State government. In October 1976, for example, Governor Boren appointed a human affairs representative to coordinate affirmative action planning for State agencies.<sup>62</sup> On December 6, 1976, the Governor issued an executive order requiring that all merit system agencies must develop affirmative action plans. With respect to affirmative action, the order specifically states:

\*\*\*that to make our commitment to equal opportunity a matter of firm and effective policy, each agency of the State of Oklahoma will develop an Affirmative Action Plan on equal employment opportunity, which should contain well defined, measurable goals and timetables and fixed responsibility for their accomplishments\*\*\*<sup>63</sup>



The executive order is significant in that it establishes a strong policy foundation for subsequent action in the area of affirmative action. It is also significant in the sense that it recognizes the need for involving the merit system in monitoring and implementing affirmative action. Yet, despite the leadership exhibited by the Governor, many are dismayed at the inaction of agency administrators in implementing affirmative action. William Rose, for example, in an interview, was critical of the limited efforts undertaken thus far by officials and administrators to address employment discrimination at the agency level. Public officials, he said, are not willing to deal with the problems of discrimination. There are no self-evaluations or underutilization studies being conducted to determine just where the problems are and what needs to be done, he added. He also pointed out that State government has not been able to "come to grips with systemic discrimination, nor has it been able to develop a comprehensive approach to affirmative action."<sup>64</sup>

Within the merit system, the Oklahoma Personnel Office is charged with the responsibility of carrying out the mandate of the Oklahoma Personnel Board. This applies not only to administrative details but also to affirmative action. Despite this broad mandate, the office is understaffed and underfunded. Moreover, the State legislature has not seen fit to deal with this situation. Tom Moore, chairperson of the personnel board, commented that the work load in the personnel office is five times greater than it was 10 years ago, yet only one additional staff person has been added to the office during the same time period.<sup>65</sup>

Dr. Mitchell, in regard to programs and budgeting, asserted:

This is perhaps the most subtle part of the Merit System because appropriations are a direct reflection of attitude. Since the inception of the Merit System in 1959, State government and State agencies have grown considerably; however, the Merit System staff and budget has not grown proportionately to the number of persons in the total Merit System.<sup>66</sup>

He also noted that the personnel board spends most of its time conducting hearings on suspensions, dismissals, and demotions and actually spends very little time on policy, procedures, per-

sonnel matters, and administrative questions involving the merit system. In addition, he said, very little time is spent on such items as affirmative action and the formulation of policies and procedures to carry out an aggressive program of affirmative action.<sup>67</sup> Dr. Mitchell stated:

I might say without equivocation that the Personnel Board—for reasons that I can only speculate on—has not spent very much time on studying the effectiveness of the Merit System; nor, the problems encountered by the staff in the area of affirmative action\*\*\*<sup>68</sup>

This, he added, has adversely affected its role with respect to recruitment policies, job classification practices, test development, and affirmative action.<sup>69</sup>

Another aspect of commitment is the merit system's ability to respond with needed changes. As pointed out earlier, numerous studies have been conducted on the merit system in the area of affirmative action and equal employment opportunity. Yet, for the most part, these studies have had very little actual impact on the system as a whole. For example, in December 1975, the Oklahoma Human Rights Commission and the Governor's Advisory Commission on the Status of Women jointly released a study titled *Female, Racial and Ethnic Employment in the Classified Work Force*. Keith Frosco, director of the Oklahoma Personnel Office, in a staff interview, commented that he did not believe the report would be especially useful because it was too sweeping in its conclusions.<sup>70</sup> Jan Dreiling, chairperson of the Governor's Advisory Commission on the Status of Women, said that a copy of the report was sent to the Governor. As of February 1977, she had received no response. (I, 115)

Despite the Governor's executive order and the appointment of a human affairs representative to oversee affirmative action planning at the State level, systemic inadequacies still exist that prevent minorities and women from being hired and promoted on the same basis as white employees in Oklahoma State government. Weaknesses in the areas of job classification, employee selection policies, and promotion procedures only highlight the absence of a comprehensive approach in dealing with the need for affirmative action at the agency level.

There is also the question of commitment. Dr. Mitchell pointed out that if there is no commitment to equal opportunity in the true sense then no real progress can be made. Only when there is strong support throughout all levels of State government can equal opportunity in employment be an attainable reality. Evidence suggests that this support is not forthcoming at this time.

### Notes to Chapter 3

1. State of Oklahoma, Personnel Board, Merit System of Personnel Administration, *Rules* (revised July 1976), §2110.3 (hereafter cited as Okl. Mer. Sys. R.).
2. U.S., Civil Service Commission, Intergovernmental Personnel Programs Division, Dallas Region, *Report of Findings and Recommendations: Oklahoma Merit System* (January 1974), p. 16 (hereafter cited as *Report of Findings and Recommendations: Oklahoma Merit System*).
3. Okl. Mer. Sys. R. 2110.1.
4. U.S., Equal Employment Opportunity Commission, Education Programs Division, Office of Voluntary Programs, *Affirmative Action and Equal Employment: A Guidebook for Employees*, Vol. 1 (1973), p. 15; see also, 74 Okl. St. Ann. §801 (1959).
5. Okl. Mer. Sys. R. 220.2(1).
6. 74 Okl. St. Ann. §804(Supp. 1976).
7. Okl. Mer. Sys. R. 210.4; see also, 74 Okl. St. Ann. §804 (Supp. (1976)).
8. Okl. Mer. Sys. R. 220.2; see also, 74 Okl. St. Ann. §806 (1959).
9. Okl. Mer. Sys. Rs. 300-340.
10. *Ibid.*, R. 401.
11. Keith Froscio, director, Oklahoma Personnel Office, interview, Oklahoma City, Sept. 8, 1976 (hereafter cited as Froscio Interview).
12. 74 Okl. St. Ann. §813 (1975).
13. State of Oklahoma, Personnel Board, *Proration of Merit System Costs, Fourth Quarter-Fiscal Year 1976*, (July 21, 1976), p. 3.
14. Okl. Mer. Sys. R. 202.
15. *Ibid.*, R. 520.
16. *Ibid.*, R. 540.
17. *Ibid.*, R. 543.
18. *Ibid.*
19. *Ibid.*, R. 611.
20. *Ibid.*, R. 610.
21. *Ibid.*
22. *Ibid.*, R. 612.
23. *Ibid.*, R. 630.
24. *Ibid.*, R. 720.1.
25. *Ibid.*, R. 720.4.
26. *Ibid.*, R. 720.7.
27. *Ibid.*, Rs. 830, 840, 850, and 880.
28. *Ibid.*, R. 830.
29. *Ibid.*, R. 840.
30. *Ibid.*, R. 850.
31. *Ibid.*
32. *Ibid.*
33. *Ibid.*, R. 880.
34. 42 U.S.C. §2000e(1970), as amended by 86 Stat. 103(1972).
35. *Ibid.*, §2000e-2.
36. 42 U.S.C. §2000e-4 and §2000e-5 (1970).
37. *Ibid.*, §2000e-5(c).
38. 74 Okl. St. Ann. §953(c) (1963).
39. *Ibid.*, §954.
40. William Rose, director, Oklahoma Human Rights Commission, interview, Oklahoma City, Oct. 20, 1976 (hereafter cited as Rose Interview).
41. 42 U.S.C. §2000e-5(c) (1972).
42. 42 U.S.C. §2000e-5(f)(1) (1972).
43. 42 U.S.C. §4701-4772 (1970).
44. *Ibid.*, §4722(a).
45. *Ibid.*, §4722(b)(2).
46. *Ibid.*, §4763(c)(1).
47. Rose Interview.
48. *Report of Findings and Recommendations: Oklahoma Merit System*, p. 37; see also, 401 U.S. 424 (1971).
49. *Ibid.*, p. 68.
50. *Ibid.*
51. State of Oklahoma, Human Rights Commission and Governor's Advisory Commission on the Status of Women, *Female, Racial and Ethnic Employment in the Classified Work Force* (December 1975), p. 4.
52. *Ibid.*, p. 5.
53. *Ibid.*, p. 6.
54. *Ibid.*
55. U.S., Civil Service Commission, Intergovernmental Personnel Programs Division, Dallas Region, *Report of Qualitative Evaluation of Personnel Operations of the Oklahoma State Personnel Board*, prepared by Malthus L. Northcutt and Earl J. Zregler (December, 1976), p. i.
56. *Ibid.*, p. 1.
57. *Ibid.*, pp. 1-2.
58. *Ibid.*, p. 2.

59. Ibid., p. 3.
60. Ibid., p. 4.
61. Ibid.
62. Ibid.
63. State of Oklahoma, Office of the Governor, *Executive Order* (Dec. 6, 1976), p. 2; see appendix B for a copy of the order.
64. Rose Interview.
65. Tom Moore, chairperson, Oklahoma Personnel Board, interview, Oklahoma City, Nov. 11, 1976.
66. Dr. Earl D. Mitchell, "Prepared Statement Dealing with the Employment of Minorities and Women in State Government," p.1, testimony before the Oklahoma Advisory Committee to the U.S. Commission on Civil Rights, hearing, State Capitol, Oklahoma City, Okla., Feb. 12, 1977.
67. Ibid., p. 2.
68. Ibid.
69. Ibid.
70. Froscio Interview.

## Employment of Minorities and Women In Selected State Agencies

**Merit System Standard:** Equal employment opportunity will be assured in the State system and affirmative action provided in its administration. Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, discipline, or any other aspect of personnel administration because of political or religious opinions or affiliations or because of race, national origin, or other nonmerit factor will be prohibited. Discrimination on the basis of age or sex or physical disability will be prohibited except where specific age, sex, or physical requirements constitute a bonafide occupational qualification necessary to proper and efficient administration.<sup>1</sup>

This chapter examines the status of minorities and women in seven major State agencies: the Oklahoma Department of Institutions, Social and Rehabilitative Services (DISRS), Department of Transportation (DOT), Department of Corrections (DOC), Department of Education (DOE), Department of Public Safety (DPS), Employment Security Commission (ESC), and Department of Health (DOH).

Each of these agencies has been evaluated to determine its current work force characteristics and affirmative action plans. A case study approach is used in this chapter to present each agency's background, affirmative action plan, employment makeup, and employee salary distribution. The information used to analyze these agencies was gathered through numerous interviews with agency officials and affirmative action officers. These interviews were supplemented by extensive legal research. In addition, many of the officials previously interviewed were invited to participate in the Advisory Committee's public hearing on the employment of minorities and women in State government at the State capitol in February 1977. The employment statistics used by this chapter were, for the most part, supplied by the agencies themselves. When necessary, these data were supplemented by employment statistics derived from the U.S. Equal Employment Opportunity Commission EEO-4 forms.

As indicated above, each of the seven agencies has been analyzed as to its work force characteristics on the basis of job categories, salary distribution, race or ethnicity, and sex. The information used in this analysis is found in the tables in this chapter and is current as of January 1977. Only merit system or full-time employees are covered. The composition of each agency's work force is presented on the basis of race or ethnicity and sex. The "Other" designation pertains to those employees who were not identified as to their race or ethnicity.

In the "A" series of tables, the work forces are divided into the eight job categories introduced in chapter 2 of this report. These job categories are: official-administrator, professional, technician, protective service, paraprofessional, office-clerical, skilled craft, and service-maintenance. In the "B" series of tables, employees are arrayed by salary level.<sup>2</sup>

Every table includes both raw numbers and the percentage distributions of employees in particular race-gender groups. These are vertical distributions. For example, there were 7,957 white employees working for DISRS as of January 1977. (See table 4.1-A.) Of that total, 466 were classified as officials or administrators, 2,626 were listed as professionals, and so on. With respect to their percentage distribution, 5.86 percent of all white employees were classified as officials or administrators, and 33.00 percent were professionals. Similar vertical analyses are included for the other racial or ethnic and gender groups. The first column of the table describes the distribution for the total work force in the agency and serves as a backdrop against which the jobs distribution or spread for a particular racial or ethnic and gender group can be compared.

One word of caution. Percentage distributions can show concentration in or exclusion from types of jobs, but cannot reveal an across-the-board exclusion. For instance, there were 206 Hispanics employed with DISRS (see table 4.1-A). Of this



total, 16 were classified as officials or administrators. This was 7.77 percent of all Hispanic employees, which compares favorably to 5.53 percent of the total agency work force and 5.86 percent of all white employees designated as officials or administrators. Thus, there were proportionately (in terms of the race or ethnic group as a whole) more Hispanics classified as officials or administrators than whites.

This should not be construed to mean that there were more Hispanics employed in this job category than whites. A look at the raw numbers for total employment reveals that white employees comprised a far larger proportion of the work force in DISRS than Hispanics—white employees made up over 85 percent of the total work force, whereas Hispanics comprised only about 2 percent. Of the 516 employees classified as officials or administrators in DISRS as of January 1977, only 16 or 3.1 percent (computing horizontally in the officials-administrators row) were Hispanics. One might conclude from these data that Hispanics have had great difficulty getting into State government, but that those who do get in have a slightly better opportunity than members of other groups to become officials or administrators.

Against the backdrop just provided, subsequent sections in this chapter carefully examine the employment composition and the affirmative action plans of each of the seven selected agencies.

## Agency Analysis

### Department of Institutions, Social and Rehabilitative Services (DISRS)

#### Background

The Oklahoma Department of Institutions, Social and Rehabilitative Services (DISRS),<sup>3</sup> previously known as the Oklahoma Department of Public Welfare, was created in 1936.<sup>4</sup> The department's chief responsibility is the administration of all public assistance programs, medical services, and other social welfare programs in the State. As the largest agency in Oklahoma State government, DISRS has offices in each of the 77 counties and employs over 9,300 people. In order to carry out its responsibility, DISRS has a budget of nearly \$370 million, of which about 64 percent is from Federal sources.

As of January 1977, the agency employed a total of 9,338 persons of whom 7,957, or 85.2 percent, were white and 1,381, or about 14.8 percent, were minority; 6,726, or 72 percent, were women. Agencywide, blacks constituted about 11.8 percent of the work force and Hispanics about 2.2 percent. American Indians and Asian Americans together comprised less than 1 percent of the total employment in DISRS. Since Indians account for more than 4 percent of the population, their DISRS percentage means underrepresentation.

#### Occupational Distribution

Table 4.1-A describes the distribution among job categories within each race-ethnicity and sex group of employees in DISRS as of January 1977.

Over 5.5 percent of the agency's work force was classified as officials or administrators. White employees were slightly above the average, while black employees were significantly under the average. As of January 1977, only about 1.7 percent of all black employees in the agency were in this job category. Hispanic, Asian American, and American Indian employees generally exceeded the agencywide average. In fact, almost one-third of all American Indian employees were classified as officials or administrators. (One must recall, however, that these minority groups constituted only a very small proportion of the total work force.)

In the professional category, blacks were also underrepresented. Nearly 31 percent of all agency employees were classified as professionals. In contrast, only about 12 percent of the black employees were classified as such. White employees were slightly above the agencywide average, whereas Asian Americans and American Indians were below. Hispanic employees, on the other hand, were well represented in this category.

Black employees in DISRS, as of January 1977, exceeded the agencywide proportion in only two job categories: paraprofessional and service-maintenance. These jobs are usually classified as low skilled and, more often than not, pay low wages.

The distribution of Hispanic employees more closely reflected the agencywide pattern. However, Hispanics exceeded the average for the agency as a whole in only two job categories: officials-administrators and professionals. American Indian employees exceeded the agency distribution in

**TABLE 4.1-A**  
**Occupational Distributions of Race-Ethnicity and Gender Groups,**  
**Department of Institutions, Social, and Rehabilitative Services—1977**

**NUMBERS OF FULL-TIME EMPLOYEES**

Job Category	Total	White	Black	Hispanic	Asian American	American Indian	Other	Total Min.	Male	Female
Officials-Admin.	516	466	19	16	2	13	0	50	338	178
Professionals	2,839	2,626	132	74	2	5	0	213	925	1,914
Technicians	606	511	68	13	7	7	0	95	148	458
Protective Serv.	40	29	9	2	0	0	0	11	35	5
Paraprofessional	1,632	1,239	349	27	8	9	0	393	290	1,342
Office-Clerical	2,782	2,395	312	56	12	7	0	387	436	2,346
Skilled Craft.	229	198	26	5	0	0	0	31	216	13
Service-Maint.	694	493	184	13	2	2	0	201	224	470
Total	9,338	7,957	1,099	206	33	43	0	1,381	2,612	6,726
Percent of Total	100.0	85.2	11.8	2.2	0.4	0.5	0	14.8	28.0	72.0

**PERCENTAGE DISTRIBUTIONS**

Job Category	Entire Work Force	White	Black	Hispanic	Asian American	American Indian	Other	Total Min.	Male	Female
Officials-Admin.	5.53	5.86	1.73	7.77	6.06	30.23	0.00	3.62	12.94	2.65
Professionals	30.40	33.00	12.01	35.92	6.06	11.63	0.00	15.42	35.41	28.46
Technicians	6.49	6.43	6.19	6.31	21.21	16.28	0.00	6.88	5.67	6.81
Protective Service	0.43	0.36	0.82	0.97	0.00	0.00	0.00	0.80	1.34	0.07
Paraprofessional	17.48	15.57	31.76	13.11	24.24	20.93	0.00	28.46	11.10	19.95
Office-Clerical	29.79	30.10	28.39	27.18	36.37	16.28	0.00	28.03	16.69	34.88
Skilled Craft.	2.45	2.49	2.36	2.43	0.00	0.00	0.00	2.24	8.27	0.19
Service-Maint.	7.43	6.19	16.74	6.31	6.06	4.65	0.00	14.55	8.58	6.99
Total	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00

**Source:** State of Oklahoma, Department of Institutions, Social, and Rehabilitative Services, *DISRS Employment Data as of January 31, 1977* (computer printout) (Feb. 25, 1977).

**TABLE 4.1-B**
**Salary Distributions of Race-Ethnicity and Gender Groups,  
Department of Institutions, Social, and Rehabilitative Services—1977**
**NUMBERS OF FULL-TIME EMPLOYEES**

Annual Salary (thousands)	MALE							FEMALE				
	Total	White	Black	Hispanic	Asian American	American Indian	White	Black	Hispanic	Asian American	American Indian	
\$ 0.1- 3.9	2	1	0	0	0	0	1	0	0	0	0	
4.0- 5.9	720	115	30	6	0	5	413	140	5	2	4	
6.0- 7.9	2,627	337	102	6	1	2	1,739	386	36	15	3	
8.0- 9.9	2,531	517	87	14	1	0	1,650	195	48	10	9	
10.0-12.9	2,271	688	31	17	2	2	1,402	83	39	2	5	
13.0-15.9	750	303	11	13	0	4	377	24	12	0	6	
16.0-24.9	398	267	4	8	0	2	109	6	2	0	0	
25.0+	39	35	0	0	0	1	3	0	0	0	0	
Total	9,338	2,263	265	64	4	16	5,694	834	142	29	27	

**PERCENTAGE DISTRIBUTIONS**

Annual Salary (thousands)	Entire Work Force	MALE					FEMALE				
		White	Black	Hispanic	Asian American	American Indian	White	Black	Hispanic	Asian American	American Indian
\$ 0.1- 3.9	0.02	0.04	0.00	0.00	0.00	0.00	0.02	0.00	0.00	0.00	0.00
4.0- 5.9	7.72	5.08	11.32	9.38	0.00	31.25	7.25	16.79	3.52	6.90	14.81
6.0- 7.9	28.13	14.89	38.49	9.38	25.00	12.50	30.54	46.28	25.36	51.72	11.11
8.0- 9.9	27.10	22.85	32.83	21.88	25.00	0.00	28.98	23.38	33.80	34.48	33.33
10.0-12.9	24.32	30.40	11.70	26.55	50.00	12.50	24.62	9.95	27.46	6.90	18.53
13.0-15.9	8.03	13.39	4.15	20.31	0.00	25.00	6.62	2.88	8.45	0.00	22.22
16.0-24.9	4.26	11.80	1.51	12.50	0.00	12.50	1.92	0.72	1.41	0.00	0.00
25.0+	0.42	1.55	0.00	0.00	0.00	6.25	0.05	0.00	0.00	0.00	0.00
Total	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00

Source: State of Oklahoma, Department of Institutions, Social, and Rehabilitative Services, *DISRS Employment Data* as of January 31, 1977 (computer printout) (Feb. 25, 1977).

three job categories: officials-administrators, technicians, and paraprofessionals. Almost one-third of all Indian employees in the agency were in the officials-administrators job category. Asian Americans exceeded the overall distribution in four job categories: officials-administrators, technicians, paraprofessionals, and office-clerical. Over one-third of all Asian American employees were classified as office-clerical workers.

As indicated earlier, women comprised more than 70 percent of the work force in the agency. Despite this overwhelming majority only about a third of the agency's officials-administrators were women. Less than 3 percent of women were classified as officials or administrators in contrast to nearly 13 percent of all male employees classified as such. Females made up most of the employees in five job categories: professional, technician, paraprofessional, office-clerical, and service-maintenance. Most were concentrated in two job areas: paraprofessional and office-clerical. Of the 6,726 females employed in this agency as of January 1977, 3,688, or nearly 55 percent, were in these job categories.

### **Salary Distribution**

Table 4.1-B shows the distribution among salary levels within each race-ethnicity and sex group of employees as of January 1977. Slightly over one-third (35.9 percent) of the agency's work force in January 1977 made less than \$8,000 a year. However, 49.8 percent of the black males and 63 percent of the black females in the agency made less than this salary. In contrast, only 20 percent of all white males made less than \$8,000 annually. At the same time, almost 38 percent of all white females were in this low salary range.

Over half of the agency's work force (51.4 percent) was earning between \$8,000 and \$12,900 a year. White males and females closely matched this percentage. Blacks, however, were much less likely to earn at this level, with only about 45 percent of all black males and 33 percent of the black females in this range. In comparison, 48 percent of the Hispanic males and 61 percent of the Hispanic females were in this salary range. The figures for Asian American and American Indian employees do not reflect any basic pattern at this level because of their small numbers.

Higher on the wage scale, white males are dominant. About 13 percent of all white male employees were at the \$13,000 to \$15,900 level. In contrast, only 8 percent of the total work force was at this level. Another 13 percent of the white male employees were at the \$16,000-plus level. For the agency as a whole, only about 5 percent of the total work force was in this range. The figures for blacks and women were even lower, and less than 2 percent of all white female employees were in this salary range. While there was a total of 302 white male employees making in excess of \$16,000 a year, only 15 minority males and 8 minority females were in this wage category.

### **Summary**

Minorities and females appear to be mainly concentrated in low-skilled jobs. Predictably, they for the most part earn less than white males. Even when white males are compared with white females, a large disparity exists. In general, these statistics indicate that there are wide disparities between whites and minorities and between males and females in the agency with respect to job types and salary levels.

## **Department of Transportation (DOT)**

### **Background**

The Oklahoma Department of Transportation has the major responsibility for constructing, maintaining, and administering the State's highway system.<sup>5</sup> Overall policy for the department is developed by the Oklahoma Highway Commission with one member from each of the eight highway districts in the State. Members are appointed by the Governor, by and with the consent of the Senate.<sup>6</sup> The director of the department is elected by a majority vote of the entire commission and serves at its pleasure.<sup>7</sup> The department employs nearly 3,000 people throughout the State and receives over \$60 million in Federal funding.

As of January 1977, the department employed a total of 2,968 persons of whom 2,738, or 92.3 percent, were white and 230, or about 7.7 percent, were minority; 266, or less than 10 percent, were women. Blacks comprised about 2.4 percent of the work force, and American Indians about 4.6 percent. Hispanics and Asian Americans together made up less than 1 percent of the total employment in the department; this indicates under-

representation for Hispanics, who were 2 percent of Oklahoma's population. Blacks were also severely underrepresented.

### **Occupational Distribution**

Table 4.2-A describes the distribution among job categories within each race-ethnicity and sex group of employees in DOT as of January 1977.

Slightly more than 5 percent of the agency's work force was classified as officials or administrators. White employees generally matched the agencywide proportion in this category, while black employees were severely underrepresented—there was only one black employee in this category. American Indians, on the other hand, exceeded the agencywide proportion with about 8 percent of all Indian employees being classified as officials or administrators.

In the professional job category, blacks did better but were still underrepresented. About 12 percent of all the employees in the department were classified as professionals but only 4 percent of the black employees were so classified. White and American Indian employees exceeded the overall department proportion, and Asian American employees were significantly above the average. Over 75 percent (7 out of 9) of the Asian Americans employed by the agency were in this job category.

Blacks exceeded the department proportion in only two job categories: office-clerical and service-maintenance. Nearly 60 percent of all black employees in the agency were in the service-maintenance category, compared to about 36 percent from the total work force. Over 60 percent of the Hispanic employees in the department were located in two job categories: officials-administrators and technicians. (However, one should recall that Hispanics made up less than 1 percent of the total work force in DOT.) American Indian employees exceeded the agency distribution in three job categories: officials-administrators, professionals, and technicians. Nearly two-thirds of all Indian employees in the department were employed as technicians and service-maintenance workers.

Females constituted only about 9 percent of the total work force, suggesting a severe underutilization of women in the agency. More than three-fourths of the agency's women were employed as

office-clerical workers and 15 percent were employed as technicians.

### **Salary Distribution**

Table 4.2-B describes the distribution among salary levels within each race-ethnicity and sex group of agency employees. As of January 1977, 28.9 percent of the agency work force made less than \$8,000 a year. However, 60 percent of the black males and 58 percent of black females in the department earned at this low salary. In comparison, about 27 percent of the white males and approximately 38 percent of the white females were making less than \$8,000 annually.

About 54 percent of DOT's work force earned between \$8,000 and \$12,900 a year. For the most part, white employees—both males and females—closely matched this percentage. However, only about 27 percent of the black males and 33 percent of the black females earned this salary.

Over 10 percent of the white male work force was at the \$16,000-plus level. In contrast, less than 1 percent of the white females, and no minority females at all, were making more than \$16,000 a year. The figures for minority males indicate that, except for blacks, the groups generally reflected agencywide patterns. For example, over 16 percent of the Hispanic males in DOT made in excess of \$16,000 a year. For Asian Americans, the percentage was even greater. However, only one black male made more than \$16,000 a year. In comparison, 263 white males were earning at that rate.

### **Summary**

Blacks, Hispanics, and women are severely underrepresented in DOT. Moreover, blacks and women earn less than white males and tend to be concentrated in low-paying and low-skilled jobs with very little upward mobility.

## **Department of Corrections (DOC)**

### **Background**

The Oklahoma Department of Corrections is charged with the task of administering and managing the penal system for adult prisoners in the State and supervising all adult probationers and parolees in Oklahoma.<sup>8</sup> The department, as created by the Oklahoma Corrections Act in 1967,<sup>9</sup> is governed by the seven-member

**TABLE 4.2-A**  
**Occupational Distributions of Race-Ethnicity and Gender Groups,**  
**Department of Transportation—1977**

**NUMBERS OF FULL-TIME EMPLOYEES**

Job Category	Total	White	Black	Hispanic	Asian American	American Indian	Other	Total Min.	Male	Female
Officials-Admin.	151	135	1	2	2	11	0	16	150	1
Professionals	364	337	3	0	7	17	0	27	351	13
Technicians	758	697	11	7	0	43	0	61	717	41
Protective Serv.	0	0	0	0	0	0	0	0	0	0
Paraprofessional	0	0	0	0	0	0	0	0	0	0
Office-Clerical	316	294	11	1	0	10	0	22	115	201
Skilled Craft.	313	295	3	1	0	14	0	18	312	1
Service-Maint.	1,066	980	41	3	0	42	0	86	1,057	9
Total	2,968	2,738	70	14	9	137	0	230	2,702	266
Percent of Total	100	92.3	2.4	0.5	0.3	4.6	0	7.7	91.0	9.0

**PERCENTAGE DISTRIBUTIONS**

Job Category	Entire Work Force	White	Black	Hispanic	Asian American	American Indian	Other	Total Min.	Male	Female
Officials-Admin.	5.09	4.93	1.43	14.29	22.22	8.03	0.00	6.96	5.55	0.38
Professionals	12.26	12.31	4.29	0.00	77.78	12.41	0.00	11.74	12.99	4.89
Technicians	25.54	25.46	15.71	50.00	0.00	31.39	0.00	26.52	26.54	15.41
Protective Service	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Paraprofessional	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Office-Clerical	10.65	10.74	15.71	7.14	0.00	7.30	0.00	9.57	4.26	75.56
Skilled Craft.	10.55	10.77	4.29	7.14	0.00	10.21	0.00	7.83	11.55	0.38
Service-Maint.	35.91	35.79	58.57	21.43	0.00	30.66	0.00	37.38	39.11	3.38
Total	100.00	100.00	100.00	100.00	100.00	100.00	0.00	100.00	100.00	100.00

**Source:** State of Oklahoma, Department of Transportation, *Employees By Agency, Job Category, Sex, Race/Ethnic Group and Salary* (February 1977).



**TABLE 4.2-B**  
**Distributions of Race-Ethnicity and Gender Groups,**  
**Department of Transportation—1977**

**NUMBERS OF FULL-TIME EMPLOYEES**

Annual Salary (thousands)	Total	MALE						FEMALE				
		White	Black	Hispanic	Asian American	American Indian	White	Black	Hispanic	Asian American	American Indian	
\$ 0.1- 3.9	3	3	0	0	0	0	0	0	0	0	0	0
4.0- 5.9	7	2	1	0	0	0	3	1	0	0	0	0
6.0- 7.9	848	685	35	3	0	22	93	7	1	0	2	0
8.0- 9.9	982	823	16	3	0	36	95	4	1	0	4	0
10.0-12.9	643	551	0	4	0	43	45	0	0	0	0	0
13.0-15.9	196	165	5	0	2	16	8	0	0	0	0	0
16.0-24.9	272	247	1	2	7	13	2	0	0	0	0	0
25.0+	17	16	0	0	0	1	0	0	0	0	0	0
Total	2,968	2,492	58	12	9	131	246	12	2	0	6	0

**PERCENTAGE DISTRIBUTIONS**

Annual Salary (thousands)	Entire Work Force	MALE						FEMALE				
		White	Black	Hispanic	Asian American	American Indian	White	Black	Hispanic	Asian American	American Indian	
\$ 0.1- 3.9	0.10	0.12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4.0- 5.9	0.24	0.08	1.72	0.00	0.00	0.00	1.22	8.34	0.00	0.00	0.00	0.00
6.0- 7.9	28.57	27.49	60.35	25.00	0.00	16.79	37.80	58.33	50.00	0.00	33.33	0.00
8.0- 9.9	33.09	33.03	27.59	25.00	0.00	27.48	38.63	33.33	50.00	0.00	66.67	0.00
10.0-12.9	21.66	22.11	0.00	33.33	0.00	32.82	18.29	0.00	0.00	0.00	0.00	0.00
13.0-15.9	6.60	6.62	8.62	0.00	22.22	12.22	3.25	0.00	0.00	0.00	0.00	0.00
16.0-24.9	9.16	9.91	1.72	16.67	77.78	9.92	0.81	0.00	0.00	0.00	0.00	0.00
25.0+	0.58	0.64	0.00	0.00	0.00	0.77	0.00	0.00	0.00	0.00	0.00	0.00
Total	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	0.00	100.00

Source: State of Oklahoma, Department of Transportation, *Employees By Agency, Job Category, Sex, Race/Ethnic Group and Salary* (February 1977).

**TABLE 4.3-A**  
**Occupational Distributions of Race-Ethnicity and Gender Groups,**  
**Department of Corrections—1977**

**NUMBERS OF FULL-TIME EMPLOYEES**

Job Category	Total	White	Black	Hispanic	Asian American	American Indian	Other	Total Min.	Male	Female
Officials-Admin.	54	47	3	0	0	4	0	7	53	1
Professionals	340	299	26	2	3	9	1	40	276	64
Technicians	6	6	0	0	0	0	0	0	4	2
Protective Serv.	728	643	41	3	0	38	3	82	681	47
Paraprofessional	103	75	24	1	0	1	2	26	86	17
Office-Clerical	177	155	9	2	0	11	0	22	8	169
Skilled Craft.	43	38	1	0	0	4	0	5	43	0
Service-Maint.	56	50	1	0	0	4	1	5	55	1
Total	1,507	1,313	105	8	3	71	7	187	1,206	301
Percent of Total	100	87.1	7.0	0.5	0.2	4.7	0.5	12.4	80.0	20.0

**PERCENTAGE DISTRIBUTIONS**

Job Category	Entire Work Force	White	Black	Hispanic	Asian American	American Indian	Other	Total Min.	Male	Female
Officials-Admin.	3.58	3.58	2.86	0.00	0.00	5.63	0.00	3.74	4.39	0.33
Professionals	22.57	22.79	24.76	25.00	100.00	12.69	14.29	21.39	22.89	21.26
Technicians	0.40	0.46	0.00	0.00	0.00	0.00	0.00	0.00	0.33	0.66
Protective Service	48.31	48.97	39.05	37.50	0.00	53.52	42.86	43.86	56.47	15.62
Paraprofessional	6.83	5.71	22.86	12.50	0.00	1.41	28.56	13.90	7.13	5.65
Office-Clerical	11.74	11.81	8.57	25.00	0.00	15.49	0.00	11.77	0.67	56.15
Skilled Craft.	2.85	2.89	0.95	0.00	0.00	5.63	0.00	2.67	3.56	0.00
Service-Maint.	3.72	3.81	0.95	0.00	0.00	5.63	14.29	2.67	4.56	0.33
Total	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00

Source: State of Oklahoma, Department of Corrections, *Employment Data as of February 1977* (March 1977).

**TABLE 4.3-B**  
**Salary Distributions of Race-Ethnicity and Gender Groups, Department of Corrections—1977**  
**NUMBERS OF FULL-TIME EMPLOYEES**

Annual Salary (thousands)	MALE						FEMALE				
	Total	White	Black	Hispanic	Asian American	American Indian	White	Black	Hispanic	Asian American	American Indian
\$ 0.1- 3.9	0	0	0	0	0	0	0	0	0	0	0
4.0- 5.9	0	0	0	0	0	0	0	0	0	0	0
6.0- 7.9	872	588	36	3	0	31	184	15	2	0	13
8.0- 9.9	434	318	26	1	0	17	55	16	1	0	0
10.0-12.9	150	122	10	1	3	3	11	0	0	0	0
13.0-15.9	20	14	1	0	0	5	0	0	0	0	0
16.0-24.9	21	19	1	0	0	0	1	0	0	0	0
25.0+	3	1	0	0	0	2	0	0	0	0	0
Total	1,500*	1,062	74	5	3	58	251	31	3	0	13

**PERCENTAGE DISTRIBUTIONS**

Annual Salary (thousands)	Entire Work Force	MALE					FEMALE				
		White	Black	Hispanic	Asian American	American Indian	White	Black	Hispanic	Asian American	American Indian
\$ 0.1- 3.9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4.0- 5.9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6.0- 7.9	58.13	55.37	48.65	60.00	0.00	53.45	73.31	48.39	66.67	0.00	100.00
8.0- 9.9	28.93	29.94	35.14	20.00	0.00	29.31	21.91	51.61	33.33	0.00	0.00
10.0-12.9	10.00	11.49	13.51	20.00	100.00	5.17	4.38	0.00	0.00	0.00	0.00
13.0-15.9	1.33	1.32	1.35	0.00	0.00	8.62	0.00	0.00	0.00	0.00	0.00
16.0-24.9	1.40	1.79	1.35	0.00	0.00	0.00	0.40	0.00	0.00	0.00	0.00
25.0+	0.20	0.09	0.00	0.00	0.00	3.45	0.00	0.00	0.00	0.00	0.00
Total	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	0.00	100.00

Source: State of Oklahoma, Department of Corrections, *Employment Data as of February 1977* (March 1977).

\* Seven employees were not identified as to race.

Oklahoma Board of Corrections, whose members serve 6-year staggered terms.<sup>10</sup> The board establishes policies for the operation of the department, and maintains such institutions as are necessary or convenient for the operation of programs for the education, training, vocational education, and rehabilitation of prisoners under the jurisdiction of the department. The board also appoints the director and reviews the appointments of institutional heads.<sup>11</sup>

The department operates 12 facilities throughout the State and employs approximately 1,500 persons. The DOC itself is divided into three major components or divisions: division of community services, division of technical services, and division of institutions. The appointed director has the responsibility of performing general managerial duties and is assisted by three deputy directors who administer the divisions within the department.<sup>12</sup>

As of January 1977, the department employed a total of 1,507 persons of whom 1,313, or 87.1 percent, were white, and 187, or about 12.4 percent, were minority; 301, or about 20 percent, were women. Departmentwide, blacks comprised about 7 percent of the work force and American Indians approximately 4.7 percent. Hispanic and Asian Americans together made up less than 1 percent of the total work force; this means that Hispanics, with about 2 percent of the State's population, are underrepresented in DOC.

### **Occupational Distribution**

Table 4.3-A describes the distribution among job categories within each race-ethnicity and sex group of employees in DOC as of January 1977.

Approximately 4 percent of the department's work force was designated as officials or administrators. White employees closely matched the agencywide distribution. Blacks did somewhat less well, with about 3 percent of all black employees in the department classified as officials or administrators. American Indians did slightly better in that over 5 percent of all Indian employees in the department were classified as officials or administrators. Blacks made up about 5 percent (computing horizontally in the raw numbers part of the table) of all officials-administrators, whereas whites constituted 87 percent of those in this job category. American Indians comprised about 7 percent of all the officials or administrators in the agency.

In the professional job category, minorities did somewhat better. Whereas the agencywide proportion of employees in this category was about 23 percent, nearly 25 percent of all black and Hispanic employees were classified as professionals. On the other hand, only 12.7 percent of Indian employees were in this job area.

As might be expected, a large proportion of the work force was concentrated in the protective service job category. Protective service personnel make up about 48 percent of the total DOC work force. Approximately 40 percent of all blacks employed by the department were in this job category, as were nearly 50 percent of the white employees. Whites, however, comprised about 88 percent (computing horizontally) of all those employed in this category and blacks only about 6 percent.

Blacks exceeded the department work force proportion in only two job categories: professional and paraprofessional. Almost one-fourth of all the blacks employed by DOC were working as paraprofessionals. Whites made up about 73 percent (computing horizontally) of those in this category, while blacks comprised slightly over 23 percent of the total. American Indian employees tend to be concentrated in two job areas: protective service and office-clerical. Slightly over half of all Indians in the department were working in the protective service category. The next highest proportion was in the office-clerical job category.

Females comprised about 20 percent of the agency employment. Over half were concentrated in the office-clerical job category, and another 22 percent were classified as professional. Only 1 of the 301 female employees was classified as an official-administrator. Approximately 16 percent of all female employees were in the protective service job area, but this amounted to only about 6.5 percent of the total employment in this job area.

### **Salary Distribution**

Table 4.3-B shows the distribution among salary levels within each race-ethnicity and sex group of agency employees. As of January 1977, 58 percent of the total work force earned less than \$8,000 a year. About 55 percent of all white males and 73 percent of all white females were in this low salary range, but only about 48 percent of all blacks. This is a departure from the racial-ethnic pattern

at the agencies discussed above. However, over 70 percent of all female employees were making less than \$8,000 a year, whereas only 24 percent of the male employees were earning less than this salary level.

Nearly 39 percent of the agency's work force was making between \$8,000 and \$12,900 a year. White male employees exceeded this percentage slightly. However, about 48 percent of all black males and 52 percent of the black female employees were in this range. In contrast, only about 26 percent of all white females were making from \$8,000 to \$12,900 annually.

At the \$16,000-plus level 12.5 percent of the employees were minorities. However, of the 24 employees making \$16,000 or more a year, only one was female.

### **Summary**

A study undertaken in February 1975 by the agency's affirmative action officer pointed out that females and minorities were disproportionately represented in the lower pay ranges and underrepresented in the higher ranges, while the direct opposite was true for nonminority males.<sup>13</sup> The department has made improvements on the overall distribution along race and ethnic lines. (Significantly, these improvements coincide with the development of a relatively complete affirmative action plan, as described later in this chapter.) Severe disparities remained as of January 1977 along gender lines.

## **Department of Education (DOE)**

### **Background**

The Oklahoma Department of Education is charged with the responsibility for determining the policies and directing the administration and supervision of the public school system in Oklahoma.<sup>14</sup> The control of the department and the supervision of the public school system is vested in the Oklahoma Board of Education.<sup>15</sup> The board consists of six members and the State's superintendent of public instruction. The six members are appointed by the Governor and serve 6-year terms. The superintendent is the president of the board.<sup>16</sup> The department of education oversees 32,000 teachers at all certification levels employed in the State's 628 school districts. Federal funds totaling over \$53,500,000 were received in this department for fiscal year 1976.

As of January 1977, the department employed a total of 297 persons of whom 273, or about 92 percent, were white and 24, or 8 percent, were minority; 162, or 54.5 percent, were women. Blacks constituted 2 percent of the work force and American Indians about 5 percent. Hispanics and Asian Americans together made up slightly more than 1 percent of the total employment in the department. This means Hispanics and blacks are underrepresented.

### **Occupational Distribution**

Table 4.4-A describes the distribution among job categories within each race-ethnicity and sex group of employees in DOE as of January 1977.

Over 13 percent of the department's work force was classified as being in the official-administrative job category. Another 45 percent were classified as professionals. Two-thirds of the minority work force within the agency was employed as professionals. However, there were only two minority members (both American Indian) employed in the official-administrative job area.

Nearly 52 percent of all females in the agency were concentrated in the office-clerical job category. Only 31 percent of the total female employment was employed as professionals, in contrast with the 62 percent of male employees in the same job category.

### **Salary Distribution**

Table 4.4-B shows the distribution among salary levels within each race-ethnicity and sex group of departmental employees. As of January 1977, only about 20 percent of the total work force earned less than \$8,000 a year. However, 32 percent of the female employees made less than this salary. In contrast, only about 4 percent of the male work force was at this low level.

Approximately 22 percent of the agency's work force was in the \$8,000 to \$12,900 salary range. For white males, the percentage was 5.9; for white females, the percentage was 36.4. At the higher levels, male employees completely dominated. While 57.6 percent of all agency employees were making between \$13,000 and \$24,900 a year; the comparable rate for males was around 90 percent. In contrast, only 31.2 percent of all white females were in this salary range. Only 4 employees were earning at the \$25,000-plus level, all white males.

**TABLE 4.4—A**  
**Occupational Distributions of Race-Ethnicity and Gender Groups,**  
**Department of Education—1977**

**NUMBERS OF FULL-TIME EMPLOYEES**

Job Category	Total	White	Black	Hispanic	Asian American	American Indian	Other	Total Min.	Male	Female
Officials-Admin.	40	38	0	0	0	2	0	2	37	3
Professionals	134	118	2	1	1	12	0	16	84	50
Technicians	13	11	1	0	0	1	0	2	9	4
Protective Serv.	0	0	0	0	0	0	0	0	0	0
Paraprofessional	24	22	1	1	0	0	0	2	3	21
Office-Clerical	86	84	2	0	0	0	0	2	2	84
Skilled Craft.	0	0	0	0	0	0	0	0	0	0
Service-Maint.	0	0	0	0	0	0	0	0	0	0
Total	297	273	6	2	1	15	0	24	135	162
Percent of Total	100	91.9	2.0	0.7	0.3	5.1	0	8.1	45.5	54.5

**PERCENTAGE DISTRIBUTIONS**

Job Category	Entire Work Force	White	Black	Hispanic	Asian American	American Indian	Other	Total Min.	Male	Female
Officials-Admin.	13.47	13.92	0.00	0.00	0.00	13.33	0.00	8.33	27.41	1.85
Professionals	45.12	43.22	33.33	50.00	100.00	80.00	0.00	66.68	62.22	30.86
Technicians	4.38	4.03	16.67	0.00	0.00	6.67	0.00	8.33	6.67	2.47
Protective Service	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Paraprofessional	8.08	8.06	16.67	50.00	0.00	0.00	0.00	8.33	2.22	12.97
Office-Clerical	28.95	30.77	33.33	0.00	0.00	0.00	0.00	8.33	1.48	51.85
Skilled Craft.	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Service-Maint.	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total	100.00	100.00	100.00	100.00	100.00	100.00	0.00	100.00	100.00	100.00

**Source:** State of Oklahoma, Department of Education, *Employment Data as of January 31, 1977* (Feb. 15, 1977).



**TABLE 4.4-B**  
**Salary Distributions of Race-Ethnicity and Gender Groups,**  
**Department of Education—1977**

**NUMBERS OF FULL-TIME EMPLOYEES**

Annual Salary (thousands)	MALE							FEMALE				
	Total	White	Black	Hispanic	Asian American	American Indian	White	Black	Hispanic	Asian American	American Indian	
\$ 0.1- 3.9	0	0	0	0	0	0	0	0	0	0	0	
4.0- 5.9	1	1	0	0	0	0	0	0	0	0	0	
6.0- 7.9	56	2	1	0	0	1	50	2	0	0	0	
8.0- 9.9	37	1	0	0	0	0	35	0	1	0	0	
10.0-12.9	28	6	1	0	0	0	21	0	0	0	0	
13.0-15.9	88	40	0	1	0	8	35	1	0	1	2	
16.0-24.9	83	65	0	0	0	4	13	1	0	0	0	
25.0+	4	4	0	0	0	0	0	0	0	0	0	
Total	297	119	2	1	0	13	154	4	1	1	2	

**PERCENTAGE DISTRIBUTIONS**

Annual Salary (thousands)	Entire Work Force	MALE						FEMALE				
		White	Black	Hispanic	Asian American	American Indian	White	Black	Hispanic	Asian American	American Indian	
\$ 0.1- 3.9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
4.0- 5.9	0.34	0.84	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
6.0- 7.9	18.85	1.69	50.00	0.00	0.00	7.69	32.48	50.00	0.00	0.00	0.00	
8.0- 9.9	12.46	0.84	0.00	0.00	0.00	0.00	22.72	0.00	100.00	0.00	0.00	
10.0-12.9	9.43	5.04	50.00	0.00	0.00	0.00	13.64	0.00	0.00	0.00	0.00	
13.0-15.9	29.63	33.61	0.00	100.00	0.00	61.54	22.72	25.00	0.00	100.00	100.00	
16.0-24.9	27.94	54.62	0.00	0.00	0.00	30.77	8.44	25.00	0.00	0.00	0.00	
25.0+	1.35	3.36	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Total	100.00	100.00	100.00	100.00	0.00	100.00	100.00	100.00	100.00	100.00	100.00	

Source: State of Oklahoma, Department of Education, *Employment Data as of January 31, 1977* (Feb. 15, 1977).

TABLE 4.5-A

Occupational Distributions of Race-Ethnicity and Gender Groups,  
Department of Public Safety—1977

## NUMBERS OF FULL-TIME EMPLOYEES

Job Category	Total	White	Black	Hispanic	Asian American	American Indian	Other	Total Min.	Male	Female
Officials-Admin.	128	127	0	0	0	1	0	1	126	2
Professionals	24	24	0	0	0	0	0	0	22	2
Technicians	86	83	0	0	0	3	0	3	75	11
Protective Serv.	498	480	10	2	0	6	0	18	497	1
Paraprofessional	72	72	0	0	0	0	0	0	70	2
Office-Clerical	208	191	12	0	0	5	0	17	24	184
Skilled Craft.	27	25	1	0	0	1	0	2	27	0
Service-Maint.	21	9	10	0	0	2	0	12	13	8
Total	1,064	1,011	33	2	0	18	0	53	854	210
Percent of Total	100	95.0	3.1	0.2	0	1.7	0	5.0	80.3	19.7

## PERCENTAGE DISTRIBUTIONS

Job Category	Entire Work Force	White	Black	Hispanic	Asian American	American Indian	Other	Total Min.	Male	Female
Officials-Admin.	12.03	12.56	0.00	0.00	0.00	5.56	0.00	1.89	14.75	0.95
Professionals	2.26	2.37	0.00	0.00	0.00	0.00	0.00	0.00	2.58	0.95
Technicians	8.08	8.21	0.00	0.00	0.00	16.16	0.00	5.66	8.78	5.24
Protective Service	46.80	47.48	30.20	100.00	0.00	33.33	0.00	33.96	58.20	0.48
Paraprofessional	6.77	7.12	0.00	0.00	0.00	0.00	0.00	0.00	8.20	0.95
Office-Clerical	19.55	18.89	36.37	0.00	0.00	27.78	0.00	32.08	2.81	87.62
Skilled Craft.	2.54	2.48	3.03	0.00	0.00	5.56	0.00	3.77	3.16	0.00
Service-Maint.	1.97	0.89	30.30	0.00	0.00	11.11	0.00	22.64	1.52	3.81
Total	100.00	100.00	100.00	100.00	0.00	100.00	0.00	100.00	100.00	100.00

Source: State of Oklahoma, Department of Public Safety, *Full-time State Merit System Employees by Job Category, Sex, Race/Ethnic Group and Salary Level* (Feb. 28, 1977).

**TABLE 4.5-B**  
**Salary Distributions of Race-Ethnicity and Gender Groups,**  
**Department of Public Safety—1977**

**NUMBERS OF FULL-TIME EMPLOYEES**

Annual Salary (thousands)	MALE							FEMALE				
	Total	White	Black	Hispanic	Asian American	American Indian	White	Black	Hispanic	Asian American	American Indian	
\$ 0.1- 3.9	4	1	0	0	0	0	3	0	0	0	0	
4.0- 5.9	3	2	0	0	0	0	1	0	0	0	0	
6.0- 7.9	210	42	8	0	0	0	144	12	0	0	4	
8.0- 9.9	134	90	4	0	0	2	33	2	0	0	3	
10.0-12.9	423	403	7	1	0	4	8	0	0	0	0	
13.0-15.9	255	249	0	1	0	5	0	0	0	0	0	
16.0-24.9	35	35	0	0	0	0	0	0	0	0	0	
25.0+	0	0	0	0	0	0	0	0	0	0	0	
Total	1,064	822	19	2	0	11	189	14	0	0	7	

**PERCENTAGE DISTRIBUTIONS**

Annual Salary (thousands)	Entire Work Force	MALE						FEMALE				
		White	Black	Hispanic	Asian American	American Indian	White	Black	Hispanic	Asian American	American Indian	
\$ 0.1- 3.9	0.38	0.12	0.00	0.00	0.00	0.00	1.59	0.00	0.00	0.00	0.00	
4.0- 5.9	0.28	0.24	0.00	0.00	0.00	0.00	0.53	0.00	0.00	0.00	0.00	
6.0- 7.9	19.74	5.11	42.11	0.00	0.00	0.00	76.19	85.71	0.00	0.00	57.14	
8.0- 9.9	12.95	10.95	21.05	0.00	0.00	18.19	17.46	14.29	0.00	0.00	42.86	
10.0-12.9	39.75	49.03	36.84	50.00	0.00	36.36	4.23	0.00	0.00	0.00	0.00	
13.0-15.9	23.97	30.29	0.00	50.00	0.00	45.45	0.00	0.00	0.00	0.00	0.00	
16.0-24.9	3.29	4.26	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
25.0+	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Total	100.00	100.00	100.00	100.00	0.00	100.00	100.00	100.00	0.00	0.00	100.00	

**Source:** State of Oklahoma, Department of Public Safety, *Full-time State Merit System Employees by Job Category, Sex, Race/Ethnic Group and Salary Level* (Feb. 28, 1977).

For the most part, minorities were located at the higher salary levels. Of the 24 minority members employed by the department, 19, or approximately 79 percent, were earning more than \$10,000 a year. In contrast, 67 percent of the total white work force was making in excess of \$10,000 a year. This suggests that minorities were employed at relatively high salary and job levels within the department. However, because of the small proportions of minorities in the department's work force, it is difficult to come to any definitive conclusions regarding their distribution within the agency's salary structure.

### **Summary**

Minorities are severely underrepresented in the department of education. Female employees tend to be concentrated in the lower pay scales and underrepresented in the higher salary levels, while the opposite is true for males. Moreover, female employees are disproportionately concentrated in certain job areas. For example, over 50 percent of the total female work force was employed as office-clerical workers. In contrast, only 2 percent was employed as officials or administrators.

## **Department of Public Safety (DPS)**

### **Background**

The main responsibility of the Oklahoma Department of Public Safety is to oversee the enforcement of the State's traffic laws. The department has four divisions—highway patrol, administrative, driver license, and financial responsibility.<sup>17</sup> The patrol is organized into four field divisions, comprised of 10 field districts and a special services division covering size and weight, safety education, motor vehicle inspection, training, chemical testing, and water law enforcement.<sup>18</sup> The Governor is the chief officer of the department and the commissioner of public safety is directly responsible to the Governor for the operation and administration of the agency.<sup>19</sup>

As of January 1977, the department employed a total of 1,064 persons of which 1,011, or 95 percent, were white and 53, or 5 percent, were minority; 210, or about 20 percent, were women. Blacks constituted about 3.1 percent of the total employment and American Indians 1.7 percent. Hispanics made up less than 1 percent of the work force. These percentages mean underrepresentation for all three minority groups.

### **Occupational Distribution**

Table 4.5-A describes the distribution among job categories within each race-ethnicity and sex group as of January 1977.

The department's work force is divided into two major components—sworn or uniformed personnel, and nonsworn personnel. As of June 1976, the DPS had a total of 586 uniformed personnel and 470 nonsworn. Of those in uniform, 565, or 96.2 percent, were white and 21, or 3.8 percent, were minority. Of the 21 minority patrolmen and patrol supervisors, 11 were black, 9 were Indian, and only 1 was Hispanic. Overall, blacks comprised 1.9 percent and Indians 1.5 percent of the sworn work force. There was only one female employed in this component.

As of January 1977, there was a total of 498 employees assigned to protective service functions within the department of whom 480, or 96.4 percent, were white, and only 18 minority. Of these 18, 10 were black, 6 were Indian, and 2 were Hispanic. Only one female out of a total work force of 498 was employed in this job category.

Minorities were severely underrepresented in all job categories except one, service-maintenance. In general, minorities were mainly employed in three areas: protective service (34 percent of all minority workers), office-clerical (32 percent), and service-maintenance (23 percent). There was only one minority official-administrator in the DPS.

Females made up only about 20 percent of the department's work force. Over 87 percent of them were concentrated in the office-clerical job category. Another 5 percent were employed as technicians.

### **Salary Distribution**

Table 4.5-B describes the distribution among salary levels within each race-ethnicity and sex group of agency employees. As of January 1977, slightly over 20 percent of the total work force within the department earned less than \$8,000 a year. Blacks and women were disproportionately concentrated in these lower wage levels. Nearly 80 percent of all the female employees were in this salary range. In contrast, only 6.2 percent of all the male employees made less than \$8,000.

Over half (52.3 percent) of the agency's work force was in the \$8,000 to \$12,900 salary range. Nearly 60 percent of the white males, but only

about 22 percent of the white females, were in this range. As to minorities, 58 percent of all black males and 55 percent of the Indian males were at this level. However, only about 15 percent of the black females and 43 percent of the Indian female employees were making between \$8,000 and \$12,900 a year.

At the \$13,000-plus level, male employees dominated completely. Of the 290 employees making \$13,000 or more a year, 284, or 97.9 percent (computing horizontally) were nonminority males. Only 6 minority males (none black) and no females were in this salary range.

### **Summary**

The available data clearly show that minorities and women in the DPS are severely underrepresented at all job levels. In addition, there are wide disparities between males and females within every racial-ethnic group within the department with respect to wages. Females, according to the data presented above, are disproportionately concentrated in the lower salary levels. This disparity is true for both sworn and nonsworn personnel.

## **Employment Security Commission (ESC)**

### **Background**

The overall goal of the agency is employment security through the operation of a free public employment system and the payment of benefits to unemployed workers. It is part of a national network and receives all of its funds for administration from the Federal Government. Overall policy is established by a five-member commission. Each member is appointed by the Governor, by and with the consent of the State senate. Two of the five represent employers, two are designated to represent employees, and one member is designated to represent the general public. The representative of the public is the chairperson of the commission.<sup>20</sup>

As of January 1977, the commission employed a total of 1,137 persons of whom 899, or 79.1 percent, were white and 235, or 20.6 percent, were minority; 562, or about 49.4, percent, were women. Blacks comprised about 9.2 percent of the total work force and American Indians 10.8 percent. Hispanics and Asian Americans together made up less than 1 percent of the total employ-

ment in the ESC. For blacks and Indians, this situation amounted to overrepresentation, but Hispanics were underrepresented.

### **Occupational Distribution**

Table 4.6-A describes the distribution among job categories within each race-ethnicity and sex group as of January 1977.

Nearly 15 percent of all the employees in the agency were classified as officials or administrators, and 52 percent were classified as professionals. White employees closely matched this proportion with 14.0 percent being identified as officials or administrators and 52.2 percent classified as professionals.

Black employees were underrepresented in the officials-administrators category, but more than adequately represented in the professional job area. Only about 8 percent of all black employees were classified as officials or administrators, while 54.3 percent of all blacks were employed in the professional category. Blacks exceeded the agency-wide proportion in four job areas: professionals, technicians, paraprofessionals, and service-maintenance.

Approximately 85 percent of all Indian employees were working in two job areas: officials-administrators and professionals. In both job areas, they exceeded the agencywide proportion, with 26.0 percent of the agency's Indian work force employed as officials or administrators and 58.5 percent in the professional category.

Of the four Hispanic employees, one was classified as an official-administrator, two as professionals, and one as a paraprofessional. The three Asian American employees were employed in the paraprofessional and office-clerical areas.

As indicated above, females comprised nearly half of the agency's employment. Nearly 43 percent of them were classified as professionals and another 30 percent were in the office-clerical job area. However, only about 5.8 percent of the total female work force was classified as officials or administrators. In contrast, 23.1 percent of all the males in the ESC were employed in this job area.

### **Salary Distribution**

Table 4.6-B describes the distribution among salary levels within each race-ethnicity and sex group of agency employees. As of January 1977, about 11 percent of the total work force earned

TABLE 4.6-A

Occupational Distributions of Race-Ethnicity and Gender Groups,  
Employment Security Commission—1977

## NUMBERS OF FULL-TIME EMPLOYEES

Job Category	Total	White	Black	Hispanic	Asian American	American Indian	Other	Total Min.	Male	Female
Officials-Admin.	167	126	8	1	0	32	0	41	135	32
Professionals	600	469	57	2	0	72	0	131	365	235
Technicians	68	52	8	0	0	8	0	16	19	49
Protective Serv.	0	0	0	0	0	0	0	0	0	0
Paraprofessional	115	90	16	1	2	4	2	23	41	74
Office-Clerical	176	157	10	0	1	7	1	18	16	160
Skilled Craft.	0	0	0	0	0	0	0	0	0	0
Service-Maint.	11	5	6	0	0	0	0	6	9	2
Total	1,137	899	105	4	3	123	3	235	585	552
Percent of Total	100	79.1	9.2	0.4	0.3	10.8	0.3	20.7	51.5	48.5

## PERCENTAGE DISTRIBUTIONS

Job Category	Entire Work Force	White	Black	Hispanic	Asian American	American Indian	Other	Total Min.	Male	Female
Officials-Admin.	14.69	14.0	7.62	25.00	0.00	26.02	0.00	17.45	23.08	5.80
Professionals	52.77	52.17	54.29	50.00	0.00	58.54	0.00	55.74	62.39	42.57
Technicians	5.98	5.78	7.62	0.00	0.00	6.50	0.00	6.81	3.25	8.88
Protective Service	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Paraprofessional	10.11	10.01	15.24	25.00	66.67	3.25	66.67	9.79	7.01	13.40
Office-Clerical	15.48	17.46	9.52	0.00	33.33	5.69	33.33	7.66	2.73	28.99
Skilled Craft.	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Service-Maint.	0.97	0.56	5.71	0.00	0.00	0.00	0.00	2.55	1.54	0.36
Total	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00

Source: State of Oklahoma, Employment Security Commission, *Employment Data as of January 31, 1977* (computer printout) (Feb. 23, 1977).



**TABLE 4.6-B**  
**Salary Distributions of Race-Ethnicity and Gender Groups,**  
**Employment Security Commission—1977**

**NUMBERS OF FULL-TIME EMPLOYEES**

Annual Salary (thousands)	Total	MALE					FEMALE				
		White	Black	Hispanic	Asian American	American Indian	White	Black	Hispanic	Asian American	American Indian
\$ 0.1- 3.9	0	0	0	0	0	0	0	0	0	0	0
4.0- 5.9	3	0	0	0	0	0	3	0	0	0	0
6.0- 7.9	118	18	3	0	1	1	81	9	1	1	3
8.0- 9.9	260	91	16	0	1	4	130	9	0	0	9
10.0-12.9	433	199	25	2	0	16	141	26	0	0	24
13.0-15.9	203	81	4	0	0	24	71	9	0	0	14
16.0-24.9	113	68	1	1	0	23	12	3	0	0	5
25.0+	4	4	0	0	0	0	0	0	0	0	0
Total	1,134*	461	49	3	2	68	438	56	1	1	55

**PERCENTAGE DISTRIBUTIONS**

Annual Salary (thousands)	Entire Work Force	MALE					FEMALE				
		White	Black	Hispanic	Asian American	American Indian	White	Black	Hispanic	Asian American	American Indian
\$ 0.1- 3.9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4.0- 5.9	0.26	0.00	0.00	0.00	0.00	0.00	0.68	0.00	0.00	0.00	0.00
6.0- 7.9	10.41	3.90	6.12	0.00	50.00	1.47	18.49	16.07	100.00	100.00	5.45
8.0- 9.9	22.93	19.74	32.65	0.00	50.00	5.88	29.68	16.07	0.00	0.00	16.36
10.0-12.9	38.18	43.17	51.03	66.67	0.00	23.53	32.19	46.43	0.00	0.00	43.64
13.0-15.9	17.91	17.57	8.16	0.00	0.00	35.29	16.22	16.07	0.00	0.00	25.46
16.0-24.9	9.96	14.75	2.04	33.33	0.00	33.83	2.74	5.36	0.00	0.00	9.09
25.0+	0.35	0.87	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00

Source: State of Oklahoma, Employment Security Commission, *Employment Data as of January 31, 1977* (computer printout) (Feb. 23, 1977).

\*Three employees were not identified as to race.

less than \$8,000 a year. In comparison, only 4 percent of the white males, 6 percent of the black males, and less than 2 percent of Indian males were in this low range. However, for female employees, a different pattern is evident. About 19.2 percent of white, 16.1 percent of black, and 5.5 percent of Indian female employees were making less than \$8,000 a year.

Slightly over 60 percent of all employees in the ESC were making between \$8,000 and \$12,900 a year. White males exceeded the overall proportion with about 63 percent. White females also exceeded the overall proportion with close to 62 percent between \$8,000 and \$12,900 annually. Nearly 84 percent of all black males and about 63 percent of all black females were in this range. In contrast, Indian males were significantly below the agencywide proportion. As of January 1977, only about 29 percent of all Indian males were making from \$8,000 to \$12,900 a year, while 60 percent of all the Indian female employees were in this salary range.

About 28.2 percent of the agency's work force earned at the \$13,000-plus level. For white males the figure was 33.2 percent. In contrast, only about 19 percent of the white females were earning \$13,000 or more a year. Blacks were also significantly below the agency proportion in this salary range, with only about 10 percent of the males and 21 percent of the females in excess of \$13,000 a year. However, over 69 percent of the Indian males and about 35 percent of the Indian females were earning between \$13,000 and \$24,900 annually. Only at the \$25,000-plus level do white males dominate.

### **Summary**

These figures appear to indicate minorities and women in the ESC are fairly well represented throughout the work force. Black and Indian employees are found in most job areas. Moreover, their representation in these areas closely matches their overall representation. However, Hispanics and Asian Americans are underrepresented in the agency's work force. As indicated above, they currently make up less than 1 percent of the agency's total employment.

## **Department of Health (DOH)**

### **Background**

The Oklahoma Department of Health is responsible for the administration of legislative acts dealing with public health in Oklahoma.<sup>21</sup> A State board of health, consisting of nine members appointed by the Governor and confirmed by the senate for regular terms of 9 years, establishes overall policy for the department.<sup>22</sup> The board also appoints the State commissioner of health, adopts such rules, regulations, and standards as it deems necessary to carry out the provisions of the public health code, and establishes such divisions, sections, bureaus, offices, and positions in the State department of health as it deems necessary to carry out the provisions of the code.<sup>23</sup>

The State department of health receives and disburses to local health departments and other health agencies funds allocated by the State and Federal governments. County health boards are located in all of the State's 77 counties. These boards have the authority to establish and maintain their own county health departments.<sup>24</sup>

As of January 1977, the department employed a total of 1,071 persons of whom 947, or 88.4 percent, were white and 90, or 8.4 percent, were minority; 679, or about 63.4 percent, were women. Thirty-four employees, or approximately 3.4 percent of the total employment, were not identified as to their race or ethnicity. Blacks comprised about 4.9 percent of the total employment and American Indians 2.3 percent. Hispanics and Asian Americans together made up only 1.1 percent of the department's work force. These statistics indicate underutilization for blacks, Indians, and Hispanics. (Some race-gender groups have so few members in DOH that these distributions cannot reliably demonstrate a pattern. For example, no Hispanic males at all are employed by DOH.)

### **Occupational Distribution**

Table 4.7-A describes the distribution among job categories within each race-ethnicity and sex group of DOH employees as of January 1977.

Nearly 9 percent of all the employees in the agency were classified as officials or administrators, and 49.1 percent were listed as professionals. The next highest concentration of employees was

in the office-clerical job area where about 27 percent of all the employees in the agency were located. White employees exceeded the agency-wide proportion in these three major job areas. More than 10 percent of all white employees were classified as officials-administrators, 50 percent as professionals, and about 28 percent as office-clerical workers.

Minority employees, on the other hand, were by and large severely underrepresented in these major job areas. For example, no minority employees were in the officials-administrators category, and only about 7.6 percent of all black employees were classified as professionals.

Black employees exceeded the overall agency proportion in only four job areas: protective, paraprofessional, skilled craft, and service-maintenance. In fact, 69.8 percent of all black employees in the agency were located in two job areas: paraprofessional and service-maintenance.

Indian employees were mainly concentrated in three job areas: professionals, paraprofessional, and office-clerical. Almost half were listed as professional; however, Indians comprised only 2.3 percent (computing horizontally on the table) of all DOH professionals. Another third of DOH's American Indian employees were classified as paraprofessionals.

Hispanic and Asian American employees made up only a small proportion of the agency's work force. Of the three Hispanics employed by the department, two were classified as professionals and one was listed as a paraprofessional. Of the nine Asian Americans in the department, eight were listed as professionals and one as a technician.

Of the 679 females employed in the agency, 39.8 percent were classified as professionals and another 39.9 percent were listed as office-clerical workers. Only about 3 percent were officials or administrators. It should be noted, however, that the current acting commissioner of health is a woman.

### **Salary Distribution**

Table 4.7-B describes the distribution among salary levels within each race-ethnicity and sex group of agency employees. As of January 1977, about 31.4 percent of the agency's work force was earning less than \$8,000 a year. However, only 7 percent of all white male employees were in this

low salary range. In contrast, nearly 42 percent of all white females in the department were making less than \$8,000 annually. For blacks, the figures are even more startling, with 80 percent of the black males and 79 percent of the black female employees earning less than \$8,000. The situation for Indian employees was dramatically better. Less than 15 percent of the Indian males and half of all the Indian female employees were in this range.

Approximately half (49.7 percent) of the employees in DOH were making between \$8,000 and \$12,900 a year. About 50.1 percent of the white male and 52.6 percent of the white female employees were in this range. However, only 20 percent of the black male and about 21 percent of the black female employees were earning between \$8,000 and \$12,900 annually. For Indian male and female employees the proportions were 28.6 percent and 27.8 percent, respectively.

More than 42 percent of all white males in the department were making from \$13,000 to \$25,000 a year, well above the 18.9 percent of the entire agency work force in that range. Only 5.6 percent of females were earning \$13,000 or more a year and no blacks at all were at that level.

### **Summary**

These figures indicate a wide disparity between male and female employees within the department with respect to salaries. Females are disproportionately located in the lower salary levels and under-represented at the higher levels.

Minorities and women were also under-represented in many job areas. For example, there were no minority officials or administrators in the department as of January 1977. Females constituted only about 21 percent (computing horizontally in table 4.7-A) of all officials and administrators in the DOH, yet females make up almost two-thirds of the agency's work force. Although female employees held over 51.3 percent of all the professional positions, most were concentrated at the lower salary levels. Moreover, while 84.7 percent of all male employees were classified as officials-administrators and professionals, only 42.7 percent of all female employees were in these job areas.

TABLE 4.7-A

Occupational Distributions of Race-Ethnicity and Gender Groups,  
Department of Health—1977

## NUMBERS OF FULL-TIME EMPLOYEES

Job Category	Total	White	Black	Hispanic	Asian American	American Indian	Other	Total Min.	Male	Female
Officials-Admin.	96	96	0	0	0	0	0	0	76	20
Professionals	526	479	4	2	8	12	21	26	256	270
Technicians	12	10	0	0	1	0	1	1	7	5
Protective Service	7	5	2	0	0	0	0	2	7	0
Paraprofessional	98	74	14	1	0	8	1	23	11	87
Office-Clerical	288	265	8	0	0	5	10	13	17	271
Skilled Craft.	3	1	2	0	0	0	0	2	2	1
Service-Maint.	41	17	23	0	0	0	1	23	16	25
Total	1,071	947	53	3	9	25	34	90	392	679
Percent of Total	100	88.4	4.9	0.3	0.8	2.3	3.2	8.4	36.6	63.4

## PERCENTAGE DISTRIBUTIONS

Job Category	Entire Work Force	White	Black	Hispanic	Asian American	American Indian	Other	Total Min.	Male	Female
Officials-Admin.	8.96	10.14	0.00	0.00	0.00	0.00	0.00	0.00	19.39	2.95
Professionals	49.11	50.58	7.55	66.67	88.89	48.00	61.77	28.89	65.31	39.76
Technicians	1.12	1.06	0.00	0.00	11.11	0.00	2.94	1.11	1.78	0.74
Protective Service	0.65	0.53	3.77	0.00	0.00	0.00	0.00	2.22	1.78	0.00
Paraprofessional	9.15	7.81	26.42	33.33	0.00	32.00	2.94	25.56	2.81	12.81
Office-Clerical	26.89	27.98	15.09	0.00	0.00	20.00	29.41	14.44	4.34	39.91
Skilled Craft.	0.29	0.11	3.77	0.00	0.00	0.00	0.00	2.22	0.51	0.15
Service-Maint.	3.83	1.79	43.40	0.00	0.00	0.00	2.94	25.56	4.08	3.68
Total	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00

Source: State of Oklahoma, Department of Health, *Employment Profile Jan. 31, 1977* (Feb. 15, 1977).

**TABLE 4.7-B**  
**Salary Distributions of Race-Ethnicity and Gender Groups,**  
**Department of Health—1977**

**NUMBERS OF FULL-TIME EMPLOYEES**

Annual Salary (thousands)	MALE							FEMALE				
	Total	White	Black	Hispanic	Asian American	American Indian	White	Black	Hispanic	Asian American	American Indian	
\$ 0.1- 3.9	0	0	0	0	0	0	0	0	0	0	0	
4.0- 5.9	38	4	5	0	0	0	19	7	1	0	2	
6.0- 7.9	287	21	3	0	0	1	228	27	0	0	7	
8.0- 9.9	160	35	2	0	0	1	112	5	1	1	3	
10.0-12.9	355	144	0	0	3	1	199	4	1	1	2	
13.0-15.9	111	76	0	0	1	3	26	0	0	1	4	
16.0-24.9	73	65	0	0	2	1	5	0	0	0	0	
25.0+	13	11	0	0	0	0	2	0	0	0	0	
Total	1,037*	356	10	0	6	7	591	43	3	3	18	

**PERCENTAGE DISTRIBUTIONS**

Annual Salary (thousands)	Entire Work Force	MALE					FEMALE				
		White	Black	Hispanic	Asian American	American Indian	White	Black	Hispanic	Asian American	American Indian
\$ 0.1- 3.9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4.0- 5.9	3.67	1.12	50.00	0.00	0.00	0.00	3.21	16.28	33.33	0.00	11.11
6.0- 7.9	27.68	5.90	30.00	0.00	0.00	14.29	38.58	62.79	0.00	0.00	38.89
8.0- 9.9	15.43	9.83	20.00	0.00	0.00	14.29	18.95	11.63	33.33	33.33	16.67
10.0-12.9	34.23	40.45	0.00	0.00	50.00	14.29	33.67	9.30	33.33	33.33	11.11
13.0-15.9	10.70	21.35	0.00	0.00	16.67	42.84	4.40	0.00	0.00	33.33	22.22
16.0-24.9	7.04	18.26	0.00	0.00	33.33	14.29	0.85	0.00	0.00	0.00	0.00
25.0+	1.25	3.09	0.00	0.00	0.00	0.00	0.34	0.00	0.00	0.00	0.00
Total	100.00	100.00	100.00	0.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00

Source: State of Oklahoma, Department of Health, *Employment Profile Jan. 31, 1977* (Feb. 15, 1977).

\* Thirty-four employees were not identified as to race.

## Agency Affirmative Action Plans: An Assessment

In December 1976, Governor Boren issued an executive order stating the Oklahoma State government's commitment to affirmative action.<sup>25</sup> This order called for directing State agencies to take positive steps to end discrimination against minorities and women in hiring and promotions and to cooperate fully in complying with the non-discriminatory provisions of the Equal Employment Opportunity Act of 1972.<sup>26</sup> However, the mere verbal or written prohibition of discriminatory practices is not enough. To assure equal employment opportunity, affirmative action is imperative.

The most important measure of any affirmative action plan (AAP) is its effect—that is, actual results evident in the agency's work force. To be effective, an AAP must be designed to eliminate unrealistic job requirements, provide job-related examinations, ensure selection without discrimination, and incorporate measurable goals and timetables. With respect to implementation, the plan must provide for periodic assessments and evaluations to measure progress.<sup>27</sup>

It is vitally important that the plan, once written, does not end up on the shelf to gather dust. Instead, an AAP must become an integral part of the agency's administrative and operational structure. From a management perspective, the plan should be considered as a positive tool to ensure equal employment opportunity based on sound merit principles.<sup>28</sup>

In an attempt to gauge how each of the seven agencies analyzed above dealt with affirmative action and equal employment opportunity, each was asked to submit its AAP to the Advisory Committee. These plans were then evaluated on the basis of six criteria:

*Has the agency assigned responsibility and authority for implementing the affirmative action plan to a top agency official?* A successful affirmative action plan requires direction and support from the highest levels of management. Without this, the agency's plan faces the real possibility of being downgraded or assigned to a low priority status, or simply forgotten.<sup>29</sup>

*Does the agency's affirmative action plan analyze its present work force to identify jobs, units, and de-*

*partments where minorities and women are underutilized?* Managers need to know the minority and sex composition of the work force in order to identify equal employment opportunity problem areas and establish goals for improvement where needed and appropriate. Conversely, without these data, management will have no idea of where the problems are or their intensity.<sup>30</sup>

*Has the agency established specific, measurable, attainable hiring and promotional goals with target dates in the areas of underutilization?* The establishment of goals and timetables is a useful management concept in dealing with equal employment opportunity related problems. Affirmative action to attain goals must be carried out in the context of the merit system for public employment which is designed to assure fair opportunity for all persons. However, the establishment of reasonable employment goals should be distinguished from mandatory quotas. The establishment of goals is compatible with merit system principles.<sup>31</sup>

*Has the agency established a recruitment program for minorities and women?* In order to meet the goals and timetables established in the affirmative action plan, the agency may have to establish a recruitment program for minorities and women.<sup>32</sup>

*Has the agency established a formal upward mobility, career development and training plan to upgrade minorities and women?* Women and minorities are usually concentrated in low-paying, low-skilled jobs. Many work at levels far below their training; others perform higher level work under low-paid titles. To deal with this, an agency must develop an upward mobility plan or system that takes into account job assignment, job progression, promotions, transfers, seniority, and training.<sup>33</sup>

*Does the agency provide a mechanism to monitor and measure the progress of its affirmative action plan?* An internal reporting system to continually audit, monitor, and evaluate progress is an essential element for any successful affirmative action program. Without this evaluation, management would have no way of determining if the plan is meeting its goals.<sup>34</sup>

Using these criteria, the Advisory Committee analyzed each of the selected agencies with respect to its AAP. These criteria, it should be stressed, have been established by the U.S. Equal Employment Opportunity Commission and are in-



**TABLE 4.8**  
**Agency Affirmative Action Plans Compared to Guidelines**

AGENCY	Dept. of Institutions, Social & Rehab. Serv. (DISRS)	Department of Transportation (DOT)	Department of Corrections (DOC)	Department of Education (DOE)	Department of Public Safety (DPS)	Employment Security Comm. (ESC)	Department of Health (DOH)
<b>GUIDELINES</b>							
1. Agency has assigned responsibility and authority to top agency official.	●	●	●	■	●	●	■
2. Agency analyzes present work force to identify jobs, depts., and units where minorities and women are underutilized.	■	■	●	■	■	●	■
3. Agency sets specific, measurable, hiring, and promotional goals with target dates in areas of underutilization.	■	■	●	■	■	■	■
4. Agency has established a recruitment program for minorities and women.	●	●	●	■	●	●	●
5. Agency has established an upward mobility program for minorities and women.	●	●	●	■	●	■	●
6. Agency monitors and measures progress of its affirmative action plan.	●	●	●	■	●	●	●
7. Agency provides for periodic re-evaluation of job descriptions, qualifications, and tests to assure they reflect actual job needs.	●	●	■	■	■	●	●

● Guideline Incorporated in AAP

■ Guideline Not Incorporated in AAP

**Note:** Each agency was asked to submit its latest AAP to the Advisory Committee. These AAPs were then evaluated by Commission staff and members of the Advisory Committee with respect to seven basic guidelines established by the U.S. Equal Employment Opportunity Commission. These guidelines are designed to measure the overall effectiveness of individual agency plans.

tended to measure the effectiveness and commitment of individual agency plans.

In general, none of the agency plans was found to meet all of the guidelines essential for an effective affirmative action program. As table 4.8 shows, only one agency, the Oklahoma Department of Corrections, incorporated specific, measurable, hiring and promotion goals with target dates in areas of underutilization. In fact, only this department actually came close to fulfilling all of the major requirements designated by the U.S. Equal Employment Opportunity Commission as being essential. At the other end of the spectrum is the Oklahoma Department of Education, which failed to fulfill even one of the basic requirements.

Specifically, none of the plans studied was adequate in addressing equal employment opportunity. They did not directly gear themselves to producing improvements in hiring, training, and promotion of minorities and women within their agencies that would yield measurable results. Also, few agencies have analyzed their current work force in order to identify jobs, departments, and units where minorities and women are underutilized. And while most agencies claimed that they monitor and measure the progress of their plans, indications are that this review process is more often than not a haphazard one.

With respect to upward mobility, all agencies, with the exception of the Oklahoma Department of Education, indicated that they have such programs. However, their effectiveness could not be determined. None was geared specifically for minorities and women although they were encouraged to participate. Many of the affirmative action officers cited inservice training programs as the major focus of their upward mobility effort, but no special programs were in operation. The overall impact of these programs on minorities and women in these agencies appears to be minimal.

In the area of recruitment, all of the agencies reviewed, with the exception of the department of corrections, had weak programs. Only the department of corrections has established specific goals with respect to minorities. A majority of the affirmative action officers felt that the State personnel office should take a more active role in this area.<sup>35</sup>

It was mentioned earlier that the most important measure of any AAP is its effect. It was also

stressed that to be effective, an AAP must become an integral part of the agency's administrative and management structure. None of the agencies reviewed here can be said to have satisfied these two important qualifications.

## Summary

After analyzing each of the seven agencies in this chapter, one can make a number of generalizations with respect to their employment makeups, salary distributions, and affirmative action plans. The clearest and most important of these is that none of the agencies studied here has successfully grappled with the issues of affirmative action and equal employment opportunity. Systemic inadequacies still remain that prevent minorities and women from being employed and promoted on the same basis as white employees.

Overall, minorities and women in the seven agencies appear to be mainly concentrated in low-skilled jobs. These are usually low-paying jobs, and consequently minorities and women earn less than white males. Even when white males are compared with white females, a large disparity exists. In general, the above analysis indicates that there are wide differences between whites and minorities and between males and females in job types and wages.

None of the agencies was found to meet all of the basic requirements needed for an effective affirmative action plan. Moreover, there appears to be little or no integration of the agencies' affirmative action efforts with their overall administrative and management structures.

## Notes to Chapter 4

1. U.S., Civil Service Commission, *Equal Employment Opportunity in State and Local Governments: A Guide for Affirmative Action*, vol. 1 (n.d.), p. 1.
2. See note 12 of chapter 2 for job category descriptions as defined by the Equal Employment Opportunity Commission.
3. 56 Okl. St. Ann. §162.1(a).
4. Okl. Const. Art. 25, §2 (1936).
5. 69 Okl. St. Ann. §301(a) (1968) as amended by Laws 1977: H.B. 1205, 36th Leg., 1st Reg. Sess. (June 3, 1977).
6. *Ibid.*, §302(a) and (b) (Supp. 1976).
7. *Ibid.*, §305 (Supp. 1976).
8. State of Oklahoma, Department of Corrections, *Employee Handbook* (January 1976), p. 1 (hereafter cited as *DOC Employee Handbook*).
9. 57 Okl. St. Ann. §505 (Supp. 1976).

10. 57 Okl. St. Ann. §503 (1969).
11. *Ibid.*, §504(b) (Supp. 1976).
12. *DOC Employees Handbook*, p. 1.
13. State of Oklahoma, Department of Corrections, *Affirmative Action Plan for Oklahoma Department of Corrections*, prepared by Arthur B. Brown, affirmative action officer, and Michael G. Parkinson, student intern (February 1975), p. A-2.
14. 70 Okl. St. Ann. §1-105(1971).
15. 70 Okl. St. Ann. §3-104 (Supp. 1977).
16. 70 Okl. St. Ann. §3-101(1972).
17. 47 Okl. St. Ann. §2-103 (Supp. 1977).
18. Roger Webb, commissioner, Oklahoma Department of Public Safety, interview, Oklahoma City, Oct. 21, 1976.
19. 47 Okl. St. Ann. §2-101(b) (Supp. 1977).
20. 40 Okl. St. Ann. §220(a) (Supp. 1977).
21. 63 Okl. St. Ann. §1-105 (1963).
22. 63 Okl. St. Ann. §1-103(a) (1963).
23. 63 Okl. St. Ann. §1-104(b) (Supp. 1977).
24. State of Oklahoma, Department of Health, *Employee Handbook*, (n.d.) p. 2.
25. State of Oklahoma, Office of the Governor, *Executive Order Regarding Affirmative Action in State Government* (Dec. 6, 1976).
26. 42 U.S.C. §2000e (1970), as amended by 86 Stat. 103 (1972).
27. U.S., Equal Employment Opportunity Commission, *Affirmative Action and Equal Employment: A Guidebook for Employers*, vol. 1, (n.d.), p. 18. This publication was prepared by the Education Programs Division, Office of Voluntary Programs.
28. *Ibid.*, p. 19.
29. *Ibid.*
30. *Ibid.*, pp. 23-25.
31. *Ibid.*, pp. 26-28.
32. *Ibid.*, p. 29.
33. *Ibid.*, p. 46.
34. *Ibid.*, p. 59.
35. Linzy Wilson, AAO/DISRS; Gary Gardner, AAO/DOC; Capt. Elam, AAO/DPS; and Cecil Pirrong, AAO/DOH, interviews, Oklahoma City, Okla., October-December, 1976.

## The State's Response: An Assessment

*Whereas, this administration is committed to providing equal employment opportunity for all present and prospective state employees, without unlawful discrimination because of race, religion, color, sex, age, national origin, physical handicap, political or religious opinions or affiliations; and\*\*\**

\*\*\*

*Whereas, an affirmative and vigorous program to assure fair and impartial treatment for all and to make use of the full productive capabilities and talents of all our citizens is in the best interests of the State\*\*\*<sup>1</sup>*

In assessing the State's response to affirmative action and equal employment opportunity one is immediately struck by the apparent lack of continuity or overall direction as to what policy or policies should be pursued, especially at the agency level. The Governor, through his executive order, has attempted to establish a basic framework for assuring affirmative action at all levels of State government. He is also aware of the many problems in implementing affirmative action. For example, in a prepared statement he took an exceptionally strong position on this issue:

I understand the problems we must face and I understand the concern many of us have regarding those problems. There should be no doubt that I will continue to give positive support and leadership to affirmative action and human affairs, and there should be no doubt that actions of this administration will continue to set a positive example for the rest of State government.<sup>2</sup>

However, the task of assuring that equal employment opportunity is implemented is far more difficult to achieve than many realize. One of the basic problems is that systemic barriers within the bureaucracy and the merit system itself in many instances prevent the hiring and promotion of minorities and women and subvert the intent of affirmative action. William Rose, director of the Oklahoma Human Rights Commission, made the following observation:

I think if one would line up the people in State agencies that make the substantive and critical decisions regarding hiring, one would find that they are predominantly white males, and I strongly believe that this fact accounts for the absence of some very innovative, affirmative, and aggressive moves toward inclusion of minorities and women within agency work forces. (I, 63-64)

Keith Frosco, director of the Oklahoma Personnel Office, offered another perspective on the problems of implementing affirmative action and equal employment opportunity:

We are intimidated quite heavily, we as a staff, by not only people within the agencies, but by people outside\*\*\* It depends on the power structure behind the request. We can't avoid the realities of life. Personnel administration is simply a social function dealing with people. And as long as we are dealing with people we're going to have to deal with their likes and dislikes, and their biases. (II, 300-01)

He added:

After all, the Oklahoma Merit System of personnel administration is a creature of the State. It is a reflection of what the citizens of Oklahoma have intended through their elected representatives. And it is only as good as those elected representatives want it to be. (II, 301)

Henry Floyd, a noted attorney from Oklahoma City and the chairperson of the legal redress committee of the Oklahoma City Chapter of the NAACP, said, "We find that there is a complete failure to administratively correct the built-in barriers to discrimination in State government." (I, 171)

Eugene Jones, also a member of the Oklahoma City Chapter of the NAACP, pointed out in his testimony before the Advisory Committee that "institutional discrimination still exists in State government." (I, 165) At the hearing he gave some examples of the more subtle kinds of discrimination that blacks often confront when they seek employment in State government:

At initial interviews, when blacks go to be interviewed for jobs, they are often met with a description by the interviewer of the adversities of the job\*\*\* Or, he is faced with the statement that "there are no openings for the job you are applying for," and this is often followed with an offer of employment at a lower paying job. (1, 166).

He continued:

\*\*\*there are instances of blacks being turned down for employment due to being overqualified. Also, blacks who are newly hired on almost all jobs are told of the importance of seniority as a primary qualification for upgrading; and then after acquiring the necessary seniority, they find that there are other qualifications required\*\*\* (1, 166)

He also offered the following observation:

We find that officials for human relations and EEO departments within State agencies are predominantly used in advisory capacities only. They often have no enforcement or disciplinary powers, and their chief function appears to be to discourage employees from presenting discrimination complaints. (1, 168-69)

Another major problem area is testing. In July 1975, the Oklahoma City Branch of the NAACP filed charges with the Oklahoma Human Rights Commission against the State personnel board alleging that the board "deprived blacks of employment opportunities through the use of non-validated or inadequately validated tests which exclude blacks at a disproportionate rate."<sup>3</sup> The Probation and Parole Officer I Examination was specifically challenged. The charge was also made that the exam had not been validated in accordance with procedures promulgated by the U.S. Equal Employment Opportunity Commission. William Rose agreed with the NAACP, stating in an interview:

There is reasonable cause to believe that blacks, as a class, have been and continue to be unlawfully deprived of employment opportunities as classified employees of the State of Oklahoma by the State personnel board's use of unvalidated tests, written and oral.<sup>4</sup>

A conciliation agreement was signed by the Oklahoma Human Rights Commission, the personnel board, and the NAACP in August 1976. This agreement called for the temporary discontinuance

of the examination, pending a determination of its validity.<sup>5</sup>

Although the above case drew public attention to a major barrier to the employment of minorities in State government, the issue of testing and test validation is still being widely debated. Mr. Rose, for example, questioned the need for written tests for all merit system jobs, and believes that an equally valid procedure, not requiring written tests for many positions, could be devised. This, he said, would help to eliminate a key barrier faced by many minorities in getting State jobs.<sup>6</sup>

Jim Rowe, employment director for the Urban League in Tulsa, said in a staff interview<sup>7</sup> that many of the tests have not been validated and are antiquated. They are biased, he added, and, in many instances, are unrelated to the jobs they are designed for. At the hearing, he said:

It is conceived by many blacks that the State merit system examination is a tool to screen out rather than screen in, and is completely biased and not totally relevant to job performance. (1, 257)

Lynnell Anderson, the Governor's human affairs representative and chief affirmative action officer, stated at the hearing:

The testing system seems to be in conflict with affirmative action. It just seems to be the uppermost problem, and this is the major complaint I have from the affirmative action personnel in the different agencies\*\*\* (1, 39)

She added:

So there is something, somewhere wrong. I don't know what the answer is, but there is something wrong\*\*\*when you have a large number of people not passing an exam despite the fact they have the experience and the education that should qualify them for the job\*\*\* (1, 43)

She also questioned the validity of relying solely on tests as a means for selecting applicants, asking "Why should a test alone be the criteria? Why can't a combination of education, experience, and test results be used?" (1, 43)

William Rose, in his testimony, said, "I think a written test that doesn't predict job performance serves no purpose other than to cut down the number of people who might be considered for position\*\*\*" (1, 65)

Henry Floyd pointed out in his testimony before the Advisory Committee that "any individual on a given day could fail an examination, or in a given day that individual could come through in such a way that he or she couldn't even guess the wrong answer." (I, 186) He added, "The written examination is a poor barometer if it's the only barometer, especially when you find that there has been an underutilization or no inclusion of minorities and women\*\*\*" (I, 187)

Keith Froscio, director of the Oklahoma Personnel Office, said in a staff interview<sup>8</sup> that job classification standards and merit system tests have not been validated according to U.S. Equal Employment Opportunity Commission (EEOC) procedures to assure job relatedness and nondiscrimination. The U.S. Civil Service Commission, he added, did provide the personnel office with a grant to begin revising and consolidating job classifications, but the program was not successful and was terminated in October 1976. He also noted that a staff psychologist from the U.S. Civil Service Commission recently reviewed testing procedures used by the State personnel office, but conducted no validation tests.

In his testimony before the Advisory Committee, Mr. Froscio pointed out that one of the reasons why merit system tests have not been validated is that there is a severe lack of funds to undertake such a project. (II, 324) He also explained that the State personnel office does attempt to validate its tests by conducting what is called a "face validation." This process, he said, involves reviewing the tests with experts within the agency to which the test applies. In some cases, he added, subject matter experts are also called in to evaluate the test. He also noted that State agencies usually prepare their own questions for the test. To prevent bias from influencing test results, Froscio remarked, he has his own staff carefully evaluate the questions before final approval is given. (II, 326)

Another area of concern voiced by State officials and community leaders alike was that of recruitment. Jim Rowe of the Tulsa Urban League felt that one of the major barriers to affirmative action in regard to State government is the inability to recruit minorities and women. Minorities, he said, do not actively seek out jobs in State government because the traditional pattern or outcome

has been that they are not hired. As a result, he explained, they have taken the attitude that it is useless to apply. Therefore, he added, to overcome this barrier State government must institute an aggressive, active recruitment effort.<sup>9</sup>

Lynell Anderson agreed, but felt that the individual State agencies must take a more active role:

I see the recruitment process as being a part of an agency function\*\*\* I can see some possible assistance from the merit system, but as far as actually going out and finding people for the kinds of jobs available in these agencies, I think the agency people should have that responsibility\*\*\* (I, 40)

Leonard Benton, executive director for the Urban League of Oklahoma City, stated in an interview<sup>10</sup> that one of the problems in recruiting minorities for State employment has been the nonutilization of community-based organizations by the State personnel office and the various State agencies. This, he added, has eliminated any kind of real access to the minority labor pool in the State. He also explained that there is a severe lack of information available to State agencies regarding the availability of qualified minorities. Because of this insufficient data base, he said, recruitment efforts by the various State agencies have, for the most part, been ineffective.

In an attempt to deal with this problem, Benton pointed out that the Urban League has been pushing the Governor to adopt a stronger stand on the whole question of equal employment opportunities for minorities and women in State government. In addition, he said, the Urban League has established a minority skills bank program to actively recruit minorities for both the private sector and the public sector, notably State government. To carry out this program, he added, the Urban League of Oklahoma City has received a \$40,000 grant from the State manpower services council.<sup>11</sup>

Despite the Urban League's efforts in recruiting more minorities for State government, Benton indicated that the program has been less than successful. In his testimony before the Advisory Committee, he stated:

The Urban League's employment program has referred 39 individuals to various positions within State government since August 1976. Of these, only four have been placed with the



State. Three of the four were placed with the Oklahoma Department of Corrections. In contrast\*\*\*we have been able to place twice as many in private industry. (I, 232-33)

Keith Frosco explained in an interview<sup>12</sup> that the Oklahoma Personnel Office has restricted its recruitment efforts because of staff time limitations. However, he said, staff does continue to participate in various job fairs and career days around the State. Analysts, he added, also conduct specialized recruitment through professional organizations or selected channels, such as news releases for specific geographical areas. They also cooperate and coordinate these activities with the various State agencies. Despite the personnel office's role in this area, he felt that State agencies should do more of their own recruiting.

The issues of affirmative action and equal employment opportunity are as important for American Indians as for blacks. Robert Gann, director of the Oklahoma Indian Affairs Commission, raised the question, Who is an Indian? Gann noted that although Indians are generally recognized as an identifiable minority group in Oklahoma there are still no established criteria for defining American Indians. (I, 203)

Gann also believed that cultural factors pose a special barrier for Indians so far as the merit system is concerned. The strong cultural affinity and involvement of Indians with their tribal milieu, he suggested, raise a set of problems. Not only have these factors restricted Indians' involvement with the larger society, he said, but they have also perpetuated the stereotype of the Indian. (I, 206-07) He added:

I think we're still fighting the classic stereotype. If you were to go out on the street and ask, "What's your opinion of an Indian?" or "Who is an Indian and what is that Indian's character, and is he a responsible individual?" I think that you would get that classic stereotype back, and that is one of the reasons why I strongly recommend that agency directors and people, at least at the executive level, be required to understand; at least, be exposed to something other than a drunk Indian. (I, 222-23)

Enoch Haney, member of both the Oklahoma Indian Affairs Commission and the general council of the Seminole Nation of Oklahoma, stated in his testimony:

I saw a report which astonished me. I didn't know that Indians were so well represented in State government until I looked at the report\*\*\*However, as I go through the State capitol, I don't see a whole lot of Indians\*\*\*Now, I'm going to get down to the bare fact of telling it like it is. An Indian who is brown-skinned is more apt to have problems than an Indian who is not brown-skinned\*\*\*I think that the crux of the problem is when you visibly look like an Indian\*\*\* (I, 213-14)

He added, "I don't think we have adequate records\*\*\*to make an intelligent analysis as to what is going on in State government as far as Indian employment is concerned." (I, 215)

Mille Giago, executive director of the Native American Center in Oklahoma City, commented:

We feel that for all practical purposes and intents, that many of these State agencies have produced new Indians into their statistics in an effort to bolster their affirmative action plans at the expense of Indian people\*\*\*The fact remains that the only high figure for American Indians in Oklahoma is in their rate of unemployment\*\*\* (II, 603)

She continued, "It is our contention that the affirmative action plans of the State agencies are not adequate, and do not reflect a true picture for those identifiably American Indians in the State\*\*\*" (II, 605)

Robert Gann felt that it was extremely important that Indians be employed in State government in order to produce a desirable level of participation in the services that are provided by State government. However, he added, one doesn't find Indians being placed in State jobs. (I, 210) He also pointed out:

We try to get agencies to accept public service employees and try to change the personnel system, not as a direct request to Mr. Frosco, but as a request through the hierarchy of government itself, to waive the requirement of the State personnel test if the person maintains his or her job and functions adequately and responsibly over a period of time. Moreover, this would pose absolutely no cost to State government because of the Comprehensive Employment and Training Assistance [Act (CETA)] monies which most tribes have for training purposes. Yet we have had very little success in placing Indians in State government. (I, 210)

All of the community leaders and many of the State officials took issue with the State government's whole conception of affirmative action and its implementation. Leonard Benton, for example, was especially critical of the State's overall lack of action in this area:

It is deplorable, in our opinion, to note the insignificant number of blacks in agencies such as the Oklahoma Corporation Commission, the Tax Commission, the Department of Education, and the Department of Highways. It is even more appalling, the fact that the latter two agencies, highways and education, are major recipients of Federal funds. In the case of the Oklahoma Department of Education, it is in our opinion utterly inconceivable that as of June 1976 there were only 8 blacks, or 2.5 percent, out of 320 employees, and we don't think there is any shortage of black educators in the State of Oklahoma. In conclusion, affirmative action and equal employment opportunity are indeed inadequate for minorities and women in Oklahoma State government. (I, 230)

He added:

\*\*\*it would appear to me that the State, which has the responsibility for enabling legislation and developing rules and regulations, should take the lead with respect to affirmative action and equal employment opportunity\*\*\*yet while it is asking major employers in the private sector to pursue affirmative action the State has failed to mount any kind of effective program in this area\*\*\*it is like, "Don't do as I do, but do as I tell you to do." I don't think this is the way in which to develop leadership in the area of equal opportunity\*\*\* (I, 233)

Benton also remarked that if the citizens are truly concerned with having the State work force reflect the composition of the State population, then first of all there has to be a commitment on their part to the concept of affirmative action. He continued:

After that commitment, there has to be the development of\*\*\*a policy by which State agencies and heads of State agencies know that is the policy and they are going to do whatever is necessary to cause affirmative action to be a reality. (I, 238)

Jim Rowe said that while the current administration had made some "good faith efforts in certain instances\*\*\*we believe that there is a lot of room for improvement." (I, 250) He added:

\*\*\*it is appalling\*\*\*that in 19 or 20 agencies within State government there are no blacks\*\*\*We believe that in light of our day and time that this lack of affirmative action and lack of black representation at various levels of employment is ridiculous, to say the least\*\*\* (I, 259)

When asked whether he could identify any elements within the Oklahoma Merit System that represented a barrier to minorities and women seeking employment or upgrading in State government, William Rose replied:

I think one of the major problems is lack of resources. We've got a handful of people in the State personnel office trying to do a job that would take two or three hundred people\*\*\* (I, 64)

Keith Froscio pointed out that the State personnel office is both understaffed and underfunded. A recent report prepared by the U.S. Civil Service Commission supported his contention:

The conclusion is inescapable that in Oklahoma, financing of the State Personnel Board's statutorily-mandated functions has not kept pace even with the decreasing purchasing power of the dollar, let alone the rising real cost of implementing and maintaining a more complex personnel system covering increasingly disparate operating program demands.<sup>13</sup>

The report concluded:

At the present pitiful level of financing (which has existed for a number of years) it is improbable that the Merit System Agency can effectively administer the programs which have been assigned to it by statute.<sup>14</sup>

With respect to affirmative action the report concluded that it could not find any programs that sufficiently recognized the need for affirmative action in either the merit system office or in the program agencies.<sup>15</sup> In his testimony before the Advisory Committee, Keith Froscio emphasized that his responsibilities in the area of affirmative action and equal employment opportunity were spelled out within the context of merit system regulations. (II, 282-83) When pressed to answer a question concerning his compliance with the Governor's executive order dealing with affirmative action, he responded by saying that he adheres to the order mainly by providing space in his office for the Governor's affirmative action representative and

supplying that person with all the information that can be furnished under State law. (II, 284-85) He added that as long as the State personnel office enforces the provisions of the Oklahoma statutes underlying the merit system it "automatically follows that the Governor's order is adhered to\*\*\*" (II, 285)

A vital part of the State's affirmative action thrust is that of recruitment and the employee selection process. Mr. Froscio briefly outlined this process:

\*\*\*each person is first required to file a formal application form with our office. This form is reviewed from the standpoint of, Does the person meet the announced qualifications of education, training, and experience?\*\*\*If this person meets these qualifications, then he/she is scheduled for the next step in the screening process. In some cases the person is given a performance type examination\*\*\*

Once the person has been examined through a test, or through a rating of training and experience, and has passed\*\*\*his or her name goes to a register, or a list of eligibles\*\*\*If an agency has a vacancy they call for the appropriate list as authorized through the job classification process.

The agency must then make the selection. They,\*\*\*the agency and the director of an agency, have the final authority under State law to hire or appoint. (II, 287-88)

He further explained that the appointing authority must interview, at a minimum, 10 percent of those people on the register for a specific vacancy before that person can make a decision. The law further specifies, he added, that not fewer than five applicants for each vacancy must be considered. (II, 288)

Mr. Froscio also pointed out that State agencies or individuals can and do circumvent merit system regulations in selecting certain employees. For example, individuals on the register can shift to other counties "mysteriously" where the lists are smaller, he said. In addition, he commented, test material has been stolen in the past, and noncompetitive appointments have been used extensively to bypass the merit system. (II, 293) He also explained that a person can be selected for one position, perform the duties of another, higher position, and then ultimately be promoted to that higher position. (II, 294)

Another way to beat the system is local certification, he said. Oklahoma law provides that all applicants for jobs in a particular area in the State should be hired from a list of eligibles who live in the area, he noted. In other words, he added, an individual is hired from a particular county's register. However, he continued, if that person would like to transfer to Oklahoma City the agency will hire that person from the X county register and immediately transfer that person to the central office for training. Once there, such a person often remains in Oklahoma City. This, he said, is contrary to the rules. (II, 294-95)

With respect to the establishment of unrealistic minimum qualifications by some State agencies, Mr. Froscio noted that this question is "highly subjective." The State personnel office, he said, tried to reach reasonable compromises with the agencies. It tries to point out to agencies that if they insist on certain kinds of qualifications that are unrealistic they may not be able to recruit anyone. He also noted that some agencies attempt to convince the State personnel office to write qualifications in such a way that a preselected person will be the only person involved. (II, 298)

The Oklahoma Personnel Board, Mr. Froscio stressed, has the final authority on all questions relating to the merit system. The State personnel office, he said, can only recommend. In establishing qualifications the personnel office generally prepares a memorandum for a particular job category. This memorandum, he explained, includes the rationale for establishing the classification and the recommended pay grade. If there is a variance between the personnel office's recommendation and the agency's, he noted, then the personnel board must decide. (II, 300)

In its analysis of the Oklahoma Merit System, a special task force from the U.S. Civil Service Commission noted the following problem areas with regard to the development of class specifications:

In the Oklahoma system, class specifications are the primary (often the only) source of information used in the construction of selection programs. Class specifications *normally* [their emphasis] are not precise enough to serve as the exclusive basis for construction of selection procedures. They contain "examples of work performed" in broad scope which form the basis for classification decisions in

many agencies, and do not concentrate on what specific duties are performed and how they are performed in a given situation. Similarly, skills, knowledges, and abilities data contained in class specifications are general in content and relate to a group of jobs in varying situations rather than to specific qualifications required for performance of specific tasks\*\*\*Consequently, selection programs are, too frequently, based on inadequate information about job duties and requirements\*\*\*<sup>16</sup>

With respect to the position classification system used by the merit system, the same report noted:

\*\*\*the State Personnel Board, through adoption of Rule 303, has implied that each agency may have a separate classification plan. This provision in the Board Rules has allowed, possibly even encouraged, agencies to consider their plan as proprietary to the agency. Consequently, in many cases, administrators have adopted the attitude that maintenance of the agency classification plan is the responsibility of the agency administrators—not the Merit System\*\*\*The result is a division of responsibilities for maintenance of the classification plan.<sup>17</sup>

The Oklahoma Personnel Board, Mr. Froscó pointed out, also has the primary responsibility for correcting abuses in the State merit system whether they concern hiring, classification, or testing procedures. To change rules or procedures, he added, the board has to go through a very structured process outlined in the Administrative Procedures Act.<sup>18</sup> Once this process is completed all changes in the rules and/or regulations then have to be approved by the State legislature. (II, 310-11) This ability to deal with abuses in the merit system, he said, has a direct bearing on affirmative action and equal employment opportunity in State government. (II, 310)

As indicated above, Mr. Froscó considers the merit system statute and regulations to constitute the system's affirmative action plan. He defined affirmative action as follows:

\*\*\*in my own mind affirmative action is equal employment opportunity and this does not mean that there is any preferential treatment for any person for any reason, other than his/her own merit. (II, 311)

When Mr. Froscó was asked by an Advisory Committee member why, if merit system rules were equivalent to affirmative action, minorities

and women were underrepresented in so many ways in the merit system, he replied:

That could be twofold. One, it could be because the system itself needs to be validated. I'm talking about the minimum qualifications of education, training, experience, and the screening process per se\*\*\*[Second,] the final impact of the program, the part of the program that you cannot escape, is the hiring point. That point is where the agency is involved. You can have a million dollar program of personnel administration, but it won't work like you're talking about unless the hiring agencies want it to work\*\*\* (II, 342)

William Rose supported, in part, Mr. Froscó's contention and pointed out that under the current system applicants who qualify for jobs and who appear on the registers often do not even get an opportunity to be interviewed by the hiring authority. This, he added, has a tremendous impact on the hiring of minorities and women. He further commented:

I think that this in itself is one of the worst things that can happen because you can't pin anybody down. For example, a personnel officer can say, "Well, I just exercised an option to pick this person," but at the same time, applicants are not permitted the opportunity to present themselves and in effect\*\*\*sell themselves to whoever is doing the hiring. (I, 69-70)

He also pointed out:

I think with respect to every substantive decision made by a State agency, the agency should ask itself the question of what impact would this have on the equality of employment opportunity, or how may the equality of employment opportunity be more effectively implemented through the use of whatever kind of program or decision is involved. (I, 76)

He did not see any basic conflict between the State merit system and affirmative action. Instead, he said, they could be totally complementary. He added:

I would prefer a system that perceives the entire employment process as a total entity, going from the recruitment all the way up through promotion; and if one attempts to deal with one element of the total system without dealing with all others, that system would be meaningless\*\*\* (I, 67)



An important element in the Governor's effort to bring about affirmative action and equal employment opportunity in State government was the establishment of the Governor's Office of Human Affairs. The human affairs representative, Lynnell Anderson, has the responsibility, along with the director of the State merit system, for monitoring the implementation of affirmative action plans of agencies within the classified service and ensuring compliance with affirmative action plan guidelines.<sup>19</sup>

In a staff interview,<sup>20</sup> Ms. Anderson stated her immediate priorities:

1. An employment survey of State agencies, both merit and nonmerit.
2. Immediate attention to those agencies which have no minority employees.
3. Initiate direct contacts and interviews with agency directors of small agencies, and those where no affirmative action plans exist.
4. Contact and maintain liaison with affirmative action officers in larger agencies where plans have already been developed and some expertise exists.
5. Set up regular monthly meetings for affirmative action officers and initiate "group-based action" for the larger State agencies.

At the hearing in February 1977, she reported that a survey of employment for all merit system agencies had been completed. A series of workshops was conducted in May 1977 for State agency affirmative action personnel to assist them in developing and implementing their affirmative action programs under the auspices of the human affairs office.<sup>21</sup>

These and other related developments indicate that some progress is being made in establishing equal employment opportunity in State government. However, problems remain. Bob Burke, director of the Oklahoma Department of Economic and Community Affairs, said in an interview<sup>22</sup> that the agencies themselves must take on greater responsibility for affirmative action. There has to be, he added, a greater cognizance of the need for affirmative action by agency directors and their respective boards and commissions. Moreover, he said, the State legislature could have more leverage with respect to equal employment opportunity given the necessary legislative leadership.

Dr. Earl Mitchell, a recently appointed member of the Oklahoma Personnel Board and a long-time member of the Oklahoma Advisory Committee to the U.S. Commission on Civil Rights, stated that affirmative action is essentially a positive move to correct past inequities. The only purpose of affirmative action, he added, is to allow those people who have been excluded through discrimination to at least have a chance to perform in a capacity to the best of their ability. This is what it's all about. (II, 395)

## Notes to Chapter 5

1. State of Oklahoma, Office of the Governor, *Executive Order Regarding Affirmative Action in State Government*, Dec. 6, 1976.
2. State of Oklahoma, Office of the Governor, *Statement For Civil Rights Hearing by David L. Baren, Governor*, Feb. 10, 1977.
3. Theodosia Crawford, president, Oklahoma City Branch of the NAACP, interview in Oklahoma City, Okla., Nov. 22, 1976.
4. William Rose, director, Oklahoma Human Rights Commission, interview in Oklahoma City, Oct. 20, 1976.
5. *Ibid.*
6. *Ibid.*
7. Jim Rowe, employment director, Urban League of Tulsa, interview in Tulsa, Okla., Dec. 14, 1976 (hereafter cited as Rowe Interview).
8. Keith Froscio, Director, Oklahoma Personnel Office, interview in Oklahoma City, Nov. 10, 1976.
9. Rowe Interview.
10. Leonard D. Benton, executive director, Urban League of Oklahoma City, interview in Oklahoma City, Nov. 10, 1976.
11. *Ibid.*
12. Keith Froscio, interview in Oklahoma City, Sept. 8, 1976.
13. U.S., Civil Service Commission, *Report of Findings and Recommendations Resulting From A Study of The Oklahoma Merit System*, Intergovernmental Personnel Programs Division, Dallas Region (January 1974), p. 19.
14. *Ibid.*, p. 20.
15. *Ibid.*, p. 60.
16. *Ibid.*, p. 55.
17. *Ibid.*, p. 31.
18. 5 U.S.C. §551 et seq. (1966).
19. State of Oklahoma, Office of the Governor, *Executive Order*, Dec. 6, 1976, p. 2.
20. Lynnell Anderson, human affairs representative, Office of the Governor, State of Oklahoma, interview in Oklahoma City, Dec. 15, 1976.

21. State of Oklahoma, Office of the Governor, State of Oklahoma, Office of Human Affairs, *Oklahoma Affirmative Action Report*, vol. 1, no. 1 (July 1977), pp. 1-2.
22. Bob Burke, director, Oklahoma Department of Economic and Community Affairs, interview in Oklahoma City, Nov. 9, 1976.



# Findings And Recommendations

The Oklahoma Advisory Committee to the U.S. Commission on Civil Rights reports the following findings and recommendations based upon its investigation.

## Systemic Conditions

**Finding:** The Oklahoma Personnel System, through a combination of systemic inadequacies and less than effective efforts by agency hiring and promotion authorities, has not provided equality of employment opportunity for minorities and women in State government.

**Recommendation 1:** The Oklahoma Advisory Committee recommends that the State of Oklahoma, through legislative and executive action, establish permanent equal employment opportunity policies and provide the necessary resources and authority to implement those policies fully and effectively.

**Recommendation 2:** The Oklahoma Advisory Committee further recommends that the Governor immediately establish an equal employment-affirmative action coordinating committee consisting of the directors of the Oklahoma Personnel Office, Human Rights Commission, and Department of Economic and Community Affairs, and the Governor's human affairs representative. The Governor should instruct the coordinating committee to develop immediately executive policy and legislative recommendations for implementing affirmative action in State government employment.

**Recommendation 3:** The Advisory Committee also recommends that the Governor appoint a director for the coordinating committee and assign the committee resources, both staff and funding, as required for the committee's work to be effective. The Governor may also want to consider the appointment of a limited number of nongovernmental representatives to the committee provided that they bring expertise in the areas to be studied.

**Recommendation 4:** In addition, the Advisory Committee recommends that the Governor direct the coordinating committee to consult fully with minority and women's groups in the State and that their involvement be meaningful rather than perfunctory.

The law mandating equal employment opportunity in State government is clear and unequivocal. Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination based on race, color, religion, sex, or national origin, was amended in 1972 to include State governments. Consequently, the provision of equal employment opportunities in Oklahoma State government is no longer a concept to be implemented on a voluntary basis, but now represents the law of the land.

The Advisory Committee is concerned that many State officials appear to be unaware of the Federal statutes prohibiting employment discrimination. Failure to comply fully may potentially render the State vulnerable to extensive and costly litigative action and/or a loss of substantial Federal financial assistance. Beyond this, the Committee believes that State government has a responsibility to represent and serve all the people of Oklahoma. The provision of equal employment opportunities to minorities and women is one important element in making this goal a reality.

As a means for accomplishing this, the Advisory Committee is recommending that the Governor's human affairs representative and the Oklahoma Personnel Office, Human Rights Commission, and Department of Economic and Community Affairs become involved in the process of making equal employment opportunity a reality, instead of an ideal, in State government. However, in order for their efforts to succeed, their roles and activities must be effectively directed and continuously coordinated. This is the role of the proposed equal employment-affirmative action coordinating committee.

The Advisory Committee strongly urges that the committee be a small, working, task-oriented body with specific directions and timetables provided by the Governor. Ceremonial advisory committees may serve a purpose, but cannot effectively bring the changes required in Oklahoma State government or produce results in the area of affirmative action.

The Advisory Committee also believes that all proposed policy and legislative recommendations of the coordinating committee should be subjected to review and comment within State government and from concerned institutions and organizations external to State government prior to their implementation.

The Advisory Committee strongly believes that the effectiveness of the coordinating committee depends upon the commitment to equal employment opportunity of all its members. Should the Governor not be satisfied that the directors of the member agencies exhibit such a commitment, he should consider taking steps to replace them.

### Agency Conditions

**Finding:** Not only do minorities make up only a small proportion of the merit system work force, but many State agencies employ no minorities at all or only one or two "token" minority members. Of the 53 State agencies covered by the merit system in 1976, 12 had no minority employees, and another 18 had fewer than 5. In addition, 20 State agencies employed no blacks, 29 had no Hispanic employees, and 16 did not employ any American Indians.

**Recommendation 1:** The Advisory Committee strongly recommends that the Governor direct the heads of all State agencies employing only a small proportion of minorities or none at all to provide him with interim affirmative action plans within 45 days for employing minorities in an expeditious manner.

**Recommendation 2:** The Advisory Committee also recommends that the Governor should further advise the affected agency directors of his intention to replace them if they are unwilling to comply with his mandate.

The Advisory Committee believes that immediate special action is required of those agencies currently employing only a small proportion of minorities. The interim affirmative action plans recommended above should contain specific, measurable, short-range employment goals and timetables. Where agencies fail to respond expeditiously or affirmatively, the Committee believes that the Governor should consider taking appropriate executive action to ensure compliance by all State agency directors.

### Responsibility for Affirmative Action Planning

**Finding:** Although the Governor has exercised some leadership in the area of affirmative action and equal employment opportunity, agency administrators, for the most part, have failed to come to grips with systemic discrimination. For example, none of the seven major agencies analyzed in chapter 4 of this report was found to meet all of the guidelines essential for an effective affirmative action plan (AAP). Only one agency, the Oklahoma Department of Corrections, incorporated specific, measurable hiring and promotional goals with target dates, and only this agency came close to fulfilling all of the major requirements for an effective AAP. At the other end of the spectrum is the Oklahoma Department of Education, which failed to fulfill even one of the basic requirements.

**Recommendation 1:** While the Governor's executive order represents a positive initiative toward promoting equal opportunity in State government, the Advisory Committee strongly recommends that the State legislature implement a policy requiring all State agencies to develop annual affirmative action plans in accordance with specific standards and criteria as recommended by the U.S. Equal Employment Opportunity Commission. These plans should incorporate, at a minimum, specific measurable goals and timetables for hiring and promoting minorities and women.

**Recommendation 2:** The Advisory Committee further recommends that the State legislature delegate the responsibility for reviewing and approving State agency affirmative action plans to the Oklahoma Human Rights Commission, and allocate to it sufficient resources to perform these functions.

**Recommendation 3:** The Committee also recommends that all levels of management with personnel selection and hiring responsibilities be evaluated on the basis of their efforts and results in hiring and promoting minorities and women within their respective agencies.

The Advisory Committee believes that it is extremely important that every agency be required to establish specific and measurable goals and timetables for hiring and promoting minorities and women in all job categories and at all salary levels.

Such goals must be set on the basis of a comprehensive analysis to determine where in the work force minorities and women are underutilized. Only after the degree of underutilization has been determined can the agency proceed to establish goals and timetables to deal with the deficiencies.

An affirmative action plan should be considered an integral part of the agency's overall administrative and management structure. Such a plan is meaningless unless it is based upon agency policy and used as a management tool to produce results in bringing about equal employment opportunities. The Advisory Committee believes that if a plan is designed solely to satisfy Federal funding requirements and is not based on an integral agency commitment to achieve progress, it will not succeed.

The Advisory Committee is especially concerned about the apparent widespread lack of commitment within the management of State agencies to achieving equal employment opportunity. Affirmative action will not be effective unless managerial accountability is incorporated. Keeping this in mind, the Committee feels that a manager's commitment to, and effectiveness in achieving, affirmative action should be strongly weighed prior to his or her promotion or appointment to a significant policymaking position in State government.

## **Personnel Administration**

**Finding:** Systemic weaknesses in recruitment, testing, and employee selection procedures exist within the merit system. These weaknesses seriously hinder affirmative action and equal employment opportunity in Oklahoma State government. Minorities and women have not been able to obtain entry into higher level jobs on the same basis as white males.

**Recommendation 1:** The Advisory Committee recommends that the Oklahoma Merit System be thoroughly evaluated to identify specific barriers to minorities and women. This evaluation should study the entire personnel system, including the legal action, regulations, and current administrative practices of the State personnel office. Operational aspects to be scrutinized should include but not be limited to: recruitment, applications, classifications, minimum qualifications, examinations, test instruments, registers, certificates, selection and promotional procedures, and appointments.

**Recommendation 2:** A comprehensive, systemwide evaluation of the personnel system is beyond the resources and capability of any existing State agency. Therefore, the Advisory Committee recommends that additional funding be provided by the State legislature to accomplish this difficult task. Moreover, the evaluation should be performed by national experts in the areas of personnel administration and affirmative action who are thoroughly familiar with standards developed by the U.S. Equal Employment Opportunity Commission.

**Recommendation 3:** The Advisory Committee further recommends that the study be performed under the direction of the coordinating committee as proposed in recommendation 2 of the "Systemic Conditions" section of this chapter.

**Recommendation 4:** The Advisory Committee additionally recommends that the U.S. Civil Service Commission, which has previously identified weaknesses in the Oklahoma Merit System, more vigorously monitor the State personnel office to assure compliance with its equal employment merit system standards.

**Recommendation 5:** The Committee also recommends that the State request assistance in this endeavor from the U.S. Equal Employment Opportunity Commission.

The Advisory Committee firmly believes that the Oklahoma Merit System must be extensively revised and strengthened in order to meet Federal nondiscrimination standards and, more importantly, to allow an aggressive State affirmative action program to yield positive results. Furthermore, upon completion of the evaluation process, the State legislature, the Governor, the State personnel board, and other entities as appropriate must promptly act to remove all identified discriminatory barriers, and make such changes and improvements as are necessary to allow the successful execution of a vigorous affirmative action program.

The process of merit system review, the Advisory Committee believes, should not be an isolated one-time effort. Rather, the State has an obligation to review its personnel administration regularly to ensure against discriminatory bias.

## Upward Mobility

**Finding:** Minorities and women tend to be concentrated in job categories with low skill requirements, low pay, and little upward mobility. For example, more than half of all minority members in the merit system work force in 1976 were employed in three job areas: office-clerical, paraprofessional, and service-maintenance. Only about 9 percent of all minority employees were employed as officials or administrators. The same pattern holds true for female employees. Over 56 percent of all women in the merit system were concentrated in two job categories: paraprofessional and office-clerical. Less than 3 percent were employed as officials or administrators. Moreover, there are wide disparities between whites and minorities and between males and females with respect to wages. Minority and female employees are concentrated in job categories with low pay.

**Recommendation 1:** The Advisory Committee strongly recommends that the Oklahoma Personnel Board establish formal career development plans for all employees at the lower salary and job qualification levels. These individualized plans should incorporate employee occupational goals and training needs.

**Recommendation 2:** The Committee further recommends that crossover programs be encouraged which allow nonprofessional personnel to transfer into professional career ladders with proper training.

**Recommendation 3:** The Committee also recommends that the State personnel board mandate that all State agencies under the merit system assist their employees in obtaining additional formal education by developing programs in cooperation with institutions of higher education in Oklahoma.

The Advisory Committee feels that it is absolutely essential that every employee in State government should be encouraged to fulfill his or her maximum occupational potential. An aggressive statewide career development program will contribute to increased employee motivation, higher retention rates, more effective and efficient utilization of staff resources, and the development of technical and management capability throughout State government.

The Advisory Committee also believes that every effort should be made to use federally-funded manpower training programs to develop employment opportunities for minorities and women whenever possible. As persons filling these positions demonstrate their capabilities, the positions they occupy should be converted to permanent positions within State government. This is especially important in view of the high concentration of minorities and women in lower occupational and salary categories.

## Recruitment

**Finding:** The Oklahoma Personnel Office and the various State agencies have, for the most part, failed to carry out an aggressive, active effort to recruit minorities and women for employment in Oklahoma State government.

**Recommendation 1:** The Advisory Committee recommends that the State personnel office assume a principal role in actively recruiting minorities and women for State government employment.

**Recommendation 2:** The Committee further recommends that State agencies engage in their own recruitment efforts to increase the number of minorities and women within their respective agencies in conjunction with their affirmative action programs.

**Recommendation 3:** To enhance this recruitment effort, the Advisory Committee recommends that both the State personnel office and the individual State agencies increase their contacts with community-based organizations in order to improve their access to the minority labor pool in the State.

The Advisory Committee believes that aggressive efforts should be continuously made to seek out qualified minority persons and women by maintaining close liaison with all potential recruitment sources such as colleges, high schools, training institutes, private industry, and minority and women's organizations.

At the agency level, the recruitment process should be an integral part of the agency's overall function. Ultimately, every agency must be held accountable for assuring that it maintains a balanced composition in its work force. To achieve this, each agency should strive to maintain close working relationships with various community organizations and other recruitment sources to



increase their access to the minority labor pool in the State.

The Committee believes that at the present time there is a severe lack of information available to State agencies regarding the availability of qualified minorities and women. Because of this, recruitment efforts by State agencies have usually been ineffective. To deal with this deficiency, the Committee believes that it is imperative that the various State agencies increase their reach into the minority community and utilize all available resources.

### **American Indians**

**Finding:** For American Indians, affirmative action and equal employment opportunity have an added dimension. Although Indians are generally recognized as an identifiable minority group in Oklahoma, there are still no established criteria for defining American Indians. Because of this lack of criteria and the ambiguous manner in which the term "Indian" is defined, employment statistics for American Indians in State government do not reflect a true picture of their employment situation.

**Recommendation 1:** The Advisory Committee strongly recommends that the U.S. Equal Employment Opportunity Commission establish criteria for Federal reporting purposes which can lead to a more accurate enumeration of American Indians employed in both the public and private sectors of the economy.

**Recommendation 2:** In the absence of any Federal action in this area, the Committee recommends that the State of Oklahoma devise criteria which will meet the need. The criteria should take into consideration, but not be limited to, cultural factors, tribal affiliation, and blood quantum.

**Recommendation 3:** The Committee further recommends that the Oklahoma Indian Affairs Commission, assisted by tribal leaders and Indian organizations in the State, be given the leadership assignment in developing these criteria for State equal employment opportunity reporting.

It is not now possible to determine accurately the representation of American Indians in Oklahoma State government employment. The current employment statistics are misleading in that they rely solely on self-identification as a means for determining who is an Indian and who is not. This procedure has the effect of inflating

the total number of Indians in the merit system work force, as reflected on Equal Employment Opportunity reporting forms. Merit system lists of Indian employees may include individuals who have not been regarded as Indians by tribes or in other enumerations. Therefore, the Advisory Committee feels that a major effort should be undertaken to deal with this vital issue.

### **Hispanics**

**Finding:** In relation to their numbers in the State's population, Hispanics are the most underrepresented of all racial-ethnic groups in State government. Although Hispanics make up 2 percent of the total population in Oklahoma, they comprised only 0.58 percent of the merit system work force in 1976.

**Recommendation 1:** The Advisory Committee recommends that the Governor assign to the proposed coordinating committee (see recommendation 2 under "Merit System Work Force") the responsibility for developing a comprehensive plan and necessary strategies to bring more Hispanics into State government at all levels and in all occupational categories.

**Recommendation 2:** The Committee further recommends that the Governor through his human affairs representative and the Advisory Council on Spanish American Relations, immediately enter into consultation to devise ways of increasing the number of Hispanics in State government employment.

Hispanics remain severely underrepresented in the State's work force. The Advisory Committee believes that special efforts will be required to correct this imbalance. Immediate efforts by all agencies involved in personnel recruitment will be necessary. In addition, a comprehensive plan needs to be developed in order to ensure that Hispanics become more aware of employment opportunities in State government.





## Appendix A

### Distribution of Minority Employees in Oklahoma State Agencies: 1969 and 1976

Tables A-1 and A-2 list the numbers of minority employees in Oklahoma Merit System agencies for the years 1969 and 1976. (Statistics for the merit system work force as a whole were given in tables 2.1 and 2.2 of chapter 2.)

Table A-1 provides a description of each agency's total employment in 1969 and in 1976. For each agency the table shows increases or decreases in total employment as well as minority employment. Overall, there was an increase of 5,370 in the number of employees working in these 39 agencies. During this period the number of minorities employed grew from 1,612 to 2,729, an increase of 1,117. Minorities comprised about 21 percent of the total increase during this 7-year period.

Blacks constitute the largest minority group in Oklahoma State government. As table A-1 shows, there were 1,774 blacks in these 39 merit system agencies in 1976. Although black employment in State government has continued to rise, its growth from 1969 to 1976 has been slow. For example, in 1969, there were 17 merit system agencies, or over 43 percent of all State agencies, which did not employ any blacks. As of 1976, 13 still had no black employees and another 12 had fewer than 6 blacks. Moreover, the majority of black employees working in State government are concentrated in fewer than 12 agencies.

Hispanics occupied the least number of jobs of any racial or ethnic group in Oklahoma State government in 1969. Even though the number of Hispanics employed in State government almost tripled from 1969 to 1976, they still made up less than 1 percent of the work force. In 1969, two-thirds of the merit system's 39 agencies did not employ any Hispanics. In 1976, 19 still had no Hispanic employees and 15 employed fewer than 6 Hispanics.

The number of American Indians employed in these 39 agencies has also increased, but at a much slower rate. In fact, the overall percentage of Indians employed in these 39 agencies rose

even less than that for Hispanics during the 1969-76 period. Of the 39 merit system agencies in existence in 1969, 15 employed no Indians. In 1976, 12 still had no Indian employees, and 11 had fewer than 6.

Table A-2 describes the work force composition for all 53 merit system agencies as of 1976. Of these 53 agencies, 12 employed no minorities at all. Another 18 had from 1 to 5 minority employees. In all, 56.6 percent of the agencies in the merit system employed fewer than 6 minority members.

With respect to specific minority groups, the statistics are just as startling. For example, of the 53 agencies described in table A-2, 20 employed no blacks at all and 15 employed from 1 to 5 black employees. Thirty-five of the 53 agencies in the merit system had fewer than 6 black employees as of 1976.

With respect to Hispanic employees, 29 State agencies employed no Hispanics at all and 19 employed from 1 to 5. Out of the 53 merit system agencies, 48 employed fewer than 6 Hispanic workers.

As of 1976, 18 State agencies employed no Indians at all, and another 19 employed from 1 to 5. Overall, 37 agencies in the merit system employed fewer than 6 Indians.

As of 1976, only eight merit system agencies employed any Asian Americans at all. They constituted, by far, the smallest segment of the State's work force.

These tables show that not only did minorities make up a small proportion of the merit system employment, but many State agencies employed no minorities at all or only a few "token" minorities.

**TABLE A-1**  
**Minority Employment in 39 Merit System Agencies<sup>1</sup>— 1969<sup>2</sup> and 1976<sup>3</sup>**

Agency	Agency Employment			Black Employment			Hispanic Employment			Indian Employment			Total Minority Employment		
	1969	1976	Change	1969	1976	Change	1969	1976	Change	1969	1976	Change	1969	1976	Change
Agriculture, Dept. of	385	458	+ 73	7	7	0	0	3	+ 3	36	43	+ 7	43	53	+ 10
Alcoholic Beverage Contrc	28	31	+ 3	0	1	+ 1	0	0	0	4	3	- 1	4	4	0
Banking, Dept. State	24	31	+ 7	0	0	0	0	0	0	0	0	0	0	0	0
Board of Public Affairs	262	306	+ 44	19	54	+ 35	0	2	+ 2	4	9	+ 5	23	65	+ 42
Budget Office	30	43	+ 13	1	3	+ 2	0	0	0	1	0	- 1	2	3	+ 1
Bureau of Investigation	48	76	+ 28	1	0	- 1	0	1	+ 1	0	2	+ 2	1	3	+ 2
Capitol Improvement Authority	86	186	+ 100	22	61	+ 39	0	0	0	0	4	+ 4	22	65	+ 43
Cerebral Palsy Center	41	47	+ 6	0	1	+ 1	2	0	- 2	11	2	- 9	13	3	- 10
Civil Defense Office	23	21	- 2	1	1	0	1	1	0	0	0	0	2	2	0
Corporation Commission	207	201	- 6	0	1	+ 1	0	2	+ 2	0	6	+ 6	0	9	+ 9
Corrections, Dept. of	614	1,414	+ 800	3	67	+ 64	0	9	+ 9	37	75	+ 38	40	151	+ 111
Cosmetology Board	20	21	+ 1	1	1	0	1	0	- 1	1	2	+ 1	3	3	0
Education, Dept. of	226	320	+ 94	8	8	0	0	0	0	6	9	+ 3	14	17	+ 3
Employment Security Commission	757	1,152	+ 395	95	114	+ 19	5	5	0	125	129	+ 4	225	248	+ 23
Fire Marshal's Office	7	18	+ 11	0	0	0	0	0	0	0	0	0	0	0	0
Health, State Dept. of	1,370	1,060	- 310	82	60	- 22	6	2	- 4	61	23	- 38	149	85	- 64
Highway, State Dept.	3,472	2,905	- 567	51	67	+ 16	8	15	+ 7	113	139	+ 26	172	221	+ 49
Historical Society	24	64	+ 40	0	0	0	0	1	+ 1	1	5	+ 4	1	6	+ 5
Institutional, Social & Rehab. Serv. (DISRS)	5,214	9,076	+ 3,862	355	1,079	+ 724	0	22	+ 22	0	155	+ 155	355	1,256	+ 901
Insurance Fund, State	43	49	+ 6	3	2	- 1	0	0	0	1	11	+ 10	4	13	+ 9
Land Office	62	52	- 10	1	1	0	0	0	0	6	2	- 4	7	3	- 4
Libraries, Dept. of	58	61	+ 3	3	4	+ 1	0	2	+ 2	1	2	+ 1	4	8	+ 4
Liquified Petroleum Gas	9	8	- 1	0	0	0	0	0	0	0	0	0	0	0	0
Mental Health	2,576	2,779	+ 203	270	139	- 131	13	48	+ 35	120	129	+ 9	403	316	- 87
Merit System	29	35	+ 9	0	1	+ 1	0	1	+ 1	0	0	0	0	2	+ 2
Military Dept.	60	86	+ 26	1	4	+ 3	0	2	+ 2	1	2	+ 1	2	8	+ 6
Nurses, Regist. Board of	3	9	+ 6	0	1	+ 1	0	1	+ 1	0	0	0	0	2	+ 2
Pharmacy, Board of	4	5	+ 1	0	0	0	0	0	0	0	0	0	0	0	0
Prof. Engineers and Land Surveyors	2	4	+ 2	0	0	0	0	0	0	0	0	0	0	0	0
Public Safety, Dept. of	363	515	+ 152	11	23	+ 12	1	1	0	22	11	- 11	34	35	+ 1
Real Estate Commission	4	13	+ 9	0	0	0	1	0	- 1	0	2	+ 2	1	2	+ 1
Retirement System	14	26	+ 12	0	0	0	0	0	0	0	0	0	0	0	0
Securities Commission	16	16	0	0	0	0	1	0	- 1	1	1	0	2	1	- 1
Tax Commission	835	825	- 10	14	25	+ 11	2	2	0	19	21	+ 2	35	48	+ 13
Teacher Retirement System	18	20	+ 2	0	0	0	0	0	0	3	0	- 3	3	0	- 3

**TABLE A-1 (cont.)**

**Minority Employment in 39 Merit System Agencies<sup>1</sup>— 1969<sup>2</sup> and 1976<sup>3</sup>**

	Agency Employment			Black Employment			Hispanic Employment			Indian Employment			Total Minority Employment		
	1969	1976	Change	1969	1976	Change	1969	1976	Change	1969	1976	Change	1969	1976	Change
Turnpike Authority	333	422	+ 89	11	7	- 4	1	1	0	15	17	+ 2	27	25	- 2
Veterans Affairs, Dept.	240	504	+ 264	10	41	+ 31	1	5	+ 4	7	22	+ 15	18	68	+ 50
Water Resources Board	24	40	+ 16	0	0	0	0	0	0	0	0	0	0	0	0
Will Rogers Memorial Comm.	7	6	- 1	0	0	0	0	0	0	2	1	- 1	2	1	- 1
Totals	17,538	22,908	+ 5,370	970	1,774	+ 804	43	127	+ 84	599	828	+ 229	1,612	2,729	+ 1,117

<sup>1</sup> This includes only agencies that were in existence in 1969. Since 1970 an additional 14 agencies have been added to the merit system.

<sup>2</sup> State of Oklahoma, Human Rights Commission, *Racial and Ethnic Employment in the Merit System*, Part I, Distribution Data (December 1969).

<sup>3</sup> U.S., Equal Employment Opportunity Commission, *State and Local Government Information (EEO-4): Jurisdiction Information Summary, Oklahoma State Government* (November 1976).

**TABLE A-2**  
**Minority Employment in 53 Merit System Agencies—1976**

Agency	Total Employees	Total Minorities	Black	Hispanic	Asian American	American Indian	Male	Female
Aeronautics Commission	3	0	0	0	0	0	2	1
Agriculture, Dept. of	458	53	7	3	0	43	362	96
Alcoholic Beverage Control Board	31	4	1	0	0	3	25	6
Banking, Dept. State	31	0	0	0	0	0	21	10
Dept. of Public Affairs	306	65	54	2	0	9	191	115
Budget Office	43	3	3	0	0	0	15	28
Bureau of Investigation	76	3	0	1	0	2	51	25
Capitol Improvement Auth.	186	65	61	0	0	4	146	40
Cerebral Palsy Center	47	3	1	0	0	2	8	39
Civil Defense Office	21	2	1	1	0	0	14	7
Conservation Commission	9	0	0	0	0	0	5	4
Consumer Affairs, Dept. of	14	1	0	0	0	1	10	4
Corporation Commission	201	9	1	2	0	6	140	61
Corrections, Dept. of	1,414	156	67	9	5	75	1,141	273
Cosmetology Board	21	3	1	0	0	2	0	21
Economic & Community Affairs, Dept. (DECA)	81	13	10	0	0	3	45	36
Education, Dept. of	320	17	8	0	0	9	144	176
Employment Security Commission	1,152	248	114	5	0	129	606	546
Energy, Dept. of	7	1	1	0	0	0	4	3
Fire Marshal's Office	18	0	0	0	0	0	14	4
Governor's Committee on Employ. of the Handicapped	2	0	0	0	0	0	1	1
Grand River Dam Auth.	No Report	—	—	—	—	—	—	—
Health Planning Commission	11	1	0	0	0	1	4	7
Health, State Dept. of	1,060	92	60	2	7	23	390	670
Highway Safety Program	20	0	0	0	0	0	9	11
Highway, State Dept.	2,905	229	67	15	8	139	2,661	244
Historical Society	64	6	0	1	0	5	28	36
Industrial Development	42	4	2	0	0	2	25	17
Institutional, Social & Rehab. Serv. (DISRS)	9,076	1,283	1,079	22	27	155	2,528	6,548
Insurance Fund, State	49	13	2	0	0	11	15	34
Land Office	52	3	1	0	0	2	24	28
Libraries, Dept. of	61	8	4	2	0	2	13	48
Liquified Petroleum Gas	8	0	0	0	0	0	5	3
Mental Health	2,779	346	139	48	30	129	967	1,812
Merit System	38	4	2	1	0	1	10	28
Military Dept.	86	8	4	2	0	2	67	19

TABLE A-2 (cont.)

## Minority Employment in 53 Merit System Agencies—1976

Agency	Total Employees	Total Minorities	Black	Hispanic	Asian American	American Indian	Male	Female
Narcotics & Dangerous Drugs, Bureau of	26	1	0	0	0	1	18	8
Nurse Regist., Board of	9	2	1	1	0	0	0	9
Oklahoma State Agency for Surplus Property	23	5	4	0	0	1	18	5
Pharmacy, Board of	5	0	0	0	0	0	4	1
Prof. Engineers & Land Surveyors	4	0	0	0	0	0	0	4
Public Safety, Dept. of	515	35	23	1	0	11	372	143
Real Estate Commission	13	2	0	0	0	2	3	10
Public Employment Retirement System	26	0	0	0	0	0	6	20
Securities Commission	16	2	0	1	0	1	8	8
Tax Commission	825	50	25	2	2	21	365	460
Teacher Retirement System	20	0	0	0	0	0	5	15
Tourism & Recreation, Dept. of	796	133	33	5	0	95	516	280
Turnpike Authority	422	25	7	1	0	17	390	32
University Hospitals & Clinics	1,293	425	366	15	18	26	294	999
Veterans Affairs, Dept. of	504	73	41	5	5	22	233	271
Water Resources Board	40	0	0	0	0	0	24	16
Will Rogers Memorial Commission	6	1	0	0	0	1	3	3
Total	25,235	3,397	2,190	147	102	958	11,950	13,285

Source: U.S., Equal Employment Opportunity Commission, *State and Local Government Information (EEO-4): Jurisdiction Information Summary, Oklahoma State Government* (November 1976).

**Governor Boren's Executive Order  
Regarding Affirmative Action in State  
Government, December 6, 1976**

STATE OF OKLAHOMA  
EXECUTIVE DEPARTMENT  
OFFICE OF THE GOVERNOR

EXECUTIVE ORDER

WHEREAS, this Administration is committed to securing for all individuals within the State of Oklahoma Equal Opportunity without unlawful discrimination because of race, religion, color, sex, or national origin, age, and physical handicap, and

WHEREAS, this Administration is committed to providing equal employment opportunity for all present and prospective state employees, without unlawful discrimination because of race, religion, color, sex, age, national origin, physical handicap, political or religious opinions or affiliations; and

WHEREAS, individuals and residents of the State of Oklahoma have the civil right to take lawful action when they believe that they have suffered unlawful employment discrimination, and are entitled to a speedy and fair resolution of such charges; and

WHEREAS, an affirmative and vigorous program to assure fair and impartial treatment for all and to make use of the full productive capabilities and talents of all our citizens is in the best interest of the State;

NOW, THEREFORE, I, DAVID L. BOREN, GOVERNOR of the State of Oklahoma, by virtue of the authority vested in me by the Constitution and laws of the State of Oklahoma, do hereby order the State Human Affairs Representative within the Executive Branch to:

- a. Represent the Office of the Governor with respect to the Governor's responsibility in all matters relating to equal opportunity in the State of Oklahoma; and
- b. Act as the agent of the State in matters relating to the service of charges from Federal agencies and the investigation of those charges; and
- c. Coordinate with relevant State and Federal agencies the development of affirmative action programs and the execution of such compliance audits as are required; and
- d. Cooperate with the Equal Employment Opportunity Commission as authorized by Title VII of the Civil Rights Act of 1964, as amended, and other relevant Federal regulatory agencies so as to best serve all the people of Oklahoma through speedy investigation and resolution of charges of unlawful employment discrimination practices and the prevention of such practices. Such cooperation is to include but not be limited to receiving grants and entering into contracts and agreements; and
- e. Maintain liaison with the State Merit System of Personnel Administration and other State agencies so as to monitor, evaluate and make recommendations regarding affirmative action plans and coordinate training for State employees in the areas of equal employment opportunity and affirmative action; and
- f. Act as a clearinghouse for information on equal opportunity matters for the Office of the Governor.



- g. Maintain records and monitor reports on equal employment opportunity on a continuing basis so as to generate data for the identification of any barriers to equal employment opportunity for all persons in the State of Oklahoma; and
- h. Report to the Governor monthly concerning activities of the Human Affairs Representative and progress toward the goal of equal opportunity throughout the State of Oklahoma and make recommendations for action where indicated.
- i. Assist the State Personnel Board and the Director of the State Merit System in the discharge of their duties and responsibilities concerning discrimination in employment, personnel administration and related matters as set forth in state regulations; and

IT IS FURTHER ORDERED, that to make our commitment to equal opportunity a matter of firm and effective policy, each agency of the State of Oklahoma will develop an Affirmative Action Plan on equal employment opportunity, which should cover all elements of personnel administration and management and should contain well defined, measurable goals and timetables and fixed responsibility for their accomplishments; and

IT IS FURTHER ORDERED, as the success of this program will be determined by the commitment of agency heads to equal employment opportunities in State government, each agency of the State of Oklahoma will assign an Equal Employment Opportunity Officer to develop and enforce programs designed to attain the affirmative action goals of this State, and each agency head will issue a policy statement emphasizing the agency's specific and positive commitment to equal employment opportunity and circulate the statement to all employees within the agency; and

IT IS FURTHER ORDERED, the State Merit System Director and The Office of Human Affairs shall have the responsibility of monitoring the implementation of Affirmative Action Plans of agencies within the classified service and insuring compliance with Affirmative Action Plan Guidelines. The Human Affairs Representative shall have this responsibility as it relates to other State agencies.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 6th day of December, 1976.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

David L. Boren (signed)

ATTEST:

Jerome W. Byrd (signed)  
SECRETARY OF STATE

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