

FEDERAL AFFIRMATIVE ACTION

A Statement by the Colorado Advisory Committee
to the U.S. Commission on Civil Rights

December 1981

This statement by the Colorado Advisory Committee is prepared for the information and consideration of the Commission. It will be considered by the Commission and the Commission will make public its reaction. In the meantime, conclusions of the statement should not be attributed to the Commission but only to the Colorado Advisory Committee.

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The information and suggestions contained in this statement are those of the Colorado 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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INTRODUCTION

This statement follows a Denver 1980 factfinding meeting on affirmative action. It focuses specifically on Federal affirmative action and combines interviews and examination of Federal regulations and guidelines with a continuous observance of the state of affirmative action in Federal employment. Although the statement contains no recommendations, the Colorado Advisory Committee is hopeful it will serve to highlight a difficult and persistent situation in development of optimum employment opportunities for women and minorities in all kinds of employment, including that with the Federal Government itself.

STATEMENT

Congress passed the Civil Service Reform Act in 1978, one of its stated purposes being "to provide the people of the United States with a competent, and productive Federal work force reflective of the Nation's diversity."¹ In spite of the Act and other initiatives, the goal of the Federal government as an employer--to be a model of equal employment opportunity²--is far from realization.

In 1977, women comprised 25 percent of the full-time employees of the U.S. Department of Agriculture with an average general schedule (GS) occupational grade of 5.94.³ The agency's average male grade in 1977 was 9.70, representing a pay difference of almost \$7,000 per year.⁴ In 1980, with women constituting 27 percent of the Department of Agriculture workforce, the average female grade was 6.14; and the average male grade 9.76.⁵ (See Tables 1 and 2).

¹ 5 U.S.C. 2101 et seq., P.L. 95-454.

² EEOC Memorandum from Chair Norton to Heads of all Federal Agencies, n.d., p. 2.

³ U.S., Department of Agriculture, Equal Opportunity Report USDA Programs 1979, October 1980, p. 29. The General Schedule begins at grade level one, escalating to 15, and continues thereafter as the Senior Executive Service.

⁴ Ibid.

⁵ Ibid., p. 30.

In 1978, in Federal Region VIII's⁶ Office of Personnel Management (with 210 employees) females held eight percent of GS-13 positions; but in grades 14, 15, or 16, there were no women. In positions graded GS-9 and below, however, women accounted for 60 to 93 percent of the workforce.⁷ (See Table 3). With 145 employees in November 1981, the Region VIII Office of Personnel Management females held 13 percent of the GS 13 positions.⁸

Minority statistics reflect a picture even grimmer. In 1971, total Federal employment at the GS level (generally "white collar" positions as opposed to wage scale, or "blue collar," employment) numbered 1,315,000. While blacks were 49 percent of those ranked GS-1, 31 percent of those ranked GS-2 and 23 percent of those ranked GS-3, they represented only 4 percent of all GS-10's, 3 percent of GS-12's and 13's, and 2 percent of GS 14 and above.⁹ In November 1980 according to the Central Personnel Data File, blacks represented 36 percent of those at the GS 1 level, 31 percent of GS 2's, 24 percent of GS 3's and increased at the

⁶Region VIII is the Federal division comprised of Colorado, Utah, Wyoming, Montana, North Dakota, and South Dakota.

⁷U.S., Office of Personnel Management, Region VIII Affirmative Action Plan, p. 49.

⁸Joseph M. Stec, OPM Deputy Director for Region VIII, letter to the Rocky Mountain Regional Office of the U.S. Commission on Civil Rights, Nov. 30, 1981 (hereafter cited as Joseph Stec). With regard to changes in grades 14, 15 and 16, Mr. Stec states: "All the positions mentioned have been continuously encumbered by the same individuals from 1978 to date, consequently there was no opportunity to alter the composition of this category of employees."

⁹U.S., Civil Service Commission, Minority Group Employment in the Federal Government, Nov. 30, 1971 (SM 70-71B), Tables 1-1a.

GS 10 level to 10 percent, at the 12 level to 7 percent, at the 13 level to 5 percent, and at GS 14 and above increased to 4 percent¹⁰

In Region VIII (where the U.S. Bureau of the Census listed Colorado's 1970 civilian labor force as 14 percent minority) the region's largest Federal employer--the U.S. Department of the Air Force--indicated that of a total 1977 general schedule employment of 15,870, only 9 percent were minority. Only 5 percent of the 6,600 GS-9 or above positions were held by minority persons.¹¹ (See Tables 5 and 6).

The Denver region of U.S. Fish and Wildlife reported in 1980 that combining five "most populous" occupational codes (all general schedule biology occupations), 91 percent of the GS-7 and 9 positions were held by white males, 97 percent of GS-11 positions, 96 percent of GS-12, and 100 percent of GS-13, 14, and 15 positions were held by white males.¹²

Whether speaking of employment of women or employment of minorities, the Federal Government attempts to put strict requirements on the private sector's obligation to counter

¹⁰Joseph Stec, letter of Nov. 30, 1981.

¹¹U.S., Office of Personnel Management, Region VIII, "An Analysis of Trends in Federal Government Employment of Minority Groups in the Denver Region, November 1973 to November 1977," April 23, 1979, p. 6.

¹²U.S., Fish and Wildlife Service, Proposed Region VI Affirmative Action Plan, as distributed at a Denver Federal Executive Board EEO subcommittee meeting, Feb. 11, 1980 (hereafter cited as Proposed AA Plan). The final plan utilized three occupational biology codes and one administrative position.

past discrimination.¹³ It requires much less of itself.¹⁴

As a consequence, the Federal employment profile for hiring, training, and promoting women and minorities falls far behind the record of private employers.¹⁵

Equal employment opportunity responsibilities in the Federal sector were included in the Carter administration's executive branch reorganization. Federal affirmative action and equal employment opportunity functions were reassigned from the Office of Personnel Management to the Equal Employment Opportunity Commission.¹⁶ As set out in the U.S. Commission on Civil Rights' Promises and Perceptions, two goals of this reorganization were:

- to require Federal agencies to meet the same standards of affirmative action and equal employment opportunity as other employers;

- to minimize conflicts between a Federal agency's equal opportunity and personnel management functions.¹⁷

Now in 1981, with EEOC's policies and directives almost two years old, accomplishment of reorganization goals is open to doubt.

¹³Executive Order 11246, as amended; 3 C.F.R. 230, 339; 42 U.S.C. 2000e-5(g); 29 C.F.R. 1608.

¹⁴Transcript, p. 107 (Beauregard Stubblefield, EEO Manager, National Oceanic and Atmospheric Administration Environmental Research Laboratories).

¹⁵Rocky Mountain News, Sept. 2, 1981 (citing figures provided by Working Women, Boston, and the U.S. Office of Personnel Management).

¹⁶President's Reorganization Plan No. 1 of 1978. See also: U.S., Office of the Comptroller General, "Further Improvements Needed in EEOC Enforcement Activities," Report to the Congress (HRD-81-29), p. 40 (hereafter cited as Comptroller General).

¹⁷October 1981, p. 35 (President's Message to Congress transmitting Reorganization Plan No. 1 of 1978).

I. THE EEOC PLAN

The Equal Employment Opportunity Commission designated fiscal year 1980 as "a transition year for the Federal affirmative action process."¹⁸ Agencies were to develop mechanisms, resources, systematic planning, goals and timetables. EEOC was to provide direction, technical assistance and vigorous enforcement of its responsibilities.¹⁹ With instructions dated December 1979, EEOC required Federal agencies to develop an affirmative action program plan for two targeted occupations by February 1, 1980, and an affirmative action program plan for two additional occupations by April 1, 1980.²⁰

The first step in the EEOC process is workforce analysis. Second is a calculation of under-representation based on 1970 census data.²¹ As Acting Chair J. Clay Smith, Jr. states, "Clearly sound affirmative action planning hinges on definitive analysis of existing work forces, determinations of under-representation, and goal setting."²² Basic problems in required steps one and two, however, inhibit the results-oriented affirmative action promised. Problems with the efficacy of EEOC's plan can be grouped under three headings: 1) unavailable or inappropriate data,

¹⁸EEOC Management Directive 702, December 11, 1979.

¹⁹Ibid.

²⁰Ibid.

²¹Ibid.

²²EEOC Memorandum from Acting Chair to Heads of Federal Agencies, June 15, 1981.

- 2) difficulty in understanding or applying the process, and
- 3) absence of procedures or commitment once appropriate occupations are targeted.

1. Inappropriate or unavailable data

The workforce analysis required by EEOC necessitates compilation of agency employee statistics by race and sex, identification of the most populous occupations, and projection of expected vacancies.²³ Larger agencies with significant computer capability, like the Department of the Air Force, found little difficulty in accumulating and synthesizing data.²⁴ Other agencies, some as large as the former Department of Health, Education and Welfare, had difficulty in gathering information and had to do so manually, one position and one employee at a time.²⁵ Ross Hamory, Region VIII equal employment opportunity officer for the Federal Aviation Administration, reflected the comments of many when stating: "It took us quite a while to get that data together and figure it out."²⁶

The basic problem remains. The Office of Personnel Management, a logical data bank for Federal employment information, has been apparently little help.²⁷ OPM did not

²³EEOC Management Directives 702 and 707.

²⁴Omar Blair, EEO Officer, interview at Lowry Air Force Base, Colorado, January 14, 1980.

²⁵U.S., Commission on Civil Rights, Rocky Mountain Regional Office, Denver, Colorado, Factfinding Meeting on Affirmative Action in Employment, March 14, 1980; transcript, p. 49 (hereafter cited as Transcript).

²⁶Ibid., p. 46.

²⁷Ibid., p. 72 (Regional Director Robert Dunn, OPM: "There was not, to my knowledge, an existing data base which very neatly fit either in terms of the civilian labor market or Federal workforce.").

inform agency affirmative action personnel of available data that might be useful.²⁸ In addition, OPM conceded its data to be "somewhat old."²⁹ (Note Appendix B.) Comments from EEOC's Acting Chair dated June 15, 1981 relaxed somewhat the burdens on agency profiles by allowing Federal agencies to "utilize agency developed workforce profile formats," rather than imposing a dictated EEOC method.³⁰

In December 1980, the National Women's Political Caucus released a study of women in management-level Federal employment. With release of its data, the Caucus stated:

It is essential that data on the employment of women in the Federal government be more readily available. The statistics in this report were very difficult to obtain. After several months of effort, NWPC finally received permission from the Office of Personnel Management for an intern to go over to OPM and count one by one the number of women and men at each level.³¹

More critical than the labor involved in an agency putting together its own profile is the civilian labor force data the agency uses for comparison. Federal government agencies cannot mirror private sector employment statistics unless they know private sector figures. They cannot realistically compare their hiring to availability unless they can accurately determine the numbers of women and minorities qualified for particular occupations. At present

²⁸Transcript, p. 53 (Suzanne Elder, EEO Officer, Region VIII, Office of the Secretary, Department of Health and Human Services).

²⁹Transcript, p. 79 (Regional Director Robert Dunn, OPM).

³⁰EEOC Memorandum to Heads of Federal Agencies.

³¹Women's Political Times, Dec. 1980, p. 13.

there is no adequate data base³² and there is not even a consensus as to which Federal agency is, or ought to be, responsible for one.³³

Until June 15, 1981³⁴ EEOC guidelines directed Federal agencies to set goals based only on 1970 census data.³⁵ Modification of prior instructions permit use of "alternative availability statistics," such as those compiled for Colorado in 1978 by the University of Colorado.

Until the fiscal year 1981 goal setting such statistics--even though eight years more current than the decennial census--could not be considered. Even with the modification, it is impossible to know whether alternative statistics are now considered; agencies might well continue to rely on census data.

Even if the data thus far utilized were not more than a decade old, availability is presently computed by counting only those who are employed or actively seeking employment.³⁶ With the percentage of hard-core unemployment in the minority population far exceeding that of white males,³⁷ and

³²Transcript, p. 45 (Ross Hamory, FAA); transcript, p. 72 (Regional Director Robert Dunn, OPM); Norma Bullock, Employment Administrator, Arapahoe Chemicals Corporation, interview in Boulder, February 5, 1980.

³³Transcript, p. 72 (Robert Dunn, OPM).

³⁴EEOC Memorandum from Acting Chair Smith to Heads of Federal Agencies.

³⁵EEOC Management Directive 702.

³⁶U.S., Department of Commerce, Bureau of the Census, 1970 Census of Population, Detailed Characteristics: Colorado (July 1972), Appendix B, App-14. "The series of questions on employment were designed to identify...persons who did not work during the reference week, but who were looking for work during the past four weeks and were available for work during the reference week."

³⁷Ibid., Table 164.

the likelihood that many of these are so discouraged they are no longer on rolls as actively seeking employment, minorities are undercounted in the labor force statistics far beyond white male counterparts. This undercount is compounded when the statistics used are ten years old.

Use of 1970 data for goal setting perpetuates the effects of past discrimination.³⁸ Old census data reflects relatively no Native Americans in the civilian labor force, no women in non-traditional jobs, far fewer women and minorities in professional occupations than was true even five years later. (See Table 3.) The Association of American Universities (whose members award annually 75 percent of all U.S. doctoral degrees) reports that women receiving doctorates between 1972 and 1975 increased 34 percent over 1969-1972 figures. Doctorates for minority males increased for the same time periods 64 percent; doctorates for minority females increase 133 percent.³⁹ Data thus far incorporated into Federal affirmative action plans do not reflect this availability.

In calculating underrepresentation, the EEOC plan requires Federal equal employment officers to sort out an agency's most populous occupations, white collar and blue collar, by job series.⁴⁰

³⁸Transcript, p. 92 (Jennie Marillo, Denver EEOC Federal unit).

³⁹Joseph L. McCarthy and Dael Wolfe, "Doctorates Granted to Women and Minority Group Members," Science, vol. 189, Sept. 12, 1975, pp. 856-861 (hereafter cited as Science).

⁴⁰EEOC Management Directives 702 and 707.

The Denver office of the U.S. Fish and Wildlife, for example, found its most populous series to be biology, codes 401, 480, 482, 485 and 486, totaling 287 employees, 95 percent of which were white male.⁴¹ Instead of allowing the agency to compare its 95 percent white male figure to the number of female or minority biologists allegedly available in the population, or better to the specific occupations reflected by code numbers 401, 480, 482, 485 and 486, EEOC requires that the 95 percent white male figure be compared to the total number of females and minority persons listed as in the civilian professional labor force.⁴²

Even given the rise in professional employment among minorities and women, the Fish and Wildlife Service will never be able to find enough minority or female biologists to equal the percentage in the overall civilian labor force figures used. The professional category census figures include doctors, lawyers, dentists, veterinarians, architects, engineers, scientists, university professors and at least 25 other categories. Taking the EEOC plan to its end: if 12 percent of the 1970 professional civilian labor force is Hispanic, then the Department of Health and Human Services (in 1980 or 1990 or whenever) should have 12 percent of its auditors, 12 percent of its administrative judges, 12 percent of its doctors and lawyers of Hispanic ethnicity. Fish and Wildlife should have 12 percent

⁴¹Proposed AA Plan. The final plan incorporated codes 401, 482 and 485.

⁴²EEOC Management Directive 702; transcript, p. 92 (Jennie Marillo, Denver EEOC Federal Unit).

Hispanic biologists; the National Oceanic and Atmospheric Administration, 12 percent Hispanic physicists, astronomers and mathematicians. This is unrealistic.

These people are not available; and will not be for at least a generation. Of all doctorates presently awarded to members of the four principal minority groups, 52 percent are concentrated in only five fields: education (28 percent), engineering (8 percent), chemistry (6 percent), foreign language (5 percent), and psychology (4 percent).⁴³

The EEOC plan called for but two targeted occupations in Phase I and likewise only two targeted occupations in Phase II. Its methods, however, have produced impossible goals generated from unspecific data and have caused a great deal of energy to be spent for small return. The EEOC plan does little more than leave Federal affirmative action open to criticisms of hiring by "quota."

Although the Office of Personnel Management has termed the formula for arriving at an index of underrepresentation "a precise indicator,"⁴⁴ it cannot be. Allowing Federal agencies to compare occupation to occupation when matching the Federal and the civilian work force profiles--as the Office of Federal Contract Compliance allows Federal contractors to do⁴⁵--would at least produce more realistic goals. And encouraging Federal agencies setting goals to

⁴³Science, p. 857.

⁴⁴U.S. Office of Personnel Management, Attachment 1 to FPM Letter 720-2(6), Sept. 19, 1979.

⁴⁵U.S., Department of Labor, Office of Federal Contract Compliance Programs, Revised Order No. 4; 41 C.F.R. 60.

use updated and specific information whenever possible would help to line up Federal sector affirmative action with private sector accomplishments.

2. Difficulty in Understanding or Applying the Process

EEOC's "transition year" has become a "transition period."⁴⁶ Due to persistent understaffing,⁴⁷ a change in administration, and technical difficulties promulgating Federal directives,⁴⁸ EEOC's program three years after reorganization is barely getting off the ground. Initially, Federal agencies were slow or completely unresponsive in meeting EEOC deadlines. In March 1980, with 400 plans due, 70 agencies responded.⁴⁹ Some agencies rewrote EEOC instructions making substantial changes, or adapted them improperly for their own use.⁵⁰ Other agencies followed EEOC instructions but found them inappropriate.⁵¹

Suzanne Elder, equal employment opportunity officer for Region VIII's U.S. Department of Health and Human Services, Office of the Secretary, pointed out at a Denver 1980 factfinding meeting that the then Office of Health, Education and Welfare had five separate operating

⁴⁶William Hubbard, EEOC Federal unit, Denver, Jan. 1981

⁴⁷Office of the Comptroller, April 9, 1981, p. 40: "Although EEOC received 26 personnel positions from the Civil Service Commission's field offices to review affirmative action plans, only 4 positions were filled."

⁴⁸EEOC Memorandum from Acting Chair Smith to Heads of Federal Agencies, June 15, 1981.

⁴⁹Transcript, p. 94 (Jennie Marillo, Denver EEOC Federal unit).

⁵⁰Ibid., p. 95.

⁵¹Transcript, p. 49 (Suzanne Elder, HHS); p. 62 (Beauregard Stubblefield, EEO Manager, National Oceanic and Atmospheric Administration, Environmental Research Laboratories).

Components, each "extremely autonomous."⁵² With an approximate total of 2,000 employees, the Principal Regional Official was responsible for only those positions within one of the five divisions.⁵³ Other departments are even more divided.⁵⁴ Neither is there any requirement that components or divisions of one agency coordinate regional efforts, develop a regional plan or blend recruitment programs.⁵⁵

The EEOC instructions do not take into account this fragmentation in the Federal system. EEOC anticipates national agency-wide affirmative action plans as if staff agency-wide answered directly to the authority of a single, or even a few, specified officials. As Ms. Elder pointed out, it appears the EEOC instructions are more suitable to private industry with an identifiable chair or chief executive officer than to the Federal Government structure.⁵⁶

In addition to divided authority, Federal managers are hindered by agency personnel ceilings, reductions in force caused by current budget-cutting, loss of qualified applicants due to the time involved in hiring into the civil service system,⁵⁷ loss of direct hire authority,⁵⁸ and inflexible testing systems (such as the PACE and the FAA

⁵²Transcript, p. 49.

⁵³Ibid.

⁵⁴Ibid., p. 62 (Beauregard Stubblefield, NOAA/ERL).

⁵⁵Ibid., p. 50 (Suzanne Elder, HHS).

⁵⁶Ibid., P. 49. EEOC Management Directive 707, Jan. 23, 1981.

⁵⁷Wilmot Hess, Director NOAA/ERL interview in Boulder, Feb. 10, 1980; Suzanne Elder, HHS, interview in Denver, Jan. 4, 1981; Robert Huffine, Personnel Officer Region VIII, FAA, interview in Aurora, Jan. 14, 1980; Dorothy Renteria, former Federal Women's Coordinator, HEW, interview in Denver, Jan. 11, 1980.

⁵⁸U.S., Office of Personnel Management, RM:EXR I-III.

entrance examinations) that may or may not adequately judge qualifications.⁵⁹

The equal opportunity office (EEO) and affirmative action function (AA) in any agency while itself complying fully with EEOC requirements and instructions, can be later isolated from the employment selection process.⁶⁰ In this situation the agency EEO/AA does not participate in judging minimum qualifications, in determining the certificate of the three best qualified candidates, or in setting selection criteria.⁶¹ Without the advice and expertise of EEO/AA personnel, selecting officials can fail to interview all referred candidates, not consider filling a position at the lowest possible level, and refuse to justify the selection of a white male even when the position filled is a targeted opening and minorities and women are among the certified best three applicants.⁶²

Not only individual agencies, but also EEOC has had difficulty in applying the process. Even as late as the beginning of the 1982 fiscal year, EEOC's Denver District Office Federal unit had not conducted a single compliance review, other than employment of handicapped persons,⁶³ because criteria and instructions are not yet prepared.⁶⁴

⁵⁹Transcript, p. 81 (Ross Hamory, FAA).

⁶⁰Beauregard Stubblefield, NOAA/ERL, interview in Boulder, Feb. 10, 1980; Suzanne Elder, HHS, interview in Denver, Jan. 4, 1980.

⁶¹Transcript, p. 68 (Beauregard Stubblefield, NOAA/ERL).

⁶²Ibid., p. 67.

⁶³William Hubbard, EEOC, Denver, Jan. and Oct. 1981.

⁶⁴Acting Chair Clay Smith, public remarks at the Convention of the Federal Bar Association, Denver, Sept. 10, 1981.

Nearly ten months into the new administration, EEOC still lacks a full complement of commissioners, a chair, and a director.⁶⁵

Special emphasis programs such as the Federal Women's Program, the Hispanic Employment Program and the Selective Placement Program for the Handicapped have never reached their potential as aids in the affirmative action process and are not well understood within the system.⁶⁶ Further, some agencies are withdrawing from these programs,⁶⁷ adding to the perception that emphasis has declined. When asked of recent changes in the Department of Health and Human Services, Ms. Elder explained that the Federal women's coordinator position had been eliminated and that the three top administrators (Schedule C appointees) previously a minority male, a minority female, and a white female, had been replaced by the political appointments of three white males.⁶⁸

In Region VIII, in addition to Health and Human Services, white males hold the top administrative positions in the Environmental Protection Agency, the Department of Education, the Securities and Exchange Commission, the Internal Revenue Service, the Office of the Comptroller of

⁶⁵Ibid.

⁶⁶U.S., Office of the Comptroller General, "How to Make Special Emphasis Programs An Effective Part of Agencies' EEO Activities," Report to the Congress, Aug. 27, 1980 (FPCD-80-55).

⁶⁷Raymond Montoya, U.S. Department of Housing and Urban Development Fair Housing and Equal Opportunity Office, Region VIII, Denver, Sept. 15, 1981.

⁶⁸Telephone interview, Sept. 15, 1981.

the Currency, the Department of Transportation, the Department of Agriculture, the National Oceanic and Atmospheric Administration of the Department of Commerce, the Forest Service, the Bureau of the Census, the Department of Energy, the General Services Administration, the Department of Labor in several of its divisions, and many others.⁶⁹ Since the change in presidential administration ten months ago, one woman has been appointed to an executive Federal position in Federal Region VIII.⁷⁰

3. Absence of Procedures or Commitment Once Appropriate Occupations Are Targeted

The civil service system itself presents inherent barriers to increasing the numbers and job levels of women and minorities employed by the Federal Government. Some of these are: (a) the veteran's preference which puts many highly qualified women behind men on certifications lists;⁷¹ (b) a persistent and widely used requirement for status (prior or present employment with the Federal Government) when an agency seeks to fill vacancies;⁷² (c) recent informal withdrawal of agencies independent authority to

⁶⁹U.S., General Services Administration, Region VIII, United States Government Telephone Directory: Colorado, Aug. 1981.

⁷⁰Ibid.

⁷¹5 U.S.C. 2108; transcript, p. 84 (Director Wilmot Hess, NOAA/ERL); p. 84 (Suzanne Elder, HHS); p. 85 (Ross Hamory, FAA).

⁷²A "competitive appointment" does not require prior Federal service. Agencies have the option, however, to first restrict the opening to agency employees or to those with status and a regular check of vacancy announcements at the Job Information Center indicates they very frequently make the latter choice.

test, certify and select⁷³ and reliance on or static lists or "registers" of prospective employees;⁷⁴ (d) a common lack of "bridge" or upward mobility positions;⁷⁵ and (e) inefficient use of special programs authorized by the Equal Employment Opportunity Act of 1972.⁷⁶

New emphasis on contracting has a clear impact on the Federal employer's affirmative action potential, as do reinstatement and alternative placement procedures now at the forefront because of budgetary cutbacks and reductions in force.

In addition, the Federal employment system is plagued by inflexibility. Some Federal managers see the government as employer lacking a strong and effective college recruitment program,⁷⁷ In addition, its cumbersome and

⁷³Often referred to as a "mini-delegation" of authority from the Office of Personnel Management to a particular office or agency. Pete Thiel, Office Of Personnel Management, telephone interview, Aug. 27, 1981.

⁷⁴OPM responds that registers are periodically purged of unavailable candidates [meaning that generally after one year a name not placed is removed] "adding new ones who have successfully competed in examinations." Joseph Stec, letter of Nov. 30, 1981.

⁷⁵Dorothy Renteria, former Federal Women's Coordinator, HEW Region VIII, interview in Denver, Jan. 11, 1980; Wilmot Hess, Director, NOAA/ERL interview in Boulder, Feb. 10, 1980.

⁷⁶U.S., Office of the Comptroller General, "How to Make Special Emphasis Programs An Effective Part of Agencies' EEO Activities," Report to the Congress, Aug. 27, 1980 (FPCD-80-55).

⁷⁷Ross Hamory, Chief of the Employment Branch, Federal Aviation Administration, Region VIII, interview in Aurora, Jan. 14, 1980; Beauregard Stubblefield NOAA/ERL, interview in Boulder, Feb. 10, 1980; Wilmot Hess, NOAA/ERL, interview in Boulder, Feb. 10, 1980. While outlining several steps used by NOAA and the Environmental Research Laboratories, Dr. Hess stated that he knew no other Federal agency using such a process.

drawn-out hiring process discourages highly qualified graduating seniors from considering a Federal career.⁷⁸ Particularly in demand fields such as engineering, physical sciences, and health--even though the number of degrees to women and minorities in these occupations is steadily increasing--the government makes little attempt to compete with private industry for the best qualified.⁷⁹

Neither is the Federal employer always realistic about what it takes to do the job. Job descriptions are readily run off, without update or consideration of change. Positions such as engineer, for example, might require six years experience as a minimum qualification when one year's experience might do just as well. In private industry an astute manager could immediately adapt to employ the latter if on application or interview a particular person appeared to be an outstanding candidate. The Federal manager, however, will never even see the names of those who did not satisfy the six-year requirement.

As another example, the Federal Government sets seven years in the practice of law as a minimum qualification for administrative law judge.⁸⁰ Nearly ever State and certainly every Federal court permits judges to sit on the bench with half as much (or less) experience. The requirement of seven years experience, applied across the board without variance,

⁷⁸Ibid.

⁷⁹Ibid.

⁸⁰U.S. Office of Personnel Management, OPM Doc. 133-36-1 (October 1980).

goes a long way to keep women and minorities out of the position because their dramatic increases in law school admissions did not begin until the 1970's.

There is no sanction in the Federal system when a manager or an agency fails to meet goals in the affirmative action plan, no matter how dramatic underrepresentation of women and minorities in the agency might be.⁸¹ Although equal employment opportunity is now an express objective in managerial performance appraisals,⁸² the Federal manager can justify failure to realize change by relying on outside factors.⁸³ Curiously, enforcement agencies monitoring private sector employment look only to results and seldom consider complexities.⁸⁴ Indeed the EEOC Federal system is also said to be "results-oriented," with an emphasis on quantifiable measures.⁸⁵ The question remains whether the system or the times permit it. (See Appendix C).

⁸¹Transcript, p. 99 (Jennie Marillo, Denver EEOC Federal unit); transcript, p. 106 (Director Wilmot Hess, NOAA/ERL); Federal Employee's News Digest, vol. 31, Aug. 3, 1981, p. 3.

⁸²Ibid., p. 101 (Ross Hamory, FAA).

⁸³Ibid., p. 106 (Wilmot Hess, NOAA).

⁸⁴Ibid., pp. 103-105.

⁸⁵EEOC Memorandum from Chair Norton to Heads of All Federal Agencies, n.d., p. 1; EEOC Management Directive 702, Dec. 11, 1979.

II. THE FUTURE PROSPECTS

There is no ranking, formal or informal, official or unofficial, of Federal agencies as to their affirmative action progress. There is no public reporting of the agencies doing well and the agencies appearing to fail dramatically.⁸⁶ There is little, if any, public notice--resulting in even less pressure from without than there is from within. While affirmative action in the private sector receives almost daily comment, there remain few express signs that it has any priority in Federal employment.

Eleanor Holmes Norton, past chair of the EEOC, called the new approach to affirmative action "benign neglect."⁸⁷ There is at least the appearance, if not the reality, of a drawback. Senator Orrin Hatch has proposed a constitutional amendment to ban affirmative action altogether.⁸⁸ Attorney General William French Smith has announced a change in U.S. Department of Justice policy already in force.⁸⁹

Regardless of the present legislative or executive branch positions on affirmative action overall, none contest the desirability of equal employment opportunity. The question can be raised, however, in those situations where the Federal Government's employment record so strikingly

⁸⁶Transcript, p. 86 (Jennie Marillo, Denver EEOC Federal unit).

⁸⁷Update (Kansas City, Mo.: Project Equality, July 1981), p.1 (hereafter cited as Update); Denver Post, Aug. 25, 1981, p. 5.

⁸⁸Women Today, vol. XI, May 29, 1981, p. 83.

⁸⁹Update, p. 1; Denver Post, Sept. 24, 1981, p. 1.

reflects almost exclusive employment of white males, whether women and minorities have been accorded equal employment opportunity, much less affirmative action.

Federal employment is not the "model" envisioned or the equitable opportunity promised. Without accountability, a more aggressive affirmative action stance, a more realistic process and a more objective analysis of problems and barriers, it might never be.

TABLE I

Women and Minority Permanent Full-Time General Schedule EmployeesBy 25 Key Occupational SeriesU.S. Department of Agriculture

<u>Occupational Series</u>	<u>Total Employed</u>		<u>No. of Women</u>		<u>No. of Minorities</u>	
	1977	1980	1977	1980	1977	1980
GS-110 Economist	878	879	55	106	37	40
GS-120 Food Program Specialist	1,146	1,200	378	464	191	230
GS-301 General Administration	4,837	4,361	3,925	3,558	456	460
GS-334 Computer Specialist	966	1,082	194	238	106	125
GS-341 Administrative Officer	719	658	210	188	47	48
GS-404 Biological Technician	1,703	1,600	443	442	269	261
GS-414 Entomology	619	614	17	22	20	23
GS-436 Plant Quarantine	812	897	27	72	98	111
GS-454 Range Conservation	577	610	0	20	34	47
GS-457 Soil Conservation	4,688	4,630	65	122	318	340
GS-458 Soil Technician	2,446	2,385	24	66	139	153
GS-460 Forestry	4,697	4,717	22	49	54	70
GS-462 Forestry Technician	3,563	3,935	62	144	227	306
GS-470 Soil Scientist	1,768	1,742	34	56	126	128
GS-475 Agriculture Management	3,136	2,854	58	153	213	218
GS-501 General Accounting Clerk	578	594	447	465	123	126
GS-510 Accounting	947	999	84	136	119	156
GS-701 Veterinarian	2,159	2,004	53	66	234	241
GS-704 Animal Health Technician	676	650	14	24	58	80
GS-802 Engineering Technician	2,382	2,269	74	85	146	148
GS-810 Civil Engineer	2,004	1,946	7	15	56	69
GS-1165 Loan Specialist	675	1,398	166	285	67	130
GS-1320 Chemistry	1,031	932	149	147	121	118
GS-1863 Food Inspection	7,527	7,062	671	770	822	882
GS-1980 Agriculture Commodity Grader	2,832	3,137	206	343	250	336

Source: U.S. Dept. of Agriculture, Equal Opportunity Report USDA Programs 1979 (October 1980), Table 2-4.

TABLE II
Percentage of Female Employees
Full-Time Permanent
U.S. Department of Agriculture

<u>Grade</u>	<u>Total No. of Employees</u>		<u>Percentage of Women</u>	
	<u>1977</u>	<u>1980</u>	<u>1977</u>	<u>1980</u>
1	20	85	40.00	83.53
2	203	201	60.04	67.66
3	1,585	1,681	71.23	73.71
4	5,382	5,440	72.61	71.78
5	9,818	9,771	65.04	67.75
6	4,349	4,502	51.23	55.29
7	12,557	12,426	23.80	28.63
8	1,438	1,596	21.14	22.49
9	13,171	13,250	10.05	12.19
10	219	250	5.48	8.80
11	12,494	13,054	6.17	8.06
12	8,982	9,420	5.30	6.92
13	5,785	5,969	4.32	5.73
14	2,626	2,706	3.39	4.21
15	1,217	1,300	1.89	2.92
16	190	20	2.63	5.00
17	46	5	0	20.00
18	20	1	0	0

Source: U.S. Dept. of Agriculture, Equal Opportunity Report USDA Programs 1979
(October 1980), Tables 2-5 and 2-6.

TABLE III-A

GRADE DISTRIBUTION
FOR FEDERALLY EMPLOYED WOMEN
IN COLORADO

1972

<u>GS</u>	<u>Total</u>	<u>Women</u>	<u>% of Women</u>	<u>% of Men</u>
1	99	72	72.7	27.3
2	319	209	65.5	34.5
3	2,247	1,710	76.1	23.9
4	3,239	2,461	76.0	24.0
5	2,963	1,975	67.3	32.7
6	1,424	838	58.8	41.2
7	1,745	649	37.2	62.8
8	601	235	40.8	59.2
9	1,956	390	15.8	84.2
10	392	25	6.4	93.6
11	2,093	223	10.7	89.3
12	2,164	92	4.3	95.7
13	1,182	48	4.1	95.9
14	514	7	1.4	98.6
15	209	4	1.9	98.1
16	20	0	0	100
17	3	0	0	100
18	0	0	0	0

Source: Federal Womens Program Committee, Denver Federal Executive Board,
 "Colorado Women in Federal Agencies" (January 1973), 3rd page (unnumbered).

TABLE III-B

GRADE DISTRIBUTION FOR
FEDERALLY EMPLOYED WOMEN
IN COLORADO

1980

<u>GS</u>	<u>Total</u>	<u>Women</u>	<u>% of Women</u>	<u>% of Men</u>
01	68	49	72	28
02	253	175	69	31
03	1441	1062	74	26
04	3384	2486	73	27
05	4105	2945	72	28
06	1894	1367	72	28
07	2431	1264	52	48
08	519	227	44	56
09	2945	1124	38	62
10	408	120	29	71
11	3457	740	21	79
12	3810	448	12	88
13	2878	162	6	94
14	1344	37	3	97
15	580	23	4	96

Source: U.S., Office of Personnel Management, Rocky Mountain Region,
letter from Joseph Stec, deputy director, to the Rocky Mountain
Regional Office of the U.S. Commission on Civil Rights, November 30,
1981, attachment.

TABLE IV

CHANGES IN DENVER REGIONFEDERAL MINORITY EMPLOYMENT: 1973 to 1977

The following shows the percentage change in minority employment in the Denver Region from 11/30/73 to 11/30/77:

	<u>Total</u> <u>Minority</u>	<u>Negro/Black</u>	<u>Hispanic</u>	<u>Native</u> <u>American</u>	<u>Oriental</u> <u>American</u>
Total	+ 9.7%	+ 2.0%	- 1.0%	+ 41.9%	+ 14.2%
GS	+ 30.5%	+ 14.6%	+ 22.0%	+ 56.3%	+ 20.5%
GS-9+	+ 53.9%	+ 40.3%	+ 55.8%	+ 82.6%	+ 23.7%
Wage (Nonsupervisory)	- 13.3%	- 14.7%	- 19.4%	+ 12.9%	+ .9%
WG-10+ (Nonsupervisory)	- 2.7%	- 1.0%	- 5.4%	+ 24.4%	- 14.9%
Wage (Supervisory)	+ 12.1%	+ 3.2%	+ 10.6%	+ 27.8%	+ 9.0%
PFS*	+ 9.3%	- 3.0%	+ 20.5%	+ 11.4%	+ 6.0%
PFS-13+ *	+ 144.2%	+ 138.0%	+ 148.0%	+ 167.0%	+ 150.0%

*Postal Service

Source: U.S., Office of Personnel Management, Denver Region,
"An Analysis of Trends in Federal Government Employment of Minority
Groups in the Denver Region November 1973 to November 1977,"
April 23, 1979, p. 4.

TABLE V

FEDERAL MINORITY EMPLOYMENT TRENDS: 1973-1977

Percentage of change
11/30/73 to 11/30/77

	<u>Denver Region</u>	<u>Nationwide</u>
Total employment	+ 3.0	+ 1.0
Minority employment	+ 9.7	+ 4.0
Black	+ 2.0	+ 0.6
Hispanic	- 1.0	+ 9.2
Native American	+ 41.9	+ 34.5
Asian American	+ 14.2	+ 19.0

Source: U.S., Office of Personnel Management, Denver Region, "An Analysis of Trends in Federal Government Employment of Minority Groups in the Denver Region November 1973 to November 1977," april 23, 1979, p. 6.

TABLE VI-A

FEDERAL MINORITY EMPLOYMENT IN THE DENVER REGION

NOVEMBER 1977

	Total Minority		Negro/Black		Hispanic		Native American		Oriental American	
	Number	% of Total Em- ploy- ment	Number	% of Total Em- ploy- ment	Number	% of Total Em- ploy- ment	Number	% of Total Em- ploy- ment	Number	% of Total Em- ploy- ment
Total All Pay Systems	14,115	13.4	3,426	3.3	6,090	5.8	3,863	3.8	731	0.7
GS	7,725	11.5	1,942	2.9	2,332	3.5	2,390	4.3	511	0.8
GS-9+	2,271	7.0	557	1.7	754	2.4	694	2.2	266	0.8
Wage Systems (Non-supervisory)	4,108	20.0	710	3.5	2,493	12.1	795	3.9	110	0.5
WG-10+ (Non-supervisory)	864	10.7	99	1.2	627	7.3	97	1.2	40	0.5
Wage (Supervisory)	333	15.4	64	3.0	138	8.7	59	3.2	12	0.6
PFS*	1,678	13.4	646	5.1	905	7.2	39	0.3	87	0.7
PFS-13+	127	6.3	50	2.5	57	2.8	8	0.4	13	0.6

Source: U.S., Office of Personnel Management, Denver Region, "An Analysis of Trends in Federal Government Employment of Minority Groups in the Denver Region November 1973 to November 1977," April 23, 1979, p. 2.

*Postal Service

TABLE VI-B

FEDERAL MINORITY EMPLOYMENT IN THE ROCKY MOUNTAIN REGIONNOVEMBER 1980

	<u>TOTAL MINORITY</u>		<u>NEGRO/ BLACK</u>		<u>HISPANIC</u>		<u>NATIVE AMERICAN</u>		<u>ORIENTAL AMERICAN</u>	
	<u>Number</u>	<u>% of Total</u>	<u>Number</u>	<u>% of Total</u>	<u>Number</u>	<u>% of Total</u>	<u>Number</u>	<u>% of Total</u>	<u>Number</u>	<u>% of Total</u>
Total All Pay Systems	15,726	14.9	3583	3.4	6713	6.4	4636	4.3	794	.8
GS	8,971	13.1	2086	3.1	2903	4.2	3399	5.0	583	.9
GS 9-15	2,953	8.7	674	2.0	977	2.9	990	2.9	314	.9
Wage Systems Non- Super- visory	4042	21.7	663	3.6	2359	12.7	919	4.9	101	.5
WG 10- 15 Non- Super- visory	803	11.3	88	1.2	575	8.1	102	1.4	38	.5
Wage Super- visory	383	18.4	71	3.4	220	10.6	81	3.9	11	.5
Postal Service- Field	1970	14.8	716	5.4	1105	8.3	54	.4	95	.7
Postal Service- Field 13+	162	8.1	57	2.9	88	4.4	10	.5	10	.5

Source: U.S. Office of Personnel Management, Rocky Mountain Region, Joseph Stec,

APPENDIX A

EXECUTIVE ORDER 11478

EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT

It has long been the policy of the United States Government to provide equal opportunity in Federal employment on the basis of merit and fitness and without discrimination because of race, color, religion, sex, or national origin. All recent Presidents have fully supported this policy, and have directed department and agency heads to adopt measures to make it a reality.

As a result, much has been accomplished through positive agency programs to assure equality of opportunity. Additional steps, however, are yet called for in order to strengthen and assure fully equal employment opportunity in the Federal Government.

Now, therefore, under and by virtue of the authority vested in me as President of the United States by the Constitution and statutes of the United States, it is ordered as follows:

Section 1. It is the policy of the Government of the United States to provide equal opportunity in Federal employment for all persons, to prohibit discrimination in employment because of race, color, religion, sex, or national origin, and to promote the full realization of equal employment opportunity through a continuing affirmative program in each executive department and agency. This policy of equal opportunity applies to and must be an integral part of every aspect of personnel policy and practice in the employment, development, advancement, and treatment of civilian employees of the Federal Government.

* Section 2. The head of each executive department and agency shall establish and maintain an affirmative program of equal employment opportunity for all civilian employees and applicants for employment within his jurisdiction in accordance with the policy set forth in Section 1. It is the responsibility of each department and agency head, to the maximum extent possible, to provide sufficient resources to administer such a program in a positive and effective manner; assure that recruitment activities reach all sources of job candidates; utilize to the fullest extent the present skills of each employee; provide the maximum feasible opportunity to employees

to enhance their skills so they may perform at their highest potential and advance in accordance with their abilities; provide training and advice to managers and supervisors to assure their understanding and implementation of the policy expressed in this Order; assure participation at the local level with other employers, schools, or public or private groups in cooperative efforts to improve community conditions which affect employability; and provide for a system within the department or agency for periodically evaluating the effectiveness with which the policy of this Order is being carried out.

Section 3. The Civil Service Commission shall provide leadership and guidance to departments and agencies in the conduct of equal employment opportunity programs for the civilian employees of and applicants for employment within the executive departments and agencies in order to assure that personnel operations in Government departments and agencies carry out the objective of equal opportunity for all persons. The Commission shall review and evaluate agency program operations periodically, obtain such reports from departments and agencies as it deems necessary, and report to the President as appropriate on overall progress. The Commission will consult from time to time with such individuals, groups, or organizations as may be of assistance in improving the Federal program and realizing the objectives of this Order.

Section 4. The Civil Service Commission shall provide for the prompt, fair, and impartial consideration of all complaints of discrimination in Federal employment on the basis of race, color, religion, sex, or national origin. Agency systems shall provide access to counseling for employees who feel aggrieved and shall encourage the resolution of employee problems on an informal basis. Procedures for the consideration of complaints shall include at least one impartial review within the executive department or agency and shall provide for appeal to the Civil Service Commission.

Section 5. The Civil Service Commission shall issue such regulations, orders, and instructions as it deems necessary and appropriate

27 March 1970

to carry out this Order and assure that the executive branch of the Government leads the way as an equal opportunity employer, and the head of each executive department and agency shall comply with the regulations, orders, and instructions issued by the Commission under this Order.

Section 6. This Order applies (a) to military departments as defined in section 102 of title 5, United States Code, and executive agencies (other than the General Accounting Office) as defined in section 105 of title 5, United States Code, and to the employees thereof (including employees paid from nonappro-

priated funds), and (b) to those portions of the legislative and judicial branches of the Federal Government and of the Government of the District of Columbia having positions in the competitive service and to the employees in those positions. This Order does not apply to aliens employed outside the limits of the United States.

Section 7. Part I of Executive Order No. 11246 of September 24, 1965, and those parts of Executive Order No. 11375 of October 13, 1967, which apply to Federal employment, are hereby superseded.

RICHARD NIXON

President of the United States

August 8, 1969

United States
**Office of
Personnel Management**

ROCKY MOUNTAIN REGION
Building 20
Denver Federal Center
Denver, Colorado 80225

SEP - 2 1981

AUG 28 1981

In Reply Refer To: RM:OAEP

Your Reference

Ms. Joanne Birge
Rocky Mountain Regional Office
U. S. Commission on Civil Rights
Executive Tower Inn, Suite 1700
1405 Curtis Street
Denver, Colorado 80202

Dear Ms. Birge:

This letter is in response to your request of July 23rd for a brief summary of affirmative action developments since the first of the year.

As you know, hiring by most agencies has been considerably curtailed because of the hiring freezes, budget restrictions and reduced personnel ceilings. Despite this, there are opportunities to recruit and hire qualified women, minorities and the handicapped. In addition, members of these same groups, when already employed in the Federal service, can benefit from internal employee development and merit promotion programs.

OPM Director Donald J. Devine addressed this in his letter of June 5, 1981 to heads of departments and independent establishments (see Attachment A).

In the Rocky Mountain Region, we have been carrying out our program responsibilities in affirmative employment despite the impact of freezes, RIFs, budget cutbacks and other limitations on agency recruitment efforts. To summarize our activities since the first of the year, we:

- co-chair the Denver Federal Executive Board's FWP and HEP subcommittees and provide continuing program-related technical advice and assistance to the subcommittees and to subcommittee members.
- conducted briefings, workshops and training for minority groups, women's, veteran's and handicapped organizations on OPM's special emphasis programs and on the specifics of affirmative recruitment, application techniques, interview techniques, etc.
- disseminated information on special emphasis programs, recruitment sources, recruitment techniques, OPM policies, etc., to Federal agency personnel and EEO offices, special emphasis program managers and organizations representing special emphasis groups.

- advise prospective minority, female, and handicapped applicants on how to apply for Federal jobs, what types of jobs are being tested for, what agencies are hiring, what special hiring authorities are available, etc.; advised current Federal employees who are seeking advancement, who are in special emphasis groups, of job opportunities we are aware of, whom to see to get advice and career development assistance, offer encouragement, etc.
- provide technical advice and assistance to agency personnel offices and EEO offices on affirmative recruitment programs and techniques.
- encourage agency use of special appointment authorities for the handicapped, the disadvantaged and Vietnam era veterans to supplement traditional hiring techniques.
- review agency FEORP plans for outreach recruitment and other activities designed to correct workforce underrepresentation, and advise agencies on plan deficiencies both in a regulatory and in a quality sense.

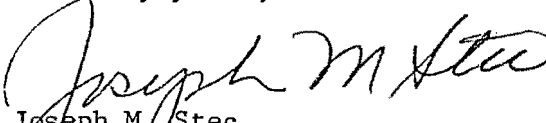
Incidentally, another major regional undertaking is in the area of reductions-in-force (RIF). RIFs have a tremendous impact on women and minorities because of the effect of length of service and veteran's status. In an effort to reduce the impact of RIFs, we have initiated actions to familiarize agencies with two OPM programs which are designed to find employment for affected individuals: the Displaced Employee Program and the Voluntary Interagency Placement Program. Rocky Mountain Regional Letters describing these programs are attached (Attachments B, C and D).

In the area of data systems for the use of Federal agency FEORP/affirmative action efforts, OPM Central Office and EEOC have been working together to work out a methodology for gathering, analyzing and disseminating workforce data for agency use. As you may know, the National Archives and Records Service (NARS) notified EEOC that they should explore the use of OPM's Central Personnel Data File (CPDF) for gathering individual agency workforce data rather than requiring agencies to gather their own data. I would suggest that your national office contact our Central Office directly to get firsthand information on what's happening in this area.

We hope the above has provided you, in at least a general sense, with an idea of the actions we have engaged in so far this year to promote affirmative recruitment. We sincerely feel that the year to date has seen a growing awareness on the part of agency personnelists, EEO specialists and special emphasis program managers of the flexibilities available within the Federal personnel system which can be used to enhance opportunities for minorities, women and the handicapped.

If you would like to discuss our activities in greater detail, we would be happy to meet with you.

Sincerely yours,


Joseph M. Stec
Acting Director

Attachments



United States
Office of
Personnel Management

Washington, D.C. 20415

In Reply, Refer To

Your Reference

June 5, 1981

DENVER REGION
OFFICE OF PERSONNEL MANAGEMENT

RECEIVED

JUL 22 1981

OFFICE OF AFFIRMATIVE
EMPLOYMENT PROGRAMS

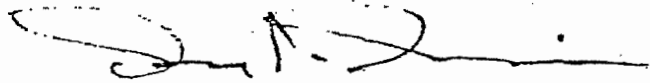
HEADS OF DEPARTMENTS AND INDEPENDENT ESTABLISHMENTS

In line with the President's commitment to reduce the level of Government spending and thereby help restore the vitality of the nation's economy, most of you will be operating under budget restrictions and reduced personnel ceiling levels during the next few years.

These conditions mean that recruitment of new Federal employees will be limited. Nevertheless, the Administration expects agencies to pursue all appropriate efforts regarding employment opportunities for the handicapped, veterans, minorities and women, as required by various laws and regulations. Agencies are reminded that the Federal affirmative action program administered by the Equal Employment Opportunity Commission (EEOC) and the Federal Equal Opportunity Recruitment Program (FEORP) administered by the Office of Personnel Management (OPM) include coverage of personnel practices directed at internal as well as external sources of job applicants. Thus, in limited hiring situations, agency programs should focus on identifying capable veterans, women, minorities and handicapped persons already on the rolls and on developing them for movement into more responsible jobs and a wider range of occupations, consistent, of course, with workload demands and applicable civil service laws. For example, through establishment of skills inventories and creative implementation of upward mobility, managerial development and job enrichment programs, agencies can take advantage of the restricted hiring situation to use fully the skills of current employees.

For those agencies faced with a reduction-in-force, it is important to bear in mind the potential impact on veterans, handicapped, minority and female employees. In addition, agencies which will be hiring new personnel should consider using reemployment priority lists established by other agencies which have been subject to RIFs. Because of a tendency toward a "last hired, first fired" effect of RIF procedures, veterans, handicapped, minorities and women employed recently as a result of previous affirmative action efforts may be well represented on such lists. Of course, agencies are not excused from RIF laws and regulations when they make such considerations.

While we expect that most of you will need to redirect your FEORP and affirmative action measures toward internal sources (if you have not already done so) it is also important to pay careful attention to the opportunities for external recruitment and hiring, however limited. We are confident that fewer but better targeted, more productive external recruitment activities, combined with meaningful internal efforts can result in significant progress toward the goal of achieving a representative Federal work force.

A handwritten signature in dark ink, appearing to read "D. J. Devine", is written over a horizontal line.

Donald J. Devine, Director

THE UNITED STATES COMMISSION ON CIVIL RIGHTS

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

THE STATE ADVISORY COMMITTEES

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