

C.D.
C. 3-
c.

COLORADO STATE PUBLICATIONS LIBRARY



COMPLIANCE SURVEY FAIR EMPLOYMENT PRACTICES

1965



CIVIL RIGHTS COMMISSION
306 State Services Building, 1525 Sherman Street
Denver, Colorado 80203



DOCUMENTS DIVISION
MAR 25 1971
DENVER PUBLIC LIBRARY

Compliance Survey

Fair Employment Practices

1965

"It is not enough to open the gates of opportunity. All our citizens must have the ability to walk through those gates."

Lyndon B. Johnson, Howard University
Commencement Address, June 4, 1965

Prepared By

James F. Warren
Civil Rights Specialist

CRC-SS-1-66

Commissioners

Mrs. Dora Piccoli, Chairman
Durango

Rabbi Nathaniel Pollack
Pueblo

Willie E. Anthony
Lawrence J. Lee
Gerald M. Quiat
Mrs. Armando J. Sisneros
Denver

Max Torres
Trinidad

Staff

James F. Reynolds
Director

Ruth Steiner
Acting Assistant Director

J. David Penwell
Assistant Attorney General

Warren D. Alexander
Eleanor G. Crow
James A. Garcia
John A. Robinson
James F. Warren
Civil Rights Specialists

Sylvia Proffit
Office Manager

August G. Roybal, Jr.
Civil Rights Specialist
(Pueblo Office)

INTRODUCTION

In 1960, a study of integration of minority groups in the various Departments of the State of Colorado was undertaken. This study was authorized by the Colorado Anti-Discrimination Act of 1957. The Commission felt that comprehensive data would provide a basis for implementation of policies and recommendations.

TABLE OF CONTENTS

I.	Introduction	1
	Purposes of the Survey	1
	Procedure of the Survey	1
II.	Findings of the Survey.....	2
	Employment Distribution Patterns	2
	Nature and Kinds of Problems	4
	Are there Equal Employment Opportunities in Colorado ?	9
III.	Summary & Recommendations	11

The same basic procedures used in the 1960 survey were followed. Minority persons were again defined as Spanish surname, Negroes, Jews and Muslims. All others were considered as members of a majority group. When there was doubt about the race, ancestry, or religion of an individual, he was considered a member of the majority group. Individuals were not asked their identity and the judgment of the supervisor was accepted as valid.

The survey was conducted by staff members who interviewed 101 departments of institutions. 91 minority group persons representing 23 departments were also interviewed.

Fourteen questions were asked of the department heads. (See form on page 13). Thirteen questions were asked of the minority contacts. (See form on page 14). The questions were designed to yield the following information:

- I. To determine how effective Colorado's Civil Rights Fair Employment Law, rules and regulations have been in changing employment patterns. This was accomplished by plotting the names, grades, and identity of minority persons and comparing them to the non-minority group.

INTRODUCTION

In 1960, a study of integration of minority groups in the various departments of the State of Colorado was undertaken. This study was authorized by the Colorado Anti-Discrimination Act of 1957. The Commission felt that comprehensive data would provide a basis for implementation of policies and recommendations.

The results of the 1960 survey indicated that 49.5% of all State Departments or Institutions did not have any minority group employees. Minorities composed 7.86% of all Civil Service employees. 50% of all minorities employed were in Grades 1 through 5. 93.1% were Grade 15 or below. The grades for all classified Civil Service Employees ranged from 1 - 39.

Minorities for the survey were defined as Spanish-Americans, Jews, Negroes and Orientals.

In view of this low percentage of minority employment, it was felt that a follow-up survey was needed. The Commission undertook another survey in 1965 to see if the pattern was changing and, if not, to recommend new procedures, policies and practices.

Procedure

The same basic procedures used in the 1960 survey were followed. Minority persons were again defined as Spanish surnamed, Negroes, Jews and Orientals. All others were considered as members of a majority group. When there was doubt about the race, ancestry, or religion of an individual, he was considered a member of the majority group. Individuals were not asked their identity and the judgement of the supervisor was accepted as valid.

The survey was conducted by staff members who interviewed 101 departments or institutions. 93 minority group persons representing 53 departments were also interviewed.

Fourteen questions were asked of the department heads. (See form on page 13). Thirteen questions were asked of the minority members. (See form on page 14). The questions were designed to yield the following information:

1. To determine how effective Colorado Civil Rights Fair Employment laws, rules and regulations have been in changing employment patterns. This was accomplished by finding the number, grade, and identity of minority persons and comparing them to the non-minority group.

2. To find the nature and kind of problems of integration, how problems were handled, and to gain insight into the feelings and attitudes of persons responsible for the employment of personnel.
3. To determine if equal employment opportunities exist in fact and to recommend solutions where it appears that minorities have been excluded.

Findings of the Survey

Employment Distribution Patterns

At the time the survey was completed there were 14,448 total employees in the state of whom 1,729 were minority group persons. This represents about 12% of the total classified Civil Service employees. The break down by ethnic identity was; 980 Spanish-American, 127 Jews, 581 Negroes and 41 Orientals.

The distribution of each minority group by grade is shown in Table I. The total number of minority and non-minority by grade is also shown in this table. One can see where Negroes and Spanish-Americans are highly concentrated at grades 5 and 7. Non-minorities have a high concentration at grade 8, 10, 13 and 16. It would take an employee three years of continuous full-time employment to earn the median salary shown in Table I. The median grade and median salary of all non-minority group State Civil Service employees is grade 12. The median grade for Orientals is also grade 12. Persons of the Jewish faith are not generally as disadvantaged with respect to education, income and training. There is a high concentration of Jewish persons in the medical profession which raised the median for Jews to a grade 14. Spanish-American's median grade is the same as that for the Negro median which is grade 7.

Tables II, III, IV and V are bar graphs showing the percentages of each minority group by grade compared to the percentage of non-minority by grade. Table II shows that 31% of the Spanish-Americans are grade 5 or below. Non-minorities have only 8% of their population at grade 5 or below. By totaling the percentage of grades 1 through 8, one finds in Table III that 70% of the Negro State employees are below grade 9 as compared to 28% of the non-minority population which are below grade 9.

The median annual income for grade 7 is \$3,804. This survey shows that of the 980 Spanish-Americans, 57% are at grade 7 or below. 63% of the 581 Negroes are at grade 7 or below.

The average size family for Spanish-Americans and Negroes in Colorado according to the 1960 census is 4 - 5 persons. The poverty level for this size family is \$3,500 annually as established by the

TABLE I.

DISTRIBUTION OF MINORITY AND NON-MINORITY
GROUP EMPLOYEES IN COLORADO STATE
CLASSIFIED CIVIL SERVICE, BY
GRADE AND MEDIAN SALARY,
1965

<u>Grade</u>	<u>Spanish American</u>	<u>Negro</u>	<u>Oriental</u>	<u>Jewish</u>	<u>Total Minority</u>	<u>Non- Minority</u>	<u>Total in Grade</u>	<u>Median Salary</u>
2	1	4	0	0	5	14	19	\$ 249
3	13	2	1	0	16	111	127	261
4	85	47	1	1	134	377	511	274
5	207	170	2	3	382	509	891	288
6	31	34	3	2	70	511	581	302
7	219	109	3	16	347	815	1162	317
8	53	50	2	5	110	1251	1361	333
9	93	38	2	1	134	148	282	350
10	41	20	4	27	92	1305	1397	367
11	14	8	0	0	22	336	358	386
12	76	15	5	1	97	685	782	405
13	42	7	1	6	56	1571	1627	425
14	8	2	0	1	11	270	281	447
15	9	5	0	0	14	430	444	469
16	21	15	1	8	45	1070	1115	492
17	10	3	2	2	17	479	496	517
18	26	20	5	14	65	840	905	543
19	1	6	0	2	9	269	278	570
20	3	4	1	4	12	225	237	598
21	10	6	3	0	19	458	477	628
22	2	2	2	2	8	134	142	660
23	4	6	1	3	14	150	164	693
24	3	4	1	4	12	260	272	727
25	1	1	0	3	5	57	62	764
26	0	1	0	1	2	175	177	802
27	0	1	0	8	9	24	33	842
28	1	1	0	2	4	87	91	884
29	1	0	0	0	1	12	13	928
30	2	0	0	0	2	27	29	975
31	0	0	0	1	1	12	13	1023
32	0	0	0	6	6	11	17	1075
33	0	0	0	0	0	13	13	1128
34	1	0	0	2	3	43	46	1185
35	0	0	0	1	1	2	3	1244
36	2	0	0	0	2	19	21	1306
37	0	0	0	0	0	10	10	1372
38	0	0	1	0	1	4	5	1440
39	0	0	0	1	1	5	6	1512
Total	980	581	41	127	1729	12719	14448	

Source: Compiled by Colorado Civil Rights Commission

Office of Economic Opportunity. One can infer that 63% of the Negroes and 57% of the Spanish-Americans employed by the state are earning \$25.00 a month more than the established poverty level for families of 4 - 5 persons.

The pattern of minority group employment shows a continuing concentration at the lower grade levels. The percentage of total minorities employed by the State increased from 7% in 1960 to 12% in 1965. During this same period there was an increase of 55% in the total number of persons employed by the State. The concentration of minority group persons at the lower grade levels is due to either discrimination or a lack of qualified applicants.

Table VI shows a comparison of the 1960 patterns of employment by grade to the 1965 pattern. The total number of minority group persons in each grade is in columns 1 and 2. Columns 3 and 4 show the total number of non-minorities in each grade in 1960 and 1965.

Minorities who are highly trained with particular skills are filtering into the higher grade levels of employment. Their numbers are not large enough to establish any meaningful patterns or percentage.

Minorities are not filling many supervisory positions. Although there are many classified supervisory positions at the lower grade levels, there are only 9 Spanish surnamed, 5 Negroes, 11 Jewish and 1 Oriental in a classified supervisory position employed by the state of Colorado.

Nature and Kinds of Problems

All department heads were asked if they were familiar with the Commission and its work. 93.4% of the department representatives interviewed stated they were familiar with the Civil Rights Act regarding Fair Employment. Yet 53.5% of the departments failed to have a non-discrimination poster on display, including the Governor's Administrative Office. 96.4% of those interviewed also said there were no problems of integrating their work force. 90.1% did not anticipate any problems if they increased their minority staff.

Those who reported problems of integration expressed them as finding ". . . resentment by majority employees. . .", "Negroes' work was below par . . .", "Negroes were overly sensitive and created tension"

A school official at Southern State College was aware that an employee in the library refused to serve Negro and Spanish-American students and would not check out books to them. He explained that she was also biased against Democrats and light heartedly dismissed these overt prejudices as a personality "quirk."

NON-MINORITY AND MINORITY GROUP EMPLOYEES IN COLORADO STATE CLASSIFIED CIVIL SERVICE, 1965

(Comparison By Grade Level And Percent Of Group Population)

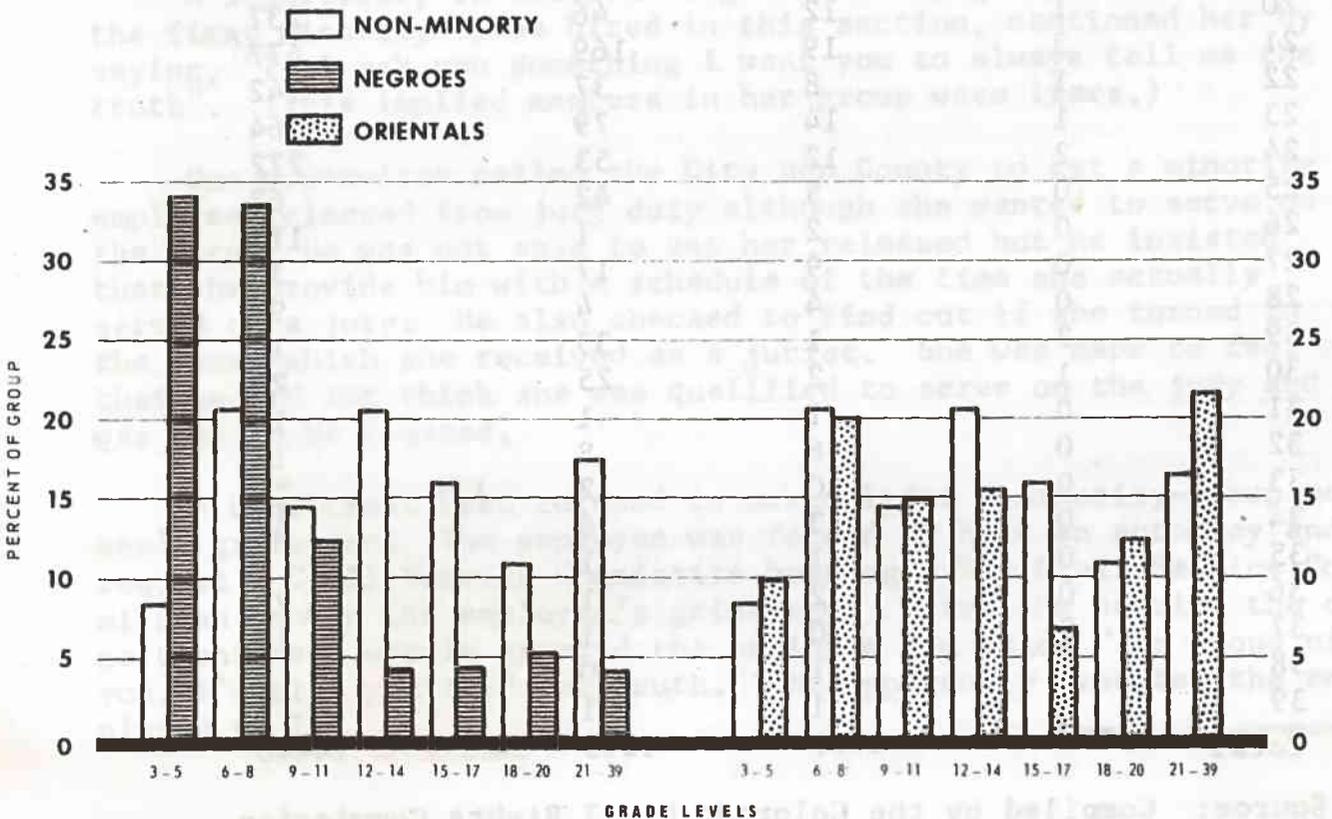
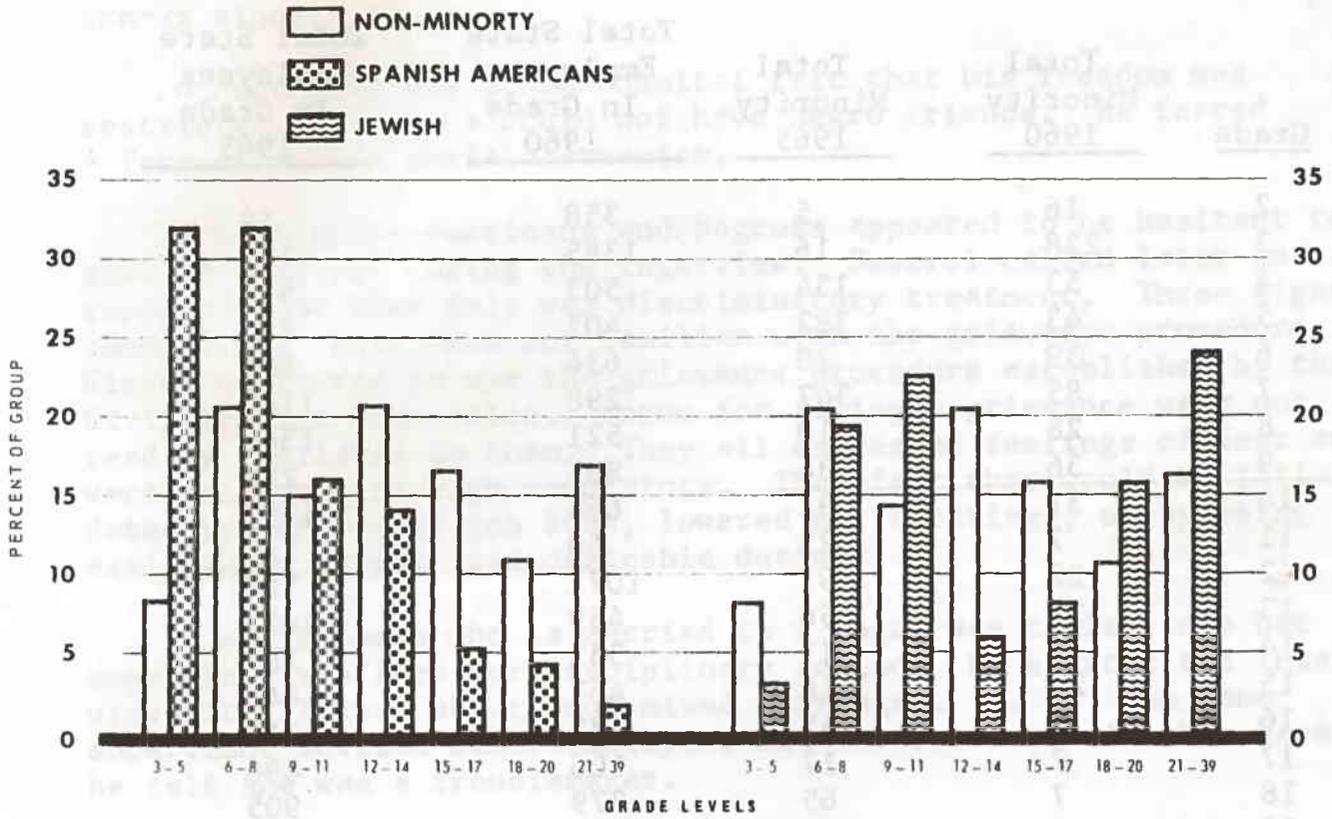


TABLE VI

TOTAL EMPLOYEES, AND NUMBER OF MINORITY EMPLOYEES,
IN COLORADO STATE CLASSIFIED CIVIL SERVICE,
BY GRADE, 1960 AND 1965

Grade	Total Minority 1960	Total Minority 1965	Total State Employees In Grade 1960	Total State Employees In Grade 1965
2	16	5	358	19
3	228	16	1385	127
4	53	134	503	511
5	43	382	407	891
6	39	70	634	581
7	85	347	298	1162
8	28	110	521	1361
9	36	134	865	282
10	31	92	664	1397
11	7	22	60	358
12	22	97	1077	782
13	35	56	459	1627
14	15	11	333	281
15	26	14	467	444
16	6	45	172	1115
17	7	17	106	496
18	7	65	279	905
19	9	9	140	278
20	1	12	46	237
21	3	19	169	477
22	1	8	37	142
23	1	14	79	164
24	2	12	53	272
25	0	5	42	62
26	0	2	1	117
27	0	9	17	33
28	0	4	4	91
29	2	1	33	13
30	1	2	25	29
31	0	1	1	13
32	0	6	8	17
33	0	0	2	13
34	0	3	6	46
35	0	1	1	3
36	0	2	1	21
37	0	0	1	10
38	0	1	0	5
39	0	1	1	6
Total	704	1729	9255	14448

Source: Compiled by the Colorado Civil Rights Commission

A Spanish-American girl took a Civil Service Examination and passed with a higher score than a white girl who was employed on the job. She was hired and replaced the white girl. She later stated she was treated fairly but stated, "I have to go to coffee breaks alone."

A doctor at the State Hospital felt that his freedom was restricted because he could not have Negro friends. He feared a form of subtle social ostracism.

Many Spanish-Americans and Negroes appeared to be hesitant to give information during the interview. Several called later and reported what they felt was discriminatory treatment. Three signed complaints. Most were not familiar with the grievance procedure. Eleven preferred to use the grievance procedure established by the Civil Service Commission. Forms for filing a grievance were not readily available to them. They all expressed feelings of fear and were reluctant to sign complaints. They felt they would be intimidated by threats of job loss, lowered merit ratings, or by being assigned to menial less desirable duties.

A white woman who is married to a Negro was called into her supervisor's office for disciplinary action. He started the interview with "I know about your mixed marriage" The same supervisor advised other employees not to associate with her because he felt she was a troublemaker.

A supervisor, in interviewing a minority-group member who was the first minority to be hired in this section, cautioned her by saying, "If I ask you something I want you to always tell me the truth". (This implied members in her group were liars.)

One supervisor called the City and County to get a minority employee released from jury duty although she wanted to serve on the jury. He was not able to get her released but he insisted that she provide him with a schedule of the time she actually served on a jury. He also checked to find out if she turned in the money which she received as a jurist. She was made to feel that he did not think she was qualified to serve on the jury and was not to be trusted.

A department head refused to acknowledge a minority-group member's grievance. The employee was forced to hire an attorney and request a Civil Service Commission hearing. The Civil Service Commission upheld the employee's grievance. After the hearing the department head warmly greeted the employee and said, "I'm proud of you, I'm glad you told the truth." He apparently expected the employee to lie.

The same employee was the only Negro in the department and had been subjected to discriminatory treatment while on official business. This was reported to the department head who advised him to "forget it". The same supervisor was overheard referring to a Negro child as a "pickaninny."

A Negro man in a classified supervisory capacity over several white girls is being harassed, told to seek employment elsewhere, and forced to do stock clerk's duties. In the same department a person is required to come in at 6 a.m. to perform janitorial duties that are not commensurate with his classification or responsibilities. He too is pressured by the subtle inference that if he does not like it he can go elsewhere to work.

Cases were reported where minority persons were denied leave without pay by being told the department did not grant leave without pay. In one case a girl with 5 years' certified employment experience requested leave without pay when complications set in following her maternity leave. She was told that she must resign. She resigned, was later rehired at a lower grade, less pay and a loss of seniority. Girls she had trained were later promoted to supervisory positions. She also found that non-minorities had been granted leave without pay in this department.

The Director of the Highway Patrol stated he could not hire minorities to work in most rural areas because they would not be around their own people.

A minority group member and her supervisor requested that her job be reclassified. This change would not have changed her grade or salary. It would have qualified her for future promotions and supervisory positions. The personnel director refused and argued since there was no change in grade or salary it was a senseless move. He felt if he did it for one employee then he would be swamped with other requests for reclassification.

A complaint was filed where a minority person was at the top of the Civil Service Register. When called in for a personal interview the Director gave her an indecisive answer. The job was later down-graded, filled by a provisional employee, and subsequently up-graded to the original position for which she had applied, thereby denying the job to the minority applicant.

Research studies have shown that few representatives of management have a clear understanding of what it means or how it feels to be a member of a socially disadvantaged group. Failure to recognize

these feelings is an impediment to good personnel management. The high percentage of departmental representatives who stated there were no problems nor did they anticipate problems of integration is indicative they also lack understanding of minority problems. Those who recognized problems dismissed them as being insignificant.

It appears then that department heads either 1) do not recognize problems of integration consciously, or 2) are reluctant to admit to problems of integration, or 3) there are no problems of integration in classified Civil Service of the State of Colorado.

Are there Equal Employment Opportunities in Colorado?

The Management of Racial Integration in Business, prepared by George F. Doriot, Harvard Graduate School of Business, published by McGraw Hill Publishing Company, suggested four criteria for a framework to measure equal employment opportunities:

1. Is there a written fair employment policy?
2. Is this policy translated into explicit goals, aims or objectives?
3. Are these goals communicated and understood by all employees at all levels?
4. Is there a control system to measure the compliance efforts to attain these goals?

There is a Fair Employment Law in Colorado which prohibits discrimination in employment based on race, creed, color, national origin or ancestry. Unfortunately this law does not have any punitive measures for violators or repeated violators. The Colorado Civil Service Commission has explicit non-discriminatory policies regarding hiring and promotions within classified Civil Service. The Governor has issued an executive order which prohibits discrimination by persons doing business with the State, against any employee because of race, creed, color or national origin. The Colorado Civil Rights Commission also has rules and regulations prohibiting discrimination. These facts make it possible to say that written guidelines for eliminating discrimination in employment are established in Colorado State Employment.

Seven departments were selected to evaluate the explicit goals and patterns of State Employment. These departmental patterns indicate that minority groups are concentrated at the lower grades regardless of their number. The percentages of minority persons employed by these departments range from 0 to 20.1%. None of these departments have any plans, goals, or objectives to change their employment patterns of hiring minority persons.

TABLE VII

PATTERNS OF MINORITY-GROUP EMPLOYMENT IN COLORADO STATE CLASSIFIED CIVIL SERVICE,
BY SELECTED DEPARTMENTS, 1965

<u>Department</u>	<u>Total of Employees</u>	<u>% of Minorities</u>	<u>Non-Minority Median Income</u>	<u>Number of Spanish-Americans & Median Income</u>	<u>Number of Negroes & Median Income</u>	<u>Median Income Of All Minorities</u>	<u>Total Minority</u>
Fish & Game	414	.4	\$492	\$405 - (13)	\$288(4)	\$405	18
Employment	612	14.5	\$492	\$425 - (58)	\$288(21)	\$367	89
Highway	2353	7.6	\$469	\$367 - (65)	\$288(71)	\$333	178
Public Health	224	.5	\$570	\$288 - (3)	\$288(5)	\$288	12
Revenue	848	20.1	\$517	\$367 - (65)	\$317(71)	\$333	176
Stock Insp.	74	0	\$405	0	0	0	0
Hgwy. Patrol	476	5.7	\$492	\$495 - (16)	\$317(7)	\$405	27

() = Number of minority persons.

* Includes Jewish and Oriental.

Source: Compiled by the Colorado Civil Rights Commission.

Table VII shows the percent and number of Negroes and Spanish-Americans in each selected department. The median income of non-minorities and the median income of minorities are also shown. This distribution gives some indication where emphasis can be placed on hiring, promotions and up-grading of minority groups. It also indicates there are no established goals, aims, or objectives in hiring minority employees.

Built into Civil Service rules and regulations are techniques which enables a department head to discriminate in the hiring and promotion of employees. These regulations unintentionally give undercover support to discriminatory practices. A department head has the right to request reclassification, up-grading, down-grading and to create new positions. This leeway is often used to avoid taking an l sic/ undesirable employee.

By requesting a new job classification for which there is no Civil Service Register available, a department head can hire provisional employees of his choice until a Register is available.

On the selection of a provisional employee a personnel man usually uses criteria based on ability factors such as job experience, job performance, formal education, training, mechanical skills, intelligence or creativity. His judgement is highly affected by non-ability factors such as race, creed, color, religion, sex, age, social background, personal connections, lodge membership, personal contacts and marital status. Personality and appearance can be either category, as well as other social factors.

The application of non-ability criteria on the selection of provisional appointments is discriminatory and operates in the selection of employees for the State. The application of these techniques are not controlled by Civil Service regulations and are difficult to discern by the Civil Rights Commission.

Summary & Recommendations

The problems presented here will not go away if they are ignored. They will continue to grow, fester, and undoubtedly become more critical. The advent of automation means there will be fewer jobs for a continually growing labor market. It becomes imperative that action be taken now to avoid serious social problems. Colorado cannot afford to by-pass available resources in man power and other talents found in minority groups.

The creation of more economic opportunities for those who, for any reason, have been denied advantages will tend to reduce the rising welfare and institutional cases. Reducing these costs enhances the possibility of slowing the ever increasing tax burdens.

The concentration of minority groups at the bottom levels of employment would seem to indicate that discrimination in hiring and promotion is being practiced. This concentration is significant regardless of the reason. There appears to be a complete unawareness of the problems involved in integrating a department. There is an equal lack of preparation for integrating a work force. The rumblings of minority dissatisfaction indicate a communications problem is already in existence. The belief, whether real or imagined, that a minority group member will be intimidated for expressing dissatisfaction creates a poor working environment for minority group employees.

One can draw many inferences from the patterns of employment. In view of the fact that minorities are not found in supervisory jobs and that avenues for discrimination are open, it is felt that equal employment opportunities are limited.

In order to overcome these problems four steps are suggested:

1. The State must establish specific goals and objectives for each department in hiring, promotion, and up-grading minority employees. This involves a re-evaluation of job opportunities, job qualifications, testing, recruiting, job turnover, and in some instances the creation of new positions. Each department must assume the responsibility of attaining these goals.
2. Once these objectives have been established, they must be communicated to all levels of State employment personnel. There will be some resistance, apprehension and fears expressed. There are guidelines for handling these problem areas available through the Civil Rights Commission.
3. A regular reporting system must be established which measures the compliance with the stated objectives. This will enable departments which need assistance in meeting goals to receive help. Reports should be made quarterly or not less frequent than annually.
4. Civil Service procedures that permit evasions must be scrutinized carefully. The ability to reduce a position and raise it indiscriminately would fall in this category. The hiring of people on a provisional basis, while useful, can be used to avoid hiring minority persons.

Following these steps does not mean that quality of work must be sacrificed or compromised. It does not necessarily mean that additional funds must be spent to create opportunities. Active participation in changes and progressive thinking will reap untold benefits in the State of Colorado.

Questions Asked of Department Heads and Supervisors

1. Are you familiar with the Colorado Anti-Discrimination Act of 1957?
2. Is the Commission Non-Discrimination Poster on display?
3. Do you have any Spanish Ancestry, Negro, Oriental or Jewish employees? (Total number of employees) (Total number of Spanish-Americans, Negroes, Orientals and Jewish employees)
4. If no, have you had minority employees?
5. Problems experienced in integration; (A) None _____ (B) Some _____. If some, nature: _____ (C) Objections by majority _____ (D) Which minority (ies) _____ (E) Work below par _____ (F) Other _____.
6. Problems anticipated in integration: (A) None _____ (B) Some _____. If some, nature: _____ (C) Objections by majority _____ (D) Which minority (ies) _____ (E) Work below par _____ (F) Other _____.
7. Have minorities been referred to you by the Civil Service Commission?
8. Have any of the minorities in your department been promoted?
9. Do you have an in-service training program?
10. Do minorities participate in the in-service training program?
11. Is the in-service training program required or voluntary?
12. If voluntary, do minorities take advantage of the program to the degrees that other employees do?
13. If "no" to 12, do you know why?
14. What method of contacting a few of your employees would inconvenience your department least?

QUESTIONS ASKED OF EMPLOYEES

1. Are you familiar with the Colorado Anti-Discrimination Act of 1957?
2. Identity: (A) Spanish-American _____ (B) Negro _____ (C) Oriental _____ (D) Jewish _____ (E) Other _____
3. Grade _____ Class Title _____ Certified _____ Provisional _____
4. Time in grade _____.
5. Time in service _____.
6. Promotions? _____
7. Education: Elementary _____ Secondary _____ College _____ Other _____
8. Experience _____
9. Problems you have experienced in integrated work force: None _____, Some _____, if some, nature: _____
10. Problems you anticipated in integrated work force: None _____, Some _____, if some, nature: _____
11. Knowledge of discrimination: (A) This department _____ (B) Elsewhere _____
12. Has in-service training been equally available to all employ employees. _____.
13. If "no", why? _____

