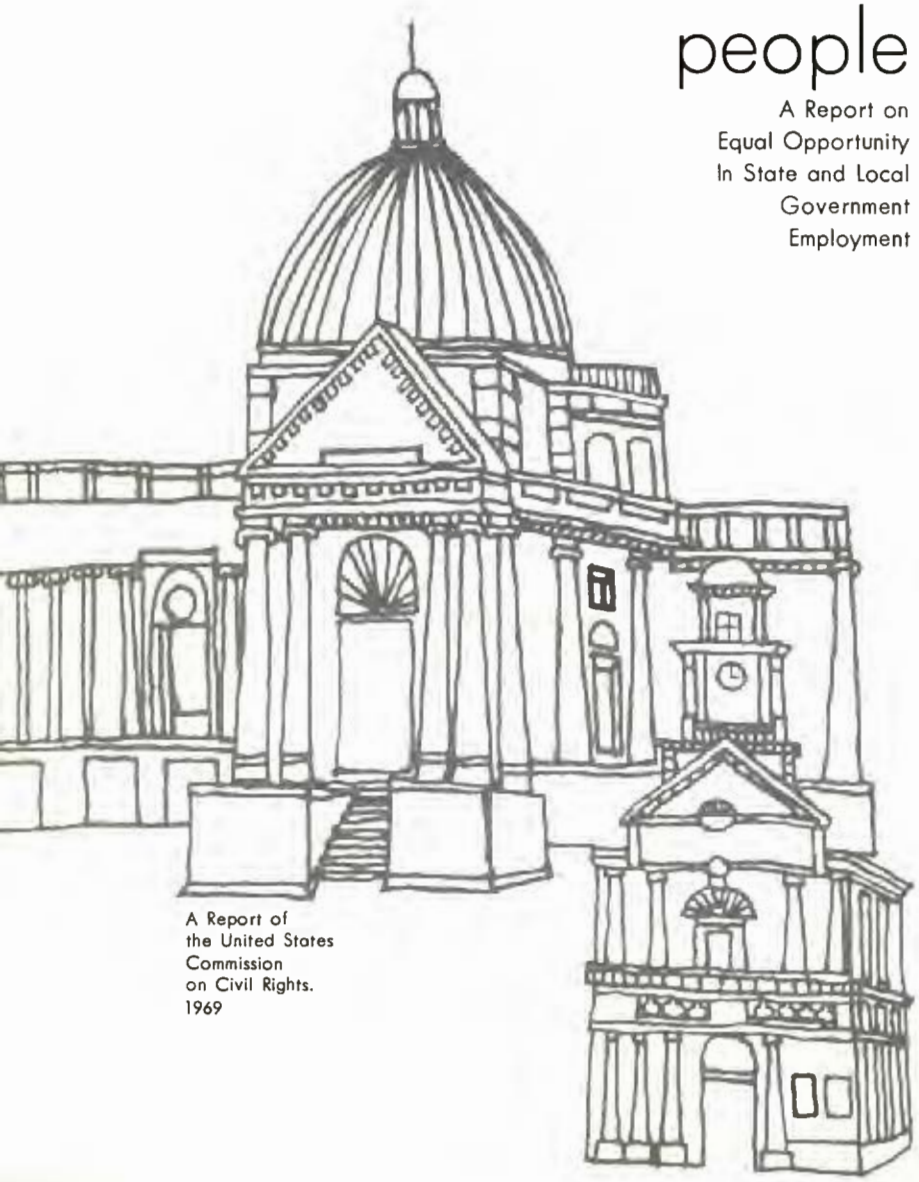
For ALL the people... By ALL the people

A Report on
Equal Opportunity
In State and Local
Government
Employment



A Report of
the United States
Commission
on Civil Rights.
1969

For ALL the people... By ALL the people

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Equal Opportunity
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1969

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U.S. COMMISSION ON CIVIL RIGHTS

The U.S. Commission on Civil Rights is a temporary, independent, bipartisan agency established by Congress in 1957 and directed to:

- Investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religion, or national origin, or by reason of fraudulent practices;
- Study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution;
- Appraise Federal laws and policies with respect to equal protection of the laws;
- Serve as a national clearinghouse for information in respect to denials of equal protection of the laws; and
- Submit reports, findings, and recommendations to the President and the Congress.

Subsequent to the approval of this report by the Commissioners, Dr. John A. Hannah was designated by the President to serve as Administrator of the Agency for International Development. He submitted his resignation as Chairman and member of the Commission on January 3, 1969. On March 12, 1969, the President designated Rev. Theodore M. Hesburgh, C.S.C. to serve as Chairman of the Commission.

CR1.2:P39

Letter of Transmittal

THE U.S. COMMISSION ON CIVIL RIGHTS
Washington, D.C., July 1969

THE PRESIDENT
THE PRESIDENT OF THE SENATE
THE SPEAKER OF THE HOUSE OF REPRESENTATIVES
SIRS:

The U.S. Commission on Civil Rights presents to you this report pursuant to Public Law 85–315, as amended.

This study describes the extent of equal employment opportunity for minority group members in State and local government. These governments are the largest single group of employers in the United States for which no comprehensive information is available on the racial and ethnic composition of their work force. They constitute the only large group of employers in the Nation whose racial employment practices are almost entirely exempt from any Federal nondiscrimination requirements except for the requirement of the 14th amendment of the Constitution which prohibits discrimination by State or local authorities. The U.S. Commission on Civil Rights made this study to determine if equality of opportunity in employment is the practice or, at least, the goal of all public employers.

The information was obtained primarily from Commission surveys of 628 jurisdictions in seven Standard Metropolitan Statistical Areas. These areas were chosen because they contain substantial and varied minority group populations, are diversified in character, and are geographically distributed throughout the Nation. Except that it did not cover part-time employment nor employment in education, the survey included all levels of State and local government in each area.

The Commission has found that, in general, Negroes, who represent the largest minority group, are more successful finding jobs with central city governments than with State, county, or suburban governments and their success is more marked in the North than in the South. While in some instances they hold white-collar jobs, they are conspicuously absent from the managerial and professional categories.

Barriers to equal employment are usually greatest in police and fire departments and Negroes are largely relegated to those jobs in State and local governments which bring the lowest pay and hold the fewest possibilities for advancement.

Spanish Americans in the two metropolitan areas surveyed have been more successful than Negroes in obtaining higher level jobs but less so than the Anglo population. Although the distribution of Oriental Americans in professional and clerical occupations is equal to or better than majority group members, they have not acquired full access to managerial positions in the jurisdictions in which they were surveyed.

The Commission's study reveals the presence of definite discriminatory elements in State and local government personnel systems which restrict equal employment opportunities for minority group members within these jurisdictions and limit their prospects for achieving their full career potential. The study also shows that the Federal Government has failed to exert effective leadership to protect the rights of minority group members in State and local government.

We urge your consideration of the facts presented and the recommendations made for corrective action.

Respectfully yours,

Rev. Theodore M. Hesburgh, C.S.C., *Chairman*
Frankie M. Freeman
Hector P. Garcia, M.D.
Maurice B. Mitchell
Robert S. Rankin

Howard A. Glickstein, *Acting Staff Director*

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INTRODUCTION

State and local governments are the largest single group of employers in the United States for which no comprehensive information is available on the racial and ethnic composition of their work force. These governments are also the only large group of employers in the Nation whose racial employment practices are almost entirely exempt from any Federal nondiscrimination requirements except for the requirement of the 14th amendment of the Constitution which prohibits discrimination by State or local authorities.[1] The U.S. Commission on Civil Rights made this study of the extent and nature of minority group employment by State and local governments to determine if equality of opportunity in employment is the practice or, at least, the goal of public employers.

State and local governments are the nearly constant companions of every citizen of the United States. Most personal contacts with governments—so routine as to be taken for granted—are with State and local governments. Food served in the home or in a restaurant probably has been inspected by a State or local official; the automobile or the public conveyance used are licensed by local government. Policemen, firemen, and garbage collectors are included in its work force. From the time a birth is recorded at the city or county health department, to the time a burial permit is issued by the city or county, the daily activities of the citizen—education, employment, commerce, recreation—bring him into constant contact with State and local governments.

In 1967, there were more than 80,000 units of State and local governments in the United States. About 22,000 of these were school districts established for the one purpose of providing education. It is with the remaining 58,000 units that this study is concerned.

Employment in the field of education was purposely excluded from this study for specific reasons. Negroes have traditionally held jobs as teachers. In 1967–68, 8.5 percent of the Nation's total public school teachers were Negroes; in school systems with an enrollment of 25,000 or more, Negroes made up 15.7 percent of the teaching staffs. The question of equal opportunity in teaching involves more complex issues than those studied here, such as the racial composition of the schools within a public school system and the relationship of the school's racial composition to teacher assignments. Further, teaching occupies a special category not comparable to general government employment. Finally, while extensive findings have already been documented on the

employment of teachers by race and job opportunities in education, no comprehensive information is available on the racial and ethnic composition of the general State and local work force.[2]

In addition to the 50 State governments, the country contains more than 3,000 county governments, more than 17,000 towns or townships, 18,000 cities, and more than 21,000 special-purpose governments.[3] In February 1967 these governments employed 4.4 million persons, an overall increase of nearly 83 percent or two million jobs since the early 1950's.[4] This increase, which is only in part a reflection of population growth, has occurred in all sections of the Nation. In contrast, Federal Government employment has remained relatively stable since the period of the Korean war.

In addition to its growth in numbers, public employment also provides an increasingly larger range of services and a growing number of occupational categories.[5] Public service employment is not merely more extensive now than it was 20 or 30 years ago; in many ways it represents qualitatively different employment.

This is due, first, to the population change in the country. Today's population is made up of many more individuals under 25 and many more over 65, while the proportion of those in the 25–65 age bracket has declined. The kind and number of public services required by young and older people are both different and more diversified in number than those required by the intermediate age group.

It is due, also, to the changes that have occurred in public attitudes and values concerning the role of government. As a people, Americans now demand that government involve itself much more actively in a wide range of areas that heretofore had been left to the individual, to business, to church or nonprofit charity groups, or simply were left undone. Medical care for the aged, clear air and clean water, narcotics addiction control, highway and traffic safety, mass transportation, noise abatement and control, care for the mentally ill and the mentally retarded are examples of programs which have burgeoned and have become the concern of all levels of government.

Finally, the difference is due to the technological changes taking place in our time. Advances in medical science, for example, have led to decreases in infant mortality, prolongation of life for the elderly, and revolutionary methods of caring for the mentally ill. Similarly, the existence of the automobile, the changes from coal to oil to atomic energy, and the development of computer technology have, each in its own way, led to new and different demands on State and local governments. They have expanded both the range of services provided by State and local governments and the kinds of occupations required to perform these services.

The multiplicity of activities now administered by State and local governments provides a dramatic example of their role in contemporary society. In the earliest days of American history, State and local govern-

ments generally tended to perform only caretaker or custodial activities. These included keeping certain public records such as land transfers, provision of basic transportation facilities such as roads and canals, routine welfare care for the elderly and the indigent, maintenance of law and order by establishment of a sheriff's office and the courts, and the conduct of elections.

By contrast, the following different functional categories were used by the U.S. Bureau of the Census report of State and local government employment in 1965: highways; public welfare; hospitals; health; police protection; local fire protection; sewerage; sanitation other than sewerage; local parks and recreation; natural resources; corrections; housing and urban renewal; airports; water transport and terminals; local libraries; employment security administration; financial administration; general control; water supply; other local utilities; alcoholic beverage control; and numerous other functions.

The total number of State and local government jobs is large and growing larger as new programs are introduced and older ones are expanded. In California, for example, the State civil service commission manual lists nearly 3,000 different job classifications.[6]

Job classifications in State and local governments range alphabetically from accountant and aircraft mechanic to zoo attendant and zoologist, representing thousands of jobs and people. All governments offer routine jobs such as clerks, typists, stenographers, secretaries, personnel officers, payroll clerks, bookkeepers, switchboard operators, mail clerks, messengers, guards, and janitors in practically every activity area. But each department may also include less obvious occupations, such as:

Department of Business and Administration: Industrial specialist, community betterment specialist, staff artist, credit union examiner, bus and truck inspector.

Department of Public Health and Welfare: Nutritionist, speech therapist, laundry worker, baker, steam fireman, seamstress, tissue technician, psychiatric aide, refrigeration mechanic, meat cutter, industrial therapist, child welfare aide.

State Highway Department: Bridge designer, draftsman, shop inspector, painter, mechanic, sweeper, coredrill operator, right-of-way agent, toll collector, signalman, agronomist, landscape architect, traffic recorder.

Department of Labor: Claims examiner, employment service supervisor, occupational analyst, community and employer relations supervisor, main inspector, court reporter, legal aide.

Some jobs call for highly specialized skills; others require only little preparation.

Because they are relatively large institutions, have great potential, and require a variety of talent, State and local government can provide an important source of jobs for members of minority groups. The special obligation of government to serve *all* segments of the public is an additional reason why non-Federal Government employment practices demand national attention.

This study of State and local governments presents the employment practices of all governments located within each of seven major metropolitan areas in representative parts of the country. The study focused on metropolitan areas for two reasons: Negroes, the Nation's largest minority group, are one of the most urbanized segments of the population; and the largest number of State and local government jobs are located in urban areas where the ratio of State and local government employees to the general population is higher than in nonmetropolitan areas.

The seven Standard Metropolitan Statistical Areas[7] surveyed—San Francisco-Oakland, Philadelphia, Detroit, Atlanta, Houston, Memphis, and Baton Rouge—were selected because of their diversity and geographic distribution and because each contains a substantial Negro population. In addition, significant numbers of Spanish Americans live in San Francisco and Houston and America's largest Oriental American population lives in San Francisco. The survey was comprehensive in that it included all levels of government in each area but limited in that it did not cover part-time employment or employment in the field of education.[8]

The survey covered 628 jurisdictions, including States, of which 581 or 92 percent, supplied the statistical information requested by the Commission. In terms of the number of employees reported, the coverage was even greater since the highest returns were from the larger government units. Commission staff estimated that 97 percent of all full-time employees of local governments in these seven metropolitan areas were covered in the survey. The proportion covered in each individual area is shown below:

SMSA	Coverage of full-time employees in local governments (percent)
San Francisco-Oakland	99.1
Philadelphia	97.9
Detroit	95.0
Atlanta	95.6
Houston	99.3
Memphis	98.8
Baton Rouge	100.0

Since returns were received from all State governments in the study, coverage for full-time State employees is complete.[9]

The total number of full-time jobs for which information was collected was slightly less than one-quarter of a million. (See Table A–1.) These jobs represent approximately 6 percent of the 4.4 million noneducation State and local jobs, both full-time and part-time, in the Nation as a whole. Three metropolitan areas—Philadelphia, Detroit, and San Francisco-Oakland—account for approximately 75 percent of the jobs in this survey. Among the other four areas the proportions ranged from about 10 percent in Atlanta to 3 percent in Baton Rouge.

TABLE A–1. *Employment by Type of Government for SMSA's Surveyed: 1967*

Standard Metropolitan Statistical Areas	Type of government						
	Total	State [1]	Counties	Central cities	Large municipalities	Small municipalities	Special districts
Total	243,456	54,380	37,166	101,405	23,552	8,710	18,243
San Francisco-Oakland	61,835	13,629	13,185	[2] 19,745	6,367	1,249	7,660
Philadelphia	59,327	16,020	5,747	28,075	3,947	4,280	1,258
Detroit	58,605	8,614	8,893	26,448	11,109	1,628	1,913
Atlanta	22,523	6,111	4,653	6,001	1,235	519	4,004
Houston	19,078	2,834	3,047	8,417	894	857	3,029
Memphis	14,277	1,510	1,641	10,729	.....	114	283
Baton Rouge	7,811	5,662	.....	1,990	.....	63	96

[1] State employment covers only those employees working in the SMSA.
[2] Employment in the city of San Francisco is 16,223; in the city of Oakland, 3,522.

NOTE.—Figures are for full-time, noneducational employees.

Central cities, obviously the largest single employment source, accounted for about 40 percent of the total jobs. State agencies accounted for another 20 percent, and counties for 15 percent. The 400 small municipalities surveyed contributed only 4 percent. This pattern of relative importance was roughly approximated in each of the metropolitan areas. The two significant exceptions were Memphis, where the central city accounted for three-fourths of all jobs, and Baton Rouge, a State capital, where three-fourths of all jobs were with the State.

Of the 243,000 employees of State and local governments in the seven metropolitan areas, 64,000 were minority group members. (See Table A–2.) The overwhelming majority [92 percent] of these workers were Negro. Statistics were collected for the Negro employees in each metro-

politan area.[10] Separate statistics were collected for the 2,800 Spanish Americans in public employment in the Houston and San Francisco-Oakland areas and the 2,200 Oriental Americans in public employment in San Francisco-Oakland.[11] In order to facilitate comparison of metropolitan areas, the findings of the survey for Negroes are treated separately from those for Spanish Americans and those for Oriental Americans.[12]

TABLE A–2. *Distribution of Employment by Type of Government in SMSA's Surveyed: 1967* [1]

Governmental types	All governments		San Francisco-Oakland		Philadelphia		Detroit	
	Total	Minority	Total	Minority	Total	Minority	Total	Minority
Total	243,456	63,631	61,835	11,546	59,327	18,177	58,605	17,281
States	54,380	11,038	13,629	2,438	16,020	4,209	8,614	3,105
Counties	101,405	7,016	19,745	2,263	28,075	865	26,448	2,250
Central cities	37,166	35,776	13,185	4,689	5,747	11,403	8,893	10,607
Large municipalities	23,552	2,811	6,367	560	3,947	742	11,109	954
Small municipalities	8,710	932	1,249	72	4,200	394	1,628	55
Special districts	18,243	6,058	7,660	1,524	1,258	564	1,913	310

Governmental types	Atlanta		Houston		Memphis		Baton Rouge	
	Total	Minority	Total	Minority	Total	Minority	Total	Minority
Total	22,523	5,514	19,078	5,033	14,277	5,507	7,811	573
States	6,111	342	2,834	336	1,510	411	5,662	197
Counties	6,001	900	8,417	309	10,729	429	1,990	.....
Central cities	4,653	1,928	3,047	2,343	1,641	4,479	.....	327
Large municipalities	1,235	287	894	268	.....	.....	.....	.....
Small municipalities	519	90	857	246	114	48	63	27
Special districts	4,004	1,967	3,029	1,531	283	140	96	22

[1] Minority workers are defined as Negroes in all metropolitan areas except Houston where Spanish Americans are included and San Francisco where Spanish Americans and Oriental Americans are included.

NOTE.—Figures are for full-time noneducational employees.

Following completion of the statistical survey, more than 300 persons were interviewed by Commission staff to ascertain the specific factors which affect minority group employment opportunities in State and local government. They included elected officials, department heads, personnel officers, personnel in government human relations agencies, union leaders, minority group persons employed by State and local government, and representatives of the minority community with knowledge about public employment practices in their communities.[13]

Considerations of time and complexity of governmental operations made it necessary to limit the number of jurisdictions in which interviewing was done. Although attempts were made to collect statistical data for all governments within the seven metropolitan areas, interviewing was limited to central cities, central counties,[14] and State governments, a total of 21 jurisdictions which accounts for 72 percent of all employees in this survey.[15]

In addition, an evaluation was made of the role of the Federal Government in shaping and influencing State and local government employment practices. Particular attention was given to the Federal merit standards, supervised by the Office of State Merit Systems of the Department of Health, Education, and Welfare, and a nondiscrimination provision included in all contracts of the Department of Housing and Urban Development with local urban renewal and public housing agencies. This was done because these are the two major areas in which the Federal Government has responsibility for assuring nondiscrimination policies.

Chapter I

PATTERNS OF MINORITY GROUP EMPLOYMENT IN STATE AND LOCAL GOVERNMENT

Traditional and Nontraditional Jobs

Few government jurisdictions of any size have placed all public jobs beyond the reach of Negroes. In fact, Negroes hold some public jobs in such preponderant numbers that those jobs seem to have been set aside exclusively for them. This situation was found in almost every jurisdiction studied both in the North and in the South. The significant difference was that in the North, job opportunities for Negroes were not as sharply limited to particular categories in which the overwhelming proportion of employees were Negroes.

The jobs in which black workers are so highly represented in both the North and the South are characterized by few, if any, entry skills, relatively low pay, and limited opportunity to advance through the ranks by virtue of experience and demonstrated ability. Such jobs, principally those of common laborer and general service worker, traditionally have been considered "Negro jobs." In at least two jurisdictions, Memphis and Houston, such occupations were exempt from civil service coverage and the job security it affords. The idea of traditional jobs for minority group members is, of course, as pervasive in the private as in the public sector.[1] In its most rigid expression, the concept of traditional jobs holds that Negroes are suited only for certain kinds of work and that certain kinds of jobs are suitable only for Negroes. Both views were expressed to Commission staff during field interviews:

> "Many people feel that Negroes are all right in service jobs and the biggest discriminator will hire people for these jobs."—*Southern personnel official*
>
> "Whites would not take the job."—*Director of personnel for a southern city public works department in reference to the job of laborer in the department.*

White-collar jobs are not traditional sources of employment for Negroes. The few exceptions—the ministry, law, medicine, and teaching—generally are those which can be supported by the Negro community. Teaching is the only one of these which is primarily a government job. So it is in teaching that the greatest number of Negroes have attained salaried positions and status in government service. By and large, their educational charges also have been Negroes so that prestige and position were obtained without entering into direct competition with whites. Other jobs of responsibility and position have been available to Negroes in the South in a similar way. Where law or custom have decreed parallel public institutions providing duplicate services to the black and white communities it has been possible for Black Americans to aspire to and achieve positions of prominence in the black institution.[2] Although the percentage of Negroes on Louisiana State payrolls is extremely low, the State personnel director said that they are employed in most civil service job classifications because of the opportunities that segregated institutions have provided in the past.[3]

Breakthroughs by Negroes into nontraditional jobs have been uneven. It is openly acknowledged in some governments that a breakthrough has taken place if a Negro gains access to a certain type of job in specific agencies or departments. The State of Louisiana keeps a monthly "breakthrough sheet"; this records the number of Negroes hired in nontraditional jobs in agencies previously employing few, if any, Negroes.[4]

Access to white-collar jobs in some departments is more readily available to minority group members than in others. Among the seven metropolitan areas studied, the same general pattern of employment in white-collar jobs was discernible in both the North and the South. Negroes were most likely to hold white-collar jobs in health and welfare and least likely to hold them in financial administration and general control.[5]

For professional and managerial workers, the jobs in health and welfare (e.g., doctor, nurse, social worker) are not the same as those found in general government (e.g., auditor, personnel officer, budget analyst, and tax assessor). For clerical workers, however, this is not the case. Typing, stenographic, and related duties do not vary significantly from one office or institution to another. Yet in Detroit, Negroes filled 80 percent of the clerical jobs in welfare compared to 30 percent of the clerical jobs in general government. In Memphis, they held a third of the clerical positions in public health, but only 1 percent of the clerical jobs in public utilities. The explanation for these variations in the clustering of black employment in clerical jobs apparently rests on factors other than the requirements of the job.

In large urban centers with a substantial minority population, minority group members generally form a very large proportion of those receiving

public health and welfare services, so that Negro professionals are working with the less affluent members of the Negro community. Where Negro professionals are employed and the clientele is heavily Negro, they appear to have little difficulty in obtaining clerical jobs. At the other extreme, in the offices of general city government where few Negroes are employed in any capacity and contacts are largely with white persons, the barriers against Negroes in clerical positions are frequently high. The director of finance for the city of Baton Rouge, when asked if he would hire a Negro certified as qualified by his city civil service commission, replied: "Would you steal a million dollars?" [6] He added that his department was created to provide service to other departments and the general public, implying that positions requiring these contacts could not, in his city, be filled by Negroes. In Baton Rouge, also, the city personnel administrator, when asked if a city department head would employ a Negro whose name appeared on the civil service register, said he could not answer for anyone else. When asked if he would hire a qualified Negro to work in his office, he replied he could not answer a hypothetical question.[7]

Supervising white persons is also not a traditional task for Negroes. In many jurisdictions in the North black employees occupy positions which entail supervision of whites, but in the South, this situation is infrequent. In Memphis, the director of personnel said that no Negroes in the city government supervised whites.[8] The four Negro lieutenants on the Memphis police force are in the police detective unit which means no patrolmen are assigned to them. Members of the Memphis Negro community have charged that black policemen are promoted into the detective unit so they will not supervise whites directly.[9] In the regular chain of command, a lieutenant supervises a number of men. However, the assistant chief of police of Memphis stated that anyone with the rank of lieutenant is "over" anyone of lesser rank.[10]

In Baton Rouge, a few white garbage collectors were found to be working on trucks driven by Negroes. The director of public works stated that the job of driver is considered better and has more status than any other on the garbage crew, but he did not state that it was, in fact, a supervisory position.[11] The Commission found no other cases in Baton Rouge where Negroes might be considered supervisors of whites.

In addition to the "old traditional jobs" for Black Americans, "new traditional jobs" appear to be emerging. These are usually jobs as staff members of human relations councils, civil rights commissions, or assistants to ranking administrators. They are status jobs carrying major responsibilities and usually bring excellent salaries. But they remain almost exclusively related to minority group problems.

Minority Employment in Seven Metropolitan Areas

Negroes held slightly less than one-fourth of the full-time State and local jobs reported by the seven areas surveyed in 1969. Their employment ranged from about 7 percent of the total State and local work force of Metropolitan Baton Rouge to 39 percent of the total work force of Memphis. (See Table 1–1).

The proportion of Negroes in public employment was twice their proportion of the population in the Detroit and Philadelphia areas.[12] In four other metropolitan areas—Memphis, Atlanta, San Francisco-Oakland, and Houston—they were represented in public employment in roughly the same proportion as in the population. In Baton Rouge, Negroes were found in State and local jobs less than one-fourth as often as they were found in the population.

TABLE 1–1. *Percent of Negroes in the Population and in Private, Federal, and State and Local Government Employment for SMSA's Surveyed*

Standard Metropolitan Statistical Area	Negroes as a percent of—			
	Population,[1] 1960	State and local employment, 1967	Federal employment,[2] 1966	Private employment,[3] 1967
San Francisco - Oakland...	8.6	12.7	20.4	8.0
Philadelphia.....	15.5	30.6	25.1	12.2
Detroit.....	14.9	29.5	30.6	14.8
Atlanta.....	22.8	24.5	21.2	15.2
Houston.....	19.5	18.7	20.3	11.8
Memphis.....	37.9	38.6	27.2	25.5
Baton Rouge.....	31.7	7.3	NA	17.4

[1] U.S. Bureau of the Census, *Census of Population 1960. Characteristics of the Population*, vol. 1, parts 5, 6, 12, 20, 24, 32, 40, 44, and 45; Tables 21 and 28. All subsequent population data will be taken from these tables unless otherwise noted.

Note that in 1965, Brazoria, Fort Bend, Liberty, and Montgomery Counties were added to the 1960 Houston area definition and that in 1963, Crittenden County was added to the Memphis area definition. All SMSA population statistics cited will include these counties.

[2] U.S. Civil Service Commission, *Study of Minority Group Employment in the Federal Government 1966* (Washington, 1966).

[3] Unpublished data and Office of Research and Reports, Equal Employment Opportunity Commission, *Nine City Minority Group Employment Profile* (Washington, 1967). Data covered all business firms with 100 or more employees and Federal Government contractors and subcontractors with 50 or more employees, and a contract for $50,000 or more.

NOTE.—Figures for State and local employment are for full-time noneducation employees.

It should be borne in mind that comparisons such as these, standing alone, can neither prove nor disprove the existence of discrimination in public employment in any given city. Population to work force ratios, like the other comparative data appearing throughout this study, simply represent one step in the diagnostic process. Though more informative than the gross number of minority persons employed by a State or local

government, such figures must in turn be subjected to further interpretation. For example, where minority population to work force ratios are lower in one area than another, they may direct inquiry to the question: What factors other than barriers to equal employment opportunity might account for this difference? Conversely, where such ratios are relatively high, they may direct inquiry to the question: Are the minority employees concentrated at certain levels or are they distributed equitably throughout the work force? Ratios, and other comparative data, are presented here as an initial step in the analysis of patterns of minority group employment in State and local government.

Negro Employment—Public and Private

In most of the seven metropolitan areas, black employment in State and local government was significantly higher than in private industry. The major exception was Baton Rouge where the extent of black employment in private firms was double that in State and local jobs.

The differential between State and local governments and private industry may be partly a result of the geographic distribution of jobs. The largest number of public jobs at any level of government in metropolitan areas is located in the central city and therefore coincides with the densest population groupings of minorities. In recent years private industry has shown a steady trend toward relocation to suburban sites which often are inaccessible to the inner-city dweller. Since, however, a substantial number of private jobs still remains in the central city, it seems unlikely that these locational variations could entirely account for the hiring discrepancy between the public and the private employer.

On the whole, the record of the Federal Government in providing job opportunities for Negroes in each of these seven areas compares favorably with that of State and local governments. The proportion of Negroes on Federal and on State and local government payrolls was generally comparable. Only in Memphis was the Federal Government significantly below State and local government in the total number of jobs held by Negroes. In contrast, the record of the Federal Government in the San Francisco-Oakland areas was significantly better than that of local jurisdictions.

Negro Employment by Type of Government

More than half of the Negro workers in State and local government were found to be employed by central city governments. State agencies and central counties accounted for an additional one-fourth; and the remaining number was found in large and small municipalities and special districts.[13]

Central Cities.—Negroes held a sizable number of jobs within city governments. Their share of jobs was equal to or in excess of their relative numbers in the general population in four of the eight central cities. (See Table 1–2.) In Baton Rouge and Oakland, the proportion of Negroes on the payroll was roughly half of their share of the total population.

States.—In the North, Negroes were represented in State government employment in proportion to their percentage in the population. But in none of the Southern metropolitan areas was this true. In Atlanta and Baton Rouge, the proportion of Negroes employed by the State, 5.6 percent and 3.5 percent respectively, was reflective neither of their presence in the metropolitan areas nor in the State at large.[14] In 1960 Negroes represented 23 percent of the population of the Atlanta metropolitan area and 28 percent of the population of the State of Georgia; the corresponding figures for the Baton Rouge metropolitan area and the State of Louisiana are each 32 percent.[15] Since both cities are State capitals, State employment represents an unusually large proportion of all public jobs in the area.

TABLE 1–2. *Percent of Negroes in the Population and in Employment in Governments Surveyed*[1]

Standard Metropolitan Statistical Area	Central city		Central county		State	
	Estimated percent of population, 1965	Percent of total employment, 1967	Percent of population, 1960	Percent of total employment, 1967	Percent of population, 1960	Percent of total employment, 1967
San Francisco-Oakland			12.3	20.2	8.6	9.6
San Francisco	12.0	18.5				
Oakland	34.0	15.3				
Philadelphia	31.0	40.6			15.5	26.3
Detroit	34.0	40.1	19.9	27.0	14.9	36.0
Atlanta	44.0	32.1	34.7	16.6	22.8	5.6
Houston	23.0	19.1	19.8	6.6	19.5	5.6
Memphis	40.0	41.7	36.3	26.9	37.9	27.2
Baton Rouge	32.0	16.4			31.7	3.5

[1] Population percentages for central cities are based on 1965 census estimates; for central counties on 1960 decennial census data. Since State data were only collected for employees in the SMSA, the population data also represents that of the SMSA.

NOTE.—Figures are for full-time noneducation employees.

The statistics for the State of Louisiana would have shown a marked difference if State education jobs had been included. The proportion of Negroes on State payrolls rises from 3.5 to 18 percent when education jobs, half of which are filled by Negroes, are included. The sharp contrasts between State education jobs and other State jobs reflect the custom of segregated education which required that student and teacher be of the same race. Thus, it was always guaranteed that some public jobs would be filled by black persons.

Counties.—Returns were received from 24 of the 26 counties in the seven metropolitan areas of the study.[16] Five of the counties were central counties containing the central city but having separate county government: Alameda, Wayne, Fulton, Harris, and Shelby located respectively in the metropolitan areas of San Francisco-Oakland, Detroit, Atlanta, Houston, and Memphis.[17] For the survey as a whole, central counties accounted for 19,000 jobs, or about 51 percent of the total county employment. Among the individual metropolitan areas, however, central county employment ranged from one-third to more than nine-tenths of all county employment. Alameda County was the only central county in the survey to employ a larger proportion of black workers than Oakland, its central city.

Variations in the records of central counties in providing jobs for Negroes were similar to those in State agencies. In Alameda and Wayne Counties, black employees were well represented compared to their proportion of the population. In Harris, Fulton, and Shelby Counties, they were not. The greatest discrepancy was in Harris County where one of every five residents, but only one of every 15 employees, was a Negro.

Suburban Governments.—A total of about 56,000 persons was employed in the suburban governments of the seven metropolitan areas.[18] Of this total 33 percent worked for counties, 42 percent for large municipalities, 16 percent for small municipalities, and the remaining 10 percent for special districts.

In the combined suburban areas surveyed, the percentage of jobs filled by Negroes was slightly in excess of their percentage of the population. Of a total suburban population of about 7,400,000, more than 500,000 or about 7 percent were black persons. They held approximately 11 percent of all suburban government jobs, accounting for more jobs than their proportion of the population in six of the metropolitan areas. (See Table 1–3.) The one exception was suburban Memphis where Negro employment was about three-fourths of Negro representation in the population. But suburban Memphis provides only 196 State and local government jobs.

The pattern of Negro employment in suburban counties is similar to that in State governments. Northern counties employed Black Americans in excess of their proportion in the population; southern counties generally did not. In Macomb County in the Detroit metropolitan area, where only 1.5 percent of the population is Negro, the percentage of Negro county jobholders was 10.6. In Chester and Delaware Counties in the Philadelphia metropolitan area, Negroes constituted 13.5 and 13.3 percent respectively of all employees. Their proportion of the total population was 8.2 percent in Chester County and 7.0 percent in Delaware County. At the other end of the scale, Crittenden County in the Memphis metropolitan area employs 54 persons full time of whom only

two are Negro. According to the 1960 census, Black Americans represented nearly 60 percent of Crittenden County's population.

TABLE 1–3. *Percent of Negroes in Suburban Population and in Suburban Government Employment*

Standard Metropolitan Statistical Area	Suburban population, 1962	Percent Negro	Suburban government employment, 1967	Percent Negro
San Francisco-Oakland	1,675,495	4.8	17,959	5.9
Philadelphia	2,340,385	6.1	14,398	14.3
Detroit	2,092,216	3.7	13,712	8.1
Atlanta	529,733	8.5	6,407	21.6
Houston	480,104	12.9	3,017	14.1
Memphis	177,059	40.2	196	31.6
Baton Rouge	77,639	35.4	63	42.9
Total, seven SMSA's	7,372,631	6.9	55,752	11.0

NOTE.—Figures for the suburbs include all counties (except central counties), large municipalities, small municipalities and special districts outside of the central city.

NOTE.—Figures are for full-time noneducation employees.

In the seven metropolitan areas, there are 89 suburban municipal governments that employ 100 or more full-time persons. Nearly one-half of these governments are located in the Detroit area. The Baton Rouge metropolitan area contains no large municipalities. Seventy-nine, or 89 percent, of the large municipalities, responded to the survey. As the following tabulation shows, Negroes represented a smaller proportion of the work force of large municipalities than of their population only in the San Francisco area. Large municipalities provided jobs for more than 10 percent of the white employees included in the survey. In contrast, less than 5 percent of the Negroes found jobs in large suburban municipal governments.

Percent of Negroes in the Population [1] *and in Employment in Large Municipalities Surveyed* [2]

	Negroes as a percent of—	
	Population	Employment, 1967
San Francisco	5.7	4.2
Philadelphia	10.6	18.8
Detroit	4.1	8.6
Atlanta	12.6	23.2
Houston	2.2	14.5

[1] According to the 1960 census population figures.

[2] Memphis and Baton Rouge in 1960 had no large municipalities.

About 400 municipal governments employing less than 100 full-time persons reported employment statistics to the Commission. Most of these governments, like those of the large municipalities, were unevenly distributed geographically; almost three-fourths of those reporting were located in the Philadelphia and Detroit metropolitan areas, more than one-half accounted for by the Philadelphia area alone. Although small municipalities contain a significant portion of the population of metropolitan areas, they provide only a small segment of government jobs. Only 4 percent of all jobs covered in this survey were with these governing units. Nine percent of all jobs in small municipalities were held by Negroes. In terms of proportion employed compared to their percentage of the population, Negroes probably do as well or better in obtaining jobs in small municipal governments as in large ones.[19] For example, the 240 or so small municipalities in the Philadelphia metropolitan area in 1960 had a population of approximately 1,674,000 of which only about 71,000, or 4 percent, were Negro. In 1967, these governments employed approximately 4,300 persons, 400, or 9 percent, of whom were Negroes.

Despite an overall favorable employment-to-population ratio, a large number of municipal governments employed no Negro workers. These include 33 of the 79 municipalities with 100 or more full-time employees and almost two-thirds of those with fewer than 100 employees. In the Detroit area alone, no Negroes worked for 20 of the large municipal governments nor 63 of the small municipal governments.

Employees of special districts—those government units which provide a single service to a specified population—are found in central counties as well as in suburban areas.[20] In fact, 60 percent of all special district employees worked in central counties. Negroes form a much higher proportion of employees of special districts located in central counties than in suburban districts. More than one-third of all special district employees in central counties were Negro; in the suburbs almost one-fourth. Of the 69 special districts surveyed, 20 suburban districts had no black employees; six of the districts with no Negroes were fire protection districts in the Bay Area.

Even though most suburban governments, including cities, towns, and counties, employed Negroes to a degree that was representative of the racial composition of their populations, many municipalities and suburban districts had no Negroes on their payrolls. In the broader context of the entire metropolitan area, the racial composition of local government employment did not approach the racial composition of the metropolitan area in any of the suburban jurisdictions surveyed. Moreover, even though the proportion of Negroes living in the suburbs is small, it can be assumed that many live within reasonable commuting distance of a number of these suburban governments.[21]

Negroes on the Occupational Ladder

The discussion thus far has been concerned with the extent to which minority group members are employed in any capacity with State and local governments. According to this narrow gauge, many of the governments of the surveyed metropolitan areas show superficially good records. But a more accurate evaluation of job opportunities requires an examination of the *level* of the positions held by Negroes in these governments.

In this survey, State and local government jobs were divided into three broad occupational groups: white-collar, blue-collar, and service occupations. White-collar occupations surveyed were subdivided into three occupational categories: managers and officials, professional and technical workers, and clerical workers. Blue-collar workers included two groups: craftsmen and operatives, and laborers. The third group, service occupations, was subdivided into general service workers and protective service personnel.[22] A wide diversity of skill levels is found within each category. For example, the professional and technical occupations range from physicians to licensed practical nurses, from engineers to draftsmen, from CPA's to junior accountants. Clerical jobs vary from executive secretaries for administrators to office boys and the craftsmen and operative group includes both licensed electricians and bus drivers.

Patterns in Central Cities.—Despite the lack of fine gradations in the occupational data collected, it is demonstrably evident that in the public, as in the private sector, Negro employees occupy the lower rungs of the occupational ladder. It is apparent even in those jurisdictions (e.g. central cities) where minority group members are well represented in the aggregate, that they are notably absent from higher level jobs. (See Table 1–4.) In every central city surveyed except San Francisco and Oakland, Negroes filled more than 70 percent of all common laborer jobs. In each of the four southern cities, more than half of all Negro employees on their respective payrolls held such jobs. In northern cities the proportion of Negro employees who worked as laborers was lower, ranging from about 8 to 24 percent. Although in both northern and southern cities, Black Americans were heavily represented in menial jobs, they were more likely to hold such jobs almost exclusively in the South. (See Table 1–5.)

In Atlanta, for example, a city with 6,000 municipal jobs, one of every three city employees is a Negro. However, none is at the managerial level, 18 are at the professional level, and 14 are clerical workers. In Baton Rouge, no Negroes hold managerial or office positions and only five are employed as professionals. Negroes, significantly underrepresented on the city-parish (county) payrolls, are most heavily concentrated in blue-collar jobs. Ninety percent are in blue-collar jobs and almost three-fourths of them are laborers.

TABLE 1–4. *Percent of Negroes in the Population and in Employment by Occupation and by Function for Central Cities Surveyed, 1967*

	San Francisco	Oakland	Philadelphia	Detroit	Atlanta	Houston	Memphis	Baton Rouge
Population, 1965 (est.)	12.0	34.0	31.0	34.0	44.0	23.0	40.0	32.0
OCCUPATIONS								
All occupations	18.5	15.3	40.6	40.1	32.1	19.1	41.7	16.4
Officials and managers	3.1	6.6	21.9	14.4	0	6.1	2.8	0
Professional and technical	9.3	11.1	27.6	22.3	4.5	4.0	32.5	2.2
Office and clerical	9.0	15.7	48.3	41.6	3.3	4.2	14.0	0
Craftsmen and operatives	24.1	12.3	56.6	42.7	16.7	23.7	13.9	20.0
Laborers	24.9	40.0	91.7	81.5	87.0	70.5	96.7	70.4
Uniformed police	3.9	3.2	20.4	4.6	9.1	3.5	5.5	3.8
Uniformed corrections	8.9	**	47.5	45.2	14.0	0	100.0	**
Uniformed fire	.1	4.0	7.3	2.1	11.9	3.5	1.3	2.4
Other service workers	69.5	81.8	84.3	81.0	41.6	30.8	70.8	33.3
FUNCTIONS								
All functions	18.5	15.3	40.6	40.1	32.1	19.1	41.7	16.4
Financial administration and general control	7.9	9.3	35.8	22.1	3.5	2.0	10.9	0
Community development	12.0	24.2	49.9	44.0	37.9	25.3	53.6	37.7
Public welfare	11.4	**	68.0	86.9	**	**	**	**
Police protection	4.9	5.2	24.0	10.1	10.4	4.2	13.8	3.2
Corrections	12.5	**	40.8	36.0	11.3	0	35.8	**
Fire protection	.1	4.3	7.8	3.8	12.1	3.4	2.1	2.7
Health, hospitals, and sanatoriums	40.2	**	51.8	61.4	**	15.9	56.8	0
Public utilities	27.6	32.3	70.4	55.6	59.1	79.9	50.9	31.5
All other	11.8	22.7	42.6	28.8	17.1	18.3	**	12.0

[1] Population percentages are based on 1965 estimates. U.S. Bureau of the Census.

**No function.

NOTE.—Figures are for full-time noneducation employees.

TABLE 1–5. *Percent Distribution of Negro and All Other Employees by Occupation and by Function for Central Cities Surveyed, 1967*

	San Francisco [1]		Oakland [1]		Philadelphia		Detroit	
	Negro	All other	Negro	All other	Negro	All other	Negro	All other
OCCUPATIONS								
All occupations	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Officials and managers	.2	1.5	.7	2.0	1.7	4.0	1.1	4.3
Professional and technical	11.6	24.6	12.1	17.1	12.3	22.0	6.4	14.9
Office and clerical	5.5	12.3	12.1	11.7	13.4	9.8	13.2	12.5
Craftsmen and operatives	28.7	20.8	8.5	10.9	16.5	8.6	21.1	19.0
Laborers	7.8	5.4	23.4	5.6	20.3	1.3	23.9	3.6
Uniformed police	2.3	13.7	3.9	22.2	12.2	32.4	1.9	26.1
Uniformed corrections	.3	.8	**	**	1.8	1.3	.6	.5
Uniformed fire	[3]	13.3	4.8	21.5	1.8	15.9	.4	11.3
Civilian employees in public safety [2]	2.5	3.9	5.4	7.9	4.0	2.5	3.4	3.4
Other service workers	41.0	3.5	29.1	1.0	16.2	2.1	28.0	4.4
FUNCTIONS								
All functions	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Financial administration and general control	3.7	9.7	3.3	5.8	7.1	8.8	3.0	7.1
Community development	9.9	16.4	42.7	23.2	11.7	8.0	16.0	13.6
Public welfare	3.3	5.2	**	**	4.3	1.4	12.5	1.3
Police protection	3.3	15.3	8.7	29.3	15.7	33.8	4.8	28.7
Corrections	1.8	2.9	**	**	2.1	2.1	.7	.9
Fire protection	.1	13.7	5.4	22.3	2.0	16.3	.7	11.7
Health, hospitals, and sanatoriums	41.3	12.9	**	**	18.2	11.6	20.7	8.7
Public utilities	34.8	20.7	21.3	7.9	28.0	8.1	36.4	19.4
All other	1.9	3.2	18.6	11.4	10.8	10.0	5.2	8.7

[1] Spanish Americans and Oriental Americans are not included in the "All other" category.

[2] Includes all managers and officials, professional and technical, and clerical and service workers other than protective service workers employed in police, fire, and correction departments.

[3] Less than 0.1 percent.

**No function.

NOTE.—Due to rounding, percents may not add to 100.0 percent. Figures are for full-time noneducation employees.

TABLE 1–5. *Percent Distribution of Negro and All Other Employees by Occupation and by Function for Central Cities Surveyed, 1967*

	Atlanta		Houston [1]		Memphis		Baton Rouge	
	Negro	All other	Negro	All other	Negro	All other	Negro	All other
OCCUPATIONS								
All occupations	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Officials and managers	0	1.6	1.2	4.6	.3	7.2	0	5.8
Professional and technical	.9	9.3	1.9	11.2	9.5	15.3	1.5	13.5
Office and clerical	.7	10.0	2.6	14.4	3.2	14.3	0	15.2
Craftsmen and operatives	12.6	29.7	19.1	14.2	4.6	20.5	24.5	19.3
Laborers	69.8	4.9	60.8	2.6	53.9	1.3	64.8	5.4
Uniformed police	3.9	18.4	3.0	20.4	1.0	12.6	3.4	16.6
Uniformed corrections	.3	.9	0	.2	.4	0	**	**
Uniformed fire	5.3	18.7	2.9	20.6	.3	16.7	2.4	19.5
Civilian employees in public safety [2]	1.5	3.2	2.2	8.4	3.9	7.0	.3	3.5
Other service workers	5.0	3.3	6.4	3.3	22.9	5.2	3.1	1.2
FUNCTIONS								
All functions	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Financial administration and general control	.6	7.4	.8	10.2	.8	4.7	0	19.8
Community development	30.2	23.4	44.6	27.9	14.0	8.7	66.4	21.6
Public welfare	**	**	**	**	**	**	**	**
Police protection	5.1	20.7	5.0	27.8	4.0	17.7	3.4	19.8
Corrections	.3	1.2	0	.3	1.2	1.5	**	**
Fire protection	5.6	19.3	3.0	21.7	.5	17.1	2.8	19.8
Health, hospitals, and sanatoriums	**	**	4.2	5.3	31.9	17.4	0	.1
Public utilities	53.7	17.6	37.9	1.9	47.6	32.9	20.5	8.8
All other	4.6	10.5	4.5	5.0	**	**	7.0	10.1

[1] Spanish Americans are not included in the "All other" category.

[2] Includes all managers and officials, professional and technical, and clerical and service workers other than protective service workers employed in police, fire, and correction departments.

**No function..

NOTE.—Due to rounding, percents may not add to 100.0 percent. Figures are for full-time noneducation employees.

Philadelphia and Detroit were the two central cities with the best overall employment records in terms of job levels. Although in both cities Negroes were underrepresented in the managerial occupations and in Detroit there was some underrepresentation in the professional occupations, the number of Negro employees in white-collar jobs reflected the population patterns in these cities more accurately than in others.

Department Differences.—Because of the degree of overlap between what people do and where they do it, the concentration of Negro workers in certain occupations necessarily leads to their concentration in certain departments within the city.[23] For example, the heavy representation of Negro workers in laborer jobs is reflected in their concentration in public utilities and community development [primarily streets and highways and sewerage] where they hold the majority of such jobs. (See Table 1–5.) In the four southern cities and Oakland, 60 percent or more of all Negro employees worked in these two functional areas. In the other northern cities Negro workers were less likely to be primarily concentrated in these two functions, but they still represented a substantial proportion of all the employees in such categories. In Philadelphia, Negroes accounted for 70 percent of all public utility employees and 50 percent of all community development employees. In Detroit, Negroes comprised roughly half the employees in each of these two areas.

Minority workers are also strongly represented in public health and hospital work. This appears to be due to the large number of unskilled and semiskilled jobs required for the maintenance of a hospital. In Baton Rouge and Houston, where there were no hospitals operated directly by the city government, the proportion of Negro employees in health activities was low. The cities of Oakland and Atlanta had no health departments or city hospitals; these services were provided by the respective governments of Alameda and Fulton Counties or by a special hospital district. In the other four cities the proportion of Negro employees in the health and hospital category ranged from 40 to 60 percent.

Some jobs in hospitals and other public health facilities appear to have become almost exclusively "Negro jobs." The service jobs in public health, which include such occupations as hospital attendant, orderly, unlicensed practical nurse, nurses' aide, kitchen helper, and food handler, generally are low-paying. From 70 to 90 percent of all service worker jobs in public health facilities in the cities surveyed were filled by Negroes. In those areas where public hospital service to residents of the central city was provided by the central county or a special hospital district, the pattern was the same—the service jobs were overwhelmingly filled by Negroes.

In areas of city government where lower skilled jobs were less plentiful, the number of black employees was also significantly fewer. In general administration activities in each of the cities, there were substantially fewer Negroes than in the city government as a whole. Again, the dif-

ferences between the southern and the northern cities was significant. In Baton Rouge, where 330 white persons held jobs in city offices concerned with administering the government, not a single Negro was employed in these offices. In Atlanta, 11 of the more than 300 persons employed in general administration were Negroes. Of these, 10 were clerical workers and one was a service worker. In Memphis which had the highest proportion of Negro government workers of any of the southern cities, only 11 percent of the employees in government administration were Negroes.

While the concentration of black employees in lower skilled jobs helps to explain why they are well represented in functions which employ substantial numbers of lower skilled workers, it does not entirely explain differences in racial patterns in certain other functional areas. For example, within a given city government the general level of skill and training required of a secretary or typist should not be expected to vary greatly from one department to another. It would be reasonable, therefore, to expect the proportion of clerical jobs held by black employees to be roughly the same in every department within the same city government. This, however, is not the case. Within each of the central cities which employed even a modest number of Negroes in a clerical capacity, there was wide variation in the degree to which they were employed in the various departments of city government.[24] (See Table 1–6.) These jobs are more readily accessible in some departments than in others and in some of the metropolitan areas than in others.

TABLE 1–6. *Percent of Negroes in Office and Clerical Positions by Function in Central Cities Surveyed, 1967*

Function	San Francisco	Oakland	Detroit	Philadelphia	Memphis	Houston
Financial administration and general control	6.9	14.0	31.6	40.7	7.7	1.4
Community development	6.1	8.3	23.6	35.2	3.8	5.9
Public welfare	14.0	**	82.4	46.7	**	**
Health, hospital, and sanitoriums	10.4	**	67.5	66.9	32.3	5.3
Public utilities	6.4	3.6	31.2	41.9	1.2	0
All others	15.4	27.2	29.8	53.4	**	7.1

[1] Two central cities are excluded. Baton Rouge has no Negro clerical employees out of 252 employed, while Atlanta has only 14 out of 422.

**No function.

NOTE.—Figures are for full-time noneducation employees.

Generally, departments which conduct much of their business with the Negro community, employ larger numbers of Negroes. Thus, many black employees were found in clerical positions in welfare and health departments. In Detroit, they accounted for four-fifths of the clerical personnel

in the welfare department and about two-thirds of those in the health department. On the other hand, less than one-fourth of the employees in community development and about 30 percent in financial administration and general control were Negroes. In Philadelphia, they held two-thirds of the clerical jobs in health and hospitals but only one-third of such jobs in community development. In Houston, few Negroes were hired as clerical staff by any of the departments of State and local governments. The city of Houston employed no black clerical employees in public utilities and only five in the health and hospital departments.

Public Safety Departments.—Police departments, fire departments, and correctional institutions—the three basic components of public safety—require special attention because of their unique organization and structure.[25] Police and fire departments made the poorest showing in minority group employment practices in each of the cities surveyed. Although 27 percent of all central city employees surveyed are policemen or firemen, only 7 percent of the Negro employees in central cities were policemen or firemen. Substantial underrepresentation of Negroes was noted on the police forces; there was even less Negro representation in the fire departments. Patterns of employment for uniformed policemen and firemen by race frequently bore no relationship to such patterns of employment for nonuniformed jobs.[26] It is more likely that a Negro can obtain employment with a police or fire department in a civilian rather than in a uniformed capacity. (See Table 1–7.) The only exception to this general rule is Baton Rouge where Negroes apparently are excluded from most civilian jobs. In the other cities surveyed, the proportion of civilian jobs in police departments filled by Negroes was double and frequently triple the proportion of uniformed jobs filled by Negroes. Furthermore, the record of northern cities in this regard was not so very different from the record of southern cities.

In Philadelphia, Negroes made up 63 percent of the civilian employees of the police department compared to a mere 20 percent of the uniformed force. Nevertheless, the Negro proportion of the uniformed police force was twice as high in Philadelphia as in any other city and more nearly representative of the general population. But the overall record for the Philadelphia uniformed police force is not as good when jobs above the operational level are examined. Among policemen with the rank of sergeant or lieutenant only 9 percent were Negro and only three of the 80 men who held the rank of captain or higher were Negro.

The employment record of the uniformed police force in Philadelphia is not approached in any of the other cities surveyed. Only 9 percent of the Atlanta police force was Negro compared to 6 percent in Memphis and 5 percent in Detroit. In San Francisco, Oakland, Baton Rouge, and Houston, less than 4 percent of the policemen were Negro.

The survey showed that few black policemen in the cities studied have achieved a rank above the operational level. Baton Rouge, Houston,

and San Francisco had no Negroes above this level. Oakland had two, one captain and one sergeant, while Atlanta had one Negro lieutenant. In Detroit, 12 Negro policemen were at the level of sergeant or lieutenant; the total number of policemen at these levels in Detroit was more than 500.

TABLE 1–7. *Percent of Negroes in the Population and in Police and Fire Departments in Central Cities Surveyed, 1967*

Central city	Population 1965 (est.)	Negroes as a percent of—					
		Police department			Fire department		
		Total	Civilian staff	Uniformed force	Total	Civilian staff	Uniformed force
San Francisco	12.0	4.9	12.7	3.9	0.1	2.2	0.1
Oakland	34.0	5.2	10.7	3.2	4.3	12.0	4.0
Philadelphia	31.0	24.0	63.0	20.4	7.8	25.3	7.3
Detroit	34.0	10.1	42.7	4.6	3.8	35.1	2.1
Atlanta	44.0	10.4	19.7	9.1	12.1	16.7	11.9
Houston	23.0	4.2	6.0	3.5	3.4	2.8	3.5
Memphis	40.0	13.8	29.2	5.5	2.1	25.0	1.3
Baton Rouge	32.0	3.2	0	3.8	2.7	14.3	2.4

Fire departments in most of the cities surveyed employed even fewer uniformed Negro personnel than did police departments. In four cities—Philadelphia, Detroit, San Francisco, and Memphis—the proportion of jobs for firemen filled by Negroes was half or less the proportion of police jobs. The nadir was found in San Francisco where, at the time of the survey, only one Negro uniformed fireman was employed. Only Atlanta and Oakland employed proportionately more uniformed Negro firemen than policemen, while Houston employed an equal proportion. In the four northern cities surveyed, the number of Negro workers employed as professionals or technicians by the city was many times greater than the number employed as firemen. Only Philadelphia and Oakland were found to have Negro firemen with the rank of captain or above out of a total of 266 firemen in this category. Of more than 2,000 firemen with the rank of sergeant or lieutenant, only 21 were Negroes.

Negroes have fared much better in obtaining jobs in correctional work than in police and fire departments, although there were wide variations from city to city. But compared to police and fire protection, correctional work provides very few jobs in the cities surveyed. On the whole, jobs in correctional institutions accounted for less than 5 percent of all public safety jobs. Neither Oakland nor Baton Rouge had any employees in this area. In the other cities, the number ranges from 16 in Houston to 583 in Philadelphia.

Patterns in State Employment.—The 55,000 State jobs in the survey accounted for one-fifth of the job total. State jobs represented at least 10 percent of non-Federal public jobs in all metropolitan areas; in Baton Rouge they accounted for three of every four jobs.

One area of State employment in which Negroes were significantly absent was police protection. State police forces employed proportionately fewer Negro policemen than the police departments of the central cities. Four State police forces—Louisiana, Pennsylvania, Georgia, and Texas—had no Negro uniformed policemen assigned to the metropolitan areas surveyed. California led with 10 Negro State policemen in the Bay Area. Michigan had only one Negro State policeman in the entire State and he was assigned to Detroit. Tennessee employed two Negro State policemen in the Memphis area. Negro employment in a civilian capacity in State police departments was found to be about equal to that in the uniformed force.

Although Negroes were heavily concentrated in laborer and general service positions in the Northern State governments, they were less likely to have a monopoly on these jobs at the State level than in the northern central cities. Nor were they significantly present in other occupations. The share of State craftsmen and operative jobs filled by black employees was significantly less in each northern area than in the central city government or in private industry in the area. (See Table 1–8.)

On the whole, the minority group employment record of Southern States was found to be exceedingly poor. The State government at Baton Rouge was the least integrated of all State governments studied. Completely dominating employment in the public sector, it provides approximately 4,800 white-collar jobs. Of this total, 23, or less than 1 percent, were held by black workers; two worked at the managerial level; seven held professional jobs; and 14 were clerical employees. Ten of these 23 employees worked in the welfare department. Only in laborer and service worker categories did the proportions of Negro employees approach their proportion in the population of the city or the State. Since Atlanta is also a State capital, State jobs in the Atlanta area likewise assume a special numerical and symbolical importance. Of the 6,111 State jobs located in the Atlanta area about 350 were filled by black workers, one-third of whom work in the State welfare department. Two-thirds of the Negro professionals were employed in the State welfare department, as were 14 of the 18 Negroes in managerial capacities. They held less than 5 percent of the white-collar jobs, but 50 percent of the service worker jobs.

Memphis and Houston, which are not State capitals and, therefore, offer fewer State jobs, have poor records in terms of the number of Negroes on their State payrolls. On the whole, the situation appears better in Memphis than in Houston, especially in the white-collar, skilled, and semiskilled positions, although the functional concentration is marked. Almost 90 percent of all Negro employees in State jobs in Memphis work either in health or welfare.

Collectively, the performance of State governments in the four

TABLE 1–8. *Percent of Negroes in State Employment by Occupation and by Function in SMSA's Surveyed, 1967*

	Total all States	San Francisco-Oakland	Philadelphia	Detroit	Atlanta	Houston	Memphis	Baton Rouge
OCCUPATIONS								
All occupations	17.9	9.6	26.3	36.0	5.6	5.6	27.2	3.5
Officials and managers	5.2	2.3	13.8	8.9	3.7	.6	10.6	.3
Professional and technical	10.0	5.4	15.8	21.3	3.9	3.2	13.8	.4
Office and clerical	18.0	12.7	27.7	42.6	3.9	4.9	12.1	.6
Craftsmen and operatives	7.7	4.8	9.3	11.3	9.9	5.1	26.2	6.9
Laborers	21.4	23.3	12.0	66.5	7.9	11.6	20.3	22.4
Other service workers	51.7	56.5	47.9	61.5	50.0	43.1	71.4	30.5
FUNCTIONS								
All functions	17.9	9.6	26.3	36.0	5.6	5.6	27.2	3.5
Financial administration and general control	11.5	17.8	10.3	27.6	4.4	8.4	9.4	1.2
Community development	5.9	8.7	9.4	7.4	2.9	3.4	5.5	.7
Public welfare	30.2	9.6	33.7	40.1	14.7	6.3	22.8	3.0
All public safety	6.0	5.3	16.4	9.8	2.3	3.1	10.2	1.3
Police	2.2	2.5	1.7	.9	2.5	2.1	4.9	1.4
Corrections	12.2	8.2	44.6	23.1	1.4	11.8	35.3	0
Fire protection	0	0	**	**	**	**	**	**
Health, hospitals, and sanatoriums	28.4	11.4	41.1	42.4	6.5	16.3	45.4	2.1
Public utilities	1.1	1.0	6.3	**	**	**	**	1.6
Housing	33.3	**	**	**	**	**	**	33.3
All other	18.0	7.8	21.8	32.4	7.6	2.6	14.6	12.3

**No function.

NOTE: Figures are for full-time noneducational employees.

southern areas in employing Negroes appeared less successful than the record of the central cities. Much of the difference is attributable to the extremely large number of Negroes who are employed by central cities in unskilled jobs. At the managerial, professional, and clerical levels, they have fared somewhat better in breaking the job barrier in the State than in the central cities.

Patterns in County Employment.—Over 37,000 of the jobs surveyed were with county governments, more than half of which were located in central counties. County jobs accounted for 10 to 20 percent of total State and local jobs within the seven metropolitan areas. Of the 6,400 county jobs held by black employees, 57 percent were located within central counties.

The patterns of employment by function in central counties bear a strong resemblance to those found in central cities. (See Table 1–9.) Again, black employees were most likely to be found in health and welfare activities, and least likely to be found in police work and, in Alameda and Harris, the counties with fire departments, in fire protection positions. The tendency for black employees to be concentrated in specific functional areas was no more pronounced in the three southern central counties than in the northern central counties.

TABLE 1–9. *Percent of Negroes in Central County Employment by Occupation and by Function for SMSA's Surveyed, 1967*

OCCUPATIONS	Alameda San Francisco-Oakland	Wayne Detroit	Shelby Memphis	Harris Houston	Fulton Atlanta
All occupations	20.2	27.0	26.9	6.6	16.6
Managers and officials	6.8	6.0	1.6	4.5	4.2
Professional and technical	8.6	17.0	14.4	8.7	26.3
Office and clerical	14.9	26.3	7.9	3.4	2.2
Craftsmen and operatives	14.3	7.2	12.4	7.9	4.4
Laborers	16.7	21.9	100.0	9.1	36.5
Uniformed police	8.1	25.2	10.0	2.9	5.3
Uniformed firemen	0	**	**	10.0	**
Custodial	52.4	87.7	7.5	9.1	100.0
Nonuniformed public safety	14.8	46.8	3.3	2.1	4.1
Other service workers	63.4	57.7	88.9	16.9	93.3
FUNCTIONS					
All functions	20.2	27.0	26.9	6.6	16.6
Financial administration and general control	8.9	25.0	20.5	4.4	7.7
Community development	19.1	10.2	5.8	6.6	1.3
Public welfare	13.0	37.6	0	18.1	35.7
Public safety	15.7	41.9	8.9	5.0	5.4
Police	7.7	28.7	9.5	3.1	5.1
Fire	0	**	**	5.9	**
Correction	21.0	77.2	7.2	7.2	5.9
Health	35.0	37.1	49.8	19.7	33.4
Public utilities	**	6.1	0	**	0
Miscellaneous	6.4	12.6	7.7	4.0	58.0

**No function.

NOTE.—The city of Baton Rouge and East Baton Rouge Parish though separate geographic entities, also have consolidated governments. In both San Francisco and Philadelphia the city and the county are coterminous and have consolidated governments.

Figures are for full-time noneducational employees.

The occupational patterns were also similar to those of the central city and State jobs surveyed. The share of white-collar jobs held by Negroes was far less than might be expected on the basis of their population in the counties, although in most of the counties they held an absolute majority of the general service worker jobs. Only in Harris County was the proportion of jobs held by Negroes at each occupational level substantially below the proportion found in the county population. Except for Shelby County, where all of the laborers were Negro, and Harris County, where less than 10 percent were Negro, the proportion of laborer jobs held by black employees was substantial but not outstanding.

An interesting contrast was noted between the position of laborers in

central counties and States in comparison to central cities. In the central cities of Detroit, Houston, and Atlanta, for example, Negro workers comprised more than 70 percent of the laborers but in the related central counties of Wayne, Harris, and Fulton the range was from 10 to 35 percent. In State governments, 8 to 23 percent of the laborers were Negro with the exception of Detroit where 67 percent were Negro. It would appear that laboring jobs in State and county governments have not become exclusively minority group jobs as is the case in most of the major cities surveyed.

Patterns in the Suburbs.—The occupational status of Negroes in suburban government employment is low.[27] This analysis reflects data gathered for suburban counties, large municipalities, and special districts. No occupational data were collected for small municipalities. (See Table 1–10.) On the whole, suburban employment patterns differed little from those in the central city. As with central city government, Negroes were notably absent from higher level jobs in suburban government. Laborers and general service worker categories had the largest representation of black workers especially in the South, where, for example, Negroes held more than 70 percent of all general service jobs in suburban Houston. In Atlanta more than half of all laborer jobs were filled by Negroes. In the northern suburbs, Philadelphia had the largest representation of Negroes in these low status positions. Approximately one-third of all laborers and service workers employed by the suburban governments of the Philadelphia area were Negroes.

TABLE 1–10. *Percent of Negroes in Suburban Government Employment by Occupation in SMSA's Surveyed, 1967* [1]

Occupation	SMSA				
	San Francisco-Oakland	Philadelphia	Detroit	Atlanta	Houston
Managers and officials	1.4	5.4	3.3	3.8	2.6
Professional and technical	4.0	8.1	14.7	7.3	4.4
Office and clerical	1.8	5.9	4.7	1.8	1.6
Craftsmen and operatives	5.2	19.3	9.4	22.2	13.1
Laborers	15.9	33.9	4.2	63.4	28.3
General service workers	27.8	31.2	21.3	52.7	71.9
Total[2]	6.3	16.5	8.7	22.0	12.6
Population (1960)	4.8	6.1	3.7	8.5	12.9

[1] Suburban employment in both Baton Rouge and Memphis was less than 100 persons and therefore not included.
[2] Includes public safety occupations.

NOTE.—Figures are for full-time noneducational employees.

With but few exceptions Negroes also hold a disproportionately small

share of the white-collar jobs. In general; this applied to the North as well as the South. Among managers and officials, not a single instance was found in which the percent of Negroes employed was as great as their representation in the population. A significant exception among professional and technical employees was in the Detroit area where the proportion of Negroes was nearly four times greater than their representation in the population. About two-thirds of these black professional and technical employees, however, work in the health professions, most of them as hospital technicians.

Considerable variation was found in the occupational status of black employees within the different types of jurisdictions of the metropolitan areas studied. In nearly all occupational categories proportionately more Negroes were employed by central city governments than suburban governments. In large measure, this reflects the residential distribution of Negroes between city and suburbs. The exception was Atlanta where Negroes comprised a higher proportion of local government employees in the suburbs than in the central city in all but clerical and laborer categories.[28]

Negro Occupational Patterns, Public and Private.—In all the areas surveyed a larger proportion of Negroes enjoy higher occupational status in State and local government employment than in private employment, except in Baton Rouge, where the reverse is usually true. Better access to white-collar jobs is also generally evident in public employment. (See Table 1–11.) The proportion of Negro officials and managers in State and local government was roughly four times that in private industry in the San Francisco area. In the Philadelphia area the proportion in the government sector exceeded that in the private by more than nine times; in the Detroit area, by more than six times.

Again there are relatively more black professional and technical workers in State and local government employment than in private industry. In the Detroit area black employees accounted for 20 percent of this occupational category in public employment compared to only 3 percent in private enterprise. In the Houston area the proportion of black employees in professional and technical occupations in the public sector was four times that in the private sector. Again, Baton Rouge was the exception; proportionately four times as many Negro professionals and technicians were in private industry there.

Negroes constituted the majority of laborers in public employment in all the metropolitan areas except San Francisco. They also comprised the bulk of general service workers in all metropolitan areas except Baton Rouge. In private employment their composition of these segments of the blue-collar work force was generally lower, ranging from approximately one-fourth in Detroit to three-fourths of the general service workers in Baton Rouge.

TABLE 1–11. *Percent of Negroes in State and Local and in Private Employment by Occupation in SMSA's Surveyed, 1967*

Occupation	Standard Metropolitan Statistical Areas					
	San Francisco-Oakland		Philadelphia		Detroit	
	Public	Private	Public	Private	Public	Private
Managers and officials	2.7	0.7	15.2	1.6	8.2	1.3
Professional and technical	7.0	2.6	20.7	3.9	19.9	3.0
Office and clerical	9.3	4.3	30.1	5.8	31.2	5.6
Craftsmen and operatives	15.3	8.1	38.5	13.2	29.4	20.6
Laborers	24.8	24.0	62.3	32.8	58.8	27.3
General service workers	52.5	23.9	54.4	32.9	60.2	29.1
Total	14.8	8.0	36.6	12.2	35.7	14.8

[1] Private employment data is from Equal Employment Opportunity Commission, *Nine City Minority Group Employment Profile* (Washington, 1967).

NOTE.—Figures exclude employees of police and fire departments in the public sector and employees engaged in sales in the private sector. State and local employment figures are for full-time noneducational employees.

TABLE 1–11. *Percent of Negroes in State and Local and in Private Employment by Occupation in SMSA's Surveyed, 1967* [1]—Continued

Occupation	Standard Metropolitan Statistical Areas							
	Atlanta		Houston		Memphis		Baton Rouge	
	Public	Private	Public	Private	Public	Private	Public	Private
Managers and officials	4.8	0.9	4.8	0.7	5.5	1.6	0.3	0.4
Professional and technical	13.5	1.4	12.1	3.0	30.6	1.4	0.6	2.3
Office and clerical	7.8	3.3	4.3	1.9	11.5	2.9	0.5	2.3
Craftsmen and operatives	19.4	16.2	14.7	11.9	15.8	28.2	14.2	13.8
Laborers	76.1	49.5	53.4	40.0	94.5	64.3	60.3	75.9
General service workers	52.0	47.3	56.6	35.7	74.5	46.1	30.9	75.8
Total	27.9	15.2	22.9	11.8	46.1	25.5	7.4	17.4

[1] Private employment data is from Equal Employment Opportunity Commission, *Nine City Minority Group Employment Profile* (Washington, 1967).

NOTE.—Figures exclude employees of police and fire departments in the public sector and employees engaged in sales in the private sector. State and local employment figures are for full-time noneducational employees.

Patterns of Employment for Spanish Americans and Oriental Americans

In the San Francisco-Oakland metropolitan area separate statistics were collected for Spanish Americans and Oriental Americans employed by State and local governments. In the Houston area separate statistics were collected for Spanish Americans. There were 2,800 Spanish Americans employed by State and local governments; 1,400

in the Houston area and an equal number in the metropolitan Bay Area. Approximately 2,200 Oriental Americans worked for the State and local governments in the Bay Area.

In the Houston area, Spanish Americans constituted about 6.4 percent of the population in 1960, and in 1967 they held nearly 8 percent of all the State and local jobs. They were represented in proportion to their population in jobs with the city of Houston and with the State government and especially well represented in jobs with large and small municipalities. (See Table 1–12.) Half of the nearly 1,400 Spanish Americans in non-Federal public jobs in the Houston metropolitan area worked for the city of Houston, 19 percent for special districts, and 13 percent for the State of Texas. Only 64 Spanish Americans were employed by Harris County. They constituted 3 percent of the total number of county employees, although Spanish Americans constituted 6 percent of the Harris County population in 1960.

In the San Francisco-Oakland metropolitan area, Spanish Americans are not found as frequently in State and local jobs as they are in Houston. Although they represented 6.5 percent of the metropolitan area population in 1960, they held 2.4 percent of the jobs in the metropolitan area in 1967. They were underrepresented at all levels of government. About 350 Spanish Americans were employed by the city of San Francisco and an equal number by special districts, located primarily in Alameda County. The city of Oakland employed only 53 Spanish Americans.

TABLE 1–12. *Percent of Spanish Americans in State and Local Employment by Type of Government for the San Francisco-Oakland and Houston SMSA's, 1967*

Type of government	San Francisco-Oakland	Houston
All governments	2.5	7.6
Central city	[1] 2.0	8.7
Central county	1.9	3.1
All other counties	1.5	.7
State	1.9	6.2
Large municipalities	3.3	15.4
Small municipalities	4.5	11.0
Special districts	4.7	8.5
1960 SMSA population	6.4	6.4

[1] Spanish Americans comprise 2.1 percent of the San Francisco city employment and 1.5 percent of the Oakland city employment.

NOTE.—Figures are for full-time noneducational employees.

In both the Houston and San Francisco-Oakland areas, Spanish Americans who *have* obtained State and local government jobs appear to be more favorably distributed in white-collar jobs than Negroes. (See Table 1–13.) They have also had greater success in achieving jobs

in the police departments in Houston but not in San Francisco, Oakland, or in Alameda County.

TABLE 1–13. *Percent of Spanish Americans in the Population and in Central City Employment by Occupation and by Function in San Francisco, Oakland, and Houston, 1967*

Occupation and function	San Francisco	Oakland	Houston
Population [1]	7.0	6.5	6.8
OCCUPATIONS			
All occupations	2.1	1.5	8.7
Officials and managers	0	0	4.5
Professional and technical	1.6	.7	5.3
Office and clerical	1.6	1.5	8.1
Craftsmen and operatives	2.9	2.7	9.7
Laborers	3.7	5.7	18.1
Uniformed police	1.2	.6	6.4
Uniformed corrections	0	**	0
Uniformed fire	1.5	1.1	2.0
Other Service workers	3.2	.5	9.6
FUNCTIONS			
All functions	2.1	1.5	8.7
Financial administration and general control	1.1	.5	4.7
Community development	1.9	2.6	14.9
Public Welfare	2.1	**	**
Police Protection	1.2	.8	8.3
Corrections	2.1	**	0
Fire protection	1.4	1.0	2.2
Health, hospitals and sanatoriums	2.5	**	8.9
Public utilities	3.1	2.2	4.6
All other	2.1	1.1	4.3

[1] U.S. Bureau of the Census, 1960.

** No function.

NOTE.—Figures are for full-time noneducational employees.

In comparison with Anglos,[29] Spanish Americans lag in white-collar occupations. (See Table 1–14.) In the cities of San Francisco and Oakland, where approximately 2 percent of the Anglos working for city government were classified as managers and officials, there were no Spanish Americans in this category. In Houston there were 14 Spanish American managers and officials out of a total of about 300. The proportion of Anglos employed as professionals was also higher in each of the three cities; in fact, it was more than double the proportion of Spanish Americans in Oakland and Houston. In clerical positions Spanish Americans were at less of an ethnic disadvantage.

TABLE 1–14. *Percent Distribution of Spanish American and all Other Employees*[1] *by Occupation and by Function for the Central Cities of San Francisco, Oakland, and Houston*

	San Francisco		Oakland		Houston	
	Spanish American	All other	Spanish American	All other	Spanish American	All other
OCCUPATIONS						
All occupations	100.0	100.0	100.0	100.0	100.0	100.0
Officials and managers	0	1.5	0	2.0	1.9	4.6
Professional and technical	17.6	24.6	7.5	17.1	5.4	11.2
Office and clerical	8.5	12.3	11.3	11.7	11.0	14.4
Craftsmen and operatives	29.9	20.8	18.9	10.9	17.1	14.2
Laborers	10.3	5.4	34.0	5.6	34.1	2.6
Uniformed police	6.2	13.7	7.5	22.2	12.0	20.4
Uniformed corrections	0	.8	**	**	0	.2
Uniformed fire	7.0	13.3	13.2	21.5	3.7	20.6
Civilian employees in public safety[2]	3.8	3.9	5.7	7.9	10.3	8.4
Other service workers	16.7	3.5	1.9	1.0	4.4	3.3
FUNCTIONS						
All functions	100.0	100.0	100.0	100.0	100.0	100.0
Financial administration and general control	4.4	9.7	1.9	5.8	4.2	10.2
Community development	13.8	16.4	47.1	23.2	57.6	27.9
Public welfare	5.3	5.2	**	**	**	**
Police protection	7.3	15.3	13.2	29.3	21.8	27.8
Corrections	2.6	2.9	**	**	0	.3
Fire protection	7.0	13.7	13.2	22.3	4.2	21.7
Health, hospitals and sanatoriums	22.3	12.9	**	**	5.2	5.3
Public utilities	34.3	20.7	15.1	7.9	4.8	1.9
All other functions	2.9	3.2	9.4	11.4	2.3	5.0

[1] "All other" does not include Negro employees. In San Francisco and Oakland, "All other" does not include Oriental Americans.

[2] "Civilian employees in public safety" includes all managers and officials, professional and technical, and clerical and service workers other than protective service workers employed in police, fire, and correction departments.

**No function.

NOTE.—Due to rounding, percents may not add to 100 percent. Figures exclude employees of public education systems.

At the lower end of the occupational scale, in laborer and general service jobs, Spanish Americans were employed in greater proportions than Anglos in each of the three cities. In the protective services, however, Spanish Americans were employed as policemen or firemen in San Francisco, Oakland, and Houston on the average less than half as frequently as Anglos. The greatest discrepancy was in Houston

where 21 percent of all Anglo employees but only 4 percent of all Spanish American employees were uniformed firemen.

The general patterns which existed for Spanish Americans in the three central cities were also present at the State and county levels. Relatively few Spanish Americans were employed by Alameda County and the State of California. Those who did hold jobs with these governments appeared to be distributed among the different occupations and functions in roughly the same degree as in the two California central cities. However, those employed by the State of California were more favorably distributed in the higher occupations. Spanish Americans in the Houston area held only half the proportion of jobs in Harris County that they held with the Texas State government, but their occupational distribution for those was roughly the same. Only one Spanish American was employed as a uniformed officer in the Harris County sheriff's office while no Spanish Americans were employed in any capacity in the State police department.

Because statistics were collected on Spanish Americans in only two areas, and because they represented a smaller proportion of the population than Negroes, generalizations about Spanish Americans based only on this study may have less applicability in metropolitan areas where they are numerically stronger, e.g., Los Angeles or San Antonio. It seems clear, however, that in the two metropolitan areas surveyed, Spanish Americans have more options available to them than Negroes but substantially fewer options than other whites.

Oriental Americans, on the other hand, comprised 3.5 percent of the San Francisco-Oakland metropolitan area population in 1960, but held 6.4 percent of the State jobs in the area and appeared to be well represented in jobs at the county level. (See Table 1–15.) But in the city of San Francisco, which has the largest concentration of Oriental Americans in the area, and in Oakland, the proportion of Oriental Americans in city jobs was approximately half their proportion of each city's population. In fact, there were, in absolute terms, more Oriental Americans employed by the State of California in the metropolitan area than by the city of San Francisco. In combination the State and the city of San Francisco accounted for more than 70 percent of all public jobs below the Federal level held by Oriental Americans in the metropolitan area.

The occupational distribution of Oriental Americans in the San Francisco and Oakland city governments differ markedly from that of the two other minority groups. In the San Francisco government, one-half, and in the Oakland government, two-fifths, of all Oriental Americans were working as professionals or technicians. (See Table 1–16.) Nearly 20 percent of the Oriental Americans working for the San Francisco government were office and clerical workers. These occupations provide a greater proportion of all jobs for Oriental Americans in the city govern-

TABLE 1–15. *Percent of Oriental Americans in the Population and in Employment by Occupation and by Function in Selected Governments of the San Francisco SMSA, 1967*

	San Francisco	Oakland	State	Alameda County
Population[1]	7.9	3.2	3.5	2.7
OCCUPATIONS				
All occupations	4.3	1.6	6.4	3.3
Officials and managers	1.0	0	4.6	4.1
Professional and technical	9.5	4.3	8.4	5.4
Office and clerical	7.6	1.5	8.5	4.0
Craftsmen and operatives	2.1	1.1	.2	0.7
Laborers	1.4	2.9	.9	0.0
Uniformed police	.2	.2	(2)	3.6
Uniformed corrections	.9	**	(2)	0.0
Uniformed fire	.1	0	(2)	0.0
Other service workers	3.8	2.1	.4	0.8
FUNCTIONS				
All functions	4.3	1.6	6.4	3.3
Financial administration and general control	6.7	3.6	4.7	5.0
Community development	5.3	2.9	8.3	2.8
Public welfare	12.9	**	3.9	4.0
Police protection	.9	1.0	.5	0.5
Corrections	4.4	**	1.0	2.4
Fire protection	.2	0	15.8	0.0
Health, hospitals and sanatoriums	6.2	**	6.6	3.0
Public utilities	2.8	1.7	9.1	**
All other	4.8	1.6	7.5	3.2

[1] U.S. Bureau of the Census, 1960.

[2] Public safety employees are distributed between the other occupations.

**No function.

NOTE.—Figures are for full-time noneducational employees.

ment than they did for the majority population. Despite this degree of success, Oriental Americans have not obtained full access to managerial positions. In the Oakland city government, 2 percent of the majority group employees were at the managerial level; none of the Oriental Americans had obtained this type of employment. In San Francisco, 1.5 percent of the majority group employees but less than 0.5 percent of the Oriental Americans were managers.

TABLE 1–16. *Percent Distribution of Oriental American and all other Employees by Occupation and by Function for the Central Cities of San Francisco and Oakland, 1967*

	San Francisco		Oakland	
	Oriental American	All other [1]	Oriental American	All other [1]
OCCUPATIONS				
All occupations	100.0	100.0	100.0	100.0
Officials and managers	.3	1.5	0	2.0
Professional and technical	51.6	24.6	43.9	17.1
Office and clerical	19.8	12.3	10.5	11.7
Craftsmen and operatives	10.6	20.8	7.0	10.9
Laborers	1.9	5.4	15.8	5.6
Uniformed police	.4	13.7	1.8	22.2
Uniformed corrections	.1	.8	**	**
Uniformed fire	.1	13.3	0	21.5
Civilian employees in public safety [2]	5.3	3.9	14.0	7.9
Other service workers	9.8	3.5	7.0	1.0
FUNCTIONS				
All functions	100.0	100.0	100.0	100.0
Financial administration and general control	13.5	9.7	12.3	5.8
Community development	18.7	16.4	49.1	23.2
Public welfare	15.8	5.2	**	**
Police protection	2.7	15.3	15.8	29.3
Corrections	2.7	2.9	**	**
Fire protection	.6	13.7	0	22.3
Health, hospitals, and sanatoriums	27.4	12.9	**	**
Public utilities	15.4	20.7	10.5	7.9
All other functions	3.3	3.2	12.3	11.4

[1] "All other" includes neither Negro employees nor Spanish American employees.
[2] "Civilian employees in public safety" includes all managers and officials, professional and technical, and clerical and service workers other than protective service workers employed in police, fire, and correction departments.

** No function.

NOTE.—Due to rounding, percents may not add up to 100 percent.
Figures are for full-time noneducational employees.

Chapter II

MINORITY WORKERS AND PUBLIC PERSONNEL SYSTEMS

"We can't find qualified people," was one of the most frequent statements made by public officials in the cities studied when defending their lack of minority group employees. The failure to hire minority workers stemmed from a variety of causes. Sometimes it was due to lack of recruiting effort; sometimes it was due to a long and needlessly difficult screening process which eliminated many minority group members; and sometimes to an abiding distrust of the government by the minority community. As a Negro leader in Memphis explained:

> After 300 years of rejection, it takes a certain type of person even to apply when the chances are that he will not be selected even if he is one of the most qualified.[1]

Some governments appear to have a greater degree of success in finding qualified minority workers than other governments, and some departments more success than other departments, even though they all are located within the same metropolitan area labor market.

The survey indicates that qualified minority workers were more readily found for certain occupations than for others, even when the requirements of the jobs suggested that the reverse ought to be true. In each of the central cities surveyed, except Baton Rouge, Atlanta, and Houston and in the large municipalities surveyed in Michigan, there were more minority group persons employed in professional or technical capacities than as uniformed policemen or firemen.

In general the qualifications for firemen are good physical condition and the equivalent of a high school education. The qualifications for policemen are basically the same except for greater emphasis on references, arrest records, and general reputation. Qualifications for professional and technical workers vary widely but routinely include formal training beyond high school and, for most professional jobs, a college degree or its equivalent. It is reasonable to assume, therefore, that in any community there are more people who meet the minimum physical and educational requirements for a fireman than a policeman and for a policeman than for a professional or technical worker. Yet, in Detroit

alone, 675 Negroes served as professionals or technicians, 200 as uniformed policemen, but only 39 as firemen. This suggests that many factors are inherent in the situation beyond the presence or absence of qualified minority group members.

Recruiting Minority Workers

The plea that qualified applicants are not available is the oldest and easiest to make if there is no desire to hire members of minority groups. Failure to look in the most obvious places may be one reason for lack of success. In each of the southern metropolitan areas in the survey there was a predominantly Negro college or university. In three of the four metropolitan areas the 1967 graduating classes of these institutions equaled or exceeded the total number of Negroes employed by State or local governments in white-collar positions.

The predominantly Negro colleges in the Atlanta University Complex and Morris Brown College in Atlanta graduated approximately 810 students in 1967. Negroes employed in professional, technical, or managerial capacities in the city of Atlanta, Fulton County, or the State of Georgia totaled 246. The comparable figure for the Baton Rouge metropolitan area was 14; but Southern University, one of the largest predominantly black institutions in the country, awarded more than 1,000 bachelor and graduate degrees in 1967. In that year, Texas Southern University graduated nearly 450 students; Negroes held a combined total of 131 of the higher occupational positions in the city of Houston, Harris County, and the State of Texas. Although these predominantly black institutions annually offer a central source for potential recruitment of qualified minority applicants, local governments have done little or no recruiting at these schools.

Officials at Atlanta University reported to Commission staff that in 1968 the Georgia State Civil Service Commission had, for the first time, requested a date at the complex to recruit for management training positions. According to college officials none of the local governments, including the city of Atlanta and Fulton County, has ever done any active recruiting at the five predominantly Negro colleges in Atlanta.[2] Counselors at Morehouse College and Morris Brown College told Commission staff that the city of Atlanta and Fulton County have never responded to invitations to recruit at the two colleges. The same request, sent to State and local governments across the Nation, produced recruitment efforts by many northern and eastern governments including the States of Wisconsin, Michigan, New York, Massachusetts, Connecticut, New Jersey, and the cities of New York, Baltimore, and Detroit.

Morehouse College also reported that the college receives a newsletter from the city of Atlanta which indicates job openings, but these

are nonprofessional jobs of no interest to college students. By request, Morehouse has been placed on the mailing list of the Georgia Department of Labor.[3]

The situation is similar in Houston. The city of Houston and Harris County have done no active recruiting at Texas Southern University.[4] The Texas Merit System Council, which recruits for the State welfare department, has sent job announcements to TSU as well as a representative to recruit on the campus. The placement office reported that about 5 percent of a graduating class of 400 usually take jobs as caseworkers in the welfare department. Recently recruiters from the Houston Police Department visited the placement office to request referrals of students interested in police careers. The placement office felt that students would have little interest in these job possibilities because of continued hostility between students and police following racial disturbances at the University in May of 1967.[5]

Southern University in Baton Rouge, one of the largest potential sources for black applicants, reported that the city of Baton Rouge never has recruited at the university for government jobs.[6] Whether the State of Louisiana recruits at Southern is moot.[7] The director of placement stated that some students have applied for positions with the State government, but none has applied for city jobs. He added: "There has been no experience to lead us to believe that such efforts would be profitable." In his opinion more students would be interested in State and local government careers if there were some active recruitment on the campus by the governments.

The nature of such an oversight is revealed in a remark of the personnel administrator for the city of Baton Rouge. After saying that he had personally contacted Louisiana State University, a predominantly white institution of which he is a graduate, in an effort to recruit part-time employees for the finance department, he was asked whether he had made similar efforts at predominantly Negro Southern University. He replied that it had never occurred to him to do so.[8]

Recruitment Techniques

Formal recruitment techniques are rarely used to reach potential applicants, white or black, for public jobs; they are used only when other informal methods do not work. Formal recruiting is expensive and time-consuming and can generate additional expense if it produces for a few openings a large number of candidates who must be put through the testing and selection process.

The only jobs for which the Commission found formal recruitment undertaken in every major city studied were those for policemen.[9] Police vacancies are so common and chronic that officials automatically discounted them in discussing their recruitment problems. In Baton

Rouge, for example, interviewers were told that the city-parish government did not recruit because there was little turnover and expansion.[10] The personnel director of the city of Memphis stated that the city did not suffer from a shortage of job applicants despite the fact that it had no recruitment program. At the same time he said that some recruiting had been done for jobs particularly difficult to fill, such as technically trained hospital workers and clerical workers.[11] A lack of funds was frequently cited as the reason for limited recruitment activities.[12]

When formal recruitment efforts are minimal or nonexistent, jobs are filled in informal ways. "Walk-ins", people who inquire about openings without having been solicited, are sufficient to meet manpower needs for some positions, especially many of the lower skilled jobs. "Walk-ins" usually learn about job openings by word-of-mouth from friends, relatives, neighbors, or from routinely posted notices or they may apply because it is generally known that vacancies usually exist in some departments. The personnel director for the department of public works in Memphis where all but one of 1,200 laborers are Negroes said that there was no need to recruit for these non-civil-service positions because the department had a surplus of applicants of whom all were Negro.[13]

Informal word-of-mouth communication about employment possibilities are not limited, however, to jobs at the lower end of the occupational scale. A personnel administrator in the State government of Tennessee reported that data on the standard application forms for civil service jobs (which include a question on how the applicant learned of the job) indicated that word-of-mouth referral was the most frequent answer given by all applicants.[14]

Informal systems of communicating job information are advantageous to both the employer and the prospective employee. The employer feels that a candidate recommended by a competent employee is a less unknown quantity than a candidate of whom he has no prior knowledge. A job applicant who knows an employee also knows something about the working conditions and about his prospective supervisor. The main problem facing minorities, however, is that they are highly unlikely to have access to many of these informal networks—especially those for white-collar jobs.

In highly segregated urban communities informal networks of communication rarely cross racial or ethnic lines.[15] A Negro is unlikely to learn from a friend or neighbor of a job opening in an office in which few, if any, Negroes are employed. He is most likely to hear of job openings in departments where 80 or 90 percent of the employees are minority group members. The informal system of spreading job information can produce qualified applicants but does little to break down the patterns of employment segregation that exist in various departments and occupations in State and local government.

In governments with little or no formal recruiting activities, minimal steps designed to attract minority members may include printing "An Equal Opportunity Employer" line on application forms and recruitment material or including predominantly Negro schools or organizations in routine mailings. These practices were not found in all of the governments studied. An official in the Houston Department of Civil Service stated to Commission staff:

> We do not advertise that we are an equal opportunity employment agency. Do you think that would help? . . . It might be a good idea.[16]

The city of Philadelphia does not advertise itself as an equal opportunity employer, nor does the State of Pennsylvania.[17] The deputy director of the Pennsylvania Civil Service Commission said that the equal opportunity message is implied and that there should be more emphasis on practicing equal employment opportunity than on preaching it. The director of personnel for the city of Atlanta said that the city doesn't put equal opportunity employer in advertisements because as the director said: "It's understood." [18] The city of Oakland, according to a former employee of the California State Fair Employment Practices Commission, refused to comply with a direct request from the California FEPC to put "Equal Opportunity Employer" in its advertisements.[19]

The staff member responsible for recruiting special groups, including minorities, for the Michigan Civil Service Commission until May 1967 said he had done little in this area but hoped that his successor would do more.[20] In jurisdictions where there was no central hiring or where departments also recruited directly, minorities were frequently neglected in departmental recruitment efforts. The office of the Harris County Tax Assessor, which employs only a small number of Negroes and Spanish Americans, has made no effort to recruit minority group members.[21] Similarly the California Division of Highways, which does its own recruiting for higher level positions, has made no specific efforts to reach minorities.[22]

Where qualified applicants in general are hard to find, recruiters are more likely to take formal steps to secure minority workers. The California State Personnel Board, for example, which does recruit minority group members, reported that 80 percent of its recruitment effort is for specialized professional occupations which are hard to fill.[23] In other cases intensive campaigns to recruit minority members usually have been for those positions which either were hard to fill or which were the target of pressure from the minority community. Some of the most vigorous recruitment efforts have been directed toward filling jobs in human relations commissions and police and fire departments.

When efforts are made to reach minorities, the more frequently used devices have been the communications media directed specifically at minority audiences. For example, the State of California sends news

releases and other job announcements to newspapers which circulate in the Negro and Mexican American communities and to several minority group organizations in the State.[24] Radio stations with programming directed to minority groups also received releases from several governments, including the city of Oakland. In some cases, advertisements are used rather than news releases. City job announcements have been occasionally translated into Chinese and Japanese by the San Francisco Economic Opportunity Council.[25] The success of these special efforts has not been evaluated.

Some government recruiters also have personally contacted organizations and institutions with large minority group memberships. Frequently these contacts do not represent unique approaches to the minority community but merely treatment similar to that afforded white groups. This is especially so in the case of college recruiting. According to field interviews some governments and government agencies [the State of Tennessee, Shelby County, and the Texas Merit System Council] have assigned recruiters to visit Negro colleges.[26] A Michigan official reported that two white recruiters recently spent two days each at four Negro colleges in the South. Some of the Michigan State civil service examinations were requested and administered by placement offices in these schools, but no students passed them. The program was suspended after officials decided that it was unsuccessful and too costly.[27] The chief of recruitment of the California State Personnel Board reported that his staff wrote directly to 25 major Negro colleges and met with California alumni of 17 of these colleges. He said the effort failed because of inadequate follow-up.[28] Officials of the Louisiana Civil Service Department, the Louisiana Department of Public Welfare, and the California State Personnel Board reported that recruiters from their jurisdictions explained employment opportunities to minority group organizations and urged members to take civil service examinations.[29]

The importance of a strong personal element was emphasized, especially with respect to Mexican American recruitment, by the assistant director of the Catholic Youth Organization of California:

> . . . [P]sychologically we [Mexican Americans] tend to be reactive and passive, and I think that goes back to our history. . . . So because of this we need a special thrust. . . . There have been some special, specific programs unique to the Mexican American's emotions and social withdrawal, to go into high schools, to small groups and person-to-person contact to orient them to the opportunities available.[30]

At the present time, Spanish Americans are underrepresented not only among employees of the State of California[31] but among applicants for State jobs.[32] A California civil service official reported that it was his experience that once he persuades a few Mexican Americans to apply for a particular job, other Mexican Americans will also apply.[33]

Despite the obstacles to this form of minority group recruiting, one of the simplest recruitment techniques is to encourage minority group employees to inform their friends of job openings. This method was reportedly successful in Michigan and California. The personnel director for the Michigan Department of Health believed that his efforts to encourage minority group employees to recruit by word-of-mouth was one of his most productive sources of finding minority group employees.[34] The success of this method obviously is limited to departments and occupations with significant minority group employment.

Problems in Recruiting

The limited efforts to recruit minorities in the cities studied suffer from two basic weaknesses. First, most recruitment techniques were used on an *ad hoc* or spur-of-the-moment basis, rather than as part of a comprehensive, systematic, and sustained minority recruitment program. Many efforts appear to have failed because of lack of preparation and failure to follow through. Second, no government studied had a sound program of evaluation of minority recruitment techniques. Although officials interviewed were able to tell Commission staff of specific efforts they had made, they were frequently unable to give more than impressions, or guesses, of the success of any specific approach or strategy.

In the absence of definite information on the subject, there is disagreement on the efficacy of various techniques and strategies for reaching minority group members. The use of media directed at minorities, for example, was rejected by a white city official in Baton Rouge (where it was not employed) and by a Negro poverty worker in Philadelphia (where it also was not employed) on the same grounds: Negroes who read newspapers read the major local dailies in addition to the Negro newspapers.[35]

Among those public officials and members of the minority community who had considered the subject, there was agreement that recruiting cannot be successful unless it is done in good faith and the black workers hired are given full equality on the job. The only black employee in one department of Shelby County charged that he and Negroes in other departments were "showcase" employees.[36] When this attitude prevails among minority employees, it was found to reinforce the minority community's suspicions of tokenism.

The Minority Worker and Job Requirements

The ultimate goal of a recruiting program—placing minority workers on the job—depends upon much more than enticing people to apply. If job requirements are high and unrealistic, if the screening and selection processes are long and frustrating, and if overt or subtle discrimina-

tion occurs along the way, the most successful recruitment program may leave employment patterns relatively unchanged.

In civil service systems job requirements are standardized for all similar positions and formalized in a classification plan. In jobs not covered by a civil service system, requirements may be standardized and formal, or they may be informal and *ad hoc.* In Harris County, which does not have a merit system, the county clerk stated:

> I have a personnel man. . . . The personnel man has all kinds of tests that he gives them—personality, typing, etc.—but I just look them in the eye. I do about as well as he does, perhaps better, on predicting the success of the employee.[37]

The tax assessor in the same county described his personnel operations as follows:

> I need temporary employees at auto licensing time. . . . As a general rule I select the best of these, the most competent, to be my permanent employees. . . . I am my own personnel officer. I hire, fire, promote, etc. We give no tests. We use the performance during their temporary employment and I interview them. I have this theory that I can take anyone and make a clerk out of them. The exception to this is the person who is just no good at all.[38]

Because of the diversity of personnel practices in systems that are not based on merit, only the operation of job requirements in civil service systems is discussed here.

Education and Experience

Minority group members, on the average, show a lower level of educational attainment than the general population. Consequently, any specific educational attainment requirement will automatically screen out a higher proportion of minority group members than others. If educational requirements are set higher than necessary, they automatically eliminate minority group members who could actually perform the job. Similarly, experience requirements, if not essential to the job, may operate disparately for minority members in those fields in which it has been difficult for them to acquire experience. A former Texas placement counselor gave this view of the problem:

> All the places want the cream of the crop when it comes to hiring minority group members. The jobs open are those requiring experienced people and minority group members just don't have the experience. It works sort of like the grandfather clause.[39]

The process of setting education and experience requirements for a given position consists of analyzing the job in terms of the knowledge and skills required to perform the necessary work. These must "in turn be translated into the specific or general education and/or experience requirements that are deemed to demonstrate the possession of such knowledge and skills."[40] According to O. Glenn Stahl, an authority

on public personnel administration, "This is a weak link in many selection systems. . . . There is a great temptation to translate skills needed into concrete education and experience requirements *arbitrarily.*" (Emphasis added.)[41]

Some of the persons interviewed by Commission staff maintained that education and experience requirements are often set too high. The director of the Alameda County Health Department said that many positions go unfilled due to unreasonably high qualifications and invalid testing procedures.[42] A union official spoke of the severe problem in recruiting members of minority groups because of the retention of needlessly high standards of education.[43] During the depression when college graduates were taking truck driver tests, high qualifications standards were developed, an assistant to the mayor of Detroit noted. The standards still have not been changed for the purpose of finding jobs to fit the qualifications of individuals rather than to fit individuals to the job.[44]

The Commission found little evidence that jurisdictions are reevaluating the educational and experience requirements with a view to increasing opportunities for minorities in existing jobs. New programs aimed at disadvantaged persons usually have minimal, if any, educational and experience requirements, but these usually are established outside the regular civil service and frequently consist of specially created subprofessional occupations.

At the time of this study the Michigan Department of Civil Service was in the process of reviewing all of its 22,000 job classifications, a time-consuming and involved task in any jurisdiction. In the course of this review, experience requirements for the position of State bank examiner were studied. Negro leaders argued that by stipulating as a prerequisite a certain number of years experience in commercial banks, virtually all Negroes are excluded since banking has long been an occupation closed to Negroes. The State then initiated an on-the-job training program for its bank examiners.[45]

Written Examinations

Written examinations are required for most entry white-collar positions and frequently for promotions as well. In fact, the Federal merit standards require that a written examination be administered for most positions covered by the standards.[46] The only lower-level occupation specifically exempt from coverage is that of janitor.[47] Some of the larger governments studied by the Commission prepared their own written examinations. More often governments relied on examinations prepared by a national professional group, such as the Public Personnel Association, and based on national norms which may not be applicable to a given local area.

The testing process generally is recognized as one in which minorities are less likely to succeed than other persons. The written test was

reported by officials in several governments to be a stumbling block for minorities. The personnel officer for the California Department of Employment said that he recruits nonwhites in large numbers but many are disqualified when they fail the written examination.[48] Wherever studies of differential rates of passing for various groups have been undertaken, the results show that written tests screen out proportionately more minority group workers than nonminority group workers. In California studies have been made of 60,613 applicants for jobs with the State of California and approximately 40,000 applicants for jobs with 20 large county governments in that State. The results of written tests by ethnic group are:

Group	Percent "passing" written examinations [49]	
	State of California [50]	California counties [51]
Majority	58	42
Oriental American	46	33
Spanish American	42	31
Negro	27	24

A study by the city of Berkeley, California, provides further evidence that the written examination is crucial:

> The examination statistics showed that Negro candidates were failing at a much higher rate than Caucasian candidates on the written tests. The results also showed that among those candidates passing the written tests, there was no significant difference on a racial basis, among those qualifying and failing to qualify on the interview, skills tests and other selection procedures.[52]

The reasons why minority groups do not perform on the average as well as members of the majority group on written tests are many and complex. There is a substantial and growing literature on this subject.[53] In simplest form the problem can be stated as follows: most written examinations were developed by white middle class individuals to be administered to white middle class individuals. It is in recognition of this fact that the term "cultural bias" is used in connection with tests.

A culturally biased test can effectively discriminate against minorities if it eliminates from consideration minority group members who can perform the required duties as readily and efficiently as majority group members who pass the test. This situation can be avoided by using for entrance and promotion examinations only tests which have been validated for the positions for which they are being used. A test is valid when there is a definite relationship between how well the individual

scores on the test and how well he subsequently performs on the job. Each of the governments in which the Commission conducted interviews relied on unvalidated written tests and many officials charged that they fail to measure job performance.

A former executive director of the San Francisco Human Rights Commission said that written examinations screen out people before finding out if they can do the job.[54] The director of the Detroit Commission on Community Relations said that written tests as now composed do not in all instances effectively test for the job for which they were developed.[55] A staff member of the State welfare merit council of the California Department of Social Welfare said of the written examination for social workers: "We're testing for something, but we don't know what." [56] An official in the Texas Employment Commission spoke of the "unreality" of some of the examinations required by the Texas Merit System Council for entry level professional jobs of employment interviewer and employment counselor. He said that he was unable to find a direct correlation between scores on the examinations and the quality of performance of employees selected from the eligibility lists.[57]

Test validation* is a complicated, expensive, and time-consuming operation under the best of circumstances. The validation of tests under a traditional civil service system, however, is even more difficult since civil service rules prohibit the hiring of an applicant who fails an examination. A personnel official for the State of California said that validation of State tests had not been possible since, in order to validate the tests, persons with low, middle, and high scores would have to be hired in order to compare their job performance with their test performance. Since the merit system is based on the principle of hiring the best qualified persons, test validation has not been possible.[58] Pointing to the same problem and to the fact that a different written test is used each time for positions with frequently scheduled examinations, the director of testing in the Michigan Department of Civil Service said that he contents himself with testing reliability† on the assumption that if tests are reliable, they are more likely to be valid.[59]

Despite the difficulties involved in test validation, the U.S. Department of Labor currently requires that all government contractors and subcontractors eliminate tests unless such tests have been demonstrated as job related and reasonably able to predict ability to perform.[60] This

*Validity refers to the accuracy with which a test measures whatever it purports to measure. Validity is measured in coefficients ranging from 0.00 to 1.00 which indicate how well the test can predict performance.

†Reliability refers to the consistency with which a test measures whatever it purports to measure. Reliability is measured in coefficients ranging from 0.00 to 1.00 which indicates how often the same person or persons with similar traits, abilities, and characteristics will make the same score or very near the same score upon retesting with the same or equivalent tests.

requirement stands in marked contrast to the Federal requirement that State governments shall use written tests for all State jobs covered by Federal merit standards but makes no condition concerning the validity or reliability of tests. To fulfill the Federal requirement for a written test, the Shelby County Personnel Director gives an Intelligence (I.Q.) Test for all county health department positions. In his opinion the test measures only how well and how fast one can read. He feels that he could develop a much better job-oriented test for maids and porters, but, the county personnel office does not set the policy. So he administers this test, not because he has faith in its validity, but because the Shelby County Health Department requests it; the State office in Nashville advises it; and the regional office of the U.S. Department of Health, Education, and Welfare in Atlanta accepts it.[61]

In governments which rely heavily on unvalidated tests, there are steps that can be, and in some cases have been, taken to reduce the difficulties for minority applicants. The taking of such steps, of course, requires an awareness of the problem. Frequently, government officials did not acknowledge that any problem existed. A high official in the Memphis personnel department said he failed to see how "a test can discriminate by race." [62] In Oakland, a civil service official told the survey interviewer that he "does not necessarily believe that there is a culture bias in tests, as generally defined." [63]

One of the simplest steps that can be taken to improve test performance is to eliminate factors which increase the tension and stress associated with the testing situation.[64] In Louisiana the State director of personnel said that the practice of using segregated seating during examinations had been discontinued and that a school which did not permit Negroes on the grounds was no longer used for a testing site.[65]

In Michigan, civil rights leaders have charged the State police district recruiting offices with discriminating against Negro applicants. It had been alleged that white policemen assigned as recruiters discouraged black applicants by creating unfavorable conditions for taking the written test and by administering unfair physical tests. Candidates now are allowed to choose between taking these preliminary tests in their district recruitment offices or at the civil service central offices.[66]

In a Texas State agency, Negro typists who had been hired on a temporary basis were required, after a certain period, to take a typing test in accordance with merit system regulations. It was found, perhaps due to a lack of familiarity with the typewriter on which the examination was taken, that many of the temporary Negro typists who were performing effectively in their actual work assignments were failing the typing test. In order to give them the maximum chance to pass, the test was administered to these applicants on their own typewriters. The result was an increase in passing grades.[67]

Other relatively simple techniques which have been employed to en-

hance the individual's test performance include allowance of ample time for the candidate to take the test and, if he fails, the opportunity to be tested again within a reasonably short period of time. Instances of government personnel offices which follow such procedures, however, are rare. The Michigan State Police Department doubled the allotted time for the trooper examination because a committee reviewing the examination felt that it favored the individual who could read rapidly—an ability desirable but not essential in a good State policeman.[68]

The time that must elapse before an individual can repeat a written examination which he failed is often controlled by the frequency with which the examination is offered. Some jurisdictions, such as Alameda County, give examinations only once a year for each position.[69] In a few cases the length of time between the administration of tests is much longer. The director of employee relations for Wayne County Hospital, where Negroes are employed in large numbers, charged that the Wayne County Civil Service Commission sometimes waited 3 or 4 years to administer a test for some hospital positions. During this time the hospital met its manpower needs by hiring provisional workers.[70] In jurisdictions which offer some examinations on a continuous basis there are usually prescribed waiting periods before a test may be repeated. In Detroit, for example, an individual must wait 90 days before he can be retested.[71]

In Memphis, the civil service department will review an applicant's examination if he requests it.[72] On occasion the department recommends that an applicant review a particular skill that may have caused him to fail the examination. A labor official in Detroit charged that candidates were unable to review their examinations. This statement was contradicted by officials of the civil service commission who said that an individual may review his test upon request within 90 days and that this policy was "pretty well publicized." [73]

A few governments have attempted to assist minority group members to pass the tests by providing preparatory material. The California State Personnel Board sends all candidates for certain jobs a four-page booklet which shows what test materials will be used and provides sample questions with answers.[74] San Francisco has simplified the instructions for written examinations in response to a finding by a State study that instructions on examinations were confusing to many applicants. The Human Resources Team established by the mayor of Detroit taught individuals how to take civil service tests.[75] But training courses to prepare candidates for examinations have been limited, however, almost exclusively to jobs in police and fire departments.

Compared to efforts to improve the testing environment, Commission staff found even fewer examples of critical review of test content. In California, a State civil service official reported that a panel had reviewed 34,119 test items and suggested changes for 1,619 items.

Most of the suggestions had to do with sentence construction and vocabulary.[76] A State official reported that all but one of the items the panel found to be objectionable were violations of the guidelines on test construction issued by the State personnel board and, therefore, did not reflect a built-in bias in the guidelines themselves.[77] At the urging of civil rights leaders, the Michigan State Civil Service Commission and the Michigan State Civil Rights Commission reevaluated the entrance test for State troopers.[78] Although no significant changes in tests were made, the evaluation committee found that the passing score was unnecessarily high and eliminated too many potential candidates. Subsequently the passing score was lowered and the time limit for taking the test extended.

Finally, the disadvantages of the written test may be eliminated by eliminating the test itself. The San Francisco Civil Service Commission has done this for such jobs as porters, orderlies, kitchen helpers, janitors, and school custodians. It relies only on an oral interview and on education and experience as a measure of qualification.[79]

Oral Tests

In the governments studied by the Commission, oral tests were frequently used in addition to, or in lieu of, written tests. Where both were used, oral test results were combined with written test scores and sometimes with an education and experience rating to produce the applicant's final score. In some jurisdictions, the oral test counted for as much as half the final score.

Oral tests differ from the employment interview which is an informal get-acquainted meeting with the officer who makes the final selection. The oral test is a planned and structured event which strives for objectivity.[80] Nevertheless, it attempts to measure traits which are inherently subjective.

> Oral tests of individuals to ascertain knowledge or achievement are rare in the public service. . . . Public jurisdictions have, however, used oral testing to measure attributes of behavior, such as poise, leadership, alertness, social awareness, speaking ability, and general responsiveness to social stimuli, that are not readily ascertained through other means.[81]

Customarily, the oral test is conducted by a three-member board composed of a personnel officer, a departmental representative, and a private citizen, although there are variations on this pattern.

Oral tests were the subject of considerable criticism in the northern jurisdictions studied but have caused less concern in the South where they are not as frequently nor as extensively used. The unavoidable element of subjectivity in the oral test enhances the role individual board members play in its outcome. Government officials in several jurisdictions acknowledged that oral examinations can be manipulated

by board members. This has led to the charge that they are frequently manipulated to the detriment of minority groups.

The charges reported to Commission staff included discrimination on the part of board members, lack of minority representatives on boards, emphasis on traits not significantly related to the job, and the selection of board members with no experience in dealing with minority group members. A Negro judge in Oakland, California, related that over the years he had heard many complaints about the treatment of Black Americans in the oral examination. He added that minority members rarely serve on the boards and that the examinations are conducted "in an atmosphere of racial conservatism," with little understanding and little sympathy for the employment problems facing Negroes.[82] He said that when he, himself, had taken an oral examination for a city job some years ago, he had been asked his name, his college, and his reason for taking the examination. He was subsequently notified that he had failed the test.[83]

An employment specialist with the Oakland office of the Bay Area Urban League told Commission interviewers that he had been a member of an Oakland oral board for truckdrivers. The 40 candidates, 35 of whom were Negroes, were employed by the city as streetcleaners. They had successfully completed a special training course to upgrade them to truckdrivers, passed a road test, and passed a written examination before they appeared for the oral test. The employment specialist discovered that his rating of these candidates frequently differed significantly from those of the other two board members, who were city officials, because they stressed factors such as the ability to articulate which he did not consider particularly relevant to truck driving.[84] He added that, so far as he knew, he was the only Negro ever to be a member of an oral board in Oakland.

Despite the concern about use and abuse of oral tests in the governments investigated, Commission staff found only one jurisdiction in which the experience of minorities on oral boards had been systematically examined. A survey conducted by the California State Personnel Board showed that minorities did as well or better on oral tests than majority group members.[85] For several reasons the results of the California survey do not necessarily hold for oral tests given by other jurisdictions under other circumstances. The oral examination, which is used for all positions with the California State Government, is administered only to persons who have passed the written examination and who, therefore, constitute a preselected group. The California study indicates that many Negroes fail the written examination and, consequently, never have the opportunity to take the oral test.[86] Under conditions in which the written examination has been simplified or eliminated, the oral examination may have a different effect. In addition, the oral tests given by the State of California are rigidly structured. The State per-

sonnel board believes them to be the most formal oral examinations given by any jurisdiction in the country.[87]

The chairman of each oral board is an employee of the State personnel board who has had a minimum of 20 hours of formal instruction in conducting oral interviews. The departmental representative and the private citizen who sit on the board are sent advance material on the duties and responsibilities of the board members. The candidate is sent a pamphlet entitled "You and Your Interview" to help him understand and prepare for the interview.[88] Before the tests begin, the chairman gives the other board members half an hour of personal instruction which includes a briefing on the particular problems of minorities. The private citizen sitting on the board is chosen for his experience in interviewing or in other personnel contact work. If possible, each oral board is integrated.[89] Finally, each oral interview is tape recorded—a fact which may influence the conduct of the examination—to provide a record which can be consulted should any questions or complaints arise.

A few other jurisdictions employed some of these practices, although they had not studied the experience of minorities with oral examinations. Both San Francisco and Philadelphia tape the oral test.[90] San Francisco sends candidates for the oral test a booklet on how to prepare for it and what to expect.[91] The San Francisco Civil Service Commission also has issued instructions that a minority person must serve on each oral board.[92]

In the absence of concrete information on Negro performance on oral examinations, governments say it is difficult to ascertain whether orals operate as a barrier for minority members and, thus, difficult for the governments to respond to charges that this is so.

Performance Tests

A third method used to evaluate the applicant's qualifications is the performance test. This consists of requiring the applicant to perform the actual tasks associated with the job for which he is applying. The most common performance tests are for shorthand, typing, and driving. Performance tests also have been used by State and local governments for office machine operators, for printing and building trades craftsmen, and for boat crews, as well as for such occupations as chemical analysis, fingerprinting, cable splicing, surveying, transplanting flowers, and designing engineering plans.[93]

Commission staff discovered an increasing interest in the potentials which performance tests offer minority group members since they eliminate the language problems posed by written tests. An assistant to the mayor in Detroit stated that he believed the only way to get equality of opportunity was through the use of performance testing.[94] The International City Managers' Association has called the performance test "the most straightforward kind of examination," and says that: "Super-

visors, candidates, and the public all understand [performance tests] and accept their relevance for selection," and that: "Performance tests also make it more feasible to reduce or eliminate arbitrary minimum requirements yet assure that only qualified candidates will be placed on eligible lists." [95]

The use of performance tests can avoid the anomalous situation reported in Baton Rouge. A Negro who repeatedly had failed the written examination for mechanic was hired as a custodian and is paid a custodian's salary even though he performs as a mechanic. His supervisor believes he is more competent than his white coworkers who are compensated at a higher level because they have passed the written mechanic's test.[96]

Personnel administrators criticize performance tests primarily on the grounds that they are time-consuming and extremely expensive to administer. They cite the difficulty of designing adequate work samples and objective scoring methods in certain occupations.[97] The two jurisdictions studied by Commission staff which had had the most experience with performance tests were the city of Philadelphia and the State of California.

Philadelphia used performance tests widely for lesser skilled jobs until a few years ago. At that time the mayor requested that the city civil service commission use fewer performance tests because he felt they were subject to manipulation. The civil service commission did so, but found that reliance on written tests alone was unsatisfactory. Last year the civil service commission asked the mayor for permission to use performance tests more extensively. Although he did not reply directly to the letter, the mayor's office indicated informally that there would be no objection to a wider use of performance tests. The city of Philadelphia, however, does not use performance tests as widely as it did originally.[98]

But Philadelphia has continued to use a performance test for the job of window washer. A personnel officer maintained that a potential window washer could be asked five questions about detergents but his answers would provide no indication of how well he could wash windows.[99]

The State of California, which has been using performance tests for several years for certain occupations, launched a program a few years ago to develop and use such tests for a wider range of occupations. In the initial phase of the program, two industrial psychologists at Sacramento State College developed and conducted a course in performance test construction for the California State Personnel Board. As part of this undertaking, they were asked to give particular emphasis to developing ways of providing tests that could be administered by representatives of the employing departments with a minimum of training in test administration. They were also asked to develop scoring

methods that would be sufficiently objective so the results could be indisputably accepted.[100]

During the 2 years following the completion of this course, the personnel board staff increased its production and use of performance tests. An ethnic census made previously had shown that minority group members were only a little more successful on performance tests than written tests. The board found, however, that the performance tests were much more acceptable than written tests to most minority group members because they could see a direct application of the test to the job. The California State Personnel Board staff believes that performance tests will prove to have higher validity than the written tests they are replacing.[101]

Arrest and Convictions

The use of arrests and convictions as disqualifications for public employment affects members of minority groups more adversely than it does the majority group. Black Americans over 18 years of age, for example, are about five times more likely to have been arrested than whites.[102] The reasons for this difference are varied and complex. Studies seeking to explain this difference have suggested a strong link between a disproportionate rate of arrests and the fact that Negroes are more likely to suffer from economic and social disadvantage—poor housing, low incomes, more limited job prospects—than whites. Negroes and other minorities are also more likely to be arrested without probable cause. The fact that the majority of male residents, estimated between 50 and 90 percent, of urban slum areas have some sort of arrest record indicates the magnitude of the problem.[103] As the California Fair Employment Practice Commission has noted:

> In neighborhoods and areas having a high proportion of disadvantaged people and characterized by gang activities it is frequently the practice of the police to "bring in" for questioning, individuals or groups. A careful distinction should be made by prospective employers between *arrests* for questioning, *arrests* followed by acquittal, and convictions for breaking the law.[104]

All of the jurisdictions surveyed by the Commission reported that they investigated potential job holders for possible police records. All claimed, however, that they distinguished between arrests and convictions. No central city, central county, or State which the Commission studied automatically excluded an applicant with an arrest record from employment in nonpolice jobs. Only five jurisdictions automatically disqualified an applicant with a conviction record.[105] Most others limited automatic disqualification to convictions for a felony, or a crime involving violence or moral turpitude. Juvenile offenses usually were treated more leniently, but they were rarely ignored.[106]

Although none of the jurisdictions studied excluded applicants from employment merely because of an arrest, all but four required applicants

to furnish information on all arrests, except those for minor traffic violations, and all required the applicant to furnish information on convictions.[107] Such information was requested on the application form which a potential job candidate ordinarily must prepare as the first formal step in obtaining a government job. State and local government job applications also routinely included a statement that false or incorrect answers to any questions were grounds for disqualification. The application form for the State of Pennsylvania and for the city of Detroit contains an oath which applicants must sign. The Pennsylvania oath states that the signer is aware that giving of false information or concealment of fact subjects him "to prosecution for perjury or other criminal violations as punishable by law."[108]

In contrast to the warning that falsification jeopardized job opportunities, few application forms offered hope to the job candidate that truth in reporting of arrests and convictions was not equally jeopardizing. At the time of Commission investigations, only application forms of the State of California and the State of Michigan contained a statement describing the treatment of information on arrests and convictions.[109] The San Francisco application form specified that any applicant who had been arrested or convicted should request a separate policy statement.[110] At the time of the study, the States of Louisiana and Pennsylvania were preparing to revise job applications to include a statement that arrest or conviction records do not automatically disqualify a candidate for employment.[111]

Despite the availability of the policy statement to city job applicants in San Francisco, a staff member of the San Francisco Human Rights Commission felt that the presence of the arrest and conviction question on the application blank discourages many minority group job seekers.[112] He favored eliminating the question, relying solely on a record check before hiring to avoid problems of discouragement and the potential problems raised by false or misleading information.[113]

No government reported that its policy on arrests and convictions for civilian applicants appeared in recruitment materials. Some stated that, under certain circumstances, the matter was discussed with the applicant. The city of Oakland informs an applicant when an arrest or conviction record is the specific cause of rejection. Alameda County and the city of Detroit reported that the policy was discussed with the applicant if he inquired about it. Delaware County reported that the application was routinely discussed with the applicant and the significance of the question on arrests and convictions explained. The State of Georgia does not inform applicants of its policy on arrests and convictions because: "We don't assume they are crooks." [114]

Although liberal policies on arrests and convictions frequently are not publicized, personnel officials often penalize applicants who have been less than truthful about their records. The Alameda Civil Service

Commission reported to the Commission staff that an applicant who falsified his police record was likely to be rejected.[115] A personnel official in the Houston Civil Service Department said:

> The municipal employees have a physical, TB, and police check. We lose some on the police check because they are not honest with us. If they are honest about their records we will hire them. We recently hired an ex-convict who did real well until he contracted TB.[116]

The district personnel officer of the California Department of Public Works, Division of Highways, stated that he was more concerned about the applicant's ability to tell the truth on an application form than his police record.[117] A question on arrests and convictions, however, is not a test of truthfulness for a person without a police record.

Almost all governments studied did not rely only on the information furnished by the applicant, but supplemented it with checks against FBI fingerprint records and with State and local police. The FBI check, which is available to all State and local governments free of charge, provides information on arrests but not on their dispositions.

Police checks can be run on the individual at any point in the hiring process. The later they are made, the fewer the persons on whom they will be made, since some applicants will have dropped out or will have been screened out for other reasons. Several governments do not run police checks until the individuals have been hired. If such individuals are then found to be undesirable, this information becomes part of a *firing* decision rather than of a *hiring* decision, and a firing decision is not as lightly made.

When the policy of a jurisdiction on the matter of arrests and convictions is to judge each case individually, the standards used in these judgments become critical. Most jurisdictions reported that they considered such factors as age, recency, frequency, type of offense, subsequent conduct, and nature of the job applied for. A policy which takes these factors into account, however, may be liberally or conservatively applied within the same jurisdiction unless adequate guidelines and supervision are given to each person with responsibility for implementation.

Arrest and conviction policies which were liberal both in design and execution were reported by some jurisdictions. The civil service commission for the city and county of San Francisco reported that 90 percent of the applicants with arrests and/or convictions gained eligibility on civil service lists. In describing how arrests and convictions were used to evaluate the applicant, the Commission stated:

> Such records are used to assist in predicting the suitability of the applicant. Special attention is given to indications of integrity on the part of the applicant. Evidences of hostility, abuse or authority or bigotry may be significant. It is important that juveniles be pro-

tected from molestation, that there be no abuse of dependent people. Positions concerned with the security of property or money require special screening. Positions involving motor vehicle operation must show a record of safe driving. At all levels indications of alcoholism should be noted.[118]

The California State Personnel Board described its policy in part as follows:

> Persons with arrest and conviction records are entitled to receive thorough and tolerant consideration on an individual basis, taking into account the social and humane need for their rehabilitation as well as the requirements of the position for which they apply.[119]

The personnel administrator for the civil service commission of Philadelphia explained the general attitude of the civil service commission toward arrests was that if the city government cannot offer a man with an arrest record a job, where else in society will he find a position? He added that many of the laborers working for the city have been arrested as many as nine times.[120] In some jurisdictions a primary concern is that persons convicted of certain crimes are not placed in specific positions for which they would be deemed unsuitable. For example, the Michigan Department of Civil Service reported:

> Certain types of convictions automatically exclude an applicant from certain types of jobs. For example, a person convicted of embezzlement or forgery would not be considered for a cashier position or similar positions handling funds. Persons convicted of sex offenses are not considered for positions at Boys Training School or Girls Training School. This is not absolute, but varies with the degree of offense and the applicant's behavior since the first offense.[121]

A final aspect on employing persons with arrest and conviction records concerns the number of persons within the government who have access to the applicant's record and have the power to disqualify him. The greater the number of persons involved, the greater the difficulty in assuring that each is conforming to the policy of the jurisdiction. The person in the operating agency who makes the actual hiring decision may apply a different set of criteria to police records than those used by the personnel department.

The governments studied handled this problem in a variety of ways, but very few limited dissemination of this information to the confines of the personnel department. One which did was the city of Detroit where the information is made available to the rating examiner who uses it in determining the final selection rating of the job applicant. From that point on it plays no part in the selection process.[122] The director of civil service in the city of Houston maintains complete custody of arrest and conviction information.[123] Some jurisdictions make the information available to the operating agency only if it is requested. In others, the applica-

tion form with all the details on arrests and convictions is routinely made available to the individual making the final hiring decision. In some jurisdictions the individual's record becomes part of his permanent personnel file. In such cases there is opportunity for this information to be considered in subsequent personnel actions, such as promotions.

General Requirements

Most State and local governments studied imposed requirements on job applicants which were unrelated to the job. Examples of these are citizenship, residency, voter registration [Louisiana and Baton Rouge], and party affiliation [Delaware County, Pennsylvania]. The degree to which such general requirements present a barrier to minority group members varies both with the specific requirement and with the geographic location of the government in which the requirement obtains.

Citizenship. — United States citizenship is either required or is considered desirable for persons seeking jobs in the major jurisdictions surveyed by the Commission. In some cases the requirement is embodied in law; in others, in civil service regulations. In a few localities citizenship is subsumed under another requirement, such as the preference for jobs given to registered voters in the State of Louisiana. In some jurisdictions a declaration of intent to become a citizen satisfies the citizenship requirement. Practically all jurisdictions, including the Federal Government, have some requirement in regard to citizenship.[124]

In the context of the present survey, citizenship rules rarely work a hardship on Negroes who, with few exceptions, are native born. In Texas and California, however, many residents of the Spanish-speaking culture are not United States citizens and there are resident aliens from the Far East in California. Nearly one-quarter of a million Texas residents were aliens in 1966; nearly 200,000 of them were Mexican nationals. In California there were nearly 800,000 resident aliens. Almost half of these were of Spanish, Central American, or South American origin; more than 325,000 were from Mexico. The records of the Immigration and Naturalization Service for 1966 show nearly 47,000 noncitizens from Far Eastern countries and nearly 20,000 from the Philippines in California.[125]

In the State of Texas (for jobs under the Texas Merit Council) and the city of Houston the citizenship requirement is satisfied if an individual declares his intent to become a United States citizen. In California, however, a State statute prevents aliens from holding any State or local government job.[126] Testifying before an open meeting of the Commission's California State Advisory Committee, Raul Castillo, a Mexican, stated:

> I am a construction worker and I work in Local 300. When we want to work on the highways, one of the requirements is that we be citizens of the United States. Why do we have to be citizens to dig a ditch or to pick up rocks? . . . My sons and my wife are all American citizens and I have to work to maintain them.[127]

Other informants point out that the citizenship rule may preclude the disadvantaged among noncitizens from taking part in special training or New Careers Programs for jobs in the public sector.[128]

Residency.—Of the 21 jurisdictions surveyed during the study's field investigation, all but five had some form of residency requirement for public employees. Nationwide, more than 85 percent of both central cities and suburban municipalities have afteremployment residency requirements of one type or another. Of the central cities nearly half make residency afteremployment a condition for all public jobs but only one-fourth of the suburban jurisdictions do so.[129]

The requirements vary. Atlanta and Houston have none.[130] Memphis and Philadelphia require that the job applicant must have lived in the city for 1 year prior to appointment and to continue living there once appointed.[131] In Detroit nonresidents may be hired if no qualified residents are available, but once hired employees must live in the city.[132] In San Francisco the applicant must live in the city, but once employed, he may live anywhere within 30 air miles of city hall, a range that includes many suburban areas.[133] Oakland applies the residency rule only to lower level jobs.[134] Baton Rouge limits city jobs to registered voters of East Baton Rouge Parish.[135] Most jurisdictions can waive residency rules when they recruit for jobs requiring special skills or for hard-to-fill positions, or when it is "in the interest of the city" to do so.[136]

The Commission found no evidence that residency rules, in general, present a major obstacle for minority group members who want to obtain public employment. Most Negroes live where the greater public job opportunities are. On the other hand, there are many communities that practice racial discrimination in housing in which case a residency requirement would be discriminatory. For example, San Leandro, a white suburban community in the San Francisco area, has a residency requirement for city employees. According to a city official, the rule is enforced only for garbage collectors, maintenance men, and park service personnel. Although San Leandro recruits outside of the city, it employed only one Negro in 1967.[137]

Residency rules affecting all applicants, including minority groups, have been criticized as not being in keeping with the principle of hiring on merit and as restricting the pool of applicants from which local governments can hire.[138] In its 1960 model for municipal personnel rules and regulations, the International City Managers Association recommended that residence be considered a selection factor only when applicants were otherwise similarly qualified.[139]

Voter Registration.—The State of Louisiana and the city of Baton Rouge have provisions giving strong preference to registered voters thereby subsuming both citizenship and residency and severely limiting job opportunities for nonregistrants. Louisiana State Civil Service Rules require that those who pass an examination shall be ranked according

to their rating scores "except that registered voters of the State of Louisiana and citizens of the State who are under 21 years of age shall be ranked ahead of all other eligibles." Baton Rouge will accept non-registrants only when "after diligent effort, it has been found impracticable to obtain a sufficient number of eligibles who are residents of the parish of East Baton Rouge and, if over twenty-one (21) years of age, are qualified voters of the parish of Baton Rouge . . .".[140]

These requirements, superficially innocuous, present a serious job barrier to Negroes. Before the passage of the Voting Rights Act of 1965, only 32 percent of voting age Negroes in Louisiana were registered to vote compared to 81 percent of voting age whites. Although significant progress has been made against voting discrimination since the passage of the act, only 59 percent of voting age Negroes were registered in Louisiana in October of 1967 compared to 93 percent of voting age whites. The comparable figures for East Baton Rouge were 33 percent for Negroes and 86 percent for whites prior to the act; after the act only 58 percent of the Negroes were registered to vote while nearly all whites were registered.[141]

In its recent study of political participation in the South, the U.S. Commission on Civil Rights found numerous instances in recent years of harassment and intimidation of Negroes who participated in voter registration drives in Louisiana.[142] On the order of the U.S. Attorney General, Federal examiners have been appointed to list eligible voters in nine of the 64 parishes in Louisiana.[143] These circumstances, coupled with the history of disenfranchisement of Negroes throughout the South, indicate that voter registration requirements for public jobs in Louisiana still create a significant job barrier for them.

Party Affiliation.—Party affiliation as a requirement for government jobs, while probably rare, is not an obsolete policy. According to officials interviewed by Commission staff, Delaware County, Pennsylvania hires on a strictly controlled political basis. A Republican county commissioner stated that only registered Republicans are employed and, once employed, are expected to support the party by working for and contributing to its organization.[144] He added that although about 63 percent of the Negro voters are registered Republicans, most of them vote the Democratic ticket.[145]

The Probationary Period

The final requirement placed upon the job candidate by civil service systems is that he give satisfactory performance during the probationary period. After the candidate is hired he is on probation for a period which ranges from 90 days to a year, although a 6-month probationary period is most common.[146] While on probation, an employee can be dismissed at any time for failure to perform his duties satisfactorily.

After the probationary period is over the employee has tenure (also called "civil service status") and it is extremely difficult to dismiss him.

Since the probationary period is designed to allow officials to dismiss employees easily, and since employees dismissed during the probationary period have few, if any, rights of appeal, there is a possibility that employees may be terminated arbitrarily during this period. The chairman of the San Francisco Economic Opportunity Council stated that it was obvious that the regulations concerning probation could easily be abused.[147] Commission staff examined probations to see if minority members were dismissed at a higher rate during the probationary period than other employees. They found no evidence of this. In fact, very few employees are ever dismissed during the probationary period by the jurisdictions studied. California, for example, made 21,047 permanent appointments during fiscal year 1963–64 but terminated only 147 persons during the probationary period, a rejection rate of seven-tenths of 1 percent.[148]

Professional public personnel administrators see the probation period as a continuation of the process of testing the applicant's qualifications which begins with the written test. In stressing the need and importance of a probationary period, they have acknowledged the lack of perfection in other testing procedures. The Commission of Inquiry on Public Service Personnel has characterized probation as "the policy of considering no appointment final until the appointee has demonstrated his capacity in his work." [149] The International City Managers' Association has called probation a period of "crucial importance since no job test yet devised is infallible," and has added: "Supervisors should make the fullest use of this last hurdle of the selection process." [150] The U.S. Civil Service Commission has described the probationary period as "an unparalleled opportunity for determining an employee's fitness for Government work." [151] It further states:

> The initial screening of an employee for a Government position is made on the basis of several examining devices, such as written tests, evaluation of experience, interviews, and reference checks. These initial screening processes do not always give a true indication of the employee's ability to perform on the job; experience has shown that a certain number of job applicants do not have the skills or character traits essential for Government although they have already passed the initial screening tests.[152]

Personnel people generally believe that too few separations occur during the probationary period.[153] In making this point, they have emphasized the need to eliminate unqualified persons who were not screened out earlier in the testing program. Very little attention has been paid to the other side of the issue. If other testing devices are so imprecise as not to eliminate all unqualified applicants, this same imprecision may result in the elimination of persons who are qualified

and who would demonstrate their qualifications during the probationary period.

The probationary period is, in fact, a performance test of considerable duration and, as such, the most clearly job-related test that has been devised. This suggests that the probationary period should be used more frequently as the major selection mechanism, rather than as the final safeguard it now is.

Perhaps one reason this has not been done is that the probationary period comes at the end of the long process of recruiting, screening, and selecting. Each new employee represents a considerable investment of time and money.[154] Consequently, personnel officials are reluctant to lose that investment by rejecting the employee during the probationary period. The amount of time and money already invested in a new employee, however, could be reduced by eliminating the earlier screening devices. The following argument has been advanced against this approach:

> This, of course, cannot be done if the employer must earn a profit or work on a budget that demands any measure of economy, unless the trial and training period is subsidized. It will not work under a competitive system if the supply of applicants is greater than the demand. Nor is it possible if lack of skill will result in substantial injury to employees, equipment, or the work program.[155]

Between the two extremes of using the probationary period as the only selection device and using it as a last double check on employee qualifications lies a large potentially productive area in which there is room for personnel systems to experiment with traditional techniques. Formal qualifications and standards for passing written and oral tests can be reduced rather than eliminated. Governments can make studies to determine if the constraints of efficiency and economy will permit a higher rate of rejection during the probationary period than they now do.

The probationary period has been used as the major selecting device in Detroit's total action against poverty program (TAP).[156] In 1965, with funds from the Office of Economic Opportunity and the Department of Labor, TAP created a three-stage career ladder consisting of the positions of "community aide," "counselor," and "senior counselor." Minimum age is set at 21 and perference is given to heads of households. The primary screening device is the employee's on-the-job performance. No written test is given, although there is an oral interview on the applicant's community experience and education. An eighth grade education is preferred but not required.

The community aide positions were created as 20-hour-per-week jobs. It was subsequently decided that the services the aides provided were in sufficient demand to justify their employment on a full-time basis. By February 1968, there were 290 full-time community aides employed, and more would have been employed had funds been available.

As the program is organized, all counselor vacancies are filled from the pool of community aides. A written examination is administered which tests the applicant only on that knowledge and experience which he has gained as a community aide. Since a sizable number of the most effective community aides, as evaluated by their supervisors, has been unable to pass this test, TAP is now conducting a study to determine the reason and ascertain means of remedying the situation. The agency officials feel that this program has been successful and has provided an excellent opportunity for the less educated applicant to demonstrate his ability and to perform a service to the community.[157]

The Minority Worker on the Job

Recruitment programs which are well planned and executed and job requirements which have been stripped of irrelevant and nonessential elements cannot, by themselves, assure that greater numbers of minority workers will enter public service. The decisive factor is the minority worker's attitude toward the government as an employer. This attitude is most often influenced by the experience of other minority workers on the job.

Promotion

Promotional opportunities for minority employees are critical factors in the achievement of equal employment opportunity. Minority persons interviewed in all governments studied repeatedly criticized their limited access to higher level jobs and to supervisory positions. The survey data provide some support for these charges in that minorities are underrepresented in the official and managerial occupations.[158] The data, however, are not sufficiently detailed to deal with the most common types of promotions—those made within the general occupational categories used in this survey.

Promotion is a process of selection from inside the system. Consequently, many of the problems encountered in entry selection reappear. Promotions are generally based on one or more of the following factors: education and experience, length of service, performance, written and oral test results, and such character traits as leadership, personality, and cooperation. Stahl found that none of these factors alone is adequate as a measure of qualification for promotion and that appropriate combinations must be devised for each instance.[159]

Of the several factors considered in measuring promotion potential, those not present in entry selection are performance, supervisory evaluation, and length of service. In non-civil-service governments, promotions may be based entirely upon supervisory evaluation. This method, for example, was found to be in use in Shelby County.[160] In Michigan, supervisory evaluations account for one-quarter of the final

score.[161] The problems presented here stem from the extent to which the evaluation is subjective and to the possibility of discrimination. Two Philadelphia respondents charged that supervisors' evaluations frequently are used against minority group employees who become eligible for promotion.[162] This, they stated, is accomplished by systematically lowering efficiency ratings from "outstanding" to "satisfactory." An official of the Michigan State Civil Rights Commission said that it is quite common in Detroit for a Negro employee to get high efficiency ratings until he has accumulated enough seniority for promotion at which point his ratings begin to decrease.[163] A Memphis respondent noted that "ratings include ability for leadership but Negroes are never given the opportunity to lead so how can they be rated on leadership?" [164] In Houston where the supervisory rating is one factor in determining promotions, an official openly admitted that "minority group members are not promoted as quickly as whites." [165]

Seniority or length of service is another factor which is often said to limit promotional opportunities for minorities. In many areas, since minorities have been systematically excluded from employment in the past, they are not on equal footing with majority group employees. Seniority, however, often is a test of endurance rather than of ability. One public personnel expert says that:

> . . . some highly inbred government organizations take satisfaction in a tightly knit promotion-from-within-policy. Yet they are far from the best-run agencies in their respective jurisdictions. Too often there has been an over emphasis on seniority. . . . Over-emphasis on "years of experience" still plagues many agencies in their effort to achieve objectivity in selection for promotion. Quite often the highly touted "20 years of experience" is merely one year of experience 20 times.[166]

Stahl found, however, that while some public units give seniority an arbitrary weight on promotion examinations, the great majority merely provide that seniority shall be given consideration.[167]

Seniority carried varied weight in several of the jurisdictions studied in considering individuals for promotion. In Oakland, it accounted for 10 percent of the final score. In Fulton County, up to 10 extra points were given for seniority. One respondent emphasized the need to recruit Negroes into the Oakland government, especially as policemen and firemen, to insure favorable promotion opportunities in the future. He said it was especially crucial since a large number of employees hired immediately after World War II will be retiring in a few years.[168]

The Commission's study found several examples in which emphasis on seniority was a barrier to minority promotion. An Atlanta personnel official confirmed that black employees were not promoted at the same rate as whites because "seniority is involved" and "Negroes have not filled many jobs until recently." [169] In Detroit, all promotions in the fire

department are made solely on the basis of seniority.[170] Detroit bus drivers are promoted in similar fashion; promotions rely heavily on seniority and, because Negroes have only recently been hired in large numbers, most of the supervisors are white. Now, however, 60 percent of the drivers are Negroes and emphasis on seniority will not be racially significant in future promotions.[171]

Except where seniority is the sole or primary factor, the promotion system is frequently more flexible than the entry process. There are a number of ways in which an advanced level position can be filled: (1) by open competitive examination where anyone who meets the prerequisities can compete; (2) by closed competitive examination for which only specific incumbent employees are eligible; (3) by a noncompetitive examination in which the individual merely obtains a passing score; (4) by a combination of other factors such as recommendation or seniority. It also is possible for an individual to be promoted or advanced at the discretion of his agency. For example, in Louisiana, a civil service official reported that employees earning less than $400 per month can be promoted as long as they meet the basic job requirements.[172] In Detroit, a department may approve an in-service promotion without clearing it through the civil service commission if the employee has been in-grade for 1 year and is not being promoted more than two classes.[173]

Flexibility, however, inevitably leads to manipulation. The chairman of the board of supervisors for Wayne County has said that there is a "subtle agreement" between department heads and the civil service commission. Through this arrangement, he said, some county department heads reject Negroes who are at the top of civil service job eligibility lists and fill vacant positions with white persons who are transferred from existing county jobs. He said: "Department heads always have some sort of reason for rejecting the Negro applicant, but the whole process is repeated too many times to be unintentional."[174] A similar situation also is said to exist in Detroit, according to the secretary-director of the Detroit Commission on Community Relations. He feels that the area of promotion and the policy toward departmental transferring leaves a wide area of individual latitude that may result in discrimination.[175]

General charges of discrimination in promoting minorities were found in several jurisdictions. In Oakland, a former consultant of the California State Fair Employment Practice Commission related an incident in which a dark skinned Mexican American failed an oral promotion examination because of "personality and attitude problems." The FEPC reviewed the case and ruled it was clear and conscious discrimination. The Oakland Civil Service Commission, when asked to reconsider the case, agreed only to have a minority person as a member of the next oral panel.[176]

At a 1966 open meeting held by the Tennessee State Advisory Com-

mittee to the U.S. Commission on Civil Rights, the executive secretary of the Memphis Branch of the National Association for the Advancement of Colored People charged the Shelby County government with discrimination and said:

> In the Engineers Department there is one air conditioner maintenance man. He receives the pay of a porter. However, he trains whites in air conditioner maintenance, but he doesn't receive pay in this category. . . .
>
> In the Record Room Department there is one Negro, who in some instances does work out of her category, but she is classified as a maid. There is one Negro with a higher classification in this department.[177]

At the same meeting a county commissioner presented an outline of an affirmative action program designed to upgrade black employees. Among the steps taken he cited on-the-job training programs and a special screening of all black employees to determine who might be qualified for upgrading. As a result eight black employees were upgraded.[178] These promotions evidently were of a minor nature for the data collected in this survey indicate only one black employee classified in the official and managerial category and two black supervisors in the corrections department.

Personnel officials in Memphis stated that Negroes were a small minority among supervisors and that no black employees supervised white employees.[179] The reluctance to allow Negroes to supervise whites may account for the extremely small number of black employees in supervisory positions in the South as well as in some northern agencies. In the Memphis Public Works Department, most of the laborers are black and most of their supervisors are white. This situation contradicts statements of department officials that they prefer to promote from within before seeking new personnel.[180] One official stated that labor foremen are hired or promoted on the basis of a written examination and black laborers do not qualify. "In fact," he said, "many of the laborers are plain darn lazy and satisfied with a laborer's salary."[181]

In 1965 the San Francisco Human Rights Commission collected data on city employees by race, occupation, and whether the job was an initial entrance, promotion, or executive appointment position.[182] Although the data do not indicate length of service, they do provide some insights into where minorities stand with respect to promotions. An official responsible for collecting the data indicated that length of service may not be a crucial factor. Based on his experience with the San Francisco Civil Service Commission and the Human Rights Commission, he stated that Negroes tended to have more experience than whites in service, institutional, and transport occupations, yet the proportion of Negroes in promotion level jobs was smaller than the proportion of whites.[183]

The data showed that the proportion of employees in promotive as

opposed to entrance or appointive[184] positions was about equal for the majority group and Oriental Americans (31.3 percent and 33.0 percent, respectively), but was considerably lower for Spanish Americans and lowest for black employees (13.7 and 10.7 percent, respectively.)[185] The representation of Negroes in promotive positions is exceptionally weak in the white-collar occupational groups. Only 3.5 percent of black employees in semiprofessional and technical positions are in promotive positions compared to 31.0 percent of the majority group, 38.5 percent of Oriental Americans, and 25.0 percent of Spanish Americans. Black representation in promotive positions is more variable in the blue-collar and service worker occupational groups.

The San Francisco data, then, suggest that the promotion rate for Negroes and Spanish Americans is lower than that for other employees.

The regular collection of promotion data by other jurisdictions would enable each government to assess its promotion policy and practices.

Prejudiced Attitudes and Biased Treatment

Blatant examples of discriminatory treatment of minority employees were reported to, or observed by, Commission staff in several governments. Segregated facilities, segregated work assignments, social ostracism, and lack of courtesy were all reported to exist.[186] One San Francisco department head reportedly refers to Negroes as "boys" and Orientals as "Chinamen."[187] In the South, Negroes are often called "boy" or other inappropriate names. In Shelby County, it was reported that instead of saying "Mr." or "Mrs." some white employees used the terms "reverend" or "doctor." In the same county a recently upgraded Negro is not welcome at the lunch table with his white colleagues.[188] The public works department in Detroit was alleged to assign workmen to crews on a segregated basis.[189] The park commission in Memphis used integrated staffs on "integrated" playgrounds but no black workers are assigned to white area playgrounds.[190]

In Louisiana, the building housing the department of highways has maintained segregated washroom facilities in spite of the fact that the Governor ordered that all signs designating segregated facilities be removed from State buildings.[191] When questioned about the signs, a top official of the department stated that this policy would not change because "I don't think it [desegregated washrooms] is healthy for the employees of this department." Drinking fountains are not segregated, but he felt this was not inconsistent with his views on washrooms because, he said: "There's no way they can get their mouth [sic] down on a drinking fountain."[192]

Such an example of blatant racism openly admitted by a public official is atypical. Other public officials, however, revealed obviously prejudiced attitudes to Commission staff. A Houston official stated bluntly: "I will admit that there is prejudice here. I am prejudiced

myself. I am a Texan." [193] A high level staff member of the Pennsylvania Civil Service Commission said that if given three secretarial candidates of whom one was black, he "would naturally select one of the two white secretaries." He explained that he felt that "A boss must be able to identify with his secretary and a sense of closeness must prevail." He stated that: "It would be normal to assume that a boss would enjoy a close relationship with a secretary of his own race." [194] A district personnel officer of the California Department of Public Works emphatically stated that 99 percent of disciplinary actions in the maintenance department were against nonwhites. When he checked his files, he found that 99 percent of disciplinary actions were against white, not black employees.[195]

In Baton Rouge, the director of finance was asked if he would hire a Negro. He responded by asking the interviewer if he would steal a million dollars.[196] The personnel director of the Georgia State Highway Department, explaining why there was no black secretarial help in the department, said:

> There are no Negroes at all there. It will be a while before we do hire them. The people in the office don't want them. We are not required to hire them by the Civil Rights Act of 1964. . . . States and municipalities are excluded by the Civil Rights Act from hiring Negroes. . . . But I am sympathetic to them. I'm not opposed to hiring a nigger.[197]

Far more common than these direct expressions of racial prejudice were the expressions of indifference to the subject of equal employment opportunity. Many officials showed no concern about current issues in the field of equal opportunity. Again and again personnel people conveyed the belief that their responsibility in equal opportunity hiring stopped after they had selected eligible applicants from lists on a nondiscriminatory basis. They assured Commission staff that they followed this rule to the letter. But concern with some of the less obvious inequalities discussed in the preceding sections, such as excessively high qualifications or testing devices which do not fairly evaluate potential job performance, was not seen as part of the job. The Oakland Department of Streets and Engineering illustrates this point. An official stated that he believed that minorities in his agency were probably promoted as fast as whites. While he agreed that "it would be useful" to collect promotion statistics since "you can't tell now that promotions are equal," he was more concerned about the paperwork involved although he "would not object" in principle to collecting promotion data. This official is not involved with evaluating employment tests, but he looked at a few some years ago and was satisfied with their fairness although he admitted he had "no particular basis for saying that." [198]

Still other officials refused to recognize overt discrimination as a problem but instead placed the blame on minority members. One

southern official said: "I don't think they [Negroes] are educating themselves well enough to take advantage of the opportunity of employment." [199] The director of a northern county civil service commission expressed the opinion that, as a whole, black employees in his county have a bad attitude toward employment and responsibilities.[200]

A general lack of sensitivity to the reluctance of minorities to apply for jobs in governments and agencies with reputations for discrimination was evident in the South. A Louisiana administrator in the department of highways assured Commission staff that all jobs are open to Negroes and dismissed the need to communicate this to the black community.[201] This department (the same one with segregated washroom facilities) has six black employees out of a total of 1,499. The sentiments of the black community were expressed by a local civil rights leader:

> Black people know that people at the Capitol are white. We know our place. We know we're not supposed to be there. . . . It's not a question of what's on the books—it doesn't need to be. We can get the picture in a lot of ways. . . . This fear of working in white men's jobs just permeates the State. Most Negroes are afraid of white people, afraid of working with them, and think they are inferior to them.[202]

A white official in Atlanta recognized this problem when he said: "When you walk into City Hall, you will see that it is a white man's world." [203] This general feeling was expressed in other governments. When visible government—those working in city halls, county courthouses, and State capitols—tends to be all-white, the sincerity of a government's commitment to equal opportunity is seriously questioned by the minority community.

The Minority Worker and the Merit System

The American civil service or merit system in public personnel administration was initiated in the latter part of the 19th century as a means of improving government service and providing opportunity for government employment not found in the patronage or spoils system. A merit system in modern government is defined in its broadest sense as "a personnel system in which comparative merit or achievement governs each individual's selection and progress in the service and in which the conditions and rewards of performance contribute to the competency and continuity of the service." [204]

Twenty-three of the 50 States have merit systems covering more than 50 percent of their employees.[205] All 50 have at least limited civil service coverage for employees administering certain Federal grant-in-aid programs. Every city of more than 500,000 and 95 percent of cities with 100,000 or more residents also have some form of merit employment. On the other hand, less than 5 percent of the Nation's counties have a

merit system.[206] Many small and medium-sized cities also lack genuine merit systems covering their employment policies.

Of the 21 major governments studied by the Commission on Civil Rights, all but three—Harris County, Texas; Delaware County, Pennsylvania; and Shelby County, Tennessee—have some type of merit system. The employees covered in the various jurisdictions range from virtually all employees in 12 of the governments to those only employed in health, welfare, employment security, and civil defense agencies in the State of Texas.[207]

Equal Opportunity in Merit Systems

By definition, the merit principle in employment precludes discrimination. Yet this study found frequent evidence that a merit system in itself does not guarantee equal opportunity for minority members. Employees of the State of Louisiana, for example, are covered by an extensive merit system but the State's employment of Negroes outside the area of education is far lower than that of Shelby County in Tennessee which has no merit system. Both the city of Philadelphia and the city of Baton Rouge have broad civil service systems. In 1967, Philadelphia had one of the best records among jurisdictions surveyed for employing members of minority groups; Baton Rouge one of the worst. Both Delaware County, Pennsylvania and Harris County, Texas employ without regard to a formal civil service system. In 1967, Negroes made up about 13 percent of Delaware County's total work force, but less than 7 percent of Harris County employees.

> A study by the U.S. Conference of Mayors made a similar finding: While it might be expected that city merit employment systems would assure nondiscrimination and high levels of minority worker participation in government employment, no general correlation can be made between the patterns of minority employment and the existence of such systems. . . . Apparently, the so-called "merit system" is not the automatic safeguard it has been represented to be.[208]

Administrators of merit systems have frequently violated the merit principle and practiced conscious, even institutionalized, discrimination. Many governments with merit systems, including Atlanta and Memphis, at one time maintained two lists of eligible candidates—one for whites, another for Negroes. Although both cities have discontinued these separate registers, the fact that they were once accepted as part of a merit system indicates that a merit system structure alone does not assure compliance with the principle of merit. In Memphis, the personnel director stated that department officials continued to request the race of applicants even after the two lists were merged.[209] The director of personnel for the city of Atlanta stated: "In 1951 everyone was put on the same basis. We still didn't encourage Negroes to apply for all

city jobs. We started doing this in 1962." [210] A former member of the mayor's equal employment commission in Atlanta reported that the mayor had admitted to his agency that there was discrimination in city employment practices and urged the city personnel director to "see if he couldn't make the merit system work." [211]

In addition to overt discrimination, merit system structures often embody practices and procedures which no longer meet the needs of the current period and serve to inhibit the opportunities of minority group members. Examples of such static procedures, all discussed in detail earlier in the text, include the use of an unvalidated written test as a mandatory requirement for job selection, rigid education and experience requirements, and automatic disqualification for an arrest or conviction record.

These rigid and often unrealistic procedures are not inherent in the principle of merit. John W. Macy, Jr., former Chairman of the U.S. Civil Service Commission, has said: ". . . a merit *system* is a personnel system built on merit *principles*. The principles are few and fundamental; the system is changeable and must be shaped to the environment of the present, not the past." [212]

Another merit system expert has stated:

> Because a merit system *evolves*, is it any less a merit system? Is it impure if new modes of measurement are discovered, if the utility of education is given more direct recognition, if you find that low capacity people do simple jobs better than high capacity people? Why don't we simply think of modern merit systems as representing the results of new findings and new applications of merit? [213]

The idea that merit system procedures need not be rigid and unchanging finds support in certain current practices. Within the rigid framework, merit systems frequently do lend themselves to administrative flexibility. The internal mechanics are often applied in a variety of ways, giving the public administrator considerable discretion to impede or to promote equal employment opportunity. Among the most susceptible to manipulation are the examination "passing" mark, the civil service register or list of eligibles, and the selection procedure.

The Flexible Passing Grade

Qualifications are generally considered to be a factor in the personnel process which remains constant. In many jurisdictions, however, the passing examination grade may vary each time a test is given on the theory that there is no point in having too many or too few people in the "eligible category." [214] In such cases the passing score is usually determined by the number of eligible candidates needed. One authority has justified this practice as follows:

> When there are too many, those eligible but not selected are mislead into false expectations; when there are too few, the needs of the service are not met.[215]

In a recent report to the mayor, a special task force on police recruitment and hiring found that the Detroit Police Department has a flexible passing point on its examination for patrolman which is raised or lowered with each group taking the examination. Each group is graded on a "curve"; some members of each group always pass and some always fail. Under such a procedure, a group with a large number of capable persons will have a high cutoff point, and a less capable group a lower cutoff point. Thus, individuals in a high ability group may fail yet have much higher scores on the same test than successful candidates in the second group.[216] This practice has been criticized by the supervisor of police community relations at the Michigan Civil Rights Commission as well as by the mayor's task force. In its report to the mayor, the task force recommended that the flexible test cutoff point be eliminated.[217] In the case of a police department, such practices are not supported by the supply and demand theory as most of the Nation's police forces are understaffed.

Officials of other governments, including Wayne County, Michigan, and Alameda County, California, state that the passing score for examinations in their jurisdictions depends on the number of candidates taking the examination and the number of job openings.[218] The Philadelphia civil service regulations provide that:

> In determining a minimum passing score, the Director may take into consideration any or all of the following factors which may be pertinent: (a) the minimum competence required for the performance of the duties of the class; (b) *the quality of the competitors competing;* (c) the difficulty and length of the test; . . . (e) the recommendations of appointing authorities or other experts; (f) reasonable economy of examining time and expense; (g) *the shortage or surplus of qualified competitors;* (h) any other pertinent consideration.[219] (Emphasis added.)

The flexible passing score indicates that merit system administrators frequently adjust their own definition of who is qualified for a given job. This being the case, it is not unreasonable to suggest it can also be favorably used to allow more minority applicants to pass examinations.

The Civil Service Register

The civil service register is another mechanism of the merit system which can be used by administrators to effect equal opportunity. The register is a list of names, ranked from highest to lowest, of all those who possess the requisite qualifications for the job and who have passed the required examinations. There are two types of registers: a continuous register which contains the names of all eligibles from successive examinations who are entered wherever they fit into the ranking and the closed register which contains the result of one examination. Both expire at the end of an arbitrarily set period of time.

A register can remain active for periods varying from several months to 4 years. In most systems, the personnel administrator determines the life of the register. It may be extended or terminated earlier than the original date.

Continuous registers are usually maintained for positions for which there is a shortage of qualified applicants or for which there is a large turnover, such as police jobs and clerical positions. Because new eligibles are continuously merged into the list, those on the bottom of the list are seldom, if ever, hired. Since minority candidates on the average are likely to pass with lower scores than majority candidates, their names may never be reached on the continuous register. On the other hand, the continuous register has certain advantages. It allows for an uninterrupted recruitment program and eliminates the long interval between examinations which is found with the closed register. The continuous register is also more responsive to the needs of the service. As the closed register grows older, attrition rates increase by loss of eligible candidates who are unable to wait a year or two on the chance that they will be hired. The continuous register also provides candidates who have failed the examination or who desire to improve their scores with the opportunity to retake the test after only a short waiting period rather than after the year or two it may take for a closed register to expire. In Philadelphia, for example, the waiting period is determined by the director of personnel, but cannot be less than 30 days after either taking or reviewing the examination.[220]

The life of the closed register may also be significant for equal opportunity. The closed register of long duration often enables eligible candidates with low scores to be hired if they are still available when their names are reached. An official of the California State Personnel Board noted that the State has found that it is able to increase by three times the number of minority members hired simply by not abolishing the register as often as in the past. He noted, furthermore, that there are often only a few points difference in the range of scores which separate the second hundred names from the first hundred on the list.[221] Although the term "bottom of the list" connotes "less qualified," everyone on the register has met all of the required qualifications for the job, including passing a test.

Generally, candidates who are placed on the register are advised by letter and informed of the date the register will be terminated. Some governments also inform candidates of their examination score and their rank on the register. The city of Memphis and the Texas Merit Council, however, will only inform the candidate of his score or rank on the register if he specifically requests the information.

Selection Procedures

To fill a position from the register, one or more names are usually sent to the department in which the position is located. In some govern-

ments, only the highest ranking name is certified; in others, two, three, or more may be certified for consideration. The most common procedure is certification of the three names at the top of the register.[222]

Where more than one name is certified, the selecting official is given a degree of latitude in deciding which candidate will be offered the job. The rule of one provides no choice. All of these rules, however, can be manipulated to avoid hiring minority members. In most of the 18 jurisdictions with merit systems studied at least one public official informed Commission staff that such manipulation took place.

San Francisco uses the rule of one in selecting applicants. Often, the same register is used by several departments. San Francisco officials stated that there have been instances when the police and fire departments have left a secretarial or typing job vacant until another department has selected the top person on the register if that person is a Negro.[223]

In Detroit, which also uses the rule of one for filling entry level positions, staff members of the mayor's development team stated that one method of keeping the number of nonwhites at a minimum in a particular department is to fill a vacancy by transfer from another department rather than selecting from the register.[224]

In Philadelphia similar charges were made by a department official. Although selecting officers are given a choice of two names, they are not obligated to select either candidate and do not have to justify their decision. The Philadelphia official stated that the selecting officers wait until the candidates they consider undesirable are removed from the list before requesting additional certifications. The city personnel director has tried to discourage departments from rejecting both candidates by forcing them to wait 4 to 6 months before certifying additional candidates to that department.[225]

The rule of three is used by most of the governments in this study. While some government officials indicated that the top name is almost always selected in their jurisdictions,[226] most governments take full advantage of the choice of three. The Michigan State Civil Service Commission, as part of a larger study of State employment practices. is collecting information on reasons for rejection of the top candidate. Departments are now required to state the cause for rejection in writing.[227] In Wayne County, the chairman of the county board of supervisors has tried unsuccessfully to get the civil service commission to require supervisors to submit written reasons for selecting other than the top candidate. The commission maintains that it does not have the authority to demand that departments justify their selection.[228]

Evidence in other jurisdictions indicates that many department officials do, in fact, use the leeway provided by the rule of three to discriminate. In Memphis, the personnel director felt that some department heads would select a white applicant over an equally or better

qualified black applicant. He added that under the civil service regulations he cannot question a rejection and a department head "would never admit that he chose an applicant because he was white." [229] The regulations also allow the selecting official to reject all three certified names and request more names without offering any explanation. Eligible candidates are removed from the register after they have been passed over three times. The personnel director said that he can ask for reasons for rejection if an excessive number of certified candidates are turned back. He has, at times, found it necessary to remind certain officials of the purpose of the rule of three.[230]

In Baton Rouge, an official said that department heads have been reluctant to fill any vacancies with a black applicant when either of the other two applicants is white.[231] A Pennsylvania official believed it was the practice of many white administrators throughout the State government to select a secretary of the same race.[232] The Atlanta director of personnel also felt that department heads practice discrimination in selecting applicants but that it would be difficult to prove.[233]

Opinion differs on the value of the various selection devices in providing equal opportunity for minorities. An official of the San Francisco Human Relations Commission felt that in the long run, the rule of one helps minorities.[234] The personnel director for the city of Philadelphia, where the rule of two is used, felt that the choice of one out of two was too restricting while recognizing that greater freedom of choice could result in political or racial discrimination.[235] The vice mayor of Atlanta, while admitting that the rule of three had merit, said that as long as there is such a choice, there will be discrimination if the department head is so inclined. He added that there is still a "great deal of prejudice and it is exercised through these means." [236] A wider area of choice can also operate in favor of minority group applicants. For example, in Baton Rouge, police department selection procedures are such that anyone who has passed the test and been placed on the register can be selected. In 1963, the chief of police took advantage of this regulation to appoint eight black policemen within a short period. However, no others had been hired at the time of this survey.

* * *

There can be little question that, over the long run, civil service merit systems have contributed to improvement in the level of performance of State and local government and to generally broadened opportunity for public service. Their presence alone, however, is not a guarantee that all persons will be treated equally. The principle of merit in public personnel systems and equal employment opportunity are compatible if not, as some authorities maintain, integral. But the principle is not the system and the presence of the apparatus of the system is not in itself insurance that equal employment opportunity is a reality.

Chapter III

EQUAL OPPORTUNITY IN POLICE AND FIRE DEPARTMENTS

Barriers and obstacles to equal employment opportunity for minority group members were greater among uniformed policemen and firemen than in any other area of State and local government. As pointed out in Chapter I, the employment records of police and fire departments consistently showed less Negro representation in these departments than in nearly any other department of government.

The belated admission of any minority group members to these occupations accounts, in part, for this situation. Atlanta and Memphis had never hired Negro policemen until 1948; Baton Rouge not until 1963.[1] The city of Philadelphia, which had a substantially better record of minority employment on the police force than any of the other central cities studied, made no major effort to recruit Negro policemen until about 10 years ago.[2] The city of Oakland had Negroes on its police force at least as early as the 1940's, but, according to one respondent, the 21 Negro policemen currently employed represent only a few more than were on the force more than 20 years ago.[3] (But between 1940 and 1965 the Negro population of Oakland increased from 3 percent to an estimated 31 percent of the total.)

The situation in the fire departments was similar. Detroit appointed its first Negro fireman in 1939.[4] The Oakland Fire Department employed a Negro for the first time around 1921, but did not integrate its force until around 1956.[5] The city of Atlanta first employed Negro firemen about 1961 and began to integrate its firehouses in 1963.[6] The Memphis Fire Department hired 12 Negro firemen in 1955, but did not integrate its force until 1966.[7] The city of Baton Rouge has made no effort to integrate its eight Negro firemen into the rest of the force.[8] There was only one Negro fireman employed by San Francisco in the spring of 1967.

Police and fire departments are similar in many respects. Each has a uniformed force, with a formal semimilitary chain of command. They are the most widely visible manifestations of local government operating throughout the community. Each is charged with protecting life and property; each exposes its men to danger in the course of their duties;

and each stresses discipline and team spirit. Both promote entirely from within, requiring each applicant to begin as a recruit irrespective of his background or experience.[9] In most cities both departments have the same general entry requirements and salary ranges.[10] There are, however, important differences between the two protective services which are reflected in the relationships of the two to the minority community, the minority applicant, and the minority member on the force.

One of the more significant differences lies in the fact that police departments across the country are understaffed, some substantially below authorized strength, while for the most part fire departments are not.

Police Recruitment

In every central city studied, the police force was under its authorized strength, ranging from a deficit of 23 positions in San Francisco to a deficit of 767 positions in Houston.[11] In Baton Rouge, Detroit, Houston, Memphis, and Oakland, the number of vacancies exceeded the number of minority group members on the force. It was estimated that in 1967 increases in police departments' authorized forces and normal turnover created a national need for 50,000 new policemen.[12] In contrast, the number of new firemen needed each year across the country has been estimated to be only 6,000 to 7,000.[13]

The police departments studied have conducted vigorous recruitment programs, many of which have included specific attempts to recruit members of minority groups. For the most part these efforts have not been notably successful either in satisfying the departments' overall manpower needs or in substantially increasing the number of minority group members on the forces. One commentator has stated: "There is no such thing as a successful police recruitment drive in our large cities; there are just varying degrees of failure." [14]

The tension, suspicion, and hostility which exist between the Negro community and the police department are obstacles to the recruitment of black policemen, officials in many of the cities studied told Commission staff.[15] The Michigan State Civil Rights Commission concluded in its recent study of recruitment efforts in six large cities:

> The Departments that are making the greatest headway in obtaining minority group applicants are those that have made headway in *reversing* their image in the minority community. The programs that most of these departments have, go beyond mere dialogue between citizens' groups and command officers. The departments have actually involved themselves in programs designed to assist citizens. . . . These departments also have clearly spelled out policies in citizens' complaints against the department, the behavior expected of an individual patrolman, etc. (Emphasis added.)[16]

The police departments in the central cities studied availed themselves of all the recruiting techniques used by other units of city government to attract minority applicants. In addition, some departments initiated special methods to reach minority groups.[17] Both the Philadelphia and the Oakland Police Departments used mobile vans for recruitment in ghetto areas.[18] Applicants for police jobs in Philadelphia were given written examinations in the recruiting van as well as at precinct stations and at the civil service office. An applicant who failed the examination was permitted to retake it within 30 days. Philadelphia also uses the life-size figure of a Negro police sergeant—a former Olympic star—to help recruit prospective policemen. In addition, Philadelphia policemen recruit from door-to-door and all members of the force are encouraged to recruit among their friends and neighbors.[19]

The city of Detroit has benefited from a statewide recruitment program initiated by the Michigan Civil Rights Commission and supported by a grant from the U.S. Department of Justice. The objective of the program was to obtain 500 white and 500 black recruits to serve on police forces at the city, county, and State levels. A corporation was formed, the Police Recruitment Project of Michigan, Inc., to conduct the campaign.[20] The campaign was publicized by advertising on radio and television, and in buses, post offices, and office buildings. National television personalities—Negro and white—participated in the effort.

The Memphis Police Department assigned a white lieutenant to recruit in community centers and neighborhood shopping centers. When it became obvious that Negroes were reluctant to talk with a white police officer, a Negro patrolman was assigned to accompany him. This integrated team also manned a booth at the Mid-South Fair in Memphis.[21]

Most of these efforts were followed by an increase in the number of black patrolmen on the force. The campaign of the Police Recruitment Project of Michigan in 1967, for example, helped produce 4,122 applications for the Detroit Police Department; 47 percent were from Negroes.[22] The attrition rate among applicants during the various phases of the screening process was so great, however, that only 323 recruits were ultimately hired. Of these, 71 or 22 percent were Negroes, the largest number and proportion of Negroes ever hired to date by the department in a single year.[23] Similarly, efforts by the Oakland Police Department resulted in a class of recruits in 1967 which was 50 percent Negro, a proportion large enough to double the number of black patrolmen on the force.[24] The Memphis recruitment efforts produced seven Negroes in a class of 46.[25]

Obstacles to Minority Hiring

Among those Negroes who are recruited and do apply, the proportion which finally is accepted for the force is usually quite small. This is true,

although to a lesser degree, for white applicants. The screening process for police applicants is similar to that used for regular civil service jobs although in many respects it is more stringent. Applicants face a number of hurdles which may include a written examination, an oral examination, a physical proficiency test, a medical examination, a psychological examination, a polygraph test, and a background and character check. They must also get clearance on the departments' requirements concerning citizenship, residency, arrests, and convictions.[26] Accordingly, if there are even fewer Negro applicants, the high attrition rate will result in even fewer Negroes actually being accepted for the force.[27]

Written Tests

Minority group applicants may encounter difficulty in passing through any of the various points in the screening process. One particular point of difficulty is the written test. The written examination for both firemen and policemen in San Francisco was characterized by one informant as one which a recent high school graduate could pass, but which a "C" student out of high school for a few years and not employed in a job requiring word usage, arithmetical reasoning, and wide vocabulary would fail.[28] Since 21 years is the minimum age for policemen in San Francisco, few recent high school graduates take the test. In Detroit in 1967, 50 percent of the Negroes and 17 percent of the whites taking the written examination failed it.[29]

In many ways the problem of written tests for policemen is comparable to that encountered with regular civil service examinations. The tests used have not been validated so there is little if any evidence of a clear relationship between ability to pass the test and ability to perform well as a patrolman. As an example of this, a Georgia legislator cited the case of several Negroes who failed the examination for State patrolmen even though they had served on the Atlanta police force for years.[30]

In Detroit, the mayor's special task force on police recruiting and hiring has replaced the routine 2½ hour written test with the Wonderlich test, a 12-minute general intelligence test judged to be just as good until a better examination can be located or developed.[31]

The supervisor of police community relations for the Michigan State Civil Rights Commission said that he was told by a former supervisory officer of a university which recruits and trains its own campus police force that the university administers a standard test developed for police applicants together with a routine clerical test. The supervisory officer found by checking the personnel records of officers that there was a higher correlation between job performance and scores on the clerical test than between performance and scores on the test designed specifically to select individuals with a high potential for police work.[32]

Despite the adverse effect of the written examination, training programs can improve test performance significantly. For example, in an

effort to increase the number of Puerto Ricans on the force, the Philadelphia Police Department designed a recruitment campaign which included a followthrough effort to assist applicants in negotiating the screening process. The basic recruiting techniques were contacts with the clergy, house-to-house recruiting, and advertising in Spanish news media. These efforts produced 40 candidates.[33]

The police department reached an agreement with the city civil service commission by which the written test was to be administered in Spanish. The translation took culture as well as language into account. The school board provided a 12-week, 23-hour-a-week course through its school extension program to prepare the candidates for the written examination. Of the original 40 candidates, 35 took the course, 30 completed it, and 11 passed the examination.[34] One of the 11 men who passed the written examination subsequently failed the physical examination because he did not meet the 5'7" minimum height requirement.[35] The course was conducted a second time with 30 candidates, nine of whom eventually passed the written examination.[36]

The successful candidates were assigned to areas with sizable Puerto Rican populations and the police department feels that relations between the department and the Puerto Rican community are improving. The chief inspector considers the program a success and plans to continue it as long as necessary.[37]

In another training effort in Baton Rouge in 1963 four Negro leaders conducted an informal class to prepare a group of young men for the police examination. Six of their students passed the test and became the first Negro policemen on the Baton Rouge force.[38] This experience appears to hold true for fire departments as well. The first Negro employed by the Oakland Fire Department tutored many Negroes on his own initiative and time over a period of more than 20 years to prepare them for the written fire department examination.[39] As a result of his efforts, 25 Negroes have been hired by the department. In the spring of 1967, the city of Oakland reported to the Commission that 26 of its 651 uniformed firemen were Negroes.

Physical Qualifications

Police and fire departments have more rigid requirements concerning age, weight, height, and vision than other departments of city government generally have. Yet, despite their rigidity, these standards vary from department to department and even have been altered within departments with no adverse results. In the police departments studied by the Commission, minimum age ranged from 19 years in Houston to 21 years in most other places; maximum age, from 29 years in Oakland to 36 years for the Texas State Patrol. Height requirements are similarly variable. As part of an intensive campaign to recruit more Negro officers for the police force, Detroit has recently liberalized its age, height, and vision requirements.[40]

A recent study showed that several large cities have lowered their height requirements to 5'7" as a result of pressures from their Spanish-speaking populations.[41] Both San Francisco and Oakland, however, have a minimum height requirement of 5'9" which has been cited as an impediment for Oriental Americans.[42] The 5'9" requirement of the California Highway Patrol also has been cited as a factor in eliminating Oriental Americans.[43]

Arrests and Convictions

Police departments put more emphasis on the background, character, and reputation of an applicant than do other agencies of government. Consequently, they are more stringent in their treatment of arrest and conviction records. In each of the police departments supplying information to the Commission, a felony conviction automatically disqualified an applicant.[44] Frequently this prohibition was required by law and therefore not subject to modification by the police department.[45] In several jurisdictions studied, convictions for lesser offenses also automatically disqualified an applicant. The city of Memphis will not employ anyone as a policeman or fireman who has been guilty of a "crime involving infamous or notoriously disgraceful conduct."[46] The Philadelphia Police Department will not employ anyone convicted of a misdemeanor, nor will it employ any applicant who fails to report an arrest or a conviction. Applicants are not informed, however, of the different treatment accorded reported and unreported arrests.[47] Several jurisdictions will not employ applicants convicted of various traffic violations. The Shelby County Sheriff's Department will not employ anyone *arrested* for any offense other than a traffic violation.[48]

The treatment of juvenile records by police departments varies. Most police departments reported to the Commission that they were more lenient in considering juvenile offenses than those committed as an adult. The California State Police Department, for example, does not consider offenses committed before the applicant's 21st birthday. On the whole, however, police departments appear to evaluate juvenile offenses more carefully than do civil service systems. The Atlanta Police Department treats all offenses rigidly because it does not want anyone on the force who "has any kind of a record."[49]

The California State Police Department is the only police agency surveyed by the Commission which does not request information about arrests on the employment questionnaire, although it does require information on most, but not all, convictions.[50] The Detroit Police Department, which is prevented by the city charter only from hiring persons with felony convictions, asks the following comprehensive question on its application for policemen:

> Have you ever been arrested, accused of breaking a law, taken into a police station for investigation or fingerprinted because of suspicion in any place at any time in your life as a juvenile or adult?[51]

No police departments studied, however, relies on the information furnished by the applicant concerning his arrest and conviction record. All departments routinely make an independent police record check. These frequently are checked against FBI records as well as State and local records. In addition, many departments investigate the background and character of the applicant. This is most commonly done by police officers, but the city of Atlanta uses private detectives for this purpose.[52]

The Background Check and Oral Interview

The great emphasis placed on the background and character of the applicant is reflected in the Detroit police application forms in such questions as: "Were you ever guilty of and/or charged with being the father of a child born out of wedlock?" [53] "Have you ever been widowed, separated or divorced? If . . . 'yes' explain." [54] "List all past and present creditors giving name, address, account number and amount due." [55] "Have you ever been involved in any matter pertaining to an unpaid debt or . . . taxes?" [56] "List all checking and savings accounts you have in banks, savings and loan associations, credit unions, etc." [57] The signature of the applicant on the form must be notarized.

Although no other police department studied elicits as much personal information on the application, many make similar inquiries during the oral interview and background investigation. The Philadelphia Police Department investigates an applicant during visits to five houses in his immediate neighborhood.[58] The Memphis Police Department checks into the candidate's family relationships and his civic and religious activities.[59]

Because the presence of minority members on the police force is limited, most oral interviews and background checks on minority applicants are conducted by white policemen. The oral examination and the background check have been characterized as two elements in the screening process in which subjective opinions are critical.[60] It has also been pointed out that because police departments, unlike most other departments of State and local government, do their own recruiting, screening, and hiring, policemen may consciously or unconsciously seek applicants who are like themselves; the applicant whose background and character is most acceptable may often be the one whose background and character most closely resemble that of the investigating officer.[61]

The Commission found few clear-cut cases of intentional discrimination during the oral interview and background investigation. These do, however, offer many opportunities for discrimination to occur. Separate studies have shown a high degree of racial prejudice among white policemen.[62] The Commission also found considerable evidence of discriminatory behavior and treatment in other aspects of the day-to-day operations of the police forces studied. Therefore, it is reasonable to surmise that it occurs in these two areas as well. Statistics collected

by the Detroit Police Department indicate that 49 percent of the Negro applicants who made it to the preliminary oral examination were disqualified during the oral examination and background investigation as compared to only 22 percent of the whites.[63]

The following examples of the conduct of the background investigation illustrate the extent to which the opportunity for prejudice exists in the examination and screening processes. The instructions for the field investigation of potential troopers in the State of Michigan call for the investigating officer to give specific attention to home conditions: specifically, "neighborhood, dwellings, applicant's position in dwelling, condition of home, number of occupants, etc." [64] Part of the form for the oral interview, which is the final portion of the background investigation is illustrated here: [65]

FIELD INVESTIGATION REPORT ON APPLICANT

Name_____

Address_____

NOTE: UNDERLINE ANY WORD OR WORDS WHICH BEST DESCRIBE THE APPLICANT. IF NONE IS APPLICABLE, INSERT APPROPRIATE DESCRIPTIVE TERMS. IN ADDITION, BELOW EACH CATEGORY—PERSONAL APPEARANCE AND ORAL INTERVIEW—A SPACE IS PROVIDED FOR A GENERAL RATING. THIS RATING SHOULD BE GIVEN AS EXCELLENT, GOOD, FAIR, OR POOR.

(See reverse side for additional instructions.)

PERSONAL APPEARANCE:

a) DRESS: Conservative, ordinary, collegiate, flashy, rural_____
b) FEATURES: Refined, ordinary, coarse, dissipated_____
c) NEATNESS: Well-groomed, neat, untidy, dirty_____
d) BUILD: Athletic, medium, stocky, slender, frail, fat_____
e) SKIN CONDITION: Healthy, normal, blemished (*specify*)_____
f) STATURE: Erect, stooped, round shouldered, other (*specify*)_____
g) CLEANLINESS: Hands, fingernails, skin, teeth (*underline if satisfactory*)_____

RATINGS:_____

ORAL INTERVIEW:

a) APPROACH: Friendly, quiet, hesitant, unimpressive_____
b) HANDSHAKE: Extreme, firm, average, weak_____
c) POISE: Well-poised, lacking_____
d) VOICE: Well-modulated, clear, low, too low, loud, harsh, nasal, high-pitched_____
e) ASSURANCE: Self-confident, average, cocky, timid_____
f) NERVOUSNESS: None, slight, very nervous_____
g) ACCENT: None, foreign, regional, slight, very noticeable_____
h) TACT: Tactful, average, blunt, lacking, crude_____
i) ENTHUSIASM: Enthusiastic, average, undemonstrative, indifferent_____
j) FORCE: Forceful, sufficient, self-conceited, lacks initiative_____
k) AMENABILITY: Cooperative, self-centered, stubborn, resentful_____
l) ALERTNESS: Alert, responsive, lackadaisical, dull_____
m) MATURITY: Mature, responsible, immature, irresponsible_____
n) ANSWERS QUESTIONS: Definitely, inaccurately, vaguely, evasively, slowly, quickly_____

RATING:_____

Investigating Officer_____ Date_____
(*Signature*)

Title_____ Work Station_____

I HAVE REVIEWED THIS INVESTIGATION REPORT AND APPROVE IT FOR CONSIDERATION OF THE FIELD INVESTIGATION REVIEW BOARD:

District Supervisor_____ Date_____
(*Signature*)

(Reverse side)

Information on the following aspects of the applicants background is to be provided in detail on succeeding pages to be attached, using as many as necessary. Each section of the report should be identified with the appropriate number and title as listed below. (Complete in duplicate)

1. ARREST RECORD.—Any arrest record, including traffic offenses. Also any arrest record of any immediate member of the family exclusive of traffic offenses.
2. CREDIT RECORD.—To include present financial status and current financial obligations. Also past reputation for incurring and settling indebtedness.
3. EDUCATION RECORD.—To include high school, college or similar educational records, exclusive of elementary school, in regard to attendance, conduct, average grades and general characteristics as a student. Also any special school activities, such as athletics, debating, class leadership, etc.
4. EMPLOYMENT RECORD.—To include findings from past and present employers regarding work habits and reasons for leaving any former positions.
5. HEALTH RECORD.—To include any findings of illnesses or injuries which might interfere with effective performance of police duties. Also any medical history of immediate family which might indicate hereditary tendencies. Likewise any contagious, infectious chronic or other disease or major illness with which any member of family may now be afflicted and the extent to which the applicant has been exposed to it.
6. MARITAL STATUS.—To include number of children, their ages, if a child is expected, and other persons dependent on applicant for support.
7. MILITARY RECORD.—If a veteran, to include type of discharge, any service disability, and if subjected to any disciplinary action. Also any present draft or reserve status.
8. RECREATION.—To include any particular hobbies or pastimes.
9. HOME CONDITIONS.—To include neighborhood, dwellings, applicant's position in dwelling, condition of home, number of occupants, etc.
10. ANY ADDITIONAL INFORMATION.—To include interviews with neighbors and business or personal associates.

ITEM NUMBER 11 FOR LIQUOR ENFORCEMENT TRAINEE I APPLICANTS ONLY.

11. LIQUOR LICENSE.—Has applicant or any relative ever held a Michigan liquor license?

INVESTIGATING OFFICER'S COMMENTS:_____

An instruction sheet by the Houston Police Department outlines a series of points to be considered when investigating job applicants. It is illustrated here:[66]

THINGS THAT MUST BE CONSIDERED AND WEIGHED

An applicant may be rejected on one or more, depending upon the seriousness and weight attached.

1. Summary Courts-Martial
   Points to consider:
   a. Type of offense.
   b. Circumstances.
   c. Disposition.
   d. Period of time since offense occurred.
   e. Over-all record prior to and since the offense.
2. Discharge for Medical Reasons
   Points to consider:
   a. Specific reasons for discharge.
   b. Has applicant fully recovered?
   c. Possibility of re-occurrence.
3. Discharge Before Expiration of Tour of Duty
   Points to consider:
   a. Specific reasons for discharge.
   b. If reasons were for medical purposes, apply same consideration as applied to discharge for medical reasons.
4. Personal Appearance
5. Personality
   Should have an adjusted personality that will enable the individual to function effectively alone and in cooperation with others.

6. Misdemeanor Criminal Offenses
   Points to consider:
   a. Number of offenses.
   b. Type of offenses.
   c. Circumstances.
   d. Disposition.
   e. Period of time since offenses committed.
   f. Overall record prior to and since the incident.
7. Veteran Disability Compensation
   Points to consider:
   a. Reason for disability.
   b. Amount of compensation.
   c. Did disability in any way affect present or future performance?
8. Medical History Other Tban What Is Covered by Other Requirements
   Points to consider:
   a. Is applicant prone to have accidents and receive injuries?
   b. Does applicant have history of illnesses preventing him from working in excess of what is considered normal?
9. Civil Suits Against the Applicant
   Points to consider:
   a. Reason for suit.
   b. Disposition.
   c. Period of time since incident causing suit.
   d. Record of applicant prior to and since suit, regarding subject of suit.
   e. Did applicant's action regarding the suit reflect proper attitude.
10. Criminal Offense Where Conviction Not Obtained
   Points to consider:
   a. Number of offenses.
   b. Type of offenses.
   c. If charge was dismissed, for what reasons was dismissal granted.
   d. Circumstances of arrest.
11. Use of Alcohol
   Points to consider:
   a. Places where alcohol consumed.
   b. Frequency of its use.
   c. Amount consumed.
   d. Type of alcohol.
12. Social Activities
   Points to consider:
   a. When applicant is not working, what does he do?
   b. Selection of places for entertainment.
   c. Are his social activities considered wholesome, and would they be a credit to the Police Department?
   d. Is the applicant prone to become involved in arguments and trouble in general?
13. Credit History
   Points to consider:
   a. Is there a history of delinquent accounts?
   b. Reasons for delinquency.
   c. What effort was made to take care of these accounts?
   d. Possibility of re-occurrences.
14. Arrest Record Where no Charges Were Filed
   Points to consider:
   a. Number of arrests.
   b. Circumstances surrounding the arrest.
   c. Reason for arrests.
   d. Persons arrested with, and their record.
15. Associates
   Points to consider:
   a. Does the applicant associate with persons who have good character and reputation?
   b. Are these associates the type of people whose influence would be desirable?
16. Family Adaptability
   Point to consider:
   a. Can the applicant's family adapt themselves to the life of a policeman's family?

The Michigan Civil Rights Commission characterized the screening process used by the Michigan State Police Department as one which provides several opportunities for persons harboring racial prejudice

(consciously or unconsciously) to exercise personal choice and thereby possible discrimination.[67] The Commission added that during an 8-month period, seven black candidates for jobs as State troopers passed the written examination, but five of these were eliminated during the course of the field examination. "In at least one case, there is a serious question regarding the manner in which the applicant's credit record was evaluated by the investigating trooper and approved by the Civil Service Commission." [68]

A member of the San Francisco City and County Civil Service Commission told Commission staff that some San Francisco police investigators were hypercritical during security checks of black candidates, digging into past criminal records, common law marriages, and other related matters in meticulous detail; he also reported that they usually recommended against appointment of persons with the slightest blemish on their record.[69] He cited a case in which a Negro police applicant had been rejected because of a juvenile arrest for stealing a jar of hair oil, even though he had never been sentenced.[70]

Detroit police check the background and character of all relatives who live in the applicant's home. A Michigan Civil Rights Commission staff member said that such a procedure adversely affects black candidates who, more than white candidates, are likely to have relatives living with them who have been involved with the police.[71] The staff member added that she felt that the character investigations were conducted objectively but that the material gathered was reviewed by the oral board in an extremely subjective manner.

Members of panels conducting the oral examination frequently have not had adequate preparation for the task. The supervisor of police-community relations for the Michigan Civil Rights Commission told Commission staff that oral board members often are selected by going through the office at police headquarters and "collecting" any three command officers who are available at the time. A white policeman characterized as a "known bigot," because of his involvement in a racial incident which caused his picture to be published in the newspapers, sat on an oral board for minority group applicants on at least one occasion.[72] A 21-year-old Negro applicant in Detroit was rejected by an all-white board because the board alleged "he looked immature." Since the charge was based on the *appearance* of immaturity and not on immaturity *per se*, the applicant appealed his rejection to the Michigan Civil Rights Commission. Before the Michigan commission had proceeded beyond preliminary investigation, the young man was hired.[73]

Psychological Screening

Several of the police departments studied make psychological evaluations of the applicants through written tests or by psychiatric examinations while others use the oral interview to appraise the psychological

fitness of the individual. The city of Detroit used a psychological test at one time, but found it so unsatisfactory that it was discontinued.[74] At the time of this study the city was again considering the possibility of psychological evaluation of prospective recruits as well as the possibility of employing a psychiatrist on a regular basis for men on the force because of a significant increase in mental disorders among patrolmen. Recruiting is becoming more difficult, the department believes, apparently because of the strain of a policeman's job.[75]

The supervisor of police-community relations for the Michigan Civil Rights Commission told Commission staff that there really is no adequate test for mental and emotional suitability for police work.[76] He added that the general goal of such tests is to find out if the individual is aggressive enough to be a good policeman, but not overly aggressive, whether he has sadistic tendencies that will surface when he begins to exercise authority, and to determine whether or not he is overly enamored of firearms. He knew of no cases where psychological examinations had been used to test applicants for attitudes of hostility toward minorities which might affect the performance of their duties. A few Michigan police departments use polygraph tests as their "psychological test" but cursory attention only is paid to the subjects of racial prejudice and discrimination.[77]

Selection

The selection process for police and fire departments is similar to that for civil service systems and the same opportunity for discrimination usually exists. Applicants who have passed all phases of the examination process are placed on a register from which they are selected, usually by the rule of three. The Oakland Fire Department and both the Atlanta Police and Fire Departments, in order to avoid charges of discrimination, officials said, always select the top man on the list, although they are permitted to select from among the top three.[78]

Discrimination on the Job

Reports of discriminatory treatment in work assignments, promotions, and in personal interaction were more frequent in the police and fire departments than in any other area of government studied by the Commission. The effect of these practices probably was the most significant factor in increasing the difficulty of recruiting minority group members for jobs on the force.

The area of promotions was a subject of concern in every department studied where more than a handful of Negro policemen were employed. The statistics cited in Chapter I indicate that minority group members were rarely found in the upper ranks of the police departments studied. The promotion system for police departments resembles that of a typical

civil service system, except that it is likely to be more formal. Typically, a policeman is promoted on the basis of his seniority, his proficiency rating, and his score on a promotional examination, which sometimes includes an oral as well as a written test. The weight given to each of these components varies from jurisdiction to jurisdiction.

Sometimes seniority is not given a specific weight, but is a minimum requirement for promotion. For example, Memphis policemen are not eligible for promotion until they have been on the force for 5 years.[79] On the other hand, seniority is no guarantee of promotion. A Negro, formerly on the Memphis force, told Commission interviewers that although 13 Negros were hired by the Memphis department in 1948, no black policeman was promoted to the rank of lieutenant until 15 years later. Furthermore, many white precinct chiefs had less seniority than some black patrolmen. He added that: "Negro policemen took a lot of chances, but got no credit." [80]

Proficiency ratings by supervisors also were charged with being discriminatory. Two staff members of the Michigan Civil Rights Commission told Commission staff that they had personal knowledge of cases in which a black policeman's proficiency rating was lowered as he became eligible for promotion. Each claimed that he had seen this happen often enough to believe that it was a deliberate pattern.[81]

The assistant chief of police in Memphis told Commission staff that most Negroes ranked no higher than patrolman because they lacked seniority, could not pass the test, or were satisfied with remaining patrolmen.[82] The city director of personnel, when interviewed by Commission staff, stated that both police and fire promotions rely heavily on performance rating by supervisors, that the rule of three applies, and that there is no protection against discrimination in promotion.[83]

The police chief in Houston told a Commission interviewer that most of the charges of discrimination leveled at the police department were based on the complaint that Negroes weren't promoted, especially to supervisory positions. He added, however, that the police department promotes strictly on merit.[84]

It is common practice for a promotion register to be established similar to that used for entrance into the force. Policemen who have met all the requirements for promotion are placed on the list according to their overall scores and are then selected for promotion from the list. Frequently, departments have a choice from among the top two or three. When this is the case, as the personnel director for the city of Memphis pointed out, there is no protection for the individual from discrimination by the selecting official.[85]

Discriminatory treatment and work assignments are closely related to the problems of promotion in the uniformed forces. A black fireman, discussing supervisor ratings in Memphis, said that leadership was one of the items on which the men were rated. He then asked how black

firemen could be rated on leadership when they were never given the chance to lead.[86]

Discriminatory assignments appeared to be a greater problem in the southern cities investigated than in the northern ones. The president of the Baton Rouge Branch of the National Association for the Advancement of Colored People stated that the nine black policemen employed by Baton Rouge were assigned exclusively to Negro areas and were not allowed to give so much as a traffic ticket to a white person.[87] The chief of police in Baton Rouge denied the allegation.[88] He told Commission interviewers that under the former chief of police, Negro policemen were not allowed to carry traffic ticket books or to intervene in matters other than those involving Negroes. He said he had changed that policy when he took office in 1965. His present policy, he explained, is to fire a Negro policeman who is present when a white person commits a crime if he does not arrest the offender without regard to his race. The chief added, however, that he doesn't advertise this arrangement because the public would vigorously disapprove if they discovered he had eliminated the restrictions. At the same time, he did confirm that Negro patrol cars were limited to patrolling Negro areas of the city.[89]

At the time Commission interviewers visited Baton Rouge, the question of integrating police patrol cars was an issue of considerable controversy. In early August 1967 the mayor of Baton Rouge ordered the chief of police to integrate the patrol cars and the chief prepared to implement the order. He was met with a threat of mass resignation by white policemen on Sunday, August 20, 1967, the day when rallies of Negro organizations and the Ku Klux Klan were scheduled at the State Capitol. The mayor rescinded his order. When interviewed by Commission staff in September 1967, the chairman of the Baton Rouge Community Relations Committee said he felt that the order would be reissued in 30 to 60 days.[90] In May 1968 the executive director of the Louisiana Council on Human Relations said that, although she had raised the matter with the mayor, the patrol cars still were not integrated.[91]

The Baton Rouge Chief of Police told Commission staff that he felt the best way to integrate police patrol cars was on a volunteer basis. The two volunteers, since they could not be expected to enter a restaurant together, would frequent take-out counters of drive-in restaurants and eat their meals in their patrol car. He felt that gradual implementation of this approach would be acceptable to the community.[92]

In Memphis, Negro policemen were restricted to Negro areas and segregated in car patrols until 1967.[93] Then the police department integrated some of the cars and put them in integrated neighborhoods and the downtown business district as well as the black neighborhoods. At the time of the Commission's field investigations, however, there were still no Negro policemen assigned to white areas.[94]

In San Francisco, only two Negroes were assigned to the motorcycle division which is considered a prestigious assignment.[95] These two policemen had had this assignment for 3 years at the time of the Commission's investigation. Allegations were made that they had been exposed to hostile and derogatory treatment by their white fellow policemen.[96] Commission interviewers also were told that no Negro policemen in San Francisco were assigned to the homicide or burglary squads, although such experience would be useful in obtaining promotions.[97] The Wayne County Sheriff's Department was charged by an employee with assigning Negroes to units which offered the least desirable positions. For example, no Negroes were assigned to the racket squad except when an "undercover Negro" was needed.[98]

Frequently the attitudes and atmosphere in a police department can be such as to make the minority policeman feel uncomfortable and unwelcome. The San Francisco Police Department was characterized as an Irish-Italian "closed society" by several officials interviewed by Commission staff. An official in the San Francisco civil service system said that higher level officers in the police department were intolerant and that their attitudes encouraged expressions of hostility at lower levels.[99] He added that he personally knew of cases in which white policemen used racial slurs in the presence of Negro policemen and where derogatory notes had been pasted on the lockers of Negro policemen.[100] Another respondent in San Francisco told of Negro policemen constantly finding that their lockers had been moved in front of the toilets.[101] Charges such as these were by no means limited to San Francisco. In most cities studied by the Commission, prejudice on the part of white policemen toward their black colleagues was considered a problem by persons interviewed.

Cases of known or alleged brutality against the Negro community on the part of white policemen also had a demoralizing effect on Negro policemen and were a strong deterrent to potential Negro applicants.

Fire Departments

Commission staff found the situations in fire departments studied similar to, and in many ways worse, than those in police departments. Processing of firemen applications is comparable to that for policemen, although there is somewhat less stress on background and character. The written examination and the oral examination both pose major barriers for minority group members. The promotion procedures, which have not resulted in the promotion of many minority group members, leave open the possibility of discrimination both in supervisor ratings and in selection from the promotion list.

There are three ways in which the situation in the fire departments studied were significantly different from those of the police depart-

ments. First, most fire departments are not understaffed, have small turnover, and have no trouble getting applicants. Second, the relationship between the fire department and the minority community is not as tense and hostile as in the case of the police. Third, the unusual working arrangement of firemen has given rise to many forms of prejudiced attitudes and treatment.

Even though firemen and policemen are paid the same salaries, the peculiar work schedule of firemen—usually 24 hours on and 24 hours off—makes it easy for them to supplement their earnings by holding a second job. A fireman's skills, on the other hand, are less transferable than those of a policeman who is more likely to leave the force since he can work as a private plant guard or detective. Since both of these factors tend to keep firemen with the department, hiring is slow and generally vacancies are created only by death or retirement. The Philadelphia Fire Department with 2,900 uniformed firemen, has only 15 to 20 openings a year.[102] The Detroit department with 1,800 uniformed firemen has about 60 vacancies a year.[103]

Spared the necessity of recruiting for applicants in general, fire departments have not usually tried to recruit minority group members no matter how poorly they may have been represented in the department. In the 2 years prior to 1967, the Oakland Fire Department hired 40 to 45 employees of whom four to six were Negro.[104] The personnel officer for the Philadelphia Fire Department told Commission staff that he saw no need for special campaigns directed toward recruiting minority group applicants. In 1967 Negroes comprised 7 percent of the Philadelphia firemen. In Detroit, 2 percent of the firemen were Negroes; the 1967 fall training class was made up of three Negroes and 17 whites.[105] The secretary of the Detroit Fire Department told Commission staff that, as a result of pressure from the mayor to increase the number of Negro firemen, he had met with officials of the civil service commission. He had made a few suggestions to them, but they had not been implemented. He said that at the present time there were no programs aimed at recruiting Negroes. A black fireman in Memphis told Commission staff that the fire department did not publicize its examinations because "whites naturally apply and active recruitment would bring Negroes."[106] He added that he had complained to department officials when the summer training class of 56 had only one Negro in it and volunteered to recruit more Negroes for the department. He was told that the department did not have a recruitment problem.

The single exception found by Commission staff was the San Francisco Fire Department which was actively seeking more Negro applicants even though it had no trouble filling vacancies. Its recruiting efforts were due, in part, to the attention the department had attracted by employing only one Negro for 12 years. A member of the San Francisco Civil Service Commission said that such a record indicated that "some-

thing is wrong somewhere," and added that comments he had heard around the fire department led him to believe that the department was proud of its nearly all-white status.[107] The civil service commissioner said that his personal efforts to recruit Negroes for the fire department were unsuccessful because the attitudes of fire department officials are such that Negroes do not feel they will receive a fair chance from the department. The chief of the community relations unit of the San Francisco Fire Department said he felt that Negroes had shied away from the department because they felt it was a closely knit group and they would not be accepted.[108]

Lack of pressure from the community was found to be an additional factor in the failure to recruit minority members. Commission staff was told in several cities that the fire department was simply not considered as critical a civil rights issue as the police department. One respondent in Oakland commented: "Who ever thinks of the fire department unless there is a fire?" He added that the Oakland Fire Department had been preserved as a haven for marginal whites.[109]

There are indications that as a result of civil disorders across the country fire departments are emerging from their relative obscurity and losing some of their neutral image. A fire chief in Oakland told Commission staff that he was having more difficulty getting applicants, both minority and majority, because of rumors of possible riots. He felt the image of the fireman was less favorable in the black community then it had been in the past. He attributed this both to the national situation and to incidents in Oakland where firemen were injured in the course of duty in Negro neighborhoods.[110] The Atlanta fire chief said that if there were to be a civil disorder in his city, Negro firemen would be afraid to leave their firetrucks because they would be accused of being Uncle Toms.[111] The chief of the community relations unit for the San Francisco Fire Department told Commission staff that the main function of his unit was to try to reduce the number of false alarms which had reached a peak of 7,000 in 1967 and which was highest in minority group neighborhoods.[112]

Because firemen live together, fire department integration involves a greater degree of intimacy than it does in police departments. Consequently, in the cities surveyed, it appears to have been more vigorously resisted. In Baton Rouge, Negro firemen are assigned to an all-Negro station in a Negro neighborhood.[113] The situation in Houston was described by the assistant fire chief:

> There are no Negro captains over predominantly white stations. There are Negro captains over predominantly Negro stations. Our stations are not segregated, however. Each man is given a choice as to where he prefers to work. He can work at a white station if he wants to, and we have some who do. It is surprising how many prefer to work at a predominantly Negro station. I thought for a

while that I was going to have to forcibly integrate some of my stations, the Negroes did not want to go to the white stations.[114]

The Oakland Fire Department was integrated in the mid-1950's. The Atlanta Fire Department began hiring Negroes for the first time in the early 1960's and started integrating station houses shortly thereafter.[115] The Philadelphia Fire Department has a policy of placing firemen in stations near their homes which results in Negro firemen being concentrated in station houses in Negro neighborhoods.[116]

Commission staff was told that problems in the sharing of facilities and equipment accompanied the integration of many fire departments. The first black fireman in San Francisco had to carry his own mattress with him when he moved from one station to another during his training period. He also had to bring his lunch because he was not allowed to use the firehouse range.[117] During the early days of integration in Oakland, black firemen had to bring their own dinner plates while white firemen used those provided by the department.[118] Black and white firemen now use the same bed on alternate shifts which the fire chief believes indicates that healthy attitudes exist.[119]

When the Atlanta Fire Department decided to employ Negroes for the first time, special steps were taken to make sure that Negroes and whites did not share the same personal facilities.[120] A new fire station was built with a separate house for the 12 white officers and drivers and a separate house for the 16 Negro firemen, who were all hired at the same time. Initially, they used separate toilet facilities. The chief of the Atlanta Fire Department stated that such measures were no longer necessary. When Negro firemen were assigned to other stations the same number were assigned to each shift so that white men and black men would not have to use the same bed. He told Commission staff that now all but three stations are integrated. These are outlying stations without access to public transportation. When bus lines are extended, they, too, will be integrated.[121] Despite the belated admission of firemen into the Atlanta department and the elaborate procedures which surrounded their introduction, the Atlanta Fire Department had a larger proportion of Negroes in uniform than any other central city in the survey and a higher degree of integration than many.

A common criticism of police and fire departments in several of the cities studied was that they hired minority group members only when pressure was put on them to do so. One of the first 12 Negro firemen to be hired in Memphis in 1955 said that since the city had been able to "find" 12 qualified Negroes in one year, it could "find" Negroes now if it were truly interested in hiring them.[122] The Baton Rouge Police Department hired its first six Negro policemen after the applicants had been tutored by a group of private citizens in 1963. By 1967, only five more Negro policemen had been added to the force. In 1948, the first year the city of Memphis hired black policemen, 13

became members of the force.[123] By 1967, 46 Negro policemen were on the Memphis force. If each of these departments had continued to recruit qualified minority group applicants with the success enjoyed during this initial year, it can be inferred that the number currently on the force would be substantially higher than those reported to the Commission.

Chapter IV

FEDERAL REQUIREMENTS FOR EQUAL EMPLOYMENT OPPORTUNITY

The degree to which the Federal Government has any influence over equal employment opportunity in State and local government personnel practices is the final question to be considered in this report. Federal importance to States and local communities has been increased by the growth, during the past few decades, of Federal financial assistance for specific purposes which has significantly altered the Federal-State relationship. There are now more than 300 programs of aid available to States and localities. The total funds granted by the Federal Government now exceed $17 billion a year.

Federal regulations required by this new intergovernmental relationship control State and local administration in many ways. However, the Federal Government requires an equal employment opportunity policy by State and local governments for only a limited number of the activities which are wholly or partly financed with Federal funds.

This chapter examines the two major Federal policies formulated to promote equal opportunity in State and local personnel practices: (1) the Federal Standards for a Merit System of Personnel Administration, and (2) requirements in contracts between the Department of Housing and Urban Development (HUD) and local housing and urban renewal agencies.[1]

State and local employment in the programs covered by the two methods constitutes only a small fraction of total State and local employment. The programs, moreover, represent only a part of the financial input by the Federal Government in grant-in-aid programs.

Federal Standards for Merit Systems in Federally Aided Programs

The Federal "Standards for a Merit System of Personnel Administration" apply to a number of federally aided programs administered by

the States which employ an estimated 250,000 persons and involve $5.1 billion in annual Federal expenditures. The Federal standards, promulgated under a 1939 amendment to the Social Security Act of 1935, require that State employees administering these programs be selected, promoted, and compensated according to a federally approved, State-administered merit system. The major programs covered are "Aid to Dependent Children", "Old Age Assistance", and other federally aided public assistance programs, and certain State health programs whose funds come from the U.S. Department of Health, Education, and Welfare; State employment services and unemployment insurance systems, which are funded by the U.S. Department of Labor; and civil defense activities supported by the U.S. Department of Defense.[2]

The enactment in 1939 of merit system requirements came from a late recognition that the administration of federally aided programs under the Social Security Act of 1935 was inadequate in some States.[3] The 1939 amendment required, as a condition for State participation in the federally aided programs, that a State must provide "methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis) . . ."[4] Pursuant to the amendment, the Social Security Board [now the Social Security Administration] developed standards for a merit system of personnel administration,[5] which specified criteria that State systems must meet in order to qualify for Federal assistance.

Among the specific criteria established in the 1939 standards was a prohibition against discrimination on the basis of religious and political affiliation:

> Disqualification of any person from taking an examination, from appointment to a position, from promotion, or from holding a position because of political or religious opinions or affiliations will be prohibited.[6]

In 1963 the prohibition was extended to include race and national origin and State regulations were required to provide for an appeal procedure in cases of alleged discrimination.[7] The prohibition was officially extended to cover race more than 20 years after racial discrimination had been administratively prohibited by Federal construction contractors for the Public Works Administration.

The 1939 amendment was not only an important impetus to better performance in the federally aided programs, but, by stimulating the establishment of merit systems, also has contributed to raising the level of performance of State governments in other areas. Prior to 1939 the concept of employment on a merit basis was alien to most State governments—only 10 of the 48 States administered comprehensive merit systems in 1935.

Current Merit System Requirements

The "Standards for a Merit System of Personnel Administration"

as jointly promulgated by the Departments of Health, Education, and Welfare, Labor, and Defense, state that they are "directed to the achievement of proper and efficient administration of selected federally aided, State-administered programs."[8] Among the goals it seeks to achieve are the replacement of political patronage with more rational selection practices and the employment of the most competent personnel available. Laws and rules pursuant to the standards are a required part of an acceptable State plan of program mission and administration which must be developed before Federal funds can be granted.

At the time the standards were issued, a State having an existing statewide merit system which covered all or nearly all State government employees "substantially equivalent" to the Federal standards was deemed sufficient. If there were no statewide system, a special system or set of systems applicable to the selected federally aided programs had to be established.

Since 1939 the number of statewide systems has grown substantially, although there are still States where merit systems do not exist except for the administration of the federally aided programs. There are also several States where merit system coverage extends beyond the federally aided programs but does not cover all State employees.[9]

The Federal merit standards impose specific requirements on the States which their merit systems must meet to qualify for Federal approval. For example, ". . . in the absence of a State civil service system with substantially equivalent standards," each State system must be operated by an independent nonpartisan merit system council appointed by the Governor or by the administrative agencies. The council, which appoints the director, develops the system and its regulations to meet Federal requirements. The Federal standards also call for a classification plan, creating classes of positions with training and experience requirements for each; a compensation plan providing for salary schedules for all positions; open and competitive examinations, which will include written tests (except for a few specified types of positions); appointment from registers reflecting examination scores; filling of vacancies by promotion from within whenever practicable; assurance against arbitrary discharge; and periodic evaluation of employees' performance. In addition, the State rules must incorporate a ban against political activity similar to that of the Federal Political Activities Act [Hatch Act]. Finally, there is the prohibition against discrimination:

> Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, or any other personnel action, because of political or religious opinions or affiliations or because or race, national origin, or other nonmerit factors will be prohibited. The regulations will include appropriate provisions for appeals in cases of alleged discrimination.

The appeal provision noted above applies only to the State personnel system. There is no provision for review of any kind at the Federal level. The only notice taken of appeals by the Federal Government is the State's filing of the total number of appeals by major type (*not* including discrimination) with the Office of State Merit System [OSMS] as part of the annual statistical report of the States to OSMS.

In contrast to other Federal prohibitions against racial discrimination, the Federal merit standards do not require an "affirmative action" program to increase employment opportunities of minorities. Indeed, some merit system experts have expressed the belief that the merit principle precludes or limits affirmative action.[10] OSMS believes, "that the requirement of a personnel system assures the presence of elements of affirmative action which are in the [HUD] contract clause." [11] But an affirmative action program requires a willingness to take steps beyond the mere avoidance of overt discrimination, includes active recruiting among minorities to increase their employment, and is required from Federal contractors under Executive Order 11246. Affirmative action implies successful results and does not include methods which do not end in more minority group employment.

Effects of the Nondiscrimination Clause

It is difficult to measure the effects of the nondiscrimination clause because little pertinent information is available. Racial composition data by occupation and department of State and local government employment are not collected in many jurisdictions. Where they are collected they may have only been collected once and are often not comparable with those of other jurisdictions. To judge from 1967 data collected by the Commission in its survey, and other existing data, the impact has been limited.

According to nationwide employment data of State employment security systems collected by the Bureau of Employment Security, there has been little change in minority group employment since the adoption of the clause. Negro employment went up between 1962 and 1967 in each of the seven States included in this study, but the increases do not appear to be significant. The greatest rise was an increase of 3 percentage points in California. The increase in minority group employment between 1967 and 1968 in the four Southern States may be more significant. (See Table 4–1.)

Data collected in the Commission's survey showed that the proportion of Negro employees in State employment security offices bore no consistent relationship to Negro representation in the population of selected metropolitan areas. In each of the Southern States the proportion of Negroes in the population was more than double the proportion employed in State employment security offices. (See Table 4–2.)

The proportion of Negro employees in employment security offices

also differed widely by State with the record in Southern States consistently lower than in Northern States. The range in 1967 was from 2.8 percent in Louisiana to 22.3 percent in Michigan. To be sure, the records of Northern and Southern States varied widely in 1962 and the comparatively better record of Northern States may be attributed in part to existing State and local laws and policies designed to assure equal employment opportunity. Nevertheless, it would be expected that firm implementation of a uniform national policy would result in a reduction in the disparities by significantly improving the performance of the States with the poorest records. This has not happened and the differences are far too great to be accounted for entirely by differences in availability of qualified Negro applicants. (See Table 4–1 and Chart 4–1.)

In all States there were relatively fewer Negroes employed in 1967 by employment security offices in white-collar jobs than in other positions. The difference was relatively small in Northern States, but larger in Southern States. (See Table 4–3.)

Data collected by the Commission in 1967 on employees in federally assisted State public welfare programs show a similar underrepresentation of Negroes in the South compared to the total population. There was also the same record of disparity between performance in Southern and Northern States as was found in employment security agencies. (See Tables 4–4 and 4–5.)

Table 4–1. *Percentage Negro Employment in State Employment Security Agencies, Seven States, 1962 and 1967*

State	Percent Negroes State population	Percent Negroes in State employment security agencies		
	1960	1962	1967	1968 [1]
Louisiana	31.9	1.1	2.8	5.3
Georgia	28.5	7.2	8.6	9.3
Tennessee	16.5	4.2	6.5	7.5
Texas	12.4	2.6	4.1	[2] 3.8
Michigan	9.2	21.6	22.3	23.9
Pennsylvania	7.5	11.2	11.3	11.9
California	5.6	6.4	9.3	[3] 8.4

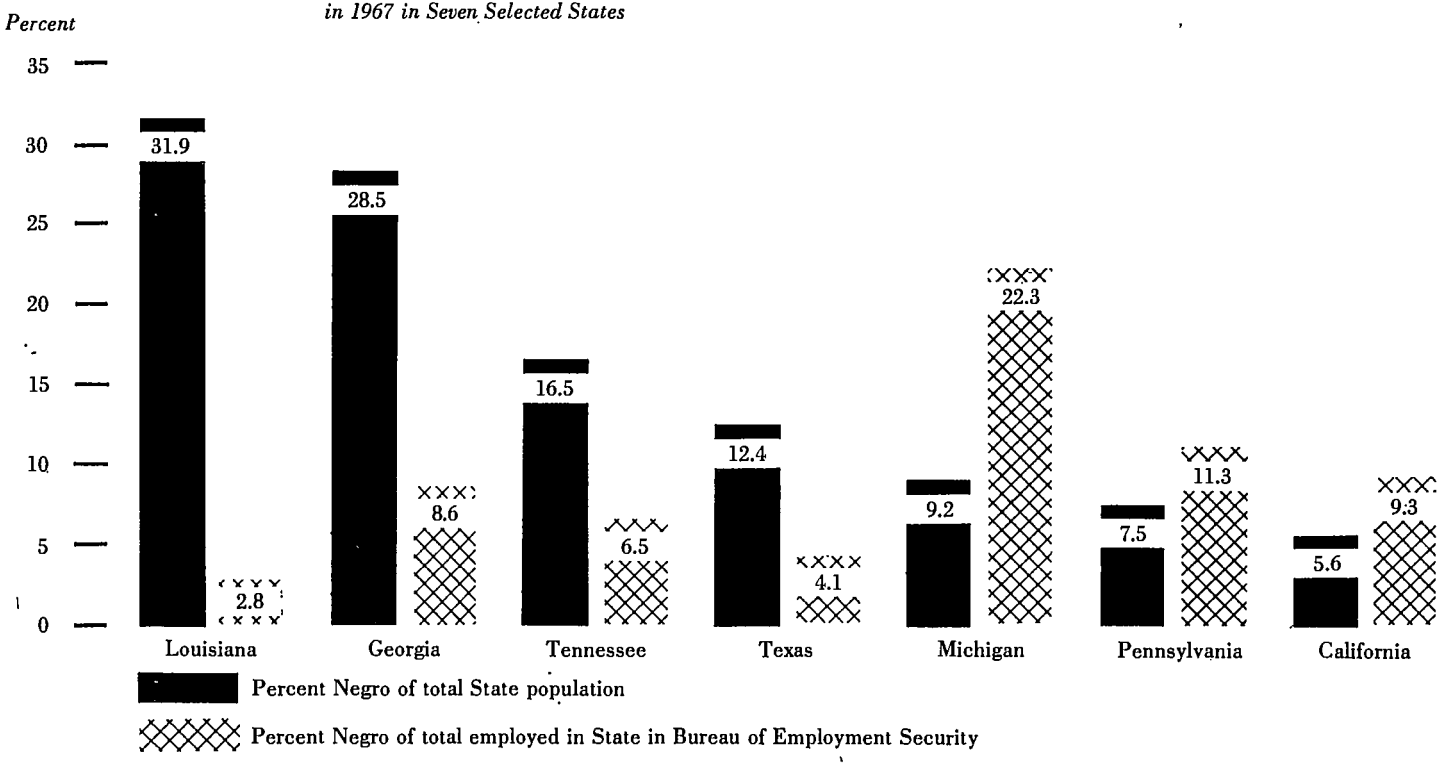
[1] This is preliminary data.

[2] Spanish American employment increased from 6.7 percent in 1967 to 7.7 percent in 1968.

[3] Total minority group employment decreased from 17.6 percent in 1967 to 17.3 percent in 1968.

Source: U.S. Department of Labor, Bureau of Employment Security, *Minority Group Staffing in Employment Security Agencies* (Washington, February 1967).

CHART 4–1. *Negro Population as Percent of Total State Population in 1960 and Employment as Percent of Total State Employment in Bureau of Employment Security Agencies in 1967 in Seven Selected States*



Source: Table 4–1.

TABLE 4–2. *Percentage Negro Employment in State Employment Security Agencies, Seven Metropolitan Areas, 1967*

SMSA	Percent Negroes in		
	Metropolitan area population 1960	Metropolitan area ES employment 1967	
Baton Rouge	31.7	1.9	(7 in 373)
Atlanta	22.8	12.7	(27 in 212)
Memphis	37.9	15.1	(19 in 126)
Houston	19.5	7.8	(26 in 333)
Detroit	14.9	32.2	(640 in 1989)
Philadelphia [1]	17.0	20.2	(205 in 1016)
San Francisco-Oakland	8.6	14.1	(172 in 1217)

[1] Only Pennsylvania part of SMSA.
ES = Employment Security.

NOTE.—Employees of the agencies administering BES programs include an unknown number of other merit employees administering programs not covered by Federal merit standards.

Source: U.S. Commission on Civil Rights Survey of State and Local Government Employment, 1967.

TABLE 4–3. *Percentage Negro Employment in State Employment Security Agencies, Seven States, 1967*

State	Number of ES employees	Percent Negroes in—		
		State population 1960	ES employment 1967	ES [1] white-collar employment 1967
Louisiana	881	31.9	2.8	1.9
Georgia	851	28.5	8.6	4.7
Tennessee	878	16.5	6.5	5.5
Texas	2,744	12.4	4.1	2.2
Michigan	2,383	9.2	22.3	21.9
Pennsylvania	4,155	7.5	11.3	10.1
California	6,123	5.6	9.3	7.7

[1] White-collar—all employment minus custodial and service workers.
ES = Employment Security.

Source: U.S. Department of Labor, Bureau of Employment Security, *Minority Group Staffing in Employment Security Agencies* (Washington, February 1967).

TABLE 4–4. *State and County Employees in Agencies Administering Federally Aided Public Assistance Programs, Selected Metropolitan Areas, by Race, 1967*

SMSA	All employees	Negro	Percent Negro	Percent Negro in population
Philadelphia	1,711	805	44.9	17.0
Detroit	1,707	684	40.1	14.9
San Francisco-Oakland	2,209	243	11.0	11.3
Atlanta	784	116	14.8	22.8
Memphis	250	37	14.8	37.9
Houston	350	35	10.0	19.5
Baton Rouge	642	18	2.8	31.7
Seven Areas	7,733	1,938	25.1	

NOTE.—The data for the Philadelphia metropolitan area refer to the Pennsylvania part only omitting the three counties in New Jersey. The data for San Francisco cover San Francisco and Alameda Counties (Oakland) and omit Marin, Contra Costa, and San Mateo Counties.

The data for Houston cover Harris County.

In all cases employees of State offices located in the SMSA are included. Except for Philadelphia, the data may include some employees of the welfare agency who are performing other functions than those related to federally aided programs.

Source: U.S. Commission on Civil Rights Survey of State and Local Gvernment Employment, 1967.

TABLE 4–5. *State and County Employees of Agencies Administering Federally Aided Public Assistance Programs, Selected Metropolitan Areas, by Major Job Category and Race, 1967*

SMSA	All employees	Officials and managers			Professional and technical		
		All	Negro	Percent Negro	All	Negro	Percent Negro
Philadelphia	1,791	176	65	36.9	840	279	33.2
Detroit	1,707	36	6	16.7	1,134	343	30.2
San Francisco-Oakland	2,209	187	18	9.6	1,218	93	7.6
Atlanta	784	80	14	17.5	418	67	16.0
Memphis	250	3	.....	.....	180	22	12.2
Houston	350	39	4	10.3	216	17	7.9
Baton Rouge	642	64	.....	.....	206	6	2.9
Seven Areas	7,733	585	107	18.3	4,212	827	19.6

TABLE 4–5. *State and County Employees of Agencies Administering Federally Aided Public Assistance Programs, Selected Metropolitan Areas, by Major Job Category and Race, 1967*—Continued

SMSA	Clerical			Maintenance and service workers			Negro percent SMSA population
	All	Negro	Percent Negro	All	Negro	Percent Negro	
Philadelphia	690	412	59.7	85	49	57.6	17.0
Detroit	524	325	62.0	13	10	77.0	14.9
San Francisco-Oakland	795	130	16.4	9	2	22.2	11.3
Atlanta	222	21	9.5	64	14	21.9	22.8
Memphis	66	14	21.2	1	1	100.0	37.9
Houston	87	7	8.0	8	7	87.5	19.5
Baton Rouge	342	2	0.6	30	10	33.3	31.7
Seven Areas	2,726	911	33.4	210	93	44.3	.....

NOTE.—See note on Table 4–4.

Source: U.S. Commission on Civil Rights Survey of State and Local Government Employment, 1967.

Implementation of Merit Standards

Each Federal agency authorized to grant financial assistance has the final responsibility for assuring the implementation of approved State plans for program operation. For administrative convenience, supervision of the implementation of all aspects of the merit standards, including the nondiscrimination clause, rests with the Office of State Merit Systems in the Department of Health, Education, and Welfare. The Federal program agencies accept the assurance of OSMS that the merit standards provision of the State plan has been implemented. This system of shared responsibility permits either party to rely on the other to take the first step in compliance activity.

Implementation by the Office of State Merit Systems

When the merit standards were changed in January 1963 to include nondiscrimination by race and ethnic origin, they incorporated at the Federal level a requirement which already existed in the legislation or civil service regulations of many States. By September 1963, 8 months after the institution of the requirement, 45 of the 54 jurisdictions receiving grants-in-aid included the nondiscrimination requirement in their systems. Four more States added the requirement shortly thereafter.[12] Some of these States had adopted the nondiscrimination requirement in 1962 when the Office of State Merit Systems had sought to obtain

voluntary acceptance of the requirement. Other States had had such a provision for years. Only Louisiana and Mississippi required lengthy prodding to adopt the Federal requirements; Alabama still refuses to abide by the Federal standards.[13]

Five years after the clause prohibiting discrimination was added, OSMS has no definite procedure for assuring that the States do not in fact discriminate against members of minority groups. Other than efforts to require States to issue a rule and regulation prohibiting racial discrimination and establish an appeal system to grant a hearing to complainants charging discrimination, no organized attempt has been made to assure the implementation of the 1963 changes in the standards.

The OSMS is not an operating agency granting funds to State agencies. It functions essentially in an advisory capacity to State agency officials regarding merit system efficiency and Federal operating agencies regarding compliance of the State's system with the Federal standards. In performing these advisory functions, however, OSMS does have a responsibility to develop policies, standard procedures, and to conduct performance reviews.[14]

In a 1949 interagency agreement between the Bureau of Employment Security of the Department of Labor and the Office of Federal-State Relations of HEW (for OSMS), the responsibilities of the program agency and OSMS are clarified. The agreement states:

> The services provided by the Division of State Merit System Services will include the review of personnel laws, rules, and regulations, preparation of examination and other technical personnel materials, *review of merit system operations*, and *advice* to the Bureau staff in Washington and in the field with respect to personnel matters, including recommendations on audit exceptions. *Policy* determinations on these matters will be made by the Bureau of Employment Security . . .[15] (Emphasis added.)

OSMS has not issued written guidelines to the State agencies regarding the implementation of the nondiscrimination clause pursuant to these responsibilities. However, OSMS states that there are unwritten "definite procedures" to judge States' compliance with the 1963 change.

> Operations under the State plan and the processes of the merit system, including the requirements relating to the prohibition of discrimination and provision of an appeals process, are systematically reviewed. Of course, the comprehensiveness of the review with respect to the various requirements of the Standards is limited, more so than we would like, because of budgetary and staff restrictions. . . . We do not nor can we without substantial staff increases, routinely conduct in-depth reviews of the exercise of administrative discretion, provided for in all personnel systems.[16]

One reason given for not providing written guidelines is that, "because of the specificity and inclusiveness of the requirement, interpretative

criteria have not been needed to determine whether State laws and rules are acceptable." [17]

This is in contrast to the experience noted in several States. Fair employment practice commissions in California, Pennsylvania, and Michigan, for example, have developed explicit remedies and affirmative action steps. California has issued a "Guide for Promoting Equal Employment Opportunity" and a "Governor's Code of Fair Practices." The latter requires the State personnel board to "take positive steps to insure that the entire examination process, including the qualification appraisal panel, is free from either conscious or inadvertent bias."

Although the merit standards require the maintenance of records necessary "for the proper maintenance of a merit system and effective personnel administration," [18] OSMS does not seek to assess the effects of the nondiscrimination clauses by requiring State agencies administering the federally aided programs to report the racial composition of their staffs. OSMS does obtain an annual accounting of employment and of personnel actions, including promotions, resignations, and retirements from the State employment security agencies, State health departments, and State welfare departments. These reports, however, include no racial breakdown.[19] The decision to collect racial data has been left to each agency which administers a program covered by the Federal merit standards.

The Department of Health, Education, and Welfare, "does not have a policy which requires States to supply statistics regarding the racial composition of staffs engaged in the administration of grant-aided programs." [20] While OSMS has discussed this with the U.S. Public Health Service and the Social Rehabilitation Service of HEW from time to time for several years, it has not considered the issue important enough to be brought to the attention of the Secretary.[21]

Of the three Federal departments concerned, only the U.S. Department of Labor collects minority group employment information from State employment security agencies. It first collected data in 1962; surveyed the States again in 1966; and in 1967 made the survey an annual procedure.[22]

OSMS at times has argued that it did not have legal authority to obtain the collection of racial statistics. In a letter to the Commission in May 1968, Acting OSMS Director Norman Locke said:

> Information on racial characteristics is not generally available in merit system offices and can normally only be obtained through visual observation in the program agencies. As a staff office, the Office of State Merit Systems does not administer grant programs and *does not have any authority to require submittal of racial employment statistics* or any other statistical data from program agencies. (Emphasis added.)

This statement differs from an earlier letter sent by OSMS to the personnel director of the State of Alabama. On January 4, 1967, Mr. Aronson wrote to Mr. Frazier:

> As you know, under the various Federal grant-in-aid statutes the States, as a condition of obtaining assistance, are required 'to make such reports, in such form and containing such information, as the Secretary may from time to time require . . .' (see, *e.g.*) 42 U.S.C. Sec. 302(a)(6).) Would you, accordingly, furnish us with a complete and current list showing the name, race, job classification and salary or wages of each employee in a non-exempt position administering grant-in-aid programs subject to merit system requirements in the following State departments: Industrial Relations, Pensions and Security, Public Health, Education (Crippled Children's Services Program), Mental Health (Community Mental Health Program) and Civil Defense.

Thus, OSMS can act for the three departments in special cases to request racial data, realizing its value in court suits. But annual collection of racial employment statistics is still under discussion more than 5 years after the change in the standards. Referring to the same statutory provision cited in the letter to Alabama, Mr. Aronson stated: "The proposals to gather racial data on employment, now under consideration in the Department, are based on the above authority of the Secretary." [23]

Even in the absence of a decision to collect racial data, OSMS might have adopted other systematic methods to ascertain the degree of compliance with nondiscrimination requirements. It has not done so. Field staff has not been directed to undertake periodic investigations of the extent of minority group employment or to encourage States to enlarge job opportunities for minorities.

Instead OSMS carries out routine reviews of all phases of State personnel operations through its regional representatives who are "keenly alert to the prohibition of discrimination," but do not undertake an "in-depth review of the exercise of discretion by appointing officers."[24] In other words, the formal plans and regulations are examined, but the methods by which they are executed are not.

According to OSMS, compliance activity of the regional representatives is limited because it has received no funds for the administration of civil rights matters [25] and whatever efforts have been made to review the implementation of the 1963 change were made within existing resources.[26] Among compliance efforts cited by OSMS was the preparation of letters sent by Federal program agencies requesting a formal restatement of State equal employment opportunity policy from State department heads to all department units. OSMS also says it was actively involved in an effort which resulted in the Secretary of Health, Education, and Welfare establishing an advisory committee in 1967 to study the

Federal standards. This committee has thus far "thoroughly discussed" the appointment of the disadvantaged.[27] At the time of the Commission's study the committee had not completed its work but it was expected that the Federal standards would be adjusted to permit more public jobs for the disadvantaged.

But concern for the "disadvantaged" is only one aspect of a program to secure equal employment for minorities. Efforts to employ and qualify persons from disadvantaged backgrounds and to restructure jobs to provide new opportunities for the less skilled, even if consummated, do not guarantee absence of discrimination in this program or in hiring and promotion of well qualified members of minority groups.

OSMS realistically believes that merit personnel systems will reflect the degree of discrimination existing in any segment of society. While this belief appears to question the inherent fairness of merit systems, OSMS states that the situation would be less favorable without them. This belief is clearly expressed in:

> Discrimination against minorities, including racial minorities, obviously is a problem throughout much of our society. The seriousness of the problem, of course, varies from one segment of society to another, being of very substantial proportions in some. Experience has shown that the standards of employment in governments reflect to a significant degree the standards of the society in which they exist. However, where merit system principles have been adopted for application in government employment, it has provided a means for minority groups to advance themselves more rapidly than is possible in employment which does not make use of systematic objective evaluation techniques.[28]

Lacking racial data, OSMS is not in a position to gauge whether the statement is supported by fact. The conclusion that: "Effective merit systems generally are less influenced by subjective considerations such as race,"[29] points to the central problem: effectiveness. The racial employment data from State employment security agencies and welfare programs are testimony that they are not effective for minority groups.

The few recent special reviews of personnel practices of certain States that have been conducted by OSMS have indicated that employment discrimination has occurred within an approved merit system.[30] Following an open meeting of the Mississippi State Advisory Committee to the U.S. Commission on Civil Rights in 1967, OSMS and other Bureaus of the Department of Health, Education, and Welfare reviewed the personnel administration of the Mississippi Welfare Department which in 1967 employed only 38 Negroes on its staff of more than 1,500.[31] The review report described in detail the operation of the State's merit system which works to the disadvantage of Negroes, from a failure to recruit through shortcomings in the examination process to a county

assignment system of eligibles which limits opportunities for black persons and provides many chances for discrimination.

The report, a comprehensive evaluation resulting from a field investigation in the fall of 1967, surprisingly has not been sent to the State. "Further action and follow-up with the State are being considered with the Social and Rehabilitation Service," OSMS informed the Commission on Civil Rights.[32]

The Federal merit standards also require the States to make periodic evaluations of their merit systems. In 1960 OSMS drafted "Instructions and Guides for Completing the Qualitative Section of the Merit System Review." [33] The guide has not been put into final form or changed subsequent to the prohibition of racial discrimination.[34] Few of the survey reviews, moreover, have even been completed; none has been completed since January 1963, the effective date of the ban on racial discrimination.[35]

At their suggestion, says OSMS, in December 1966, the directors of two major divisions of the Social and Rehabilitation Service in HEW, the Bureau of Family Services and the Children's Bureau, jointly requested that all State welfare agencies undertake specific "positive action." These actions would include, but not be limited to, the publicizing of the equal employment opportunity policy of the State agency and increasing efforts of recruiting minority group persons. This unrepeated request was made through HEW's regional offices which distributed the request to the States. The State agencies were asked to describe the affirmative action taken and to report the results within 60 days directly to Washington rather than to HEW regional offices.[36] In consequence, the effort seems to have made no impression. When interviewed by Commission staff, officials of the Chicago regional office did not even remember the request.[37] All States responded, but not all in a manner which would indicate an eagerness to broaden employment opportunities for minority groups. For example, the Texas Welfare Department responded as follows:

> This department's policy of offering equal employment opportunity to members of minority groups is well accepted and understood by our staff and we have never found it necessary to issue a policy statement to that effect to the staff.
>
> You may consider this letter as our written statement of policy to you that the Texas State Department of Public Welfare does not discriminate against any applicant for employment on the grounds of race, color, or national origin.[38]

The Social and Rehabilitation Service took no action other than to tabulate the steps taken by each agency.

Implementation of Clause by the Program Agency

In recent years, the policy statements of the Bureau of Employment Security of the Department of Labor addressed to State employment

security agencies have recognized the need for affirmative action if equal employment opportunity is to become a reality. Memoranda from the Bureau of Employment Security to the 50 State employment security agencies have consistently reminded State agencies of their responsibilities in the matter.

In January 1964 a memorandum to all State employment agencies urged "appropriate action towards insuring equal employment opportunity and nondiscrimination in State agency personnel administration." It suggested intensive recruitment for job applicants "especially in minority communities and among graduates of educational institutions where such recruitment in the past may not have been pressed or emphasized." [39]

In March 1965 a memorandum to regional offices required that they develop a plan for assessing State agency nondiscrimination action. A "plan for action" to eliminate discriminatory practices and promote greater opportunity for minority group members was required of each State agency.[40] State employment security agencies were requested to complete as of February 1967 a report on the racial composition of staffs in significant detail: i.e., major occupational group, type of office, geographical location, and other factors. The results, released in August 1967, show that such information can be obtained without undue difficulty.[41]

That the Bureau of Employment Security has not had uniform success in its efforts is shown by the greatly varying performance in the States. In addition to having instituted a reporting system, the Bureau also has undertaken onsite reviews. At least one has been made in most States by Regional or Washington Bureau staff and Commission staff reviewed the most current reports on California, Georgia, Texas, Louisiana, Tennessee, Pennsylvania, and Michigan.

The reviews, usually conducted by the Department of Labor regional representatives, sometimes with the assistance of OSMS staff,[42] varied in depth and completeness. While stressing progress, they noted shortcomings in all States. The Michigan report[43] included significant recommendations for improvements, suggestions which the Department of Labor intended to follow up to assure implementation.[44] Recommendations contained in the review reports were sent to the State agency directors.[45] Compliance reviews were begun in 1965 and were continued annually to promote progress in States with serious problems.

In November 1967, the Bureau of Employment Security instituted a new system of self-evaluation to be made by the State agencies.[46] The self-evaluation, based on a design to be developed in consultation with the States, is meant to replace the evaluations by the Federal Bureau of Employment Security staff, except for the States whose evalu-

ations are not, according to the Bureau, performed "objectively and thoroughly." The new system is still in the preparatory stage.[47]

Methods of Enforcement

The nondiscrimination clause of the Federal merit standards is a requirement of the State plan of program operations. Substantial noncompliance with any part of a State's plan by a State agency may result in any of three formal enforcement actions: (1) an administrative hearing which can lead to withdrawal of Federal funds; (2) an audit exception for a budget item which results in the disallowance of a specific program expenditure; and (3) a Federal court suit charging specific violations and seeking specific redress.[48] These methods are used to enforce compliance when the usual informal techniques for obtaining voluntary compliance have failed. Usually OSMS relies on negotiation and persuasion to resolve compliance problems.

Generally the two stages of compliance—the State agencies' adoption of an acceptable State plan with adequate rules and regulations fulfilling the Federal requirements, and compliance in operation of the State's regulations—may be enforced by the three methods. All States except Alabama have incorporated approved nondiscrimination provisions in their regulations, and informal negotiation techniques are being relied upon for the enforcement of the compliance in operation stage.[49] Enforcement through the withholding of Federal funds for any violation has been used only rarely, as in Ohio in 1938 (See footnote 3, pp. 267–68). It has never been used in an employment discrimination case.[50] The procedure by which *any* Federal funds are withheld is cumbersome, time-consuming, requires an administrative hearing, and may, finally, to be enforceable, require Federal court action. This was the experience in the case in Alabama's failure to comply with the civil right assurance required by Title VI of the Civil Rights Act of 1964 for the State welfare department.[51]

Audit exceptions are often used to recover relatively small amounts of Federal funds spent for purposes not a part of an approved State plan. Audit exceptions are applied against specific personnel actions such as the retention of a temporary employee longer than permitted by the regulations of a State's merit system. An audit exception has never been applied to enforce compliance with the nondiscrimination clause of the standards because it has been felt to be a weak and indirect sanction.[52]

Informal negotiation efforts to obtain State compliance with the 1963 Federal merit standards change has been most effective in difficult situations when it could be used in conjunction with other actions. For example, new Federal funds were withheld from a Florida State agency administering an existing program subject to the Federal standards until the State adjusted its regulations appropriately.[53]

The first and only use of a court suit to enforce compliance with the nondiscrimination clause was in Alabama in 1968.[54] In June 1968 the Department of Justice filed suit against the State charging that it had refused, since January 1963, to adopt explicit racial nondiscrimination regulations as required by the Federal merit standards and that it had systematically denied employment to Negroes in the federally aided programs subject to the standards.[55] If successful, the suit will not cause Alabama to lose Federal funds, but will result in a court order requiring the State to take specific steps to remedy the situation.

Equal Employment Opportunity Clauses in Contracts Between the Department of Housing and Urban Development and Local Agencies

The Department of Housing and Urban Development (HUD) administers public housing and urban renewal, two large grant-in-aid programs. They are among the Department's more important programs in terms of the amount of money committed and the number of persons affected. In both programs, the Federal Government provides assistance to local public agencies created under State enabling legislation for carrying out urban renewal or public housing programs.

In public housing, a program providing rental housing for low-income families, the Federal Government, through the Housing Assistance Administration (HAA),[56] provides long-term subsidies to reduce tenant rent to the level which low-income households can afford. In an Annual Contributions Contract the Federal Government commits itself to payments of subsidies for up to 40 years.[57]

In the urban renewal program, the Federal Government in most cases underwrites two-thirds of the net project cost (which is the difference between the cost of acquiring and clearing the land and the so-called reuse value, the amount for which the cleared land is made available to a redeveloper).[58] The long-term Federal obligation is incurred by a Loan and Capital Grant Contract, which provides for the conditions under which a local renewal agency is eligible for Federal assistance.[59]

Local housing and renewal agencies in most jurisdictions are organizationally independent of city or county governments and often use independent personnel systems which are not subject to local government merit system requirements. There are exceptions. For example, in Michigan a department of the city government functions as both housing and renewal agency; in Chicago, urban renewal is administered as part of the city government, while the Housing Authority is an independent body. Depending on who appoints the members of the governing body of a local agency, there is greater or lesser local government influence on or control over the housing or renewal agencies. Although often organiza-

tionally independent, both public housing and renewal programs can receive Federal assistance only when local governing bodies take certain official actions required by Federal statutes.[60]

Nondiscrimination Clauses

The contracts providing for Federal financial assistance to public housing and urban renewal contain clauses prohibiting discrimination in local agency employment and requiring each local agency to take affirmative action to insure equal employment opportunity. The clauses prohibiting discrimination by race, creed, color, or national origin are standard conditions in these contracts which convey billions of dollars to local agencies.

The Annual Contributions Contract for public housing reads as follows:

> In connection with the development or operation of any Project, the Local Authority shall not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The Local Authority shall take affirmative action to ensure that applicants are employed and that employees are treated during employment, without regard to race, creed, color, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Local Authority shall insert the foregoing provision (modified only to show the particular contractual relationship) in all its contracts in connection with the development or operation of any Project, except contracts for standard commercial supplies or raw materials and contracts referred to in subsection (b) of this Sec. 304, and shall require all such contractors to insert a similar provision in all subcontracts, except subcontracts for standard commercial supplies or raw materials. The Local Authority shall post at the Projects, in conspicuous places available for employees and applicants for employment, notices to be provided by the PHA setting forth the provisions of this nondiscrimination clause.[61]

The clause in its present form with the affirmative action requirement, was inserted in the Annual Contributions Contract when Executive Order 11114 on Equal Employment Opportunity, June 22, 1963,[62] required it of private contractors doing work for the Government.[63] Clauses relating to nondiscrimination in employment under construction contracts have been part of the Annual Contributions Contract at least as far back as 1940 and clauses for nondiscrimination in local agency employment have been part of the contract since 1950.[64] Even in the 1940's race relations advisors were under a mandate to check on "ad-

ministration of the policy requiring nondiscrimination of management personnel." [65]

The Loan and Capital Grant Contract for urban renewal grants contains a nondiscrimination clause almost identical to the clause in the Annual Contributions Contract. (See Appendix C.) The current urban renewal nondiscrimination clause also was inserted in the contract document after the promulgation of Executive Order 11114, to supersede contractual requirements for nondiscrimination which had existed since 1954.[66]

Employment Patterns in 14 Local Housing and Renewal Agencies

The Department of Housing and Urban Development does not regularly collect racial data on the employees of some 2,000 local housing authorities and 900 local renewal agencies. It, therefore, has no accurate way of judging local performance and the effects of the nondiscrimination clauses.[67]

In the Commission's survey conducted in the spring of 1967, local housing and renewal agencies in the study areas were requested to provide data on their employees by type of employment and by race. The 14 local agencies[68] in six study areas employed a total of nearly 3,500 persons. Individual agencies employed from 23 to 834 persons.

One-half [49 percent] of the staffs of the 14 local housing and renewal agencies surveyed were minority group members, primarily Negroes. While this total does not reveal the fact that 77 percent of the laborers and service workers were members of minority groups, minority persons also accounted for 29 percent of the officials and managers, 27 percent of the professionals and technical workers, 42 percent of the clerical staff, and 43 percent of the craftsmen and operatives. (See Table 4–6.)

Since HUD does not require regular reporting of racial data there is no way of knowing how representative of performance across the coun-

TABLE 4–6. *Employees of Fourteen Selected Local Housing and Urban Renewal Agencies, by Major Job Category and Minority Group Status, 1967*

Job category	All employees	Minority group employees	Percent minority
All categories	3,473	1,716	49.4
Officials and managers	329	96	29.2
Professional and technical	662	182	27.5
Office and clerical	759	324	42.7
Craftsmen and operatives	619	267	43.1
Laborers and service workers	1,104	847	76.7

NOTE.—For the agencies covered see Table 4–7.

Source: U.S. Commission on Civil Rights Survey of State and Local Government Employment, 1967.

try these 14 agencies are. Nor is there evidence in the figures gathered by the U.S. Commission on Civil Rights that the racial distribution which existed in 1967 was the result of the nondiscrimination clauses. Finally, no comparison is possible with the racial distribution prior to the nondiscrimination and affirmative action clauses.

The study data also do not show differences of rank within job categories. They do not indicate, for example, whether Negroes are assistant managers when managers are white. They do not indicate the frequency with which whites are assigned to central office functions while Negroes hold positions in "Negro" projects. Officials knowledgeable about employment practices in local housing and renewal agencies state that these situations are common.[69]

The fact that comparatively large numbers of Negroes hold jobs in local housing and renewal agencies is in part a reflection of early efforts to provide "Negro" jobs. These efforts go back to the mid-1930's when the Federal Government first concerned itself with housing in a sustained manner. Long before the civil rights laws of the 1960's, public housing administrators held to a concept of "racial equity."[70] In part it meant that employment opportunities in the agencies administering housing programs were to be equitably allocated to whites and nonwhites. The requirement of "racial equity" could be met in a segregated setting of Negro housing projects and Negro jobs, white housing projects and white jobs.[71]

While the concept differed from that inherent in present day definitions of equal employment opportunity, it nevertheless provided managerial and professional jobs for Negroes and created a new avenue for upward mobility at a time when such avenues were few.

When urban renewal was established in 1949 the local renewal agencies developed employment patterns similar to those in local public housing agencies. Urban renewal developed into a program with great impact on Negroes and renewal agencies employed Negroes with greater frequency.[72]

The information gathered by the Commission shows a relatively high proportion of Negro employees in managerial, professional, and clerical positions in agencies in the South as well as in other regions of the country. (See Table 4–7.) The figures also show that the Atlanta Housing Authority exceeds all others surveyed in the overall percentage of Negro employees. Generally, the record of the small authorities is poorer than that of the larger ones, and the renewal agencies do less well than the housing authorities.

The figures also indicate that a long standing Federal public housing policy of racial equity in employment built into the concept of program effectiveness achieves results.[73] Such policy has existed in the predecessor agencies of HUD for nearly three decades. The equal opportunity staff of HUD stated that the most serious problem in employment is not

TABLE 4–7. *Employees of selected local housing and urban renewal agencies, by job category and minority group, 1967*

	All employees	Minority employees	Percent minority	Managerial/professional			Office and clerical			Skilled, semiskilled, unskilled, and service workers		
				All	Minority	Percent minority	All	Minority	Percent minority	All	Minority	Percent minority
Philadelphia Housing Authority	834	502	60.2	181	60	33.1	123	54	43.9	530	388	73.2
Detroit Housing Commission	553	281	50.8	140	37	26.4	85	57	67.1	328	187	57.0
Atlanta Housing Authority	464	324	69.8	85	34	40.0	94	55	58.5	285	255	82.5
Philadelphia Redevelopment Authority	421	128	30.4	259	68	26.3	159	58	36.5	3	2	66.7
San Francisco Housing Authority	339	133	39.2	37	12	32.4	79	24	30.4	223	97	43.5
Memphis Housing Authority	198	120	60.6	32	10	31.3	47	20	42.6	119	90	75.6
San Francisco Redevelopment Agency	189	58	30.7	120	23	19.2	48	18	37.5	21	17	81.0
Oakland Redevelopment Agency	122	40	32.8	79	21	26.6	41	17	41.5	2	2	100.0
Houston Housing Authority	106	56	52.8	23	6	26.1	8	4	50.0	75	46	61.3
Oakland Housing Authority	75	34	45.3	8	3	37.5	29	12	41.4	38	19	50.0
Chester (Pa.) Housing Authority	62	20	32.3	12	4	33.3	13	3	23.1	37	13	35.1
Contra Costa County (Calif.) Housing Authority	46	9	19.6	6	.....	0	15	1	6.7	25	8	32.0
Marietta (Ga.) Housing Authority	41	6	14.6	5	.....	0	12	1	8.3	24	5	20.8
Delaware County (Pa.) Housing Authority	23	5	21.7	4	.....	0	6	.....	0	13	5	38.5
Total	3,473	1,716	49.4	991	278	28.1	759	324	42.7	1,723	1,114	64.7

NOTE.—The Baton Rouge metropolitan area has no housing authorities or renewal agencies.

in overall numbers but in job assignments and potential for upgrading.[74] It is in the area of assignments and promotions that implementation of the equal employment opportunity and affirmative action clauses is now most critical.

Implementation of the Clause

In the past there has been no consistent and effective machinery in HUD to make the equal employment clauses effective instruments for assuring Negroes and members of other minority groups equal access to all jobs, equality in promotion, and assignment. With the reorganization of the Department's equal opportunity and civil rights programs through the creation of the Office of Assistant Secretary for Equal Opportunity, a Funded Agencies Division was created with these specific duties:

> (*a*) Develops standards, procedures, and guidelines for implementing equal employment opportunity requirements in activities involving program participants. (Local agencies receiving assistance under HUD programs.)[75]
>
> (*b*) Provides advice, assistance, and guidance to Regional Office Equal Opportunity staffs in this area, including development of a systematic program for the review of equal opportunity compliance.[76] In each HUD Regional Office, the Assistant Regional Administrator for Equal Opportunity has a counterpart organizational unit with similar functions to the central office unit.[77]

HUD has at its disposal a number of procedures and techniques for implementing the clauses. Some are minor, others are not used, and some are of such nature that they are not likely to be used except as a last resort. The new organizational structure may be able to use these methods effectively to carry out HUD's responsibilities.[78]

Complaint Procedures.—Like many nondiscrimination provisions, the ones discussed here provide procedures for the filing of complaints by persons who believe they have experienced discrimination. Employees who are aggrieved can take their cases to the local agency, to a State or local equal employment opportunity agency where such exists, or directly to HUD. The procedures are spelled out in a poster which the local agency must display.[79]

The procedures provide that a complaint to HUD will be referred to the Civil Rights Unit in the Inspection Division,[80] but this avenue is not always followed. Attempts are made by Regional and Washington program officials to remedy complaints without their being handled by formal procedures. In the year prior to Commission interviews with HUD officials in Washington, only four employment complaints against local housing authorities and three against local renewal agencies were recorded.[81] Under procedures currently being developed all complaints reaching HUD must be forwarded to the Assistant Regional Admin-

istrator for investigation and processing. There will be no decision on the part of line staff as to the route complaints must take.[82]

Of the four employment complaints concerning local housing authorities, the case of Galveston, Tex., is outstanding because of the remedy. Problems of improper upgrading and pay inequities uncovered during an investigation were corrected, but ever since that investigation a committee of the employees of the local authority reviews all personnel actions and the HUD regional office is informed of each.[83]

Review Procedures.—HUD has issued general guidelines for periodic review of local agency performance which require an evaluation of nondiscrimination in employment.[84] In public housing, the Management Division of the Housing Assistance Administration's Regional Branches conducts onsite reviews of local authority performance every 4 years.[85] In urban renewal the Program Operations Division of the Renewal Assistance Administration's Regional Branches makes an annual financial audit.[86] Both reviews provide for an assessment of local personnel administration. These reviews frequently have done no more in regard to equal opportunity than to assure that required posters are displayed.[87]

Guidelines specifically for the equal employment opportunity section of reviews have never been issued and special training has never been given to reviewers.[88] Under new HUD procedures the Commission has been assured that systematic program reviews from an equal opportunity point of view will be conducted by Equal Opportunity Regional staff.[89]

Prior to the reorganization, the Director of Program Operations in the Chicago Renewal Assistance Office told Commission interviewers that his field staff did not submit written reports to him on the employment practices of local agencies because he was not required to make written reports to Washington. Questionable local practices were corrected by discussion between the Director of Field Services, Program Operations and the local administrator. A formal report was avoided and thus knowledge of the practice seldom reached Washington.[90]

Discussions with HUD equal opportunity officers in 1967 in Washington revealed some awareness of the shortcomings of present procedures. They stated that meaningful enforcement programs were being developed.[91] In the absence of nationwide HUD guidelines for carrying out affirmative action in local agency employment, the San Francisco Regional Office, with whom Commission staff conducted interviews, had developed its own criteria for affirmative action plans. The Bay Area Rapid Transit Authority agreed to extend the affirmative action requirements under Executive Order 11246 to "both its own employment and that of its contractors and subcontractors."[92] The agreement followed the pattern of construction contract requirements of the Office of Federal Contract Compliance of the Department of Labor. Under these procedures, local agencies in six Bay Area counties connected with the

construction of the Bay Area Rapid Transit (Alameda, Contra Costa, Marin, Santa Clara, San Francisco, and San Mateo) were required on May 1, 1967, to develop affirmative action plans for in-house employment within 60 days. The plans to be submitted were to consist of eight parts as follows:

> PART II, 2. Affirmative Action Program Respecting Public Body's Own Employment Practices:
>
> (a) Frequently publishing its equal employment opportunity policy in such manner as to assure that it is made known to (i) all employees and applicants for employment (Publication may be in employee magazines, or similar issuances recruiting materials, and training bulletins for supervisors), (ii) all sources of employee referral, including those with minority group affiliation, (iii) community organizations, including those with minority group membership.
>
> (b) Requiring each supervisor to sign a copy of the policy statement as evidence of his intention to comply.
>
> (c) Designating equal employment opportunity officers in the corporate headquarters and in each organizational segment who shall be charged with the responsibility of securing compliance and reporting as to progress.
>
> (d) Publishing special articles in company publications to illustrate progress towards the attainment of equal employment opportunity.
>
> (e) Cooperating with all unions with which it has collective bargaining agreements in the development of programs to assure qualified members of minority groups of equal opportunity in employment.
>
> (f) Instructing the supervisory staff at all levels as to methods of dealing with prejudices or discrimination which may be directed at minority group employees.
>
> (g) Establishing a system for the filing and processing of complaints by employees and applicants for employment so as to assure prompt and equitable handling, including procedures to protect from reprisals those employees who file complaints of discrimination.
>
> (h) Providing an effective system of maintaining ethnic data on all employees.[93]

Maintaining Ethnic Data.—Essential to the successful implementation of equal employment opportunity requirements is the maintenance of ethnic data sufficiently detailed to permit periodic assessment of the number of minority group employees in various job categories as well as their rank within individual job categories and the location of assignments.

Local agencies report in great detail on numerous aspects of their performance according to uniform guidelines and forms established in Washington. However, with the exception of six counties in the San Francisco Region, HUD has not, in the past, required local agencies to submit the racial data needed for an evaluation of equal employment opportunity performance.[94] More recently Region V of HUD has made a survey of minority employment in HUD-funded agencies in its region and is developing plans for implementing an affirmative action program concerning the local agencies' own employment. The Office of the Assistant Secretary for Equal Opportunity intends to collect ethnic employment data from funded agencies as part of its responsibilities to insure compliance with the Department's policies of equal opportunity.[95]

Existing complaint procedures were the only method used to obtain nondiscrimination compliance. However, this was altered when on November 21, 1968 the first Federal suit charging employment discrimination in a local housing authority was filed [see earlier discussion].

Sanctions Under the Contracts.—While the United States solemnly pledges "the payment of all annual contributions" or "grants contracted for," the local agency must fulfill its responsibilities under the contract to hold the Federal Government to its pledge. According to HUD officials, however, the withholding of funds is viewed as "a last resort" in cases of contract violation, and is rarely used. No complaints of violation of the equal employment clause by local housing or renewal agencies have resulted in the withholding of Federal funds. Such charges have been resolved in other ways.[96]

The contracts provide for other sanctions in case of "substantial default."[97] HUD can take over a project and manage it directly. This has been done in a few cases of gross mismanagement or fraud, but complaints of employment violations have never been determined sufficient for such action. HUD is reluctant to use the prerogative of "take over" because of the difficulties of supervising the management of a distant local project from a Regional office.

According to HUD's staff, it can also bring a court case against a local agency which does not carry out the terms of the contract, and has done so in a number of cases.[98] But prior to November 21, 1968, HUD never felt justified to do this in matters of equal employment opportunity.[99]

> In this instance a court case was instituted by the Justice Department against the Little Rock, Arkansas Housing Authority for failure to file an acceptable tenant selection plan in the light of the manual revision of July 1967 and because of discrimination in its employment practices.[100]

Litigation was deferred, however, by an agreement to resolve the matter. In the court order entered into deferring the matter, one item directs the Housing Authority to conduct its employment practices without discrimination on the basis of race or color, to maintain records that will show compliance, and to make regular reports.[101]

Litigation was also threatened against the Dallas Housing Authority for similar noncompliance. In this instance, however, the suit was not filed when the Authority indicated it wished to resolve the matter. In the agreement entered into in order that the Department of Justice not file suit, one of the conditions agreed to was that the Housing Authority would make no distinction on account of race, color, or national origin in the hiring, promotions, and transfer of employees and would conduct these activities in a manner designed to end the separation of races in office forces and other job positions.[102]

One additional method, effective with local housing or renewal agencies which want additional projects, is the deferment of approval for new projects until existing noncompliance is corrected. This method has been used successfully, for example, in East St. Louis, Illinois.[103] Local organizations in East St. Louis had protested that a qualified young black official in the housing authority had been passed over for promotion to the position of assistant director in favor of a less qualified white person. The Chicago Regional Office withheld approval of the construction of additional housing until the matter was resolved by creating a second assistant director position. The black candidate was made assistant director for management; the white candidate, assistant director for development.

Summary

When any detailed study is made of a social problem, the factor of social change will affect the results. As this study drew to a close, several events altered some of the facts with which the study began. Two Federal court suits were filed in 1968; one concerned the requirement of the nondiscrimination clause of the Federal merit standards applied to the State of Alabama, and the other charged Federal contract violations by the Little Rock Housing Authority, including discrimination in agency employment.

Considering the 5 years that elapsed before suit was filed, this action emphasized the latitude permitted within the current controls. In both situations, the administrative procedures to enforce the regulations were ignored.

The Federal court system is being utilized in these ways to interpret the Federal regulations officially and to solidify existing Federal authority in the provision of equal opportunity requirements for State and local governments receiving Federal aid.

The other significant step taken by the Federal Government was the requirement of nondiscrimination in State highway department employment by the Federal Highway Act of 1968. This is the first major extension of coverage in Federal nondiscrimination controls of State government employment since the 1963 change in the Federal merit standards.

Prior to the June 1968 Federal court suit against the State of Alabama the nondiscrimination clause of the Federal merit standards was not vigorously implemented beyond obtaining necessary written adjustments. Obvious changes were required: e.g., an end to discriminatory job advertisements and a beginning of recruitment at Negro colleges. But no special steps were taken to: (1) seek correction for past employment discrimination or (2) materially assist in minority group recruitment and upgrading as part of the new policy.

An increase in OSMS staff might have made possible a more effective and complete job of compliance in operation; but even with all regular tasks and services continuing, some small organized effort might have been begun. Once the initial effort of obtaining the necessary changes in rules and regulations by 44 of 50 States was completed, some of the time previously used for negotiations might have been used for compliance activity.

In the Alabama case, the question was never raised as to whether the State had vigorously or sufficiently implemented the changed requirements since Alabama had never changed its rules. Thus, Alabama is not a measure of compliance activity.

The Federal court suit charging discrimination against the Little Rock Housing Authority underscores the ineffectiveness of the complaint process and compliance review procedures. In the past there had been few employment complaints and there existed *no* compliance system which reviewed employment records and personnel systems periodically. Thus, the order of the Federal court in supporting the discrimination charges noted the importance of detailed ethnic data, and noted that the case would remain on the docket for additional orders if needed. However, the new steps proposed by the Office of the Assistant Secretary for Equal Opportunity at HUD could have a significant impact on employment opportunities for minority group members if vigorously implemented and enforced.

The two examples of Federal support for equal employment opportunity in State and local government examined here are different in many respects but reflect a common hesitation to forceful implementation. In each, no compliance system was in effect; no racial data were gathered; above all, the small percentage of total State and local government employment covered by either of these nondiscrimination requirements limited effective action.

FINDINGS

Background of the Problem

1. In recent years State and local government employment has grown rapidly in total numbers, in the range of services provided, and in the occupational categories required to perform these services. Because they are relatively large institutions, have broad potential, and need a variety of talent, State and local governments can provide an important source of jobs for members of minority groups.

2. State and local governments are the largest single group of employers in the United States for which no comprehensive information is available on the racial and ethnic composition of their work force. These governments also are the only large group of employers in the Nation whose racial employment practices are almost entirely exempt from any Federal nondiscrimination requirements.

Extent of Equal Opportunity

3. Minority group members are denied equal access to State and local government jobs.

(*a*) Negroes, in general, have better success in obtaining jobs with central city governments than they do in State, county, or suburban jurisdictions and are more successful in obtaining jobs in the North than in the South.

(*b*) Negroes are noticeably absent from managerial and professional jobs even in those jurisdictions where they are substantially employed in the aggregate. In only two central cities, out of a total of eight surveyed, did the overall number of black employees in white-collar jobs reflect the population patterns of the cities.

(*c*) Access to white-collar jobs in some departments is more readily available to minority group members than in others. Negroes are most likely to hold professional, managerial, and clerical jobs in health and welfare and least likely to hold these jobs in financial administration and general control.

(*d*) Negroes hold the large majority of laborer and general service worker jobs—jobs which are characterized by few entry skills, relatively low pay, and limited opportunity for advancement.

(*e*) Spanish Americans hold a substantial number of State and local jobs in the Houston area governments but hold proportionately fewer State and local jobs in the San Francisco-Oakland area governments. They have been more successful in obtaining higher level jobs than Negroes but less successful than majority group members.

(*f*) Oriental Americans are more successful in obtaining State and county jobs than central city jobs. Although the distribution of Oriental Americans in professional and clerical occupations is equal to or better than that of the majority group, Oriental Americans have not obtained full access to managerial positions.

Barriers to Equal Opportunity

4. State and local government employment opportunities for minorities are restricted by overt discrimination in personnel actions and hiring decisions, a lack of positive action by governments to redress the consequences of past discrimination, and discriminatory and biased treatment on the job.

(*a*) A merit system of public personnel administration does not eliminate discrimination against members of minorities. It proclaims objectivity, but does not assure it. Discrimination occurs both in recruiting and in selection among final applicants.

(*b*) Governments have undertaken few efforts to eliminate recruitment and selection devices which are arbitrary, unrelated to job performance, and result in unequal treatment of minorities. Further, governments have failed to undertake programs of positive action to recruit minority applicants and to help them overcome barriers created by current selection procedures.

(*c*) Promotional opportunities are not made available to minorities on an equal basis by governments that rely on criteria unrelated to job performance and on discriminatory supervisory ratings.

Barriers in Police and Fire Departments

5. Barriers to equal employment are greater in police and fire departments than in any other area of State and local government.

(*a*) Negroes are not employed in significant numbers in police and fire departments.

(1) Although 27 percent of all central city jobs surveyed are in police and fire departments, only 7 percent of the black employees in central cities are policemen and firemen.

(2) Fire departments in most of the cities surveyed employ even fewer uniformed personnel than do the police departments.

(3) Negro policemen and firemen hold almost no positions in the officer ranks.

(4) State police forces employ very few Negro policemen. Four of the States employed no Negro policemen in the metropolitan areas surveyed.

(*b*) Spanish Americans are employed as policemen and firemen on the average less than half as frequently as Anglos.

(*c*) Police and fire departments have discouraged minority persons from joining their ranks by failure to recruit effectively and by permitting unequal treatment on the job including unequal promotional opportunities, discriminatory job assignments, and harassment by fellow workers. Minority group hostility to police and fire departments also deters recruitment, and this has not been overcome by the departments.

Impact of the Federal Government

6. The Federal Government has established no effective Federal requirements for equal opportunity in State and local government employment, and no effective standards and guidelines for affirmative action to correct past discriminatory practices and increase opportunities for minority groups. The limited efforts to do so have not been successful.

(*a*) The nondiscrimination clause, included in the Federal merit standards since 1963, applies only to a small fraction of State and local government employment and has had no discernible effect in increasing employment opportunities for minority groups in State and local government. Present enforcement of the clause provides neither effective protection, nor effective avenues of redress to members of minority groups who encounter discrimination. The Office of State Merit Systems has provided no guidelines for State action either to eliminate discrimination or to increase opportunities.

(*b*) Federal housing agencies have made virtually no efforts to enforce the nondiscrimination clause included since the 1950's in their contracts with local public housing and urban renewal agencies. Neither have they assured that affirmative action has been taken to increase opportunities for minorities.

RECOMMENDATIONS

I. Action Needed to Achieve Equality in State and Local Government Employment

A. Every State and local government should adopt and maintain a program of employment equality adequate to fulfill its obligation under the equal protection clause of the 14th amendment to assure—

1. that current employment practices are nondiscriminatory; and

2. that the continuing effects of past discriminatory practices are undone.

This report has found that State and local government employment is pervaded by a wide range of discriminatory practices. These practices violate the requirements of the equal protection clause of the 14th amendment[1] and accordingly must be eliminated. Unconstitutional practices include not only those which are purposefully discriminatory, but also those which have the effect of creating or reinforcing barriers to equal employment opportunity. Such barriers will persist until affirmative action is taken to overcome them. For this reason, a public employer can assure that its employment practices are nondiscriminatory only if it maintains a comprehensive, well-planned program of equal employment opportunity.

The following are examples of discriminatory barriers to equality in public employment which may arise in the absence of an effective program of employment equality. Evidence of the effects of many of these discriminatory barriers may be found in the pages of this report.

a. Recruitment through schools or colleges with a predominantly nonminority makeup discriminates against minorities wherever comparable recruitment is not done at predominantly minority institutions.

b. Unless special precautions are taken, use of recruitment sources such as private employment agencies, informal community contacts, or other sources, may incorporate into the employer's recruitment system the discriminatory practices or prejudices of the sources used.

c. Wherever a work force, or significant levels or components of it, is predominantly nonminority in makeup, recruitment practices which rely upon employee "word-of-mouth" contact for new applicants may discriminatorily perpetuate the majority predominance.

d. Unless special precautions are taken, a past history of overt discrimination may continue to deter minority applications for employment or advancement, particularly with respect to positions which have not traditionally been held by minority persons. Such a history also may signal to outside employment sources that the employer does not welcome minority referrals, at least for nontraditional positions.

e. Unless special precautions are taken, harassment or unfair treatment by nonminority supervisors or coworkers, or other discrimination not countenanced by the employer, may discourage minority applications for employment or advancement.

f. Where minority persons have less access than nonminority persons to informal networks of employment information—such as through present employees or officials—relating to such matters as available openings, hiring procedure, or the basis for rejection or other action taken with respect to applications, this may impede access of minorities to available opportunities.

g. Since minority persons, competing for positions at the entry level or elsewhere in the work force, frequently may have limited education or job experience, the employer may unfairly penalize minority applicants wherever he imposes qualifications not likely to be possessed by minority applicants and not substantially related to the needs of the job.

h. Selection standards may be applied reasonably to nonminority applicants, but unfair if extended on the same terms to minority persons. For example, the level of academic achievement—such as the level of verbal skill—may be one measure of an applicant's native ability, but when applied on the same basis to a group whose schools afford a markedly inferior education, it may cease to be a fair and equal measure of ability.

In the case of many State and local governments, such discriminatory barriers, or other discriminatory practices, have given rise to patterns of minority underutilization, including concentration of minority employees at lower job levels.

Such discriminatory patterns of minority underutilization themselves give rise to denial of the 14th amendment right to equal protection of the laws. Such patterns, for example, mean unequal enjoyment by minorities of those public funds which are paid as salaries to public employees. Also, since public employees shape the conduct of their government, discriminatorily created underutilization of minorities in public employment weakens the ability of government to reflect equally the interests of all segments of the governed. Finally, as shown in this report, discriminatorily created patterns of minority underutilization tend to be self-reinforcing and self-perpetuating; for this reason such patterns themselves constitute vehicles of discrimination which must be corrected.

Accordingly, wherever in public employment discriminatorily created patterns persist, the Constitution requires that they be remedied by measures aimed at giving the work force the shape it presently would have were it not for such past discrimination.[2] It should be recognized that such measures are not a "preference" but rather a restoration of equality; one can see inequality in such remedies only by being blind to the past injustices which they cure.

B. Though the programs of employment equality adopted by individual State and local governments will vary widely with the particular needs and problems of each, all such programs should include the following three elements:

1. An evaluation of employment practices and employee utilization patterns adequate to show the nature and extent of barriers to equal opportunity for minorities and of any discriminatory underutilization of minorities.

The first step in the program of employment equality is an assessment of needs and problems. This requires a thorough evaluation by the State or local government of the employment practices of each of its constituent agencies, to determine the effect of its practices on utilization of minorities. Though the principal aim is to identify barriers to equal opportunity, the evaluation also should make note, for continuation and strengthening, of those policies which have the positive effect of overcoming such barriers.

In order to make this assessment, and to identify patterns of minority underutilization, the State or local government will need to gather and review comprehensive information, by nonminority-minority classification, on employee distribution among the various agency components, job levels and locations, as well as data on referrals, applications, acceptances, promotions, and other personnel action.

This initial evaluation should culminate in a written analysis of discriminatory barriers to equal employment opportunity in the State or local government, as well as an analysis of any patterns of minority underutilization which have resulted from the operation of such discriminatory barriers.

2. Preparation and implementation of a program of action which is calculated—

(a) to eliminate or neutralize all discriminatory barriers to equal employment opportunity; and

(b) to undo any patterns of minority underutilization which have been brought about by past discrimination.

Having evaluated employment practices and assessed patterns of minority underutilization, the next step is to formulate a program which will overcome barriers to equal employment opportunity and, in addition, will bring about whatever changes in minority utilization are

necessary to undo the effects of past discrimination. Where patterns of minority utilization are to be changed, the program should include specific goals, or estimates, to be achieved within a specified period of time.[3]

Even in those cases where evaluation has disclosed that the present employment practices of a government or of one of its component agencies fully overcome all barriers to equal employment opportunity and that no pattern of discriminatorily created underutilization of minorities is present, formulation of relevant practices into a program is still desirable in order to help assure that nondiscriminatory practices continue to be followed.

Affirmative programs should be developed in a form which makes clear the obligations of each component agency of the government. Programs should be put in writing and made available upon request to public employees, minority leaders, and others with a legitimate interest in the status of minorities in public employment. Staff responsibilities for implementing the program should be allocated clearly, and employees informed of the program and of their rights, duties, and obligations under it.

The adoption of affirmative programs by State and local governments may be subject to limitations imposed by statute, State constitution, city charter, or the like, which inflexibly mandate that certain employment policies be followed. Similar limitations may be created by the amount or terms of budgetary allocations made to governments or to their component agencies.

Questions of the right or duty of individual public agencies or officials faced with such restrictions can be resolved only on a case by case basis. However, inherent in the supremacy clause of the Constitution[4] is the requirement that State and local governments must alter any laws, regulations, or practices which stand in the way of achieving the equality in public employment which is required by the equal protection clause of the 14th amendment.

There follows a sampling of the kind of actions which State and local governments will need to include in programs of employment equality.[5] Use to some degree of most of these techniques will be necessary to assure that all barriers to equal employment opportunity are eliminated. In addition, public employers with discriminatorily created patterns of employee utilization should use the techniques to a degree sufficient to undo the effects of past discrimination.[6]

Recruitment

a. Maintain consistent continuing communication with the State employment service and schools, colleges, community agencies, community leaders, minority organizations, publications, and other sources affording contact with potential minority applicants in the job area.

b. Thoroughly and continually inform sources affording contact with potential minority applicants about current openings, about the employer's recruiting and selection procedures, and about the positions (together with personnel specifications) for which applications may be made.

c. Inform all applicant sources, both generally and each time a specific request for referral is made, that minority applicants are welcome and that discrimination in referrals will not be tolerated.

d. Fully inform each applicant of the basis for all action taken on his or her application. Supply in detail the basis for rejection, including evaluation of tests and interviews. Suggest to rejected minority applicants possible methods for remedying disqualifying factors.

e. Make data on minority employment status available on request to employees, to minority leaders in the job area, and to others with a legitimate interest in nondiscrimination by the employer.

f. Invite minority persons to visit State and local government facilities; explain employment opportunities and the equal opportunity program in effect.

g. Have minority persons among those who deal with persons applying for employment, with clientele, or with other members of the public, in order to communicate the fact of minority equal opportunity.

h. Coordinate the employment and placement activities of the various components of the State or local government, at least for the purpose of facilitating minority applications or requests for transfer. To the same end, maintain minority applications or transfer requests on an active basis for a substantial period of time.

i. Participate in Neighborhood Youth Corps, New Careers, other Federal job training or employment programs, or similar State or local programs. In connection with such programs, or otherwise, make a particular effort to structure work in a way which gives rise to jobs which are suitable for minority persons who are available for employment.

j. Independent of outside training programs, institute on-the-job training or work-study plans, in which persons are employed part-time while studying or otherwise seeking to satisfy employment requirements; this may include summertime employment for persons in school.

k. Solicit cooperation of academic and vocational schools to establish curricula which will provide minority candidates with the skills and education necessary to fulfill manpower requirements.

Selection

a. Take steps to assure that tests used for the purpose of selecting or placing applicants are demonstrated to be valid in forecasting the job performance of minority applicants.

b. Pending validation, discontinue or modify the use of tests, minimum academic achievement, or other criteria which screen out a disproportionate number of minority applicants.

c. Do not in all cases give preference to nonminority applicants on the basis of higher performance on tests or other hiring criteria, as long as it is apparent that competing minority applicants, especially where they have waiting list seniority, are qualified to do the job.

d. Where tests are used, employ them as a guide to placement rather than as the determinant of whether an applicant is to be hired.

e. Make increased use of tests comprised of a sampling of work to be performed on the job.

f. Make increased use of the probationary period, affording an opportunity for on-the-job training and enabling the applicant's ability to be judged on the basis of job performance.

Placement and Promotion

a. Make available to minority applicants and to present minority employees a complete description of positions for which they may be eligible to apply.

b. In the initial placement of newly hired employees, wherever possible place minority employees in positions or areas with low minority representation.

c. Broaden job experience and facilitate transfers of minority employees by creating a system of temporary work experience assignments in other positions or areas of work. Such a system may include temporary assignment between jurisdictions, such as a suburban-inner-city interchange.

d. Individually appraise the promotion potential and training needs of minority employees, and take action necessary to permit advancement.

e. Announce all position openings on a basis which brings them to the attention of minority employees and makes clear that minority persons are eligible and encouraged to apply.

Discipline

a. Formulate disciplinary standards and procedures in writing, and distribute them to all employees.

b. In case of proposed disciplinary action, inform the employee of the infraction alleged and afford an opportunity for rebuttal. If the rebuttal is deemed unsatisfactory, clearly state the reasons why.

Facilities

Assure that facilities, including all work-related facilities and those used in employer-sponsored recreational or similar activities, are not

subject to segregated use, whether by official policy or by employee practice.

3. A continuing review of employment practices and of the status of minority persons in employment.

This third step of the program responds to the need for a continuing review of employment practices—particularly those related to the affirmative program—and of their effect upon minority persons. Such a review requires the regular collection and evaluation of data on employee distribution and personnel actions, such as that described under paragraph 1, above.

These data afford an important measure of the effectiveness of steps taken to overcome barriers to minority employment, by showing the actual impact of employment practices on minorities; the data may indicate points at which changes are needed in the affirmative program to make it more effective. Similarly, where patterns of minority underutilization which arose from past discrimination are being corrected, such comparative nonminority-minority data show the extent to which required changes in minority utilization are in fact being made.

Like the affirmative program itself, current data on minority employment should be made available to persons and groups with a legitimate interest in the status of minorities in public employment.

The following are illustrations of the steps necessary for an effective continuing review by State and local governments of their employment practices and of the status of minorities in employment.

a. Maintain records containing for the period covered, and indicating nonminority-minority classifications and the positions involved, complete data on inquiries, applications, acceptances, rejections, promotions, terminations, and other personnel actions, as well as data as of the end of the period, by nonminority-minority classification, on employee distribution within the work force.

b. Maintain for a reasonable period of time, with nonminority-minority classification, a file on each applicant (including those listed on a civil service register) adequate to document the specific grounds for rejection or passing over of the applicant.

c. Maintain a record, with nonminority-minority classification, of applicants by job source, to facilitate review of the impact of each source upon minority utilization.

d. Where there are a substantial number of separate components within the State or local government, make periodic inspection and review of employment practices and minority status in the various component agencies.

e. Regularly interview minority employees upon termination to determine whether discriminatory acts or policies played a role in the termination.

II. Methods of enforcement and assistance by the Federal Government to advance equality in employment in State and local government

A. Congress should amend Title VII of the Civil Rights Act of 1964 (1) by eliminating the exemption of State and local government from the coverage of Title VII, and (2) by conferring on the Equal Employment Opportunity Commission the power to issue cease and desist orders to correct violations of Title VII.

(1) Eliminating the exemption of State and local governments from the coverage of Title VII.

The present exemption of State and local governments from the nondiscrimination requirements of Title VII is anomalous since it precludes effective action against discrimination in the one type of employment—public employment—where nondiscrimination clearly is mandated by the Constitution.[7]

It is true that even without the proposed amendment, individuals have the right under the Constitution and Federal statutes to obtain judicial relief against discrimination in public employment. Experience in such areas as voting discrimination and school segregation, however, has shown that it is both unjust and unwise to impose upon individual victims the entire burden of correcting widespread noncompliance with constitutional obligations. To do so makes compliance depend upon the determination and financial ability of the victim to wage a time-consuming and expensive lawsuit and his success in obtaining the evidence necessary to sustain the charge. The fact that the victims often are impoverished members of minority groups who are ignorant of their rights makes such a remedy even more unsuitable. Even with willing litigants, private lawsuits are an inefficient mode of effecting widespread compliance. Enforcement efforts are not coordinated so as to achieve maximum effectiveness but are instead governed by random suits in which the identity of the defendant and the nature of the relief sought are determined by a litigant whose main concern is redress of his particular grievance.

As amended, Title VII would provide a means of attacking employment discrimination in State and local governments since it provides an administrative agency (the Equal Employment Opportunity Commission) with authority to receive complaints of unlawful employment practices and to conciliate such complaints, and authorizes the Attorney General to bring suit whenever he believes that a person or persons are engaged in a pattern or practice of resistance to the rights secured by the Title. The Title also provides assistance to individual complainants by providing for court-appointed attorneys and the suspension of normal court costs.

(2) Conferring on the Equal Employment Opportunity Commission the power to issue cease and desist orders to correct violations of Title VII.

EEOC's present lack of power to compel corrective action severely handicaps its ability to obtain voluntary compliance, for the employer knows that EEOC can do nothing if he refuses to agree to its recommendations and that only aggrieved persons and the Attorney General may sue to compel compliance. Many of the cases in which EEOC has found probable cause to believe discrimination was practiced have not been successfully conciliated under the present law.

The experience of State fair employment practice agencies shows that adequate enforcement machinery is indispensable to an effective equal employment opportunity law. Of the States presently having fair employment practice laws, the vast majority give the State commission administering the law power to issue cease and desist orders. Giving EEOC similar power would enhance its conciliation role by strengthening its bargaining power and make it a far more effective agent in ensuring equal employment opportunity.

B. The President should seek and Congress should enact legislation authorizing the withholding of Federal funds from any State or local public agency that discriminates against any employee or applicant for employment who is or would be compensated in any part by, or involved in administering the program or activity assisted by, the Federal funds.

The receipt of Federal grant-in-aid funds and the accompanying responsibility for implementing the Federal program supported by the funds engender numerous job opportunities with the recipient State and local agencies. The obligations of the Federal Government with respect to discriminatory actions by these recipients are based on the Due Process Clause of the fifth amendment which prohibits governmental support or involvement in discriminatory activities.[8] Its involvement in grant programs as financier, prescriber of standards, and supervisor of execution imposes a duty on the Federal Government to ensure that there is no discrimination in the job opportunities provided by the funds.[9]

The only Federal law directly dealing with discrimination by recipients of Federal financial assistance, Title VI of the Civil Rights Act of 1964, prohibits employment discrimination only in those programs in which the provision of employment is a primary objective. Accordingly, the recipients of funds under a large number of grant programs are not presently subject to nondiscriminatory employment requirements.

Responsibility for determining whether discrimination exists could be vested in the agency administering the grant program, as in Title VI. Alternatively, this responsibility could be given to the Federal agency with greatest expertise in the area of employment discrimination, the

Equal Employment Opportunity Commission. If, as previously recommended, Title VII is amended to include State and local governments and to provide the EEOC with power to issue cease and desist orders, the agency also would be empowered to direct that Federal funds be withheld in those cases in which the respondent is a recipient of such funds.

Congress also might provide that in those instances where EEOC finds discriminatory employment practices by such a recipient it must give the administering Federal agency a period of time to ensure correction of the practices before the funds are withheld.

C. Pending congressional action on Recommendation II B, the President should (1) direct the Attorney General to review each grant-in-aid statute under which Federal financial assistance is rendered to determine whether the statute gives the agency discretion to require an affirmative program of nondiscrimination in employment by recipients of funds under the program; and (2) require all Federal agencies administering statutes affording such discretion to impose such a requirement as a condition of assistance. In the event the Attorney General determines that under a particular statute the agency does not have the discretion to impose such a requirement, he should advise the President whether he has power to direct the agency to do so. If the Attorney General advises the President that he lacks such power in a particular case, the President should seek appropriate legislation to amend the statute.

As stated in the comment to Recommendation II–B, the Constitution forbids the extension of Federal grant-in-aid funds to recipients who discriminate in their employment practices. If Congress has neither expressly forbidden such discrimination by recipients in a grant program nor given the Federal agency administering the program discretion to impose such a condition, the Attorney General should determine whether the President, in fulfilling his constitutional duty to "take Care that the Laws be faithfully executed . . . ,"[10] has the power and obligation to independently impose such a requirement.

CONCLUSION

If government is to be *for* all the people, it must be *by* all the people. This basic precept underlies the Commission's study of the status of equal opportunity in State and local government employment.

State and local government employment is growing rapidly in the number of persons employed, the range of services provided, and the occupational categories required to perform these services. These governments are in a unique position to offer employment opportunities on a scale that few other employers can match. And because government has the clear constitutional obligation to function without regard to race, color, religion, or national origin, these employers have a basic and unquestioned responsibility to provide equal employment opportunity.

The civil servant performs government's routine chores and housekeeping duties and makes the many policy and administrative decisions which have a concrete and often immediate effect on the lives of the people living within the particular jurisdiction. If these decisions are to be responsive to the needs and desires of the people, then it is essential that those making them be truly representative of all segments of the population.

The basic finding of this report is that State and local governments have failed to fulfill their obligation to assure equal job opportunity. In many localities, minority group members are denied equal access to responsible government jobs at the State and local level and often are totally excluded from employment except in the most menial capacities. In many areas of government, minority group members are excluded almost entirely from decisionmaking positions, and, even in those instances where they hold jobs carrying higher status, these jobs tend to involve work only with the problems of minority groups and tend to permit contact largely with other minority group members.

Not only do State and local governments consciously and overtly discriminate in hiring and promoting minority group members, but they do not foster positive programs to deal with discriminatory treatment on the job. Too many public officials feel that their responsibility toward equal employment opportunity is satisfied merely by avoiding specific acts of discrimination in hiring and promotion. Rarely do State and local governments perceive the need for affirmative programs to recruit and upgrade minority group members for jobs in which they are inade-

quately represented. When recruiting programs do exist, minority group applicants frequently are subjected to a variety of screening and selection devices which bear little if any relation to the needs of the job, but which place them at a disadvantage in their effort to secure government employment. There have been few efforts by State and local governments to eliminate such unequal selection devices.

While civil service merit systems generally have broadened opportunity for public service, they alone do not guarantee equal opportunity or equal treatment for minority group members. Bureaucratic impediments to equal job opportunity have developed in the civil service system itself since it was established decades ago to eliminate the abuses of the spoils system—to insulate those employed by government from the uncertainties and pressures of political change. Despite the significant contributions the civil service has made in promoting greater efficiency in the operations of government and in assuring continuity in public administration, it has often failed to provide free and equal access to jobs to all segments of the population. This failure is not with State and local governments solely. The Federal Government has not exerted the leverage available to it through the Federal merit standards and other nondiscrimination requirements of federally assisted programs to promote equal employment opportunity.

Most State and local governments have failed to establish even rudimentary procedures to determine whether minority group members are assured equal employment opportunity. Few governments know with any precision how many minority group members they employ and at what levels; whether minority group members are promoted at the same frequency and on the same basis as other employees; how effective their minority recruitment techniques, if any, have been; and whether their screening devices are in fact a valid indicator of satisfactory job performance.

This study has focused on government employment in cities and metropolitan areas. These are the areas where the domestic crisis facing the Nation is most critical. The problems of racial tension, unemployment, underemployment, inadequate housing, and increasing violence, are seriously dividing the Nation. It is at the State and local level where these problems exist that the principal effort must be made to resolve them, and State and local governments must assume major responsibility in this effort. If these problems are to be resolved successfully, all segments of the population must participate. Minority group members must share the role of the civil servant on an equal basis and play a key part in the search for lasting solutions. They cannot be excluded or confined to jobs considered "traditional" for minority group members. All must share equally in the responsibility and the opportunity to reach solutions which, for better or for worse, will affect all Americans equally.

Appendix A

STATEMENT ON METHODOLOGY

Survey Design and Data Collection

The survey was designed to collect data on the extent and nature of minority group employment in State and local government. Seven metropolitan areas—San Francisco-Oakland, Philadelphia, Detroit, Houston, Atlanta, Memphis, and Baton Rouge—were selected on the basis of their diversity and geographic distribution and because each contained a substantial Negro population. Houston was specifically selected so that data on Spanish Americans could be obtained; San Francisco-Oakland, for data on both Spanish Americans and Oriental Americans.

Data were collected on full-time employees in all municipalities or townships, special districts, and counties within the seven Standard Metropolitan Statistical Areas,[1] and on those State employees whose place of employment was located within the SMSA. There were three exceptions: (1) Although three New Jersey counties are part of the Philadelphia SMSA and one Arkansas county is part of the Memphis SMSA, New Jersey and Arkansas State employees were excluded to simplify both the data collection process and the presentation of the data. (2) Data were not collected in special district governments with a total of less than 20 full- and part-time employees. (3) Data were not collected on employees in the field of education. This eliminated all independent school districts as well as employees of any State or local education department and employees of higher education institutions.

Education was not included in this study for several reasons. First, extensive information is already available on the employment of teachers by race and on job opportunities in the field of education. Second, education has long been a source of professional employment for members of minority groups. The question for research is not whether minorities have access to jobs in the field of education but rather the nature of their job assignments. In addition, the Commission has recently completed a major survey of public schools in which the employment problems of minority group teachers was a subject of study.[2]

For purposes of comparison, the survey questionnaires were patterned after the Census of Governments questionnaires used by the U.S. Bureau of the Census and the Equal Employment Opportunity Commission EEO–1 forms for private employment.

Data were collected by function and/or by occupation. Several Census functional categories of similar nature were combined to simplify the questionnaire. The data were collected by function for two reasons. First, governments are organized along a variety of departmental lines; a common functional breakdown is the only means of comparing the various governments. Second, governments were already accustomed to reporting employment by functional groupings to the Census Bureau and thus would be familiar with this method. Census occupational categories of similar nature were also combined and those not pertaining to government were eliminated. The following occupational and functional categories were used:

OCCUPATIONAL CATEGORIES

1. Officials and Managers

Administrative personnel who establish and/or administer broad policies and direct individual departments or special phases of a government's operation. Includes: officials, middle management, department managers, and kindred workers.

2. Professional and Technical

Specialized personnel with either advanced post-high school education or equivalent experience. *Professional.* Includes: accountants and auditors, social workers, editors, engineers, lawyers, librarians, statisticians, natural and physical scientists, personnel and labor relations workers, physicians, social scientists, computer programmers, etc. *Technical.* Includes: draftsmen, engineering aides, junior engineers, mathematical aides, nurses, photographers, radio operators, scientific assistants, surveyors, technicians (medical, electronic, physical sciences), and kindred workers.

3. Office and Clerical

All clerical type employees regardless of level of difficulty in which the activities are predominantly nonmanual. Includes: bookkeepers, cashiers, collectors (bills and accounts), messengers and office boys, office machine operators, shipping and receiving clerks, stenographers, typists and secretaries, key punch operators, computer operators, telephone operators, salesmen, and kindred workers.

4. Craftsmen and Operatives

Craftsmen.—Manual workers of relatively high skill level having a comprehensive knowledge of the processes involved in their work and who exercise considerable independent judgment and usually receive an extensive period of training. Includes: foremen who are not members of management, mechanics and repairmen, skilled machining occupations, electricians, stationary engineers, and kindred workers.

Operatives.—Workers who operate machine or processing equipment or perform other mechanical type duties of intermediate skill level which can be mastered in a few weeks and require only limited training. Includes: apprentices, operatives, deliverymen, furnacemen, motormen, drivers, and kindred workers.

5. Laborers

Workers in manual occupations which generally require no special training. Includes: garage laborers, car washers and greasers, garbage and trash collectors, groundskeepers, construction laborers, street and highway maintenance laborers, and kindred workers.

6. Service Workers

Workers in both protective and nonprotective service occupations. Includes: attendants (hospital and other institutions, recreation, and personal service), janitors, charwomen and cleaners, cooks, elevator operators, porters, guards, watchmen, and kindred workers.

FUNCTIONAL CATEGORIES

A person working in more than one of the following functions should be counted only once—in the function in which he works the largest part of his time.

A. Financial Administration and General Control

Treasurer's office, auditor or comptroller's office, tax assessing, tax billing and collection, budgeting, purchasing, central accounting offices, and similar financial administration. Council, board of supervisors or commissioners, and central administrative officers and agencies, such as manager or mayor, clerk, recorder, legal staff, and central personnel or planning agency; include also all judicial officers and employees (judges, magistrates, bailiffs, etc., paid by your government).

B. Streets and Highways, Sewers and Sewage Disposal, Parks and Recreation, Natural Resources, and Community Redevelopment

Repair, construction and administration of streets and alleys, sidewalks, roads, highways, and bridges (street cleaning and refuse collection employees should be reported at Item F). Sanitary and storm sewer maintenance and sewage disposal. Parks, playgrounds, swimming pools, auditoriums, museums, etc. Agriculture, forestry, forest fire protection, irrigation, drainage, flood control, etc. Slum clearance and redevelopment projects. (Exclude employees of local housing authorities.)

C. Public Welfare

Maintenance of homes and other institutions for the needy; administration of public assistance; social workers; etc.

D. Public Safety

Police protection, corrections, and fire protection—Police Department, highway patrol, etc.; include technical and clerical employees engaged in police activities. Employees of penal institutions, parole and probationary services, halfway houses and juvenile training schools. Fire Department employees, including clerical as well as uniformed force. Exclude volunteer firemen.

E. Health, Hospitals, and Sanatoriums

Public health services, out-patient clinics, visiting nurses, food and sanitary inspectors, etc. Institutions for inpatient medical care: include *paid* student help (if full-time). Exclude volunteers.

F. Public Utilities and Street Cleaning and Refuse Collection

Public water supply, electric power supply or distribution, gas supply or distribution, rapid transit (buses, trolleys, etc.), airport and air terminal, and water transportation and terminal facilities and systems owned and operated by your government. Street cleaning, garbage and refuse collection and disposal. (Repair, construction, etc., of streets and sanitary and storm sewer maintenance and sewage disposal should be reported at Item B.)

G. All Other

All other employees except those excluded under the definition of NUMBER OF EMPLOYEES. Include employees concerned with elections and voter registration, libraries and protective inspection (building, electrical, etc.).

Occupational categories for public safety employees—police, fire, and corrections—required special consideration as the major Census occupational categories include ranked public safety personnel under the broad service worker group. The importance of equal opportunity in this area led to the decision to develop a different set of occupational categories. In consultation with the International Association of Chiefs of Police and the International Association of Fire Fighters, the following occupational categories were designed:

I. Regular Personnel

(A) Officials, managers, professional and technical workers.
(B) Office, clerical, craftsmen, operatives and others.

II. Ranked Personnel

(A) *Administrative.*—those performing the executive work relating to the management of the department (generally those with rank of captain or above)

(B) *Supervisory.*—those overseeing operational employees (generally those with rank of lieutenant and sergeant)

(C) *Operational.*—those performing line functions (generally those with rank below, but not including sergeant): (1) investigative; (2) uniformed patrolmen; and (3) clerical, technical, others.

Racial and ethnic group identifications are those currently used by the Equal Employment Opportunity Commission in its surveys of private employment. An employee was to be included in the group to which he appeared to belong or was regarded as belonging to in the community. Spanish Americans included those of Mexican, Latin American, Puerto Rican, or Spanish origin. Oriental Americans included those of Chinese, Japanese, or Filipino origin. In Michigan, Pennsylvania, and Detroit, data were provided for "nonwhites" rather than for Negroes. However, over 98 percent of nonwhites in each case were Negro.[3]

All counties and those municipalities which reported 50 or more full-time employees in the 1962 Census of Governments received questionnaire form CCR–341 which requested data by function and occupation. Municipalities reporting less than 50 full-time employees in 1962 received questionnaire form CCR–342 which requested data by function only. Jurisdictions for which there were no 1962 census employment data were compared to other jurisdictions having a similar population in 1960 and large or small municipality questionnaires were mailed accordingly. Since there were many "small municipalities" which had expanded between 1962 and 1967 to more than 49 full-time employees, the definition of small municipalities was later changed to include all those with less than 100 full-time employees. Only two governments grew from under 50 in 1962 to 100 or more full-time employees in 1967. When requested to complete the more detailed large municipality questionnaire, one complied but the other did not and was counted as a nonrespondent. At the same time, many municipalities with 50–99 full-time employees in both 1962 and 1967 completed the more detailed questionnaire but were subsequently defined as small municipalities. The information needed to complete a questionnaire for a small municipality was easily obtained from the completed questionnaire for a large municipality.

Special district governments with 20 or more employees in 1962 received a one-page questionnaire (form CCR–343) requesting data by occupation. Those reporting less than 20 total employees in 1962 were excluded from the survey. All special districts for which employment data were not known—those organized since 1962 or located in a county which had been included in an SMSA since 1962—received questionnaires.[4] Those subsequently found to have less than 20 employees were dropped from the survey.

Several steps were taken to refine the survey design and to enlist the cooperation of government officials and organizations with related concerns prior to conducting the survey. Frequent discussions of the survey design and strategy were held with interested parties, including a meeting with representives of several organizations concerned with aspects of public employment. Participating were representatives from the U.S. Conference of Mayors; the Department of Civil Rights, AFL–CIO; the National Association of Housing and Redevelopment officials; the International City Managers Association; the National League of Cities; the American Federation of State, County, and Municipal Employees; the Council of State Governments; and the International Association of Chiefs of Police.[5]

Conduct of the Survey

Initial correspondence and questionnaire mailing.—In late February 1967, letters were sent to the Governors of each State and the mayors of central cities explaining the survey and requesting them to appoint a liaison to the Commission for purposes of the survey. Similar letters were sent to the chief officials of all counties in the sample and to mayors of cities of 10,000 or more population in 1960.[6] The letter is reproduced below.

UNITED STATES COMMISSION ON CIVIL RIGHTS,
Washington, D.C. 20425.

In accordance with its responsibilities to serve as a factfinding agency in the field of civil rights, the United States Commission on Civil Rights is undertaking a survey of State

and local governmental employment in a sample of metropolitan areas throughout the United States. The sample includes your government.

This survey is of great importance in that it will help fill a large information gap on minority participation in the public sector. Although many governments have felt a need to collect and publish statistics on minority group employment in the past, these studies have varied greatly. That is, existing surveys have used differing definitions of occupations and have been done at widely different points in time. We ask that you help fill this gap in knowledge because the cooperation of everyone is essential in sample surveys of this type.

No information, of course, will be collected about job applicants or about employees by name.

In the course of this study, more than 700 governments are being surveyed. It must be emphasized that the criteria used in drawing a sample of metropolitan areas were based on geographical representation and minority group population characteristics. In no case were complaints of any kind about employment discrimination a factor in selecting metropolitan areas. All governments (excluding only school systems and small special districts) in each sample metropolitan area are included in the study.

The second phase of the study will involve brief interviews with appropriate officials and other experts in some of the counties and cities included in the statistical survey. These interviews will concern progress and problems in minority group employment as well as personnel policies and procedures, civil service systems and regulations affecting public employment opportunities for minority groups. Limitations of staff and time will make it impossible to conduct interviews in all municipalities and counties in the study.

I would like to request your assistance and cooperation in this important survey. Unless you would prefer that we send the questionnaire to someone else, our Research Division will mail it to the person in your government who receives the U.S. Bureau of the Census Annual Survey of Government Employment form. The questionnaire should be available for mailing by about March 9.

I shall be happy to provide you with any additional information about the study you may wish.

Sincerely yours,

WILLIAM L. TAYLOR, *Staff Director.*

In late March, the questionnaires were coded and copies mailed. Collection of State and central city data was arranged individually through the appointed liaisons. Unless the mayor or chief official of each governmental unit requested otherwise, questionnaires for the local governments were mailed to those persons who normally receive the Annual Survey of Government Employment form sent by the U.S. Bureau of the Census. This person was selected because of his experience in reporting his government's employment statistics to the Federal Government. A computer listing of these persons with mailing addresses for all governments within each SMSA was obtained from the Governments Division of the U.S. Bureau of the Census.[7]

Questionnaires were printed to include all minority groups. The instructions requested governments located outside of Texas and California to include all Spanish American employees with the majority group employees in the "All other" column. Similarly, governments located outside of California were requested to tabulate all Oriental American employees in the "All other" column. Questionnaires designated for these governments had the appropriate column or columns hand-stamped "Include in 'All other' column."

Followup.—Three weeks and five weeks after the initial mailing, the first and second followups of nonrespondents were conducted. In States and central cities, individual contact was used rather than mail followup. Reminder letters and/or a second questionnaire were sent to each nonresponding jurisdiction. A major effort was made to individualize followup activities. The State liaisons in Michigan and Pennsylvania and the Division

of Civil Rights of the State of New Jersey assisted in followup activities in their States by contacting nonrespondents and the few governments that had initially refused to complete a questionnaire. To several governments in Michigan which had claimed that it would be illegal for them to conduct the survey and to other Michigan nonrespondents, the Michigan Civil Rights Commission sent a letter of assurance that it was both legal and desirable for them to participate in the survey.[8] Most nonrespondents were contacted by telephone by Commission staff members; however, telephone numbers could not be obtained for some of the smallest municipalities in the Philadelphia SMSA. Since no questionnaires were returned by the Post Office, it is clear that all or almost all governments received the mailed form.

Detroit.—Data for most Detroit agencies are from a study made in November 1965. The city of Detroit was unwilling to collect new data for most of its departments. A current survey was made only for the police, fire, health, and housing departments and for the house of correction. These employees constituted 43 percent of all Detroit employees and 30 percent of the nonwhite employees.[9] The five departments showed a slight increase in the total number of nonwhite employees from 1965 to 1967.

Atlanta SMSA.—Data collection in the Atlanta SMSA was conducted as a supplement to the survey and made in late April. The survey was conducted jointly by the Georgia State Advisory Committee to the Commission, the Mid-South Field Office of the Commission, and the Commission staff in Washington. The Mid-South Field Office of the Commission made arrangements for data collection in the city of Atlanta and Fulton County. One mail followup and a telephone followup were conducted by Commission staff in Washington to the nonrespondents.

State Data.—Data on State employees were collected only for those employees whose place of employment was within one of the seven metropolitan areas.[10] Different methods of collection were used in order to accommodate each State. In Georgia and Texas, the Governor's office informed all departments of the survey and requested their cooperation. The Commission then mailed questionnaires with a cover letter to each department head. In Tennessee, the State liaison distributed the questionnaires to department heads and mailed the completed forms to the Commission. California, Louisiana, and Michigan had data available and agreed to make special computer runs for the Commission. Michigan's available occupational information was already coded by the census classifications adopted for this survey. In California, the data received were classified by 18 occupational codes developed by the State of California. These 18 codes were recoded into the six occupational categories used for this survey through discussions between California and Commission personnel. Commission staff then completed the survey forms. In Louisiana, data were coded by individual job title. Referring to appropriate references when necessary, Commission staff fitted each job into the correct occupational category and transferred the data to the questionnaires.[11]

Pennsylvania did not have comprehensive data available. Consequently, it was necessary to combine two sources of data to fit the needs of the survey. To obtain information on nonwhite employees, the Commission staff, with the cooperation of Pennsylvania Human Relations Commission officials, used worksheets from a study of nonwhite employees conducted in December 1966 to January 1967. Job titles were classified into occupational categories. The data were not separated by SMSA, making it necessary to go through all worksheets in order to extract the needed information. As the Pennsylvania study had not collected data for occupations in which there were no nonwhite employees, a second source was used to obtain data on total employees. The Pennsylvania Office of Administration supplied a printout listing all employees as of January 1967 by job title, county, department, and civil service status (executive, legislative, non-civil-service). Commission staff merged the data from these two sources to obtain the necessary tabulations. Job titles were available for all employees included in the Human Relations Commission data, but were unknown for 4.6 percent of the employees in the Office of Administration data.[12] Six small departments with 113 employees were excluded because a significant proportion of all

their employees in the Philiadelphia SMSA were of unknown occupation. In each remaining department, any employees with unknown occupations were distributed among the occupational categories in proportion to the distribution of total department employees with known occupations. A total of 670 employees (4.2 percent of all employees) with unknown occupations was assigned occupations by this method. The vast majority of the employees of unknown occupations (612) was employed by the Liquor Control Board..

On the State questionnaire employees were classified by civil service status (merit vs. other). This information was not available for California, Louisiana, and Michigan. In California, lack of information on type of appointment made it impossible to distinguish between merit and other employees. However, all but an estimated 20 State employees in the Bay Area are covered by civil service. In Louisiana, data were available on merit employees only; however, virtually all of Louisiana's employees are covered by civil service. In Michigan, employment statistics by ethnic status are collected for merit employees only, but virtually all noneducation employees of the State are under the civil service merit system.

Data Preparation.—Returned questionnaires were reviewed for completeness, accuracy, and internal consistency. Employment figures were checked against comparable 1962 data from the Bureau of the Census. If the 1967 figures differed markedly from the 1962 data, or if there were any other inconsistencies, questionnaire entries were verified by telephone.

Commission staff detected only one reporting error pattern in all the data supplied. This was in the occupational data reported for employees in the "health, hospital, and sanatoriums" function. Some governments showed an unexpectedly large proportion of Negro professional and technical employees in this function. Investigation revealed that several governments had included service worker occupations—primarily unlicensed practical nurses—in the professional and technical category.[13] As a result, the occupational position of Negroes appeared to be more favorable than in fact was the case. The major correction was made for data from the city of Memphis although data from several special hospital districts were also changed.

Data Processing.—The prepared questionnaires were keypunched, verified, checked, and the corrected cards were run on the computer by the U.S. Department of Health, Education, and Welfare, which also did all the computer programming for the tabulation.[14]

Survey Questionnaires

The survey questionnaires are reproduced below. They are complete with two exceptions: (1) the cover letter is reproduced only once although identical cover letters were used for each questionnaire, and (2) the section "DEFINITIONS" that appears at the beginning of the large questionnaire is reproduced only once although it was reproduced (except in the functional category definitions) on the reverse side of each subform (CCR 341–A through 341–G). Form CCR–341 was sent to central cities, municipalities with 100 or more employees, and counties. Form CCR–342 was sent to municipalities with fewer than 100 employees. Form CCR–343 was sent to special districts and Form CCR–344 to State agencies.

The applicability of the survey questionnaires for studies in local communities should be understood in terms of the following points:

1. Data by organizational components rather than by functional categories would be useful for local use although it was impractical for this nationwide survey.
2. Further detailed breakdowns of occupational classes would be useful. For example, professional and technical, as well as craftsmen and operatives, cover a large range of jobs. More detailed occupational categories would make the study more informative.
3. Indications of supervisory responsibilities would assist in a greater indepth analysis.

UNITED STATES COMMISSION ON CIVIL RIGHTS
WASHINGTON, D.C. 20425

STAFF DIRECTOR

Dear Sir:

In accordance with its responsibilities to serve as a factfinding agency in the field of civil rights, the United States Commission on Civil Rights is undertaking a survey of State and local governmental employment in a sample of metropolitan areas throughout the United States. In the course of this study more than 700 governments are being surveyed, including State agencies, municipalities, counties, and special purpose districts.

This survey is of great importance in that it will provide a broad measure of the extent to which minority group members are employed in public jobs, and will help to fill a large information gap on minority participation in the public sector. Although many governments have felt a need to collect and publish information on minority group employment in the past, these studies have varied greatly. That is, existing surveys have used widely differing definitions of governmental functions or departments and occupational categories. They have also been made at many different points in time. We ask that you help to fill this gap in knowledge because the cooperation of everyone is essential in sample surveys of this type.

The attached questionnaire calls for figures on employment in your government for the payroll period including March 12, 1967. Please fill out the questionnaire and return one copy in the enclosed official envelope which requires no postage. If records of your office do not contain all the information called for, please obtain the figures from other offices in your government. The questionnaire should be returned within two weeks.

There is no law—State or Federal—prohibiting a visual survey of current employees to determine the race or national origin of employees or recording this information. Many States and localities do have prohibitions against making inquiries or keeping records about the race or national origin of job applicants. This study, however, concerns employees only and not applicants. Thus, the necessary information could be obtained either from a visual survey of your employees or from post-employment records.

It must be emphasized that the criteria used in drawing a sample of metropolitan areas were based on geographical representation and population characteristics. In no case were complaints of any kind about employment discrimination a factor in selecting governments. All governments in each sample metropolitan area are included in the study.

If you have any questions, please call collect or write Mrs. Carol B. Kalish or Mr. Robert L. York, Research Division, U. S. Commission on Civil Rights, Washington, D. C. 20425 (telephone: Area Code 202, 382-4169 or 382-4239).

Thank you for your assistance in this important study.

Sincerely yours.

William L. Taylor
Staff Director

Enclosures
Forms CCR 341

GENERAL INSTRUCTIONS

Please complete the enclosed forms and return one complete set (three complete sets are enclosed) promptly—within two weeks, if possible. Figures should cover the activities of your government (as defined by the mailing address on the envelope). If records of your office do not contain the necessary information, please obtain the figures from other offices as needed (note the exclusions, which are listed on the back of each form under *NUMBER OF FULL-TIME EMPLOYEES*). Note that identical definitions appear on the back of each of the enclosed forms. The first form (Form CCR 341) is a summary sheet of the total lines of the other forms, and will be useful in checking for consistency and completeness and in providing summary statistics. (Your file copy of your 1966 return for the Bureau of the Census' Annual Survey of Government Employment can also be used to check for completeness in reporting *full-time* employees.) The summary sheet should be included in the complete set of materials returned to us. The other forms (Form CCR 341–A to CCR 341–G) are separate forms for each function listed on the summary sheet. The appropriate function is defined on the front of each of these forms.

Please be sure that the numbers stamped on each form remain legible. These numbers serve as our way of removing you from our list of follow-up mailings and also contain necessary information about type of government and geographic location.

DEFINITIONS

NUMBER OF FULL-TIME EMPLOYEES—The number of persons employed to work the number of hours per week that represents regular full-time employment (as of the pay period including March 12, 1967). Employed persons are those paid for personal services performed, including those in a paid leave status during the period and any full-time temporary or seasonal employees. *Include* officials paid on a salary basis, by fees or commissions, or a flat sum quarterly, semi-annually, etc., as long as employment is full time. *Exclude* persons employed during the pay period who work on a part-time basis, employees on unpaid leave, unpaid officials, and pensioners. Also *exclude*, whether full-time or part-time, all school system and all housing authority employees and all contractors and their employees.

RACE AND NATIONAL ORIGIN—An employee should be included in the group to which he appears to belong or is regarded as belonging to in the community. Note:

1. *Spanish American* includes those of Mexican, Latin American, Puerto Rican, or Spanish origin. *SPANISH AMERICANS ARE TO BE COMPUTED ONLY FOR CALIFORNIA AND TEXAS AND SHOULD BE INCLUDED IN THE "ALL OTHER" COLUMN FOR OTHER STATES.*

2. *Oriental American* includes those of Chinese, Japanese, or Filipino origin. *ORIENTAL AMERICANS ARE TO BE COMPUTED ONLY FOR CALIFORNIA AND SHOULD BE INCLUDED IN THE "ALL OTHER" COLUMN FOR OTHER STATES.*

OCCUPATIONAL CATEGORIES

1. Officials and Managers

   Administrative personnel who establish and/or administer broad policies and direct individual departments or special phases of a government's operation. Includes: officials, middle management, department managers, and kindred workers.

2. Professional and Technical

   Specialized personnel with either advanced post-high school education or equivalent experience. *Professional.* Includes: accountants and auditors, social workers, editors, engineers, lawyers, librarians, statisticians, natural and physical scientists, personnel and labor relations workers, physicians, social scientists, computer programmers, etc. *Technical.* Includes: draftsmen, engineering aides, junior engineers, mathematical aides, nurses, photographers, radio operators, scientific assistants, surveyors, technicians (medical, electronic, physical sciences), and kindred workers.

3. Office and Clerical

   All clerical type employees regardless of level of difficulty in which the activities are predominantly nonmanual. Includes: bookkeepers, cashiers, collectors (bills and accounts), messengers and office boys, office machine operators, shipping and receiving clerks, stenographers, typists and secretaries, key punch operators, computer operators, telephone operators, salesmen, and kindred workers.

4. Craftsmen and Operatives

   Craftsmen. Manual workers of relatively high skill level having a comprehensive knowledge of the processes involved in their work and who exercise considerable independent judgment and usually receive an extensive period of training. Includes: foremen who are not members of management, mechanics and repairmen, skilled machining occupations, electricians, stationary engineers, and kindred workers. *Operatives.* Workers who operate machine or processing equipment or perform other mechanical type duties of intermediate skill level which can be mastered in a few weeks and require only limited training. Includes: apprentices, operatives, deliverymen, furnacemen, motormen, drivers, and kindred workers.

5. Laborers

   Workers in manual occupations which generally require no special training. Includes: garage laborers, car washers and greasers, garbage and trash collectors, groundskeepers, construction laborers, street and highway maintenance laborers, and kindred workers.

6. Service Workers

   Workers in both protective and nonprotective service occupations. Includes: attendants (hospital and other institutions, recreation, and personal service), janitors, charwomen and cleaners, cooks, elevator operators, porters, guards, watchmen, and kindred workers.

(over)

DEFINITIONS (Continued)

FUNCTIONAL CATEGORIES—A person working in more than one of the following functions should be counted only once—in the function in which he works the largest part of his time.

A. Financial Administration and General Control

Treasurer's office, auditor or comptroller's office, tax assessing, tax billing and collection, budgeting, purchasing, central accounting offices and similar financial administration. Council, board of supervisors or commissioners, and central administrative officers and agencies, such as manager or mayor, clerk, recorder, legal staff, and central personnel or planning agency; include also all judicial officers and employees (judges, magistrates, bailiffs, etc., paid by your government).

B. Streets and Highways, Sewers and Sewage Disposal, Parks and Recreation, Natural Resources, and Community Redevelopment

Repair, construction and administration of streets and alleys, sidewalks, roads, highways and bridges (street cleaning and refuse collection employees should be reported at Item F). Sanitary and storm sewer maintenance and sewage disposal. Parks, playgrounds, swimming pools, auditoriums, museums, etc. Agriculture, forestry, forest fire protection, irrigation, drainage, flood control, etc. Slum clearance and redevelopment projects. (Exclude employees of local housing authorities.)

C. Public Welfare

Maintenance of homes and other institutions for the needy; administration of public assistance; social workers; etc.

D. Public Safety

Police protection, corrections, and fire protection—Police Department, highway patrol, etc.; include technical and clerical employees engaged in police activities. Employees of penal institutions, parole and probationary services, halfway houses and juvenile training schools. Fire Department employees, including clerical as well as uniformed force. Exclude volunteer firemen.

E. Health, Hospitals, and Sanatoriums

Public health services, out-patient clinics, visiting nurses, food and sanitary inspectors, etc. Institutions for in-patient medical care; include *paid* student help (if full-time). Exclude volunteers.

F. Public Utilities and Street Cleaning and Refuse Collection

Public water supply, electric power supply or distribution, gas supply or distribution, rapid transit (buses, trolleys, etc.), airport and air terminal, and water transportation and terminal facilities and systems owned and operated by your government. Street cleaning, garbage and refuse collection and disposal. (Repair, construction, etc., of streets and sanitary and storm sewer maintenance and sewage disposal should be reported at Item B.)

G. All Other

All other employees except those excluded under the definition of *NUMBER OF EMPLOYEES*. Include employees concerned with elections and voter registration, libraries and protective inspection (building, electrical, etc.).

(Please Complete Forms)

Form CCR 341

Budget Bureau No. 115-6701;
Approval Expires December 31, 1967

PUBLIC EMPLOYMENT SURVEY

SUMMARY SHEET

FUNCTION	NUMBER OF FULL-TIME EMPLOYEES				
	Total	Negro	Spanish American	Oriental American	All Other
A. Financial Administration and General Control					
B. Streets and Highways, Sewers and Sewage Disposal, Parks and Recreation, Natural Resources, and Community Redevelopment					
C. Public Welfare					
D. Public Safety: 1. Police Protection					
D. Public Safety: 2. Corrections					
D. Public Safety: 3. Fire Protection					
E. Health, Hospitals, and Sanatoriums					
F. Public Utilities and Street Cleaning and Refuse Collection					
G. All Other (includes employees concerned with elections and voter registration, libraries, and protective inspection). Please specify _____					
TOTAL					

Data supplied by:
Name _____
Title _____
Agency _____
Telephone:
Area Code ( ) Number _____
Official Address:
_____
_____
_____

Please check one:

Data obtained by:

☐ Current records
☐ Special headcount for this report
☐ Other (please describe below)

Form CCR 341-A

Budget Bureau No. 115-6701;
Approval Expires December 31, 1967

PUBLIC EMPLOYMENT SURVEY

Function: FINANCIAL ADMINISTRATION AND GENERAL CONTROL *

OCCUPATIONAL CATEGORIES	NUMBER OF FULL-TIME EMPLOYEES				
	Total	Negro	Spanish American	Oriental American	All Other
Officials and Managers					
Professional and Technical Workers					
Office and Clerical Workers					
Craftsmen and Operatives					
Laborers					
Service Workers					
TOTAL					

* Defined as including treasurer's office, auditor or comptroller's office, tax assessing, tax billing and collection, budgeting, purchasing, central accounting offices and similar financial administration. Council, board of supervisors or commissioners, and central administrative officers and agencies, such as manager or mayor, clerk, recorder, legal staff, and central personnel or planning agency; include also all judicial officers and employees (judges, magistrates, bailiffs, etc., paid by your government).

NOTE: OTHER TERMS, INCLUDING THE OCCUPATIONAL CATEGORIES, ARE DEFINED ON THE REVERSE SIDE.

Form CCR 341-B

Budget Bureau No. 115-6701;
Approval Expires December 31, 1967

PUBLIC EMPLOYMENT SURVEY

Function: STREETS AND HIGHWAYS, SEWERS AND SEWAGE, PARKS AND RECREATION, NATURAL RESOURCES, AND COMMUNITY REDEVELOPMENT *

OCCUPATIONAL CATEGORIES	NUMBER OF FULL-TIME EMPLOYEES				
	Total	Negro	Spanish American	Oriental American	All Other
Officials and Managers					
Professional and Technical Workers					
Office and Clerical Workers					
Craftsmen and Operatives					
Laborers					
Service Workers					
TOTAL					

* Defined as including repair, construction and administration of streets and alleys, sidewalks, roads, highways and bridges (exclude street cleaning and refuse collection employees). Sanitary and storm sewer maintenance and sewage disposal. Parks, playgrounds, swimming pools, auditoriums, museums, etc. Agriculture, forestry, forest fire protection, irrigation, drainage, flood control, etc. Slum clearance and redevelopment projects. (Exclude employees of local housing authorities).

NOTE: OTHER TERMS, INCLUDING THE OCCUPATIONAL CATEGORIES, ARE DEFINED ON THE REVERSE SIDE.

Form CCR 341-C

Budget Bureau No. 115-6701;
Approval Expires December 31, 1967

PUBLIC EMPLOYMENT SURVEY

Function: PUBLIC WELFARE *

OCCUPATIONAL CATEGORIES	NUMBER OF FULL-TIME EMPLOYEES				
	Total	Negro	Spanish American	Oriental American	All Other
Officials and Managers					
Professional and Technical Workers					
Office and Clerical Workers					
Craftsmen and Operatives					
Laborers					
Service Workers					
TOTAL					

* Defined as including maintenance of homes and other institutions for the needy; administration of public assistance; social workers; etc.

NOTE: OTHER TERMS, INCLUDING THE OCCUPATIONAL CATEGORIES, ARE DEFINED ON THE REVERSE SIDE.

Form CCR 341-D(1)

Budget Bureau No. 115-6701;
Approval Expires December 31, 1967

PUBLIC EMPLOYMENT SURVEY

Function: PUBLIC SAFETY: POLICE PROTECTION [1]

OCCUPATIONAL CATEGORIES	NUMBER OF FULL-TIME CIVILIAN EMPLOYEES				
	Total	Negro	Spanish American	Oriental American	All Other
I. Regular Personnel					
Officials, managers, professional and technical					
Office, clerical, craftsmen, operatives, and others					
	NUMBER OF FULL-TIME SWORN POLICE				
II. Ranked Personnel [2]	Total	Negro	Spanish American	Oriental American	All Other
Administrative					
Supervisory					
Operational					
Investigative					
Uniformed Patrolmen					
Clerical, Technical, Other					
GRAND TOTAL					

[1] Defined as including Police Department, highway patrol, etc.; include technical and clerical employees engaged in police activities.

[2] *Administrative* refers to those performing the executive work relating to the management of the department (generally, those with rank of captain or above). *Supervisory* refers to those overseeing operational employees (generally, those with rank of lieutenant and sergeant). *Operational* refers to those performing line functions (generally, those with rank *below*, but not including sergeant).

NOTE: OTHER TERMS, INCLUDING THE OCCUPATIONAL CATEGORIES FOR REGULAR PERSONNEL, ARE DEFINED ON THE REVERSE SIDE.

337-989 O-69—11

Form CCR 341-D(2)

Budget Bureau No. 115-6701;
Approval Expires December 31, 1967

PUBLIC EMPLOYMENT SURVEY

Function: PUBLIC SAFETY: CORRECTIONS [1]

OCCUPATIONAL CATEGORIES	NUMBER OF FULL-TIME NONCUSTODIAL EMPLOYEES				
	Total	Negro	Spanish American	Oriental American	All Other
I. Regular Personnel					
Officials, managers, professional and technical					
Office, clerical, craftsmen, operatives, and others					
	NUMBER OF FULL-TIME CUSTODIAL EMPLOYEES				
II. Ranked Personnel [2]	Total	Negro	Spanish American	Oriental American	All Other
Administrative					
Supervisory					
Operational					
GRAND TOTAL					

[1] Defined as including penal institutions, parole and probationary services, halfway houses, and juvenile training schools.

[2] *Administrative* refers to those performing the executive work relating to the management of the department. *Supervisory* refers to those overseeing operational employees (excluding those counted under administrative). *Operational* refers to those performing line functions, generally those employees supervising prisoners.

NOTE: OTHER TERMS, INCLUDING THE OCCUPATIONAL CATEGORIES FOR REGULAR PERSONNEL, ARE DEFINED ON THE REVERSE SIDE.

Form CCR 341-D(3)

Budget Bureau No. 115-6701;
Approval Expires December 31, 1967

PUBLIC EMPLOYMENT SURVEY

Function: PUBLIC SAFETY: FIRE PROTECTION [1]

OCCUPATIONAL CATEGORIES	NUMBER OF FULL-TIME EMPLOYEES				
	CIVILIAN EMPLOYEES				
I. Regular Personnel	Total	Negro	Spanish American	Oriental American	All Other
Officials and Managers					
Professional and Technical					
Office and Clerical					
Others					
	UNIFORMED FORCE				
II. Ranked Personnel [2]	Total	Negro	Spanish American	Oriental American	All Other
Administrative					
Supervisory					
Operational					
GRAND TOTAL					

[1] Defined as including Fire Department employees, clerical as well as uniformed force; *exclude* volunteer firemen.

[2] *Administrative* refers to those performing the executive work relating to the management of the department (generally those with rank of *above*, but not including, captain). *Supervisory* refers to those overseeing operational employees (generally those with rank of captain, lieutenant, and sergeant). *Operational* refers to those performing line functions (generally those with rank *below*, but not including, sergeant).

NOTE: OTHER TERMS, INCLUDING THE OCCUPATIONAL CATEGORIES FOR REGULAR PERSONNEL, ARE DEFINED ON THE REVERSE SIDE.

Form CCR 341-E

Budget Bureau No: 115-6701;
Approval Expires December 31, 1967

PUBLIC EMPLOYMENT SURVEY

Function: HEALTH, HOSPITALS AND SANATORIUMS *

OCCUPATIONAL CATEGORIES	NUMBER OF FULL-TIME EMPLOYEES				
	Total	Negro	Spanish American	Oriental American	All Other
Officials and Managers					
Professional and Technical Workers					
Office and Clerical Workers					
Craftsmen and Operatives					
Laborers					
Service Workers					
TOTAL					

* Defined as including public health services, out-patient clinics, visiting nurses, food and sanitary inspectors, etc. Institutions for in-patient medical care; include all paid student help.

NOTE: OTHER TERMS, INCLUDING THE OCCUPATIONAL CATEGORIES, ARE DEFINED ON THE REVERSE SIDE.

Form CCR 341–F

Budget Bureau No. 115–6701;
Approval Expires December 31, 1967

PUBLIC EMPLOYMENT SURVEY

Function: PUBLIC UTILITIES, STREET CLEANING AND REFUSE COLLECTION *

OCCUPATIONAL CATEGORIES	NUMBER OF FULL-TIME EMPLOYEES				
	Total	Negro	Spanish American	Oriental American	All Other
Officials and Managers					
Professional and Technical Workers					
Office and Clerical Workers					
Craftsmen and Operatives					
Laborers					
Service Workers					
TOTAL					

* Defined as including public water supply, electric power supply or distribution, gas supply or distribution, rapid transit (buses, trolleys, etc.), airport and air terminal, and water transportation and terminal facilities and systems owned and operated by your government. Street cleaning, garbage and refuse collection and disposal. (Exclude repair, construction, etc. of streets and sanitary and storm sewer maintenance and sewage disposal).

NOTE: OTHER TERMS, INCLUDING THE OCCUPATIONAL CATEGORIES, ARE DEFINED ON THE REVERSE SIDE.

Form CCR 341-G

Budget Bureau No. 115-6701;
Approval Expires December 31, 1967

PUBLIC EMPLOYMENT SURVEY

Function: ALL OTHER *

OCCUPATIONAL CATEGORIES	NUMBER OF FULL-TIME EMPLOYEES				
	Total	Negro	Spanish American	Oriental American	All Other
Officials and Managers					
Professional and Technical Workers					
Office and Clerical Workers					
Craftsmen and Operatives					
Laborers					
Service Workers					
TOTAL					

* Defined as including all other employees not covered in other forms in this packet except those excluded under the *Number of full-time employees* section on the reverse side of this form. Include employees concerned with elections and voter registration, libraries, and protective inspection (building, electrical, etc.).

NOTE: OTHER TERMS, INCLUDING THE OCCUPATIONAL CATEGORIES, ARE DEFINED ON THE REVERSE SIDE.

Please specify types of functions reported: _____

Form CCR 342

Budget Bureau No. 115-6701;
Approval Expires December 31, 1967

PUBLIC EMPLOYMENT SURVEY

FUNCTION	NUMBER OF EMPLOYEES									
	Total		Negro		Spanish American		Oriental American		All Other	
	Full-Time	Part-Time	Full-Time	Part-Time	Full-Time	Part-Time	Full-Time	Part-Time	Full-Time	Part-Time
A. Financial Administration, and General Control										
B. Streets and Highways, Sewers and Sewage Disposal, Parks and Recreation, Natural Resources, and Community Redevelopment										
C. Public Welfare										
D. Public Safety: Police Protection, Corrections, and Fire Protection										
E. Health, Hospitals, and Sanatoriums										
F. Public Utilities and Street Cleaning and Refuse Collection										
G. All Other (includes employees concerned with elections and voter registration, libraries, and protective inspection). Please specify _____										
TOTAL										

Data supplied by:
Name _____
Title _____
Agency _____

Telephone:
Area Code ( ) Number _____

Official Address:
_____
_____
_____

Please check one:

Data obtained by:

☐ Current records
☐ Special headcount for this report
☐ Other (please describe below)

Form CCR 343

Budget Bureau No. 115–6701;
Approval Expires December 31, 1967

PUBLIC EMPLOYMENT SURVEY

OCCUPATIONAL CATEGORIES	NUMBER OF EMPLOYEES									
	Total		Negro		Spanish American		Oriental American		All Other	
	Full-Time	Part-Time	Full-Time	Part-Time	Full-Time	Part-Time	Full-Time	Part-Time	Full-Time	Part-Time
1. Officials and Managers										
2. Professional and Technical Workers										
3. Office and Clerical Workers										
4. Craftsmen and Operatives										
5. Laborers										
6. Service Workers										
TOTAL										

Data supplied by:
Name _____
Title _____
Agency _____
Telephone:
Area Code ( ) Number _____

Official Address:
_____
_____
_____

Please check one:
Data obtained by
☐ Current records
☐ Special headcount for this report
☐ Other (please describe below)

Form CCR 344

Budget Bureau No. 115-6701;
Approval Expires December 31, 1967

PUBLIC EMPLOYMENT SURVEY

OCCUPATIONAL CATEGORIES	NUMBER OF FULL-TIME EMPLOYEES									
	Total		Negro		Spanish American		Oriental American		All Other	
	Merit	Other	Merit	Other	Merit	Other	Merit	Other	Merit	Other
1. Officials and Managers										
2. Professional and Technical Workers										
3. Office and Clerical Workers										
4. Craftsmen and Operatives										
5. Laborers										
6. Service Workers										
TOTAL										

Data supplied by:
Name _____
Title _____
Agency _____

Telephone:
Area Code ( ) Number _____

Official Address:
_____
_____
_____

Please check one:

Data obtained by:

☐ Current records
☐ Special headcount for this report
☐ Other (please describe below)

Response Rate

The overall response rate for the 628 questionnaires mailed was 92.5 percent. All seven States and eight central cities returned questionnaires as did 24 of the 26 counties in the survey. The lowest response rate of any type of government was 88.8 percent for large municipalities. There was 100 percent return from governments in the Baton Rouge SMSA and 99.0 percent return in the San Francisco SMSA. The lowest response rate of any SMSA was 86.7 in Memphis.

The response rate for small municipalities is based only upon those reporting full-time employees. Numerous small municipalities reported only part-time employees but were not included in calculating the response rate since statistics discussed in this report are based only upon full-time employees. Through the cooperation of the Governments Division of the U.S. Bureau of the Census, nine nonresponding small municipalities were identified as having no full-time employees in 1967 and hence were dropped for purposes of calculating the response rate.

Since response was best among the largest governments (central cities, central counties, and States) the response rate in terms of the number of employees covered is even higher than that for governmental units. An estimated 97.5 percent of all full-time employees covered by the survey were employed in those governmental units which responded to the questionnaire.

Employment figures for respondents in Table A–2, were obtained from the survey questionnaires. Data for most nonrespondents were obtained from the 1967 Census of Governments. For nonrespondents to both this survey and the 1967 Census of Governments survey, data from the 1962 Census of Governments were used. There were three nonresponding governments—Marion City (Ark.), Brookside Village (Tex.), and Lilburn City (Ga.)—for which no data were available from any of these sources. Attempts to reach officials of these governments were unsuccessful, so estimates of employment were made by averaging the number of full-time employees in all other small municipalities in the same county (including those with no employees). This resulted in the assignment of three employees to Marion City, 22 to Brookside Village, and 16 to Lilburn City. All nonrespondents are listed by SMSA in Appendix B.

TABLE A–1. *Public Employment Survey: Number of Questionnaires Returned, Number of Jurisdictions in Sample, and Response Rate, by Type of Government and Standard Metropolitan Statistical Area, 1967*

SMSA	State	Central city	Counties	Large municipalities	Small municipalities	Special districts	Total
San Francisco-Oakland SMSA:							
Number returned	1	2	4	23	29	36	95
Number in sample	1	2	4	23	29	37	96
Percent returned	100.0	100.0	100.0	100.0	100.0	97.3	99.0
Baton Rouge SMSA:							
Number returned	1	1	.....		2	1	5
Number in sample	1	1	.....		2	1	5
Percent returned	100.0	100.0	.....		100.0	100.0	100.0
Detroit SMSA:							
Number returned	1	1	2	32	71	4	[1] 110
Number in sample	1	1	3	38	79	4	126
Percent returned	100.0	100.0	66.7	84.2	89.9	100.0	87.3
Philadelphia SMSA:							
Number returned	1	1	6	15	223	11	257
Number in sample	1	1	7	17	240	13	279
Percent returned	100.0	100.0	85.7	88.2	92.9	84.6	92.1
Memphis SMSA:							
Number returned	1	1	2	0	6	3	13
Number in sample	1	1	2	1	7	3	15
Percent returned	100.0	100.0	100.0	0.0	85.7	100.0	86.7
Houston SMSA:							
Number returned	1	1	5	4	36	7	54
Number in sample	1	1	5	4	40	7	58
Percent returned	100.0	100.0	100.0	100.0	100.0	100.0	93.1
Atlanta SMSA:							
Number returned	1	1	5	5	28	7	47
Number in sample	1	1	5	6	29	7	49
Percent returned	100.0	100.0	100.0	83.3	96.6	100.0	95.9
Total:							
Number returned	7	8	24	79	395	69	[1] 581
Number in sample	7	8	26	89	426	72	628
Number not returned	0	0	2	10	32	3	47
Percent returned	100.0	100.0	92.3	88.8	92.7	95.8	92.5

[1] Includes small municipalities with at least one full-time employee only.

TABLE A–2. *Public Employment Survey: Number of Full-time Employees Tabulated in Returned Questionnaire, Number of Full-time Employees in Sample, and Response Rate, by Type of Government and by Standard Metropolitan Statistical Area, 1967*

SMSA	State	Central city	Counties	Large municipalities	Small municipalities	Special districts	Total
San Francisco-Oakland SMSA:							
Number returned	13,629	19,745	13,185	6,367	1,249	7,660	61,835
Number in sample	13,629	19,745	13,185	6,367	1,249	8,207	62,382
Percent returned	100.0	100.0	100.0	100.0	100.0	93.3	99.1
Baton Rouge SMSA:							
Number returned	5,662	1,990	.....		63	96	7,811
Number in sample	5,662	1,990	.....		63	96	7,811
Percent returned	100.0	100.0	.....		100.0	100.0	100.0
Detroit SMSA:							
Number returned	8,614	26,448	8,893	11,109	1,630	1,913	[1] 58,605
Number in sample	8,614	26,448	10,860	12,001	1,878	1,913	61,712
Percent returned	100.0	100.0	81.9	92.6	86.8	100.0	95.0
Philadelphia SMSA:							
Number returned	16,020	28,075	5,747	3,947	4,280	1,258	59,327
Number in sample	16,020	28,075	6,374	4,281	4,491	1,362	60,603
Percent returned	100.0	100.0	90.2	92.2	95.3	92.4	97.9
Memphis SMSA:							
Number returned	1,510	10,729	1,641	0	114	283	14,227
Number in sample	1,510	10,729	1,641	188	[2] 117	283	14,468
Percent returned	100.0	100.0	100.0	0.0	97.4	100.0	98.8
Houston SMSA:							
Number returned	2,834	8,417	3,047	894	857	3,029	19,078
Number in sample	2,834	8,417	3,047	894	[2] 988	3,029	19,209
Percent returned	100.0	100.0	100.0	100.0	86.7	100.0	99.3
Atlanta SMSA:							
Number returned	6,111	6,001	4,653	1,235	519	4,004	22,523
Number in sample	6,937	6,001	4,653	1,427	[2] 535	4,004	23,557
Percent returned	88.1	100.0	100.0	86.5	97.0	100.0	95.6
Total:							
Number returned	54,380	101,405	37,166	23,552	8,712	18,243	[1] 243,456
Number in sample	55,206	101,405	39,760	25,158	9,321	18,894	249,742
Number not returned	826	0	2,594	1,606	609	651	5,283
Percent returned	98.5	100.0	93.5	93.5	93.5	96.6	97.5

[1] Includes small municipalities with at least one full-time employee only.

[2] Includes estimates for unavailable data for Marian City (Arkansas), Brookside Village (Texas), and Lilburn City (Georgia). See text for explanation of procedure for obtaining estimates.

Appendix B

Table I

Distribution of Employment by Type of Government for SMSA's Surveyed, 1967

All governments	Total	Minority
Total employees	243,456	63,631
States	54,380	11,038
Central cities	101,405	35,776
Counties	37,166	7,016
Large municipalities	23,552	2,811
Small municipalities	8,710	932
Special districts	18,243	6,058
	Percent distribution of minority employees	
Total employees	100.0	26.1
States	100.0	20.3
Central cities	100.0	35.3
Counties	100.0	18.9
Large muncipalities	100.0	11.9
Small municipalities	100.0	10.7
Special districts	100.0	33.2
	Percent distribution by type of government	
Total employees	100.0	99.9
States	22.3	17.3
Central cities	41.7	56.2
Counties	15.3	11.0
Large municipalities	9.7	4.4
Small municipalities	3.6	1.5
Special districts	7.5	9.5

Distribution of Employment by Type of Government for SMSA's Surveyed, 1967

San Francisco	Total	Negro	Spanish American	Oriental American
Total employees	61,835	7,828	1,501	2,217
States	13,629	1,304	262	872
Central cities	19,745	3,541	394	754
Counties	13,185	1,729	222	312
Large municipalities	6,367	265	210	85
Small municipalities	1,249	13	56	3
Special districts	7,660	976	357	191
	Percent distribution of minority employees			
Total employees	100.0	12.7	2.4	3.6
States	100.0	9.6	1.9	6.4
Central cities	100.0	17.9	2.0	3.8
Counties	100.0	13.1	1.7	2.4
Large municipalities	100.0	4.2	3.3	1.3
Small municipalities	99.9	1.0	4.5	.2
Special districts	100.0	12.7	4.7	2.5
	Percent distribution by type of government			
Total employees	99.9	100.1	100.0	99.9
States	22.0	16.7	17.5	39.3
Central cities	31.9	45.2	26.2	34.0
Counties	21.3	22.1	14.8	14.1
Large municipalities	10.3	3.4	14.0	3.8
Small municipalities	2.0	.2	3.7	.1
Special districts	12.4	12.5	23.8	8.6

Distribution of Employment by Type of Government for SMSA's Surveyed, 1967

Philadelphia	Total	Negro
Total employees	59,327	18,177
States	16,020	4,209
Central cities	28,075	11,403
Counties	5,747	865
Large municipalities	3,947	742
Small municipalities	4,280	394
Special districts	1,258	564
	Percent distribution of minority employees	
Total employees	100.0	30.6
States	100.0	26.3
Central cities	100.0	40.6
Counties	100.0	15.1
Large municipalities	100.0	18.8
Small municipalities	100.0	9.2
Special districts	100.0	44.8
	Percent distribution by type of government	
Total employees	100.0	100.0
States	27.0	23.2
Central cities	47.3	62.7
Counties	9.7	4.8
Large municipalities	6.7	4.1
Small municipalities	7.2	2.2
Special districts	2.1	3.1

Distribution of Employment by Type of Government for SMSA's Surveyed, 1967

Detroit	Total	Negro
Total employees	58,605	17,281
States	8,614	3,105
Central cities	26,448	10,607
Counties	8,893	2,250
Large municipalities	11,109	954
Small municipalities	1,628	55
Special districts	1,913	310
	Percent distribution of minority employees	
Total employees	100.0	29.5
States	100.0	36.0
Central cities	100.0	40.1
Counties	100.0	25.3
Large municipalities	100.0	8.6
Small municipalities	100.0	3.4
Special districts	100.0	16.2
	Percent distribution by type of government	
Total employees	99.9	100.0
States	14.7	18.0
Central cities	45.1	61.4
Counties	15.2	13.0
Large municipalities	19.0	5.5
Small municipalities	2.8	.3
Special districts	3.3	1.8

Distribution of Employment by Type of Government for SMSA's Surveyed, 1967

Atlanta	Total	Negro
Total employees	22,523	5,514
States	6,111	342
Central cities	6,001	1,928
Counties	4,653	900
Large municipalities	1,235	287
Small municipalities	519	90
Special districts	4,004	1,967
	Percent distribution of minority employees	
Total employees	100.0	24.5
States	100.0	5.6
Central cities	100.0	32.1
Counties	100.0	19.3
Large municipalities	100.0	23.2
Small municipalities	100.0	17.3
Special districts	100.0	49.1
	Percent distribution by type of government	
Total employees	100.0	100.0
States	27.1	6.2
Central cities	26.6	35.0
Counties	20.7	16.3
Large municipalities	5.5	5.2
Small municipalities	2.3	1.6
Special districts	17.8	35.7

Distribution of Employment by Type of Government for SMSA's Surveyed, 1967

Houston	Total	Negro	Spanish American
Total employees	19,078	3,560	1,473
States	2,834	159	177
Central cities	8,417	1,608	735
Counties	3,047	238	71
Large municipalities	894	130	138
Small municipalities	857	152	94
Special districts	3,029	1,273	258
	Percent distribution of minority employees		
Total employees	100.0	18.7	7.7
States	99.9	5.6	6.2
Central cities	100.0	19.1	8.7
Counties	100.0	7.8	2.3
Large municipalities	99.9	14.5	15.4
Small municipalities	100.0	17.7	11.0
Special districts	100.0	42.0	8.5
	Percent distribution by type of government		
Total employees	100.1	100.0	100.0
States	14.9	4.5	12.0
Central cities	44.1	45.2	49.9
Counties	16.0	6.7	4.8
Large municipalities	4.7	3.6	9.4
Small municipalities	4.5	4.3	6.4
Special districts	15.9	35.8	17.5

Distribution of Employment by Type of Government for SMSA's Surveyed, 1967

Memphis	Total	Negro
Total employees	14,277	5,507
States	1,510	411
Central cities	10,729	4,479
Counties	1,641	429
Large municipalities		
Small municipalities	114	48
Special districts	283	140
	Percent distribution by majority-minority status	
Total employees	100.0	38.6
States	100.0	27.2
Central cities	100.0	41.7
Counties	100.0	26.1
Large municipalities		
Small municipalities	100.0	42.1
Special districts	100.0	49.5
	Percent distribution by type of government	
Total employees	100.0	100.0
States	10.6	7.5
Central cities	75.1	81.3
Counties	11.5	7.8
Large municipalities		
Small municipalities	.8	.9
Special districts	2.0	2.5

Distribution of Employment by Type of Government for SMSA's Surveyed, 1967

Baton Rouge	Total	Negro
Total employees	7,811	573
States	5,662	197
Central cities	1,990	327
Counties		
Large municipalities		
Small municipalities	63	27
Special districts	96	22
	Percent distribution of minority employees	
Total employees	100.0	7.3
States	100.0	3.5
Central cities	100.0	16.4
Counties		
Large municipalities		
Small municipalities	100.0	42.9
Special districts	100.0	22.9
	Percent distribution by type of government	
Total employees	100.0	100.0
States	72.5	34.4
Central cities	25.5	57.1
Counties		
Large municipalities		
Small municipalaties	.8	4.7
Special districts	1.2	3.8

Table II

Negro Employees by Occupation by Function in Central Cities Surveyed, 1967

SAN FRANCISCO	Total		Functions					
	Total employees	Total Negro	Financial administration and general control	Community development	Public welfare	Health and hospitals	Public utilities	All other
OCCUPATION								
Total employees	[1] 12,088	.....	1,400	2,474	856	3,085	3,789	484
Total Negro	.....	[2] 2,847	111	296	98	1,241	1,044	57
Officials and managers	195	6	5	1	0	0	0	0
Professional and technical	3,771	349	35	54	54	192	3	11
Office and clerical	1,824	164	43	12	41	25	21	22
Craftsmen and operatives	3,574	863	11	11	0	58	783	0
Laborers	944	235	2	126	0	0	106	1
Service workers	1,780	1,230	15	92	3	966	131	23
	Negroes as a percent of all employees							
Officials and managers		3.1	4.5	0.3	0	0	0	0
Professional and technical		9.3	31.5	18.2	55.1	15.5	.3	19.3
Office and clerical		9.0	38.7	4.1	41.8	2.0	2.0	38.6
Craftsmen and operatives		24.1	9.9	3.7	0	4.7	75.0	0
Laborers		24.9	1.8	42.6	0	0	10.2	1.8
Service workers		69.1	13.5	31.1	3.1	77.8	12.5	40.4

[1] Does not include 4,135 public safety employees.

[2] Does not include 155 public safety employees.

See Tables VI, IX, and XII for occupational distribution of public safety employees.

Figures are for full-time noneducational employees.

Spanish American Employees by Occupation by Function in Central Cities Surveyed, 1967

SAN FRANCISCO	Total		Functions					
	Total employees	Total Spanish American	Financial administration and general control	Community development	Public welfare	Health and hospitals	Public utilities	All other
OCCUPATION								
Total employees	[1] 12,088	.....	1,400	2,474	856	3,085	3,789	484
Total Spanish American	.....	[2]283	15	47	18	76	117	10
Officials and managers	195	0	0	0	0	0	0	0
Professional and technical	3,771	60	8	10	11	26	2	3
Office and clerical	1,824	29	2	4	7	8	2	6
Craftsmen and operatives	3,574	102	5	9	**	8	79	1
Laborers	944	35	0	15	**	**	20	0
Service workers	1,780	57	0	9	**	34	14	0
Spanish Americans as a percent of all employees								
Officials and managers		0	0	0	0	0	0	0
Professional and technical		1.6	53.3	21.3	61.1	34.2	1.7	30.0
Office and clerical		1.6	13.3	8.5	38.9	10.5	1.7	60.0
Craftsmen and operatives		2.9	33.3	19.1	**	10.5	67.5	10.0
Laborers		3.7	0	31.9	**	**	17.1	0.0
Service workers		3.2	0	19.1	**	44.7	12.0	0

[1] Does not include 4,135 public safety employees.

[2] Does not include 58 public safety employees.

**No occupation.

See Tables XVIII and XX for occupational distribution of public safety employees.

Figures are for full-time noneducational employees.

Oriental American Employees by Occupation by Function in Central Cities Surveyed, 1967

SAN FRANCISCO	Total		Functions					
	Total employees	Total Oriental American	Financial administration and general control	Community development	Public welfare	Health and hospitals	Public utilities	All other
OCCUPATION								
Total employees	[1] 12,088	.....	1,400	2,474	856	3,085	3,789	484
Total Oriental American	.....	[2] 697	94	130	110	191	107	23
Officials and managers	195	2	0	0	1	1	0	0
Professional and technical	3,771	360	43	93	66	104	37	17
Office and clerical	1,824	138	51	11	43	15	13	5
Craftsmen and operatives	3,574	74	0	4	**	19	51	0
Laborers	944	13	0	12	**	** 52	1	0
Service workers	1,780	68	0	10	0	52	5	1
Oriental Americans as a percent of all employees								
Officials and managers		1.0	0	0	0.9	0.5	0	0
Professional and technical		9.5	45.7	71.5	60.0	54.5	34.6	73.9
Office and clerical		7.6	54.3	8.5	39.1	7.9	12.1	21.7
Craftsmen and operatives		2.1	0	3.1	**	10.0	47.7	0
Laborers		1.4	0	9.2	**	**	.9	0
Service workers		3.8	0	7.7	0	27.2	4.7	4.3

[1] Does not include 4,135 public safety employees.
[2] Does not include 655 public safety employees.
**No occupation.
See Table XXV for occupational distribution of public safety employees.
Figures are for full-time noneducational employees.

Negro Employees by Occupation by Function in Central Cities Surveyed, 1967

OAKLAND	Total		Functions					
	Total employees	Total Negro	Financial administration and general control	Community development	Public welfare	Health and hospitals	Public utilities	All other
OCCUPATION								
Total employees	[1] 1,940		194	950	**	**	356	440
Total Negro		[2] 463	18	230	**	**	115	100
Officials and managers	61	4	0	3	**	**	0	1
Professional and technical	586	65	1	30	**	**	0	34
Office and clerical	413	65	12	10	**	**	2	41
Craftsmen and operatives	373	46	0	41	**	**	5	0
Laborers	315	126	2	104	**	**	17	3
Service workers	192	157	3	42	**	**	91	21
	Negroes as a percent of all employees							
Officials and managers		6.6	0	1.3	**	**	0	1.0
Professional and technical		11.1	5.6	13.0	**	**	0	34.0
Office and clerical		15.7	66.7	4.3	**	**	1.7	41.0
Craftsmen and operatives		12.3	0	17.8	**	**	4.3	0
Laborers		40.0	11.1	45.2	**	**	14.8	3.0
Service workers		81.8	16.7	18.3	**	**	79.1	21.0

[1] Does not include 1,582 public safety employees.
[2] Does not include 76 public safety employees.
**No function.
See Tables VI, IX, and XII for occupational distribution of public safety employees.
Figures are for full-time noneducational employees.

Spanish American Employees by Occupation by Function in Central Cities Surveyed, 1967

OAKLAND	Total		Functions					
	Total employees	Total Spanish American	Financial administration and general control	Community development	Public welfare	Health and hospitals	Public utilities	All other
OCCUPATION								
Total employees	[1]1,940	.....	194	950	**	**	356	440
Total Spanish American	.....	[2]39	1	25	**	**	8	5
Officials and managers	61	0	0	0	**	**	0	0
Professional and technical	586	4	0	3	**	**	0	1
Office and clerical	413	6	1	3	**	**	0	2
Craftsmen and operatives	373	10	0	5	**	**	3	2
Laborers	315	18	0	14	**	**	4	0
Service workers	192	1	0	0	**	**	1	0
Spanish Americans as a percent of all employees								
Officials and managers		0	0	0	**	**	0	0
Professional and technical		.7	0	12.0	**	**	0	20.0
Office and clerical		1.5	100.0	12.0	**	**	0	40.0
Craftsmen and operatives		2.7	0	20.0	**	**	37.5	40.0
Laborers		5.7	0	56.0	**	**	50.0	0
Service workers		.5	0	0	**	**	12.5	0

[1] Does not include 1,582 public safety employees.
[2] Does not include 14 public safety employees.
**No function.
See Tables XVIII and XX for occupational distribution of public safety employees.
Figures are for full-time noneducational employees.

Oriental American Employees by Occupation by Function in Central Cities Surveyed, 1967

OAKLAND	Total		Functions					
	Total employees	Total Oriental American	Financial administration and general control	Community development	Public welfare	Health and hospitals	Public utilities	All other
OCCUPATION								
Total employees	[1]1,940	.....	194	950	**	**	356	440
Total Oriental American	.....	[2]48	7	28	**	**	6	7
Officials and managers	61	0	0	0	**	**	0	0
Professional and technical	586	25	2	14	**	**	4	5
Office and clerical	413	6	2	14	**	**	0	2
Craftsmen and operatives	373	4	0	2	**	**	2	0
Laborers	315	9	0	9	**	**	0	0
Service workers	192	4	3	1	**	**	0	0
Oriental Americans as a percent of all employees								
Officials and managers		0	0	0	**	**	0	0
Professional and technical		4.3	28.6	50.0	**	**	66.7	71.4
Office and clerical		1.5	28.6	7.1	**	**	[1]0	28.6
Craftsmen and operatives		1.1	0	7.1	**	**	33.3	0
Laborers		2.9	0	32.1	**	**	0	0
Service workers		2.1	42.9	3.6	**	**	0	0

[1] Does not include 1,582 public safety employees.
[2] Does not include 9 public safety employees.
**No function.
See Table XXV for occupational distribution of public safety employees.
Figures are for full-time noneducational employees.

Negro Employees by Occupation by Function in Central Cities Surveyed, 1967

PHILADELPHIA	Total		Functions					
	Total employees	Total Negro	Financial administration and general control	Community development	Public welfare	Health and hospitals	Public utilities	All other
OCCUPATION								
Total employees	[1] 17,123	.....	2,275	2,670	726	4,003	4,545	2,904
Total Negro	.....	[2] 9,151	815	1,333	494	2,074	3,198	1,237
Officials and managers	863	189	7	52	2	21	86	21
Professional and technical	5,070	1,401	242	199	144	617	94	105
Office and clerical	3,159	1,525	438	116	42	345	103	481
Craftsmen and operatives	3,319	1,877	57	432	10	100	1,036	242
Laborers	2,528	2,317	8	445	1	19	1,783	61
Service workers	2,184	1,842	63	89	295	972	96	327
	Negroes as a percent of all employees							
Officials and managers		21.9	8.1	25.0	22.2	14.0	44.6	9.7
Professional and technical		27.6	27.9	26.5	53.1	30.6	21.6	14.5
Office and clerical		48.3	40.7	35.2	46.7	66.9	41.9	53.4
Craftsmen and operatives		56.6	54.3	62.2	40.0	44.4	62.6	39.3
Laborers		91.7	100.0	81.7	50.0	82.6	95.2	78.2
Service workers		84.3	48.1	62.7	89.7	90.7	68.1	88.6

[1] Does not include 10,952 public safety employees.

[2] Does not include 2,252 public safety employees.

See Tables VI, IX, and XII for occupational distribution of public safety employees.

Figures are for full-time noneducational employees.

Negro Employees by Occupation by Function in Central Cities Surveyed, 1967

DETROIT	Total		Functions					
	Total employees	Total Negro	Financial administration and general control	Community development	Public welfare	Health and hospitals	Public utilities	All other
OCCUPATION								
Total employees	[1] 19,247	.....	1,433	3,851	1,529	3,579	6,930	1,925
Total Negro	.....	[2] 9,946	316	1,695	1,328	2,197	3,856	554
Officials and managers	800	115	2	30	2	36	31	14
Professional and technical	3,028	675	35	181	52	329	45	33
Office and clerical	3,378	1,405	260	74	248	421	205	197
Craftsmen and operatives	5,259	2,243	4	232	1	54	1,869	83
Laborers	3,111	2,536	7	783	1	35	1,631	79
Service workers	3,671	2,972	8	395	1,024	1,322	75	148
	Negroes as a percent of all employees							
Officials and managers		14.4	2.0	15.6	33.3	24.5	21.1	6.8
Professional and technical		22.3	7.7	23.4	42.3	30.1	17.2	10.2
Office and clerical		41.6	31.6	23.6	82.4	67.5	31.2	29.8
Craftsmen and operatives		42.7	10.5	29.4	100.0	40.0	48.2	19.8
Laborers		81.5	100.0	72.0	100.0	76.1	88.2	65.8
Service workers		81.0	80.0	56.8	93.3	86.1	54.3	75.5

[1] Does not include 7,201 public safety employees.

[2] Does not include 661 public safety employees.

See Tables VI, IX, XII for occupational distribution of public safety employees.

Figures are for full-time noneducational employees.

Negro Employees by Occupation by Function in Central Cities Surveyed, 1967

ATLANTA	Total		Functions					
	Total employees	Total Negro	Financial administration and general control	Community development	Public welfare	Health and hospitals	Public utilities	All other
OCCUPATION								
Total employees	[1] 4,112	.....	312	1,536	**	**	1,750	514
Total Negro		[2] 1,716	11	582	**	**	1,035	88
Officials and managers	65	0	0	0	**	**	0	0
Professional and technical	397	18	0	13	**	**	1	4
Office and clerical	422	14	10	0	**	**	1	3
Craftsmen and operatives	1,450	242	**	93	**	**	119	30
Laborers	1,547	1,346	**	431	**	**	899	16
Service workers	231	96	1	45	**	**	15	35
Negroes as a percent of all employees								
Officials and managers		0	0	0	**	**	0	0
Professional and technical		4.5	0	7.6	**	**	2.1	4.4
Office and clerical		3.3	4.9	0	**	**	1.2	3.3
Craftsmen and operatives		16.7	**	16.8	**	**	18.7	11.6
Laborers		87.0	**	71.5	**	**	97.1	88.9
Service workers		41.6	33.3	30.8	**	**	35.7	87.5

[1] Does not include 1,889 public safety employees.

[2] Does not include 212 public safety employees.

**No function or no occupation.

See Tables VI, IX, XII for occupational distribution of public safety employees.

Figures are for full-time noneducational employees.

Negro Employees by Occupation by Function in Central Cities Surveyed, 1967

HOUSTON	Total		Functions					
	Total employees	Total Negro	Financial administration and general control	Community development	Public welfare	Health and hospitals	Public utilities	All other
OCCUPATION								
Total employees	[1] 5,077	.....	661	2,833	**	428	762	393
Total Negro	.....	[2] 1,479	13	717	**	68	609	72
Officials and managers	313	19	0	19	**	0	0	0
Professional and technical	751	30	3	1	**	25	0	1
Office and clerical	996	42	5	23	**	5	0	9
Craftsmen and operatives	1,295	307	1	146	**	5	154	1
Laborers	1,388	978	3	502	**	3	429	41
Service workers	334	103	1	26	**	30	26	20
	Negroes as a percent of all employees							
Officials and managers		6.1	0	8.7	**	0	0	0
Professional and technical		4.0	1.4	.4	**	10.5	0	·2.6
Office and clerical		4.2	1.4	5.9	**	5.3	0	7.1
Craftsmen and operatives		23.7	8.3	15.9	**	41.7	69.4	0.8
Laborers		70.5	23.1	58.6	**	27.3	94.5	77.4
Service workers		30.8	3.6	13.7	**	66.7	52.0	95.2

[1] Does not include 3,340 public safety employees.

[2] Does not include 129 public safety employees.

**No function.

See Tables VI, IX, XII for occupational distribution of public safety employees.

Figures are for full-time noneducational employees.

Spanish American Employees by Occupation by Function in Central Cities Surveyed, 1967

HOUSTON	Total		Functions					
	Total employees	Total Spanish American	Financial administration and general control	Community development	Public welfare	Health and hospitals	Public utilities	All other
OCCUPATION								
Total employees	[1] 5,077	.....	661	2,833	**	428	762	393
Total Spanish American		[2] 544	31	423	**	38	35	17
Officials and managers	313	14	1	13	**	0	0	0
Professional and technical	751	40	6	18	**	16	0	0
Office and clerical	996	81	22	35	**	18	2	4
Craftsmen and operatives	1,295	126	0	106	**	1	14	5
Laborers	1,388	251	0	227	**	0	17	7
Service workers	334	32	2	24	**	3	2	1
Spanish Americans as a percent of all employees								
Officials and managers		4.5	3.0	6.0	**	0	0	0
Professional and technical		5.3	2.8	7.0	**	6.7	0	0
Office and clerical		8.1	6.1	9.0	**	18.9	8.7	3.1
Craftsmen and operatives		9.7	0	11.5	**	8.3	6.3	3.9
Laborers		18.1	0	26.5	**	0	3.7	13.2
Service workers		9.6	7.1	12.6	**	6.7	4.0	4.8

[1] Does not include 3,340 public safety employees.
[2] Does not include 191 public safety employees.
**No function.
See Tables XVIII, XX for occupational distribution of public safety employees.
Figures are for full-time noneducational employees.

Negro Employees by Occupation by Function in Central Cities Surveyed, 1967

MEMPHIS	Total		Functions					
	Total employees	Total Negro	Financial administration and general control	Community development	Public welfare	Health and hospitals	Public utilities	All other
OCCUPATION								
Total employees	[1]8,210	.....	331	1,166	**	2,520	4,193	**
Total Negro	.....	[2]4,226	36	625	**	1,431	2,134	**
Officials and managers	433	12	0	0	**	2	10	**
Professional and technical	1,311	426	4	0	**	422	0	**
Office and clerical	1,039	145	13	2	**	125	5	**
Craftsmen and operatives	1,486	206	2	59	**	22	123	**
Laborers	2,494	2,412	11	497	**	**	1,904	**
Service workers	1,447	1,025	6	67	**	860	92	**
Negroes as a percent of all employees								
Officials and managers		2.8	0	0	**	13.3	2.7	**
Professional and technical		32.5	10.0	0	**	42.8	0	**
Office and clerical		14.0	7.7	3.8	**	32.3	1.2	**
Craftsmen and operatives		13.9	2.3	21.5	**	40.7	11.5	**
Laborers		96.7	100.0	90.2	**	**	98.6	**
Service workers		70.8	100.0	27.5	**	79.9	76.7	**

[1] Does not include 2,522 public safety employees.

[2] Does not include 253 public safety employees.

**No function or no occupation.

See Tables VI, IX, XII for occupational distribution of public safety employees.

Figures are for full-time noneducational employees.

Negro Employees by Occupation by Function in Central Cities Surveyed, 1967

BATON ROUGE	Total		Functions					
	Total employees	Total Negro	Financial administration and general control	Community development	Public welfare	Health and hospitals	Public utilities	All other
OCCUPATION								
Total employees	[1] 1,311	.....	330	576	**	1	213	191
Total Negro	.....	[2] 307	0	217	**	0	67	23
Officials and managers	97	0	0	0	**	**	0	0
Professional and technical	230	5	0	3	**	0	**	2
Office and clerical	252	0	0	0	**	**	0	0
Craftsmen and operatives	401	80	0	75	**	**	4	1
Laborers	301	212	**	139	**	**	62	11
Service workers	30	10	**	**	**	**	1	9
Negroes as a percent of all employees								
Officials and managers		0	0	0	**	**	0	0
Professional and technical		2.2	0	3.4	**	0	**	2.4
Office and clerical		0	0	0	**	**	0	0
Craftsmen and operatives		20.0	0	27.9	**	**	4.5	3.0
Laborers		70.0	**	84.2	**	**	54.9	47.8
Service workers		33.3	**	**	**	**	16.7	37.5

[1] Does not include 679 public safety employees.
[2] Does not include 20 public safety employees.
**No function or no occupation.
See Tables VI, IX, XII for occupational distribution of public safety employees.
Figures are for full-time noneducational employees.

Negro Employees by Occupation by Function in Central Counties Surveyed, 1967

ALAMEDA COUNTY	Total		Functions					
	Total employees	Total Negro	Financial administration and general control	Community development	Public welfare	Health and hospitals	Public utilities	All other
OCCUPATION								
Total employees	[1] 4,924	.....	1,097	639	1,041	1,927	**	220
Total Negro	.....	[2] 1,044	98	122	135	675	**	14
Officials and managers	294	20	2	1	15	2	**	0
Professional and technical	1,791	154	8	6	38	93	**	9
Office and clerical	1,575	235	88	2	82	62	**	1
Craftsmen and operatives	265	38	0	18	**	16	**	4
Laborers	78	13	**	13	**	**	**	**
Service workers	921	584	**	82	**	502	**	0
	Negroes as a percent of all employees							
Officials and managers		6.8	2.2	4.2	13.2	4.4	**	.....
Professional and technical		8.6	2.8	4.2	7.1	12.6	**	9.6
Office and clerical		14.9	12.5	5.0	20.9	17.9	**	1.1
Craftsmen and operatives		14.3	0	8.9	**	50.0	**	26.7
Laborers		16.7	**	16.7	**	**	**	**
Service workers		63.4	**	53.6	**	65.6	**	0

[1] Does not include 1,042 public safety employees.

[2] Does not include 164 public safety employees.

**No function or no occupation.

See Tables VII, X, and XIII for occupational distribution of public safety employees.

Figures are for full-time noneducational employees.

Spanish American Employees by Occupation by Function in Central Counties Surveyed, 1967

ALAMEDA COUNTY	Total		Functions					
	Total employees	Total Spanish American	Financial administration and general control	Community development	Public welfare	Health and hospitals	Public utilities	All other
OCCUPATION								
Total employees	[1] 4,924	(NA)	1,097	639	1,041	1,927	**	220
Total Spanish American	(NA)	[2] 100	21	26	17	33	**	3
Officials and managers	294	3	2	0	0	1	**	0
Professional and technical	1,791	17	4	1	3	9	**	0
Office and clerical	1,575	40	15	0	14	8	**	3
Craftsmen and operatives	265	8	0	7	**	1	**	0
Laborers	78	8	**	8	**	**	**	**
Service workers	921	24	**	10	**	14	**	0
Spanish Americans as a percent of all employees								
Officials and managers		1.0	2.2	0	0	2.2	**	0
Professional and technical		.9	1.4	.7	.6	1.2	**	0.9
Office and clerical		2.5	2.1	0	3.6	2.3	**	3.3
Craftsmen and operative		3.0	0	3.5	**	**	**	3.1
Laborers		10.3	**	10.3	**	**	**	**
Service workers		2.6	**	6.5	**	**	**	0

[1] Does not include 1,042 public safety employees.

[2] Does not include 11 public safety employees.

**No function or no occupation.

See Tables XIX and XXI for occupational distribution of public safety employees.

Figures are for full-time noneducational employees.

Oriental American Employees by Occupation by Function in Central Counties Surveyed, 1967

ALAMEDA COUNTY	Total		Functions					
	Total employees	Total Oriental American	Financial administration and general control	Community development	Public welfare	Health and hospitals	Public utilities	All other
OCCUPATION								
Total employees	[1] 4,924	.....	1,097	639	1,041	1,927	**	220
Total Oriental American	.....	[2] 180	55	18	42	58	**	7
Officials and managers	294	12	2	1	8	1	**	0
Professional and technical	1,791	96	14	11	221	47	**	3
Office and clerical	1,575	63	39	2	13	5	**	4
Craftsmen and operatives	265	2	0	2	**	0	**	0
Laborers	78	**	**	0	**	**	**	**
Service workers	921	7	**	2	**	5	**	0
Oriental Americans as a percent of all employees								
Officials and managers		4.1	2.2	4.2	7.0	2.2	**	.....
Professional and technical		5.4	4.9	7.7	3.9	6.4	**	3.2
Office and clerical		4.0	5.5	5.0	3.3	1.4	**	4.4
Craftsmen and operatives		.8	0	1.0	**	0	**	0
Laborers		**	**	0	**	**	**	**
Service workers		.8	**	1.3	**	.7	**	0

[1] Does not include 1,042 public safety employees.

[2] Does not include 17 public safety employees.

**No function or no occupation.

See Table XXVI for occupational distribution of public safety employees.

Figures are for full-time noneducational employees.

Negro Employees by Occupation by Function in Central Counties Surveyed, 1967

WAYNE COUNTY	Total		Functions					
	Total employees	Total Negro	Financial administration and general control	Community development	Public welfare	Health and hospitals	Public utilities	All other
OCCUPATION								
Total employees	[1] 7,358	.....	1,531	1,963	234	3,157	148	325
Total Negro		[2] 1,891	382	200	88	1,171	9	41
Officials and managers	182	11	8	0	0	3	0	0
Professional and technical	2,393	407	51	11	44	295	0	6
Office and clerical	1,853	488	252	63	42	98	0	33
Craftsmen and operatives	1,097	79	2	37	**	32	7	1
Laborers	424	93	5	88	**	0	0	**
Service workers	1,409	813	64	1	2	743	2	1
Negroes as a percent of all employees								
Officials and managers		6.0	7.1	0	0	15.0	0	0
Professional and technical		17.0	12.2	1.9	30.1	25.6	0	6.1
Office and clerical		26.3	29.6	21.9	53.8	23.7	0	15.5
Craftsmen and operatives		7.2	3.7	5.5	**	11.4	8.2	33.3
Laborers		21.9	71.4	22.4	**	0	0	**
Service workers		57.7	72.7	4.2	100.0	57.6	66.7	33.3

[1] Does not include 628 public safety employees.

[2] Does not include 263 public safety employees.

**No occupation.

See Tables VII, X, and XII for occupational distribution of public safety employees.

Figures are for full-time noneducational employees.

Negro Employees by Occupation by Function in Central Counties Surveyed, 1967

FULTON COUNTY	Total		Functions					
	Total employees	Total Negro	Financial administration and general control	Community development	Public welfare	Health and hospitals	Public utilities	All other
OCCUPATION								
Total employees	[1] 1,195	.....	546	150	14	359	26	100
Total Negro	.....	[2] 227	42	2	5	120	0	58
Officials and managers	71	3	0	0	0	3	0	0
Professional and technical	396	104	28	0	5	71	0	**
Office and clerical	405	9	3	0	0	5	0	1
Craftsmen and operatives	181	8	3	1	0	2	0	2
Laborers	52	19	**	1	**	12	**	6
Service workers	90	84	8	**	**	27	**	49
Negroes as a percent of all employees								
Officials and managers		4.2	0	0	0	12.0	0	0
Professional and technical		26.3	17.1	0	100	32.9	0	**
Office and clerical		2.2	.9	0	0	9.8	0	12.5
Craftsmen and operatives		4.4	100.0	1.0	0	8.0	0	7.1
Laborers		36.5	**	3.2	**	92.3	**	75.0
Service workers		93.3	100.0	**	**	93.1	**	92.5

[1] Does not include 257 public safety employees.

[2] Does not include 14 public safety employees.

**No occupation.

See Tables VII, X, and XII for occupational distribution of public safety employees.

Figures are for full-time noneducational employees.

Negro Employees by Occupation by Function in Central Counties Surveyed, 1967

HARRIS COUNTY	Total		Functions					
	Total employees	Total Negro	Financial administration and general control	Community development	Public welfare	Health and hospitals	Public utilities	All other
OCCUPATION								
Total employees	[1] 1,679		609	425	105	137	**	403
Total Negro		[2] 117	27	28	19	27	**	16
Officials and managers	134	6	1	1	3	0	**	1
Professional and technical	366	32	8	0	10	10	**	4
Office and clerical	617	21	15	0	**	4	**	2
Craftsmen and operatives	392	31	1	24	**	0	**	6
Laborers	22	2	1	1	**	**	**	**
Service workers	148	25	1	2	6	13	**	3
Negroes as a percent of all employees								
Officials and managers		4.5	1.9	3.8	27.3	0	**	2.5
Professional and technical		8.7	13.6	0	11.4	13.2	**	4.3
Office and clerical		3.4	3.1	0	**	14.3	**	2.2
Craftsmen and operatives		7.9	11.1	7.8	**	0	**	8.2
Laborers		9.1	100.0	4.8	**	**	**	**
Service workers		16.9	16.7	28.6	100.0	52.0	**	2.9

[1] Does not include 362 public safety employees.

[2] Does not include 18 public safety employees.

**No function or no occupation.

See Tables VII, X, and XIII, for occupational distribution of public safety employees.

Figures are for full-time noneducational employees.

Spanish American Employees by Occupation by Function in Central Counties Surveyed, 1967

HARRIS COUNTY	Total		Functions					
	Total employees	Total Spanish American	Financial administration and general control	Community development	Public welfare	Health and hospitals	Public utilities	All other
OCCUPATION								
Total employees	[1] 1,679	.....	609	425	105	137	**	403
Total Spanish American		[2] 55	20	17	1	11	**	6
Officials and managers	134	2	1	0	1	0	**	0
Professional and technical	366	13	5	3	0	4	**	1
Office and clerical	617	18	14	0	**	2	**	2
Craftsmen and operatives	392	15	0	14	**	0	**	1
Laborers	22	0	0	0	**	**	**	0
Service workers	148	7	0	0	0	5	**	2
Spanish Americans as a percent of all employees								
Officials and managers		1.5	1.9	0	9.1	0	**	0
Professional and technical		3.6	8.5	6.0	0	5.3	**	1.1
Office and clerical		2.9	2.9	0	**	7.1	**	2.2
Craftsmen and operatives		3.8	0	4.6	**	0	**	1.4
Laborers		0	0	0	**	**	**	0
Service workers		4.7	0	0	0	20.0	**	1.9

[1] Does not include 362 public safety employees.

[2] Does not include nine public safety employees.

**No function or no occupation.

See Tables XIX and XXI for occupational distribution of public safety employees.

Figures are for full-time noneducational employees.

Negro Employees by Occupation by Function in Central Counties Surveyed, 1967

SHELBY COUNTY	Total		Functions					
	Total employees	Total Negro	Financial administration and general control	Community development	Public welfare	Health and hospitals	Public utilities	All other
OCCUPATION								
Total employees	[1] 1,182		386	155	5	605	5	26
Total Negro		[2] 391	79	9	0	301	0	2
Officials and managers	63	1	0	0	**	1	0	0
Professional and technical	333	48	5	0	**	43	**	0
Office and clerical	277	22	16	0	0	5	**	1
Craftsmen and operatives	178	22	11	9	**	1	0	1
Laborers	33	33	**	**	**	33	**	**
Service workers	298	265	47	**	**	218	**	**
	Negroes as a percent of all employees							
Officials and managers		1.6	0	0	**	7.1	0	0
Professional and technical		14.4	5.7	0	**	20.2	**	0
Office and clerical		7.9	8.5	0	0	7.0	**	14.3
Craftsmen and operatives		12.4	50.0	7.6	**	3.6	0	16.7
Laborers		100.0	**	**	**	100.0	**	**
Service workers		88.9	90.4	**	**	88.6	**	**

[1] Does not include 405 public safety employees.

[2] Does not include 36 public safety employees.

**No occupation.

See Tables VII, X, and XIII for occupational distribution of public safety employees.

Figures are for full-time noneducational employees.

Negro Employees by Occupation by Function in State Agencies Surveyed, 1967.

SAN FRANCISCO-OAKLAND SMSA	Total		Functions						
	Total employees	Total Negro	Financial administration and general control	Community development	Public welfare	Health and hospitals	Public utilities	All other	Public safety
OCCUPATION									
Total employees	13,629	.....	2,028	4,312	407	2,025	627	2,628	1,602
Total Negro	.....	872	361	377	39	230	6	206	85
Officials and managers	2,083	47	6	5	3	14	0	11	8
Professional and technical	5,250	282	75	21	19	89	0	33	45
Office and clerical	3,845	490	64	187	17	67	6	137	12
Craftsmen and operatives	1,468	70	2	55	**	2	**	1	10
Laborers	424	99	4	77	**	7	**	9	2
Service workers	559	316	210	32	**	51	**	15	8
	Negroes as a percent of all employees								
Officials and managers		2.3	2.0	1.1	5.0	2.7	0	2.6	6.5
Professional and technical		5.4	7.9	1.2	0.0	11.3	0	3.8	8.2
Office and clerical		12.7	15.1	19.9	12.5	11.2	2.3	10.7	5.9
Craftsmen and operatives		4.8	3.9	7.3	**	6.1	**	12.5	1.6
Laborers		23.3	26.7	21.9	**	53.8	**	39.1	9.5
Service workers		56.5	73.7	31.4	**	70.8	**	65.2	10.4

**No occupation.

Figures are for full-time noneducational employees.

Spanish American Employees by Occupation by Function in State Agencies Surveyed, 1967

SAN FRANCISCO-OAKLAND SMSA	Total		Functions						
	Total employees	Total Spanish American	Financial administration and general control	Community development	Public welfare	Health and hospitals	Public utilities	All other	Public safety
OCCUPATION									
Total employees	13,629	.....	2,028	4,312	407	2,025	627	2,628	1,602
Total Spanish American	.....	262	66	73	4	24	15	60	20
Officials and managers	2,083	23	4	5	0	5	2	7	0
Professional and technical	5,250	99	36	33	1	7	1	14	7
Office and clerical	3,845	93	19	9	3	11	12	37	2
Craftsmen and operatives	1,468	24	0	16	**	0	**	0	8
Laborers	424	9	1	8	**	0	**	0	0
Service workers	559	14	6	2	**	1	**	2	3
Spanish Americans as a percent of all employees									
Officials and managers		1.1	1.3	1.1	0	1	1.1	1.7	0
Professional and technical		1.9	3.8	1.9	.5	.9	.6	1.6	1.3
Office and clerical		2.4	4.5	1.0	2.2	1.8	4.5	2.9	1.0
Craftsmen and operatives		1.6	0	2.1	**	0.	**	0	1.3
Laborers		2.1	6.7	2.3	**	0.	**	0	0
Service workers		2.5	2.1	2.0	**	1.4	**	8.7	3.9

**No occupation.
Figures are for full-time noneducational employees.

Oriental American Employees by Occupation by Function in State Agencies Surveyed, 1967

SAN FRANCISCO-OAKLAND SMSA	Total		Functions						
	Total employees	Total Oriental American	Financial administration and general control	Community development	Public welfare	Health and hospitals	Public utilities	All other	Public safety
OCCUPATION									
Total employees	13,629	.....	2,028	4,312	407	2,025	627	2,628	1,602
Total Oriental American	.....	872	96	358	16	134	57	196	15
Officials and managers	2,083	95	12	42	0	18	8	13	2
Professional and technical	5,250	441	39	255	8	57	14	65	3
Office and clerical	3,845	327	44	55	8	58	35	118	9
Craftsmen and operatives	1,468	3	0	3	**	0	**	0	0
Laborers	424	4	1	2	**	0	**	0	1
Service workers	559	2	0	1	**	1	**	0	0
Oriental Americans as a percent of all employees									
Officials and managers		4.6	4.0	8.9	0	3.4	4.2	3.1	1.6
Professional and technical		8.4	4.1	15.0	3.8	7.2	8.0	7.4	.5
Office and clerical		8.5	10.4	5.9	5.9	9.7	13.3	9.2	4.4
Craftsmen and operatives		.2	0	.4	**	0	**	0	0
Laborers		.9	6.7	.6	**	0	**	0	4.8
Service workers		.4	0	1.0	**	1.4	**	0	0

**No occupation.

Figures are for full-time noneducational employees.

Negro Employees by Occupation by Function in State Agencies Surveyed, 1967.

PHILADELPHIA SMSA	Total		Functions						
	Total employees	Total Negro	Financial administration and general control	Community development	Public welfare	Health and hospitals	Public utilities	All other	Public safety
OCCUPATION									
Total employees	16,020		1,082	2,129	8,450	613	16	3,462	268
Total Negro		4,209	111	200	2,846	252	1	755	44
Officials and managers	1,009	139	2	0	16	7	**	114	0
Professional and technical	4,720	744	66	47	464	40	0	100	27
Office and clerical	4,051	1,123	19	20	527	37	0	506	14
Craftsmen and operatives	1,271	118	4	37	60	15	1	1	0
Laborers	819	98	**	74	20	4	**	**	**
Service workers	4,150	1,987	20	22	1,759	149	**	34	3
Negroes as a percent of all employees									
Officials and managers		13.8	5.6	0	8.2	53.8	**	15.8	0
Professional and technical		15.8	9.2	5.5	19.9	18.2	0	19.4	42.9
Office and clerical		27.8	9.9	15.6	36.1	33.6	0	23.8	37.8
Craftsmen and operatives		9.3	7.4	9.4	9.7	51.7	100.0	3.6	0
Laborers		12.0	**	11.3	12.7	50.0	**	**	**
Service workers		47.9	25.0	31.0	47.7	63.9	**	45.9	100.0

**No occupation.

Figures are for full-time noneducational employees.

Negro Employees by Occupation by Function in State Agencies Surveyed, 1967.

DETROIT SMSA	Total		Functions						
	Total employees	Total Negro	Financial administration and general control	Community development	Public welfare	Health and hospitals	Public utilities	All other	Public safety
OCCUPATION									
Total employees	8,614	.....	845	308	1,707	3,445	**	2,115	193
Total Negro	.....	3,105	233	23	684	1,460	**	686	19
Officials and managers	437	39	8	0	6	18	**	7	0
Professional and technical	3,318	707	27	2	343	161	**	162	12
Office and clerical	2,467	1,052	157	8	325	66	**	490	6
Craftsmen and operatives	355	40	8	3	0	20	**	8	1
Laborers	275	183	1	8	**	171	**	3	**
Service workers	1,762	1,084	32	2	10	1,024	**	16	0
Negroes as a percent of all employees									
Officials and managers		8.9	10.0	0	16.7	12.9	**	6.1	0
Professional and technical		21.4	9.4	1.7	30.2	19.3	**	18.2	19.4
Office and clerical		42.6	40.6	10.4	62.0	15.5	**	47.3	40.0
Craftsmen and operatives		12.7	27.6	7.3	0	12.9	**	24.2	1.1
Laborers		66.5	33.3	53.3	**	68.4	**	42.9	**
Service workers		61.5	53.3	22.2	90.9	62.4	**	44.4	0

**No function or no occupation.

Figures are for full-time noneducational employees.

Negro Employees by Occupation by Function in State Agencies Surveyed, 1967.

ATLANTA SMSA	Total		Functions						
	Total employees	Total Negro	Financial administration and general control	Community development	Public welfare	Health and hospitals	Public utilities	All other	Public safety
OCCUPATION									
Total employees	6,111	.....	1,511	2,208	789	725	**	568	310
Total Negro	.....	342	66	63	116	47	**	43	7
Officials and managers	483	18	0	1	14	0	**	3	0
Professional and technical	2,656	103	4	8	67	5	**	18	1
Office and clerical	2,167	84	39	5	21	10	**	9	1
Craftsmen and operatives	345	34	1	4	0	23	**	6	**
Laborers	304	24	11	8	0	**	**	**	5
Service workers	156	78	11	37	14	9	**	7	0
Negroes as a percent of all employees									
Officials and managers		3.7	0	0.8	17.3	0	**	4.2	0
Professional and technical		3.9	.9	.7	16.0	1.5	**	7.9	1.6
Office and clerical		3.9	4.5	1.3	9.4	3.3	**	4.2	.6
Craftsmen and operatives		9.9	14.3	1:6	0	69.7	**	14.0	**
Laborers		7.9	100.0	2.9	0	**	**	**	41.7
Service workers		50.0	36.7	92.5	26.4	81.8	**	87.5	0

**No function or no occupation.

Figures are for full-time noneducational employees.

Negro Employees by Occupation by Function in State Agencies Surveyed, 1967.

HOUSTON SMSA	Total		Functions						
	Total employees	Total Negro	Financial administration and general control	Community development	Public welfare	Health and hospitals	Public utilities	All other	Public safety
OCCUPATION									
Total employees	2,834	.....	450	1,428	252	270	**	271	163
Total Negro	.....	159	38	49	16	44	**	7	2
Officials and managers	174	1	0	0	1	0	**	0	0
Professional and technical	1,332	43	14	8	7	10	**	2	2
Office and clerical	473	23	12	1	7	2	**	1	0
Craftsmen and operatives	607	31	2	25	**	4	**	**	0
Laborers	146	17	**	12	**	1	**	4	**
Service workers	102	44	10	3	1	27	**	**	3
	Negroes as a percent of all employees								
Officials and managers		0.6	0	0	3.6	0	**	0	0
Professional and technical		3.2	4.5	1.2	5.3	6.3	**	3.6	11.8
Office and clerical		4.9	11.4	.7	7.9	3.5	**	1.6	0
Craftsmen and operatives		5.1	50.0	7.1	**	36.4	**	**	0
Laborers		11.6	**	8.6	**	100.0	**	80.0	**
Service workers		43.1	100.0	5.9	50.0	75.0	**	**	100.0

**No function or no occupation.
Figures are for full-time noneducational employees.

Spanish American Employees by Occupation by Function in State Agencies Surveyed, 1967

HOUSTON SMSA	Total		Functions						
	Total employees	Total Spanish American	Financial administration and general control	Community development	Public welfare	Health and hospitals	Public utilities	All other	Public safety
OCCUPATION									
Total employees	2,834		450	1,428	252	270	**	271	163
Total Spanish American		177	13	105	21	15	**	22	1
Officials and managers	174	2	0	0	0	1	**	1	0
Professional and technical	1,332	64	6	43	5	5	**	5	0
Office and clerical	473	45	6	7	16	6	**	9	1
Craftsmen and operatives	607	47	1	39	**	0	**	7	0
Laborers	146	16	**	16	**	0	**	**	**
Service workers	102	3	0	0	0	3	**	**	0
Spanish Americans as a percent of all employees									
Officials and managers		1.1	0	0	0	16.7	**	5.3	0
Professional and technical		4.8	1.9	6.5	3.8	3.1	**	9.1	0
Office and clerical		9.5	5.7	5.1	18.0	10.5	**	14.8	4.2
Craftsmen and operatives		7.7	25.0	11.0	**	0	**	5.3	0
Laborers		11.0	**	11.4	**	0	**	**	**
Service workers		2.9	0.0	0	0	8.3	**	**	0

**No function or no occupation.

Figures are for full-time noneducational employees.

Negro Employees by Occupation by Function in State Agencies Surveyed, 1967.

MEMPHIS SMSA	Total		Functions						
	Total employees	Total Negro	Financial administration and general control	Community development	Public welfare	Health and hospitals	Public utilities	All other	Public safety
OCCUPATION									
Total employees	1,510	.....	64	238	316	630	**	164	98
Total Negro	.....	411	6	13	72	286	**	24	10
Officials and managers	85	9	0	1	0	7	**	1	0
Professional and technical	696	96	3	3	23	48	**	13	6
Office and clerical	214	26	3	0	15	4	**	4	0
Craftsmen and operatives	122	32	**	0	30	**	**	0	2
Laborers	64	13	**	9	**	2	**	2	**
Service workers	329	235	**	**	4	225	**	4	2
	Negroes as a percent of all employees								
Officials and managers		10.6	0	11.1	0	20.0	**	5.3	0
Professional and technical		13.8	11.5	1.9	11.9	24.0	**	12.5	37.5
Office and clerical		12.1	9.4	0	19.5	6.2	**	20.0	0
Craftsmen and operatives		26.2	**	0	78.9	**	**	0	3.4
Laborers		20.3	**	18.0	**	16.7	**	100.0	**
Service workers		71.4	**	**	100.0	70.8	**	80.0	100.0

**No function or no occupation.

Figures are for full-time noneducational employees.

Negro Employees by Occupation by Function in State Agencies Surveyed, 1967.

BATON ROUGE SMSA	Total		Functions						
	Total employees	Total Negro	Financial administration and general control	Community development	Public welfare	Health and hospitals	Public utilities	All other	Public safety
OCCUPATION									
Total employees	5,662	.....	1,260	1,886	656	484	61	1,083	232
Total Negro	.....	197	15	14	20	10	1	134	3
Officials and managers	587	2	0	0	1	0	0	1	0
Professional and technical	1,813	7	0	0	6	0	0	1	0
Office and clerical	2,424	14	0	1	3	0	0	10	0
Craftsmen and operatives	317	22	9	0	7	0	**	6	0
Laborers	85	19	4	4	**	0	1	9	1
Service workers	436	133	2	9	3	10	**	107	2
Negroes as a percent of all employees									
Officials and managers		0.3	0	0	1.4	0	0	1.0	0
Professional and technical		.4	0	0	2.9	0	0	0.4	0
Office and clerical		.6	0	0.2	0.9	0	0	2.2	0
Craftsmen and operatives		6.9	64.3	0	30.4	0	**	10.3	0
Laborers		22.4	100.0	8.2	**	0	100.0	52.9	50.0
Service workers		30.5	100.0	29.0	75.0	5.8	**	48.9	28.6

**No function or no occupation.

Figures are for full-time noneducational employees.

Table III

Distribution of Negro Employees in Large Municipalities by Function in SMSA's Surveyed, 1967

	Total	Financial administration and general control	Community development	Public welfare	Health	Public utilities	All other
San Francisco-Oakland SMSA:							
Number of large municipalities	23						
Number of employees:							
Total	6,367	695	1,805	1	87	388	510
Negro	265	27	120	0	8	73	8
Managerial and professional employees:							
Total	1,171	325	510	0	67	28	241
Negro	30	10	12	0	5	1	2
Philadelphia SMSA:							
Number of large municipalities	15						
Number of employees:							
Total	3,947	395	1,021	30	79	635	239
Negro	742	16	254	9	12	269	28
Managerial and professional employees:							
Total	505	171	119	19	47	39	110
Negro	33	3	10	5	3	4	8
Detroit SMSA:							
Number of large municipalities	32						
Number of employees:							
Total	11,109	1,554	1,668	33	1,853	1,257	1,139
Negro	954	80	103	9	484	148	40
Managerial and professional employees:							
Total	1,940	538	211	5	662	128	396
Negro	224	17	12	2	181	4	8
Atlanta SMSA:							
Number of large municipalities	5						
Number of employees:							
Total	1,235	169	227	**	**	362	42
Negro	287	4	97	**	**	165	8
Managerial and professional employees:							
Total	152	78	40	**	**	24	10
Negro	5	0	5	**	**	0	0
Houston SMSA:							
Number of large municipalities	4						
Number of employees:							
Total	894	122	230	1	17	258	52
Negro	130	2	49	0	0	79	0
Managerial and professional employees:							
Total	117	47	20	1	8	22	19
Negro	2	0	2	0	0	0	0

**No function.

NOTE.—Public Safety data are located in Tables VIII and XI.

Table IV

Distribution of Negro Employees in Small Municipalities by Function in SMSA's Surveyed, 1967

	Total	Financial administration and general control	Community development	Public welfare	Public safety	Health	Public utilities	All other
San Francisco-Oakland SMSA:								
Number of small municipalities...	29							
Number of employees:								
Total...	1,249	165	319	21	644	1	37	62
Negro...	13	2	8	0	3	0	0	0
Philadelphia SMSA:								
Number of small municipalities...	223							
Number of employees:								
Total...	4,280	687	1,197	27	1,676	36	523	134
Negro...	394	13	180	1	51	2	142	5
Detroit SMSA:								
Number of small municipalities [1].	69							
Number of employees:								
Total...	1,628	448	275	**	631	2	129	143
Negro...	55	8	5	**	21	0	13	8
Atlanta SMSA:								
Number of small municipalities...	28							
Number of employees:								
Total...	519	96	112	**	153	4	145	9
Negro...	90	0	41	**	2	1	45	1
Houston SMSA:								
Number of small municipalities...	36							
Number of employees:								
Total...	857	195	251	**	182	1	211	17
Negro...	152	1	63	**	4	0	84	0
Memphis SMSA:								
Number of small municipalities...	6							
Number of employees:								
Total...	114	14	24	**	35	**	41	**
Negro...	48	0	17	**	2	**	29	**
Baton Rouge SMSA:								
Number of small municipalities...	2							
Number of employees:								
Total...	63	11	12	**	13	**	25	2
Negro...	27	0	10	**	0	**	17	0

[1] 70 small municipalities responded, but one questionnaire was lost.

**No function.

Table V

Distribution of Negro Employees in Special Districts by Function in SMSA's Surveyed, 1967

	All functions	Community development	Fire	Health	Public utilities	Housing	All other
San Francisco-Oakland SMSA:							
Number of special districts	36	10	6	8	6	3	3
Number of employees:							
Total	7,660	647	237	3,067	3,103	460	146
Negro	976	42	0	390	413	131	0
Managerial and professional employees:							
Total	2,282	129	57	1,419	590	51	36
Negro	102	1	0	76	13	12	0
Philadelphia SMSA:							
Number of special districts	11	4	0	0	2	3	2
Number of employees:							
Total	1,258	167	**	**	106	919	66
Negro	564	15	**	**	22	527	0
Managerial and professional employees:							
Total	230	10	**	**	15	197	8
Negro	64	0	**	**	0	64	0
Detroit SMSA:							
Number of special districts	4	1	0	1	2	0	0
Number of employees:							
Total	1,913	202	**	1,643	68	**	**
Negro	310	0	**	308	2	**	**
Managerial and professional employees:							
Total	876	50	**	819	7	**	**
Negro	156	0	**	156	0	**	**
Houston SMSA:							
Number of special districts	7	2	0	2	2	1	0
Number of employees:							
Total	3,029	197	**	1,657	1,069	106	**
Negro	1,273	28	**	901	292	52	**
Managerial and professional employees:							
Total	768	47	**	632	66	23	**
Negro	297	2	**	290	0	5	**
Memphis SMSA:							
Number of special districts	3	1	0	0	1	1	0
Number of employees:							
Total	283	28	**	**	57	198	**
Negro	140	12	**	**	8	120	**
Managerial and professional employees:							
Total	44	6	**	**	6	32	**
Negro	10	0	**	**	0	10	**
Baton Rouge SMSA:							
Number of special districts	1	0	0	1	0	0	0
Number of employees:							
Total	96	**	**	96	**	**	**
Negro	22	**	**	22	**	**	**
Managerial and professional employees:							
Total	25	**	**	25	**	**	**
Negro	0	**	**	0	**	**	**

**No function.

Table VI

Distribution of Ranked Negro Employees by Occupation in Central City Police Departments Surveyed, 1967

Central city	Occupational categories for ranked personnel				
			Operational		
	Administrative	Supervisory	Investigative	Uniformed patrolmen	Clerical, technical, other
San Francisco:					
Total	28	268	178	1,292	2
Negro	0	0	3	66	0
Oakland:					
Total	15	153	0	496	0
Negro	1	1	0	19	0
Philadelphia:					
Total	80	572	716	4,981	447
Negro	3	49	166	1,086	83
Detroit:					
Total	65	528	364	3,267	104
Negro	1	12	9	178	0
Atlanta:					
Total	21	55	148	588	12
Negro	0	1	19	50	5
Houston:					
Total	17	138	339	856	25
Negro	0	0	13	35	0
Memphis:					
Total	77	178	31	499	49
Negro	0	4	4	29	9
Baton Rouge:					
Total	16	42	43	177	9
Negro	0	0	0	11	0

Table VII

Distribution of Ranked Negro Employees by Occupation in Central County Police Departments Surveyed, 1967

Central county	Occupational categories for ranked personnel				
	Administrative	Supervisory	Operational		
			Investigative	Uniformed patrolmen	Clerical, technical, other
Alameda:					
Total	9	53	11	223	0
Negro	0	1	1	22	0
Wayne:					
Total	5	35	22	320	7
Negro	1	3	1	93	0
Fulton:					
Total	2	11	5	109	6
Negro	0	0	0	7	0
Harris:					
Total	9	12	28	53	35
Negro	0	0	0	4	0
Shelby:					
Total	17	38	68	146	0
Negro	0	2	4	21	0

Table VIII

Distribution of Negro Employees in Large Municipality Police Departments in SMSA's Surveyed, 1967

Standard Metropolitan Statistical Area	Occupational categories for ranked personnel				
	Administrative	Supervisory	Operational		
			Investigative	Uniformed patrolmen	Clerical, technical, other
San Francisco-Oakland:					
Total	62	239	104	906	65
Negro	0	2	0	20	0
Philadelphia:					
Total	43	155	94	781	46
Negro	1	10	12	73	4
Atlanta:					
Total	19	33	15	120	37
Negro	0	0	0	8	4
Houston:					
Total	15	22	10	97	8
Negro	0	0	0	0	0

Table IX

Distribution of Negroes in Central City Fire Departments Surveyed, 1967

Central city	Civilian employees		Uniformed force		
	Officials, managers, professional and technical	Office, clerical and others	Adminis-trative	Supervisory	Operational
San Francisco:					
Total	3	43	2	332	1,318
Negro	0	0	0	0	1
Oakland:					
Total	0	25	23	113	515
Negro	0	3	1	2	23
Philadelphia:					
Total	37	38	55	393	2,418
Negro	4	15	1	9	200
Detroit:					
Total	7	90	45	405	1,384
Negro	1	33	0	3	36
Atlanta:					
Total	0	30	21	204	640
Negro	0	5	0	0	103
Houston:					
Total	3	68	63	325	938
Negro	0	2	0	4	42
Memphis:					
Total	18	18	39	286	730
Negro	0	9	0	0	14
Baton Rouge:					
Total	3	4	18	72	242
Negro	1	0	0	3	5

Table X

Distribution of Negro Employees in Central County Fire Departments Surveyed, 1967[1]

Central county	Civilian employees		Uniformed force		
	Officials, managers, professional and technical	Office, clerical and others	Administrative	Supervisory	Operational
Alameda:					
Total	0	0	1	0	14
Negro	0	0	0	0	0
Harris:					
Total	1	6	0	0	10
Negro	0	0	0	0	1

[1] Wayne, Fulton, and Shelby Counties have no fire function.

Table XI

Distribution of Negro Employees in Large Municipality Fire Departments in SMSA's Surveyed, 1967

Standard Metropolitan Statistical Area	Civilian employees		Uniformed force		
	Officials, managers, professional and technical	Office, clerical and others	Administrative	Supervisory	Operational
San Francisco-Oakland:					
Total	7	16	59	268	940
Negro	0	0	0	0	2
Philadelphia:					
Total	16	11	23	42	187
Negro	0	0	1	2	34
Detroit:					
Total	21	36	67	347	1,015
Negro	0	0	0	2	15
Atlanta:					
Total	4	2	17	53	131
Negro	0	0	0	0	0
Houston:					
Total	0	0	5	8	35
Negro	0	0	0	0	0

Table XII

Distribution of Negro Employees in Correctional Functions in Central Cities Surveyed, 1967

Central city	Regular personnel		Ranked personnel		
	Officials, managers, professional and technical	Office, clerical and others	Administrative	Supervisory	Operational
San Francisco:					
Total	228	92	11	17	84
Negro	33	11	0	0	0
Philadelphia:					
Total	35	125	7	54	362
Negro	4	33	0	14	187
Detroit:					
Total	19	57	5	23	107
Negro	4	11	1	9	51
Atlanta:					
Total	3	7	1	7	35
Negro	0	0	0	0	6
Houston:					
Total	1	0	0	1	14
Negro	0	0	0	0	0
Memphis:					
Total	55	73	0	2	18
Negro	15	18	0	2	18

Table XIII

Distribution of Negro Employees in Correctional Functions in Central Counties Surveyed, 1967

Central county	Regular personnel		Ranked personnel		
	Officials, managers, professional and technical	Office, clerical and others	Administrative	Supervisory	Operational
Alameda:					
Total	436	118	0	1	83
Negro	82	8	0	0	44
Wayne:					
Total	19	22	6	14	110
Negro	2	16	2	11	101
Fulton:					
Total	45	72	0	0	2
Negro	5	0	0	0	2
Harris:					
Total	17	14	2	20	99
Negro	0	0	0	0	11
Shelby:					
Total	2	3	0	27	79
Negro	0	0	0	2	6

Table XIV

Percent Distribution of Negro Employees by Type of Government in SMSA's Surveyed, 1967

	State	Central city	Central county	Other counties	Large municipalities	Small municipalities	Special districts
San Francisco-Oakland	16.7	45.2	15.4	6.7	3.4	0.2	12.5
Philadelphia	23.2	62.7	.....	4.8	4.1	2.2	3.1
Detroit	18.0	61.4	12.5	0.6	5.5	0.3	1.8
Atlanta	6.2	35.0	4.4	12.0	5.2	1.6	35.7
Houston	4.5	45.2	3.8	2.9	3.7	4.3	35.8
Memphis	7.5	81.3	7.8	(a)	.....	0.9	2.5
Baton Rouge	34.4	57.1	.....	.....	.....	4.7	3.8
TOTAL	17.3	56.2	7.4	3.6	4.4	1.5	9.5

(a) Less than 0.1 percent.

Table XV

Distribution of Spanish American Employees in Large Municipalities by Function in SMSA's Surveyed, 1967

	Total	Financial administration and general control	Community development	Public welfare	Health	Public utilities	All other
San Francisco-Oakland SMSA:							
Number of large municipalities	23						
Number of employees:							
Total	6,367	695	1,805	1	87	388	510
Spanish American	210	14	89	0	1	15	10
Managerial and professional employees:							
Total	1,171	325	510	0	67	28	241
Spanish American	21	2	16	0	1	0	2
Houston SMSA:							
Number of large municipalities	4						
Number of employees:							
Total	894	122	230	1	17	258	52
Spanish American	136	1	40	0	0	93	2
Managerial and professional employees:							
Total	117	47	20	1	8	22	19
Spanish American	0	0	0	0	0	0	0

Table XVI

Distribution of Spanish American Employees in Small Municipalities by Function in SMSA's Surveyed, 1967

	Total	Financial administration and general control	Community development	Public welfare	Public safety	Health and hospital	Public utilities	All other
San Francisco-Oakland SMSA:								
Number of small municipalities...	29							
Number of employees:								
Total	1,249	165	319	21	644	1	37	62
Spanish American	56	3	24	0	29	0	0	0
Houston SMSA:								
Number of small municipalities...	36							
Number of employees:								
Total	857	195	251	**	182	1	211	17
Spanish American	94	2	47	**	2	0	39	4

Table XVII

Distribution of Spanish American Employees in Special Districts by Function in SMSA's Surveyed, 1967

	All functions	Community development	Fire	Health	Public utilities	Housing	All other
San Francisco-Oakland SMSA:							
Number of special districts	36	10	6	8	6	3	3
Number of employees:							
Total	7,660	647	237	3,067	3,103	460	146
Spanish American	357	36	2	131	155	21	12
Managerial and professional employees:							
Total	2,282	129	57	1,419	590	51	36
Spanish American	44	0	1	31	11	0	0
Houston SMSA:							
Number of special districts	7	2	0	2	2	1	0
Number of employees:							
Total	3,029	197	**	1,657	1,069	106	**
Spanish American	258	3	**	147	104	4	**
Managerial and professional employees:							
Total	768	47	**	632	66	23	**
Spanish American	56	0	**	54	1	1	**

**No function.

Table XVIII

Distribution of Ranked Spanish American Employees by Occupation in Central City Police Departments Surveyed, 1967

Central city	Occupational categories for ranked personnel				
	Administrative	Supervisory	Operational		
			Investigative	Uniformed patrolmen	Clerical, technical, other
San Francisco:					
Total	28	268	178	1,292	2
Spanish American	1	1	1	18	0
Oakland:					
Total	15	153	0	496	0
Spanish American	0	0	0	4	0
Houston:					
Total	17	138	339	856	25
Spanish American	0	6	14	66	2

Table XIX

Distribution of Ranked Spanish American Employees by Occupation in Central County Police Departments Surveyed, 1967

Central county	Civilian employees		Uniformed force		
	Officials, managers professional and technical	Office, clerical and others	Administrative	Supervisory	Operational
Alameda:					
Total	18	75	9	53	234
Spanish American	0	0	0	0	0
Harris:					
Total	19	37	9	12	116
Spanish American	3	3	0	0	1

Table XX

Distribution of Spanish American Employees by Occupation in Fire Departments and Correctional Functions for Central Cities Surveyed, 1967

Central city	Civilian employees		Uniformed force		
	Officials, managers professional and technical	Office, clerical and others	Administrative	Supervisory	Operational
FIRE DEPARTMENTS					
San Francisco:					
Total	3	43	2	332	1,318
Spanish American	0	0	0	2	22
Oakland:					
Total	0	25	23	113	515
Spanish American	0	0	0	0	7
Houston:					
Total	3	68	63	325	938
Spanish American	0	4	1	3	23
CORRECTIONAL FUNCTIONS[1]					
San Francisco:					
Total	228	92	11	17	84
Spanish American	7	2	0	0	0
Houston:					
Total	1	0	0	1	14
Spanish American	0	0	0	0	0

[1] Oakland has no correctional function.

Table XXI

Distribution of Spanish American Employees by Occupation in Fire and Correctional Functions for Central Counties Surveyed, 1967

FIRE DEPARTMENTS

Central county	Civilian employees		Uniformed force		
	Officials, managers, professional and technical	Office, clerical and others	Administrative	Supervisory	Operational
Alameda:					
Total	0	0	1	0	14
Spanish American	0	0	0	0	0
Harris:					
Total	1	6	0	0	10
Spanish American	0	0	0	0	0

CORRECTIONAL FUNCTIONS

Alameda:					
Total	436	118	0	1	83
Spanish American	6	5	0	0	0
Harris:					
Total	17	14	2	20	99
Spanish American	0	0	0	0	2

Table XXII

Percent Distribution of Spanish American Employees by Type of Government in the San Francisco-Oakland and Houston SMSA's, 1967

	State	Central city	Central county	Other counties	Large municipalities	Small municipalities	Special districts
San Francisco-Oakland	17.5	26.2	7.4	7.4	14.0	3.7	23.8
Houston	12.0	49.9	4.3	.5	9.4	6.4	17.5

Table XXIII

Distribution of Oriental American Employees in Large and Small Municipalities by Function in the San Francisco-Oakland SMSA, 1967

	Total	Financial administration and general control	Community development	Public welfare	Health	Public utilities	All other
Number of large municipalities	23						
Number of employees:							
Total	6,367	695	1,805	1	87	388	510
Oriental American	85	7	50	0	5	0	12
Managerial and professional employees:							
Total	1,171	325	510	0	67	28	241
Oriental American	30	2	17	0	4	0	7
Number of small municipalities	29						
Number of employees:							
Total	1,249	165	319	21	1	37	62
Oriental American	3	1	2	0	0	0	0

Table XXIV

Distribution of Oriental American Employees in Special Districts by Function in the San Francisco-Oakland SMSA, 1967

	All functions	Community development	Fire	Health	Public utilities	Housing	All other
Number of special districts	36	10	6	8	6	3	3
Number of employees:							
Total	7,660	647	237	3,067	3,103	460	146
Oriental American	191	16	1	82	67	24	1
Managerial and professional employees:							
Total	2,282	129	57	1,419	590	51	36
Oriental American	75	4	0	39	28	3	1

Table XXV

Distribution of Oriental American Employees by Occupation in Public Safety Functions in the Central Cities of San Francisco and Oakland, 1967

POLICE DEPARTMENT

	Occupational categories for ranked personnel				
			Operational		
	Administrative	Supervisory	Investigative	Uniformed patrolman	Clerical, technical, and others
CENTRAL CITIES					
San Francisco:					
Total	28	268	178	1,292	2
Oriental American	0	0	0	3	0
Oakland:					
Total	15	153	0	496	0
Oriental American	0	0	0	1	0

FIRE DEPARTMENT

	Civilian employees		Uniformed force		
	Officials, managers professional and technical	Office, clerical, and others	Administrative	Supervisory	Operational
San Francisco:					
Total	3	43	2	332	1,318
Oriental American	0	3	0	0	1
Oakland:					
Total	0	25	23	113	515
Oriental American	0	0	0	0	0

CORRECTIONAL FUNCTION[1]

San Francisco:					
Total	228	92	11	17	84
Oriental American	17	1	0	0	1

[1] Oakland has no correctional function.

Table XXVI

Distribution of Oriental American Employees by Occupation in Public Safety Functions in Alameda County, 1967

POLICE DEPARTMENT

	Occupational categories for ranked personnel				
			Operational		
	Administrative	Supervisory	Investigative	Uniformed patrolman	Clerical, technical, and others
Total	9	53	11	223	0
Oriental American	0	0	0	0	0

FIRE DEPARTMENT

	Civilian employees		Uniformed force		
	Officials, managers professional and technical	Office, clerical, and others	Administrative	Supervisory	Operational
Total	0	0	1	0	14
Oriental American	0	0	0	0	0

CORRECTIONAL FUNCTION

Total	436	118	0	1	83
Oriental American	8	4	0	0	3

Table XXVII

Percent Distribution of Oriental American Employees by Type of Government in the San Francisco-Oakland SMSA, 1967

	State	Central city	Central county	Other counties	Large municipalities	Small municipalities	Special districts
San Francisco-Oakland	39.3	34.0	8.9	5.2	3.8	0.1	8.6

Table XXVIII

Distribution of Employees by Ethnic Group for Individual Governments [1]

SAN FRANCISCO-OAKLAND SMSA	Total	Percent Negro	Percent Spanish American	Percent Oriental American
State agencies in SMSA:				
Total employees	13,629	9.6	1.9	6.4
Managers and professionals [2]	7,333	4.5	1.7	7.3
Central cities:				
Oakland:				
Total employees	3,532	15.3	1.5	1.6
Managers and professionals	977	7.8	.4	2.7
San Francisco:				
Total employees	16,223	18.5	2.1	4.3
Managers and professionals	4,859	8.0	1.5	7.8
Counties:				
Alameda:				
Total employees	5,966	20.3	1.9	3.3
Managers and professionals	2,603	9.9	1.0	4.5
Contra Costa:				
Total employees	3,685	7.1	1.8	1.1
Managers and professionals	1,625	5.0	.6	1.8
Marin:				
Total employees	1,013	3.4	0.3	1.5
Managers and professionals	434	.9	.2	1.8
San Mateo:				
Total employees	2,614	8.8	1.7	2.4
Managers and professionals	1,084	3.0	1.1	2.2
Large municipalities:				
Alameda:				
Total employees	448	1.8	4.0	.9
Managers and professionals	117	0	1.7	2.6
Antioch:				
Total employees	123	0	4.1	0
Managers and professionals	28	0	3.6	0
Berkeley:				
Total employees	881	19.1	1.4	2.4
Managers and professionals	271	7.7	.4	2.6
Burlingame:				
Total employees	185	1.1	0	.5
Managers and professionals	54	0	0	1.9
Concord:				
Total employees	250	0	2.4	1.6
Managers and professionals	64	0	0	3.1
Daly City:				
Total employees	269	1.9	4.1	1.1
Managers and professionals	79	0	1.3	0

[1] Figures are only for noneducation, full-time employees.

[2] Includes official and managers and professional and technical employees.

SAN FRANCISCO-OAKLAND SMSA—con.	Total	Percent Negro	Percent Spanish American	Percent Oriental American
Large municipalities—Continued				
El Cerrito:				
Total employees	127	3.1	2.4	2.4
Managers and professionals	43	0	0	2.3
Fremont:				
Total employees	315	0	9.2	.6
Managers and professionals	111	0	6.3	1.8
Hayward:				
Total employees	466	1.1	4.3	.4
Managers and professionals	138	1.4	2.2	.7
Livermore:				
Total employees	144	0	.7	2.1
Managers and professionals	48	0	2.1	0
Menlo Park:				
Total employees	109	5.5	.9	1.8
Managers and professionals	33	0	0	0
Millbrae:				
Total employees	82	0	0	0
Managers and professionals	20	0	0	0
Pacifica:				
Total employees	113	0	6.2	0
Managers and professionals	29	0	3.4	0
Pittsburg:				
Total employees	122	1.6	6.6	1.6
Managers and professionals	38	2.6	5.3	2.6
Redwood:				
Total employees	369	.8	1.6	.8
Managers and professionals	92	0	1.1	1.1
Richmond:				
Total employees	684	8.0	2.9	1.3
Managers and professionals	180	4.4	1.1	4.4
San Bruno:				
Total employees	148	0	2.7	1.4
Managers and professionals	38	0	2.6	2.6
San Carlos:				
Total employees	116	0	0	0
Managers and professionals	30	0	0	0
San Leandro:				
Total employees	363	.3	10.7	.6
Managers and professionals	94	0	7.4	1.1
San Mateo:				
Total employees	443	1.1	.5	3.8
Managers and professionals	120	0	1.7	1.7
San Rafael;				
Total employees	218	.5	0	0
Managers and professionals	60	0	0	0
South San Francisco:				
Total employees	238	0	5.5	1.3
Managers and professionals	66	0	6.1	0

SAN FRANCISCO-OAKLAND SMSA—con.	Total	Percent Negro	Percent Spanish American	Percent Oriental American
Large municipalities—Continued				
Walnut Creek:				
Total employees	154	0	3.2	1.3
Managers and professionals	65	0	0	0
Small municipalities:				
Albany: Total employees	79	1.3	2.5	0
Atherton: Total employees	26	3.8	3.8	0
Belmont: Total employees	61	1.6	1.6	0
Belvedere: Total employees	11	9.1	0	0
Brentwood: Total employees	12	0	0	0
Brisbane: Total employees	35	0	0	0
Colma: Total employees	2	0	0	0
Corte Madera: Total employees	33	0	0	0
Emeryville: Total employees	74	2.7	5.4	0
Fairfax: Total employees	27	3.7	0	0
Half Moon Bay: Total employees	20	0	50.0	0
Hillsborough: Total employees	61	0	0	0
Larkspur: Total employees	33	0	0	0
Martinez: Total employees	96	3.1	0	0
Mill Valley: Total employees	76	0	0	0
Newark: Total employees	97	0	13.4	1.0
Novato: Total employees	69	1.4	0	0
Piedmont: Total employees	81	0	0	0
Pinole: Total employees	45	0	4.4	0
Pleasant Hill: Total employees	21	0	0	0
Pleasanton: Total employees	60	0	0	0
Portola: Total employees	3	0	0	0
Ross: Total employees	8	0	0	0
San Anselmo: Total employees	52	0	0	0
San Pablo: Total employees	76	0	2.6	0
Sausalito: Total employees	56	1.8	5.4	1.8
Tiburon: Total employees	8	0	0	0
Union City: Total employees	22	4.5	81.8	4.5
Woodside: Total employees	5	0	0	0
Special districts in SMSA:				
Alameda Contra Costa Transit District:				
Total employees	1,467	15.5	7.8	1.0
Managers and professionals	70	5.7	4.3	0
Alameda County Water District:				
Total employees	88	0	12.5	1.1
Managers and professionals	25	0	4.0	4.0
Bay Area Air Pollution Control Control district:				
Total employees	88	4.5	1.1	6.8
Managers and professionals	70	2.9	0	7.1
Belmont Fire Protection District:				
Total employees	33	0	3.0	0
Managers and professionals	2	0	0	0

SAN FRANCISCO-OAKLAND SMSA—con.	Total	Percent Negro	Percent Spanish American	Percent Oriental American
Special districts in SMSA—Continued				
Central Contra Costa Sanitation District:				
Total employees	89	2.2	2.2	0
Managers and professionals	33	0	0	0
Concord Hospital District:				
Total employees	365	1.6	.8	1.9
Managers and professionals	178	0	.6	1.1
Contra Costa County Water District:				
Total employees	123	0	5.7	1.6
Managers and professionals	32	0	0	0
Danville Fire District:				
Total employees	37	0	0	0
Managers and professionals	14	0	0	0
East Bay Municipal Utility District:				
Total employees	1,098	15.9	2.6	4.2
Managers and professionals	308	1.3	2.6	8.4
East Bay Regional Park District:				
Total employees	169	14.8	5.3	1.8
Managers and professionals	49	2.0	0	2.0
East Contra Costa Irrigation District:				
Total employees	25	0	20.0	0
Managers and professionals	1	0	0	0
Eden Township Hospital District:				
Total employees	414	29.0	3.1	1.9
Managers and professionals	152	11.2	3.9	3.3
Estero Municipal Improvement District:				
Total employees	37	0	0	0
Managers and professionals	5	0	0	0
Golden Gate Bridge and Highway District:				
Total employees	188	4.8	2.7	3.2
Managers and professionals	9	0	0	11.1
Hayward Area Recreation and Park District:				
Total employees	70	5.7	7.1	5.7
Managers and professionals	12	0	0	8.3
Housing Authority of the County of Contra Costa:				
Total employees	46	15.2	4.3	0
Managers and professionals	6	0	0	0
Housing Authority of the City of Oakland:				
Total employees	75	40.0	4.0	1.3
Managers and professionals	8	25.0	0	12.5

SAN FRANCISCO-OAKLAND SMSA—con.	Total	Percent Negro	Percent Spanish American	Percent Oriental American
Special districts in SMSA—Continued				
Housing Authority of the City of San Francisco:				
Total employees	339	27.7	4.7	6.8
Managers and professionals	37	27.0	0	5.4
Lafayette Fire District:				
Total employees	37	0	0	0
Managers and professionals	4	0	0	0
Livermore Area Recreation Park District:				
Total employees	16	6.3	0	12.5
Managers and professionals	8	0	0	0
Marin Hospital District:				
Total employees	389	12.9	.5	1.5
Managers and professionals	215	1.4	0	0
Marin Municipal Water District:				
Total employees	177	1.1	1.1	.6
Managers and professionals	46	0	0	2.2
Menlo Park Fire Protection District:				
Total employees	83	0	1.2	1.2
Managers and professionals	22	0	4.5	0
North Coast County Water District:				
Total employees	21	0	4.8	0
Managers and professionals	6	0	0	0
North Marin County Water District:				
Total employees	40	0	0	0
Managers and professionals	11	0	0	0
Novato Fire Protection District:				
Total employees	22	0	0	0
Managers and professionals	7	0	0	0
Oro Loma Sanitation District:				
Total employees	29	0	0	0
Managers and professionals	8	0	0	0
Peninsula Hospital District:				
Total employees	678	12.7	3.7	3.7
Managers and professionals	341	9.1	3.5	4.1
Pittsburg Community Hospital District:				
Total employees	141	12.1	7.1	2.8
Managers and professionals	63	14.3	4.8	1.6
Pleasant Hill Recreation Park District:				
Total employees	9	0	11.1	0
Managers and professionals	3	0	0	0

SAN FRANCISCO-OAKLAND SMSA—con.	Total	Percent Negro	Percent Spanish American	Percent Oriental American
Special districts in SMSA—Continued				
San Francisco Bay Area Rapid Transit:				
Total employees	198	4.5	1.0	2.0
Managers and professionals	123	4.1	0	.8
Sequoia Hospital District:				
Total employees	734	14.2	5.6	2.2
Managers and professionals	320	4.4	2.2	2.5
Stege Sanitation District:				
Total employees	12	8.3	0	0
Managers and professionals	1	0	0	0
Union Sanitation District:				
Total employees	40	0	22.5	2.5
Managers and professionals	5	0	0	20.0
Washington Township Hospital District:				
Total employees	258	1.2	14.0	3.9
Managers and professionals	80	0	2.5	2.5
Woodside Fire Protection District:				
Total employees	25	0	0	0
Managers and professionals	8	0	0	0
Governments Not Responding				
Special districts: West Contra Costa Hospital District.				

BATON ROUGE SMSA	Total	Percent Negro	Percent Spanish American	Percent Oriental American
State agencies in SMSA:				
Total employees	5,662	3.5		
Managers and professionals	2,400	.4		
Central city:				
Baton Rouge:				
Total employees	1,990	16.4		
Managers and professionals	481	1.9		
Small municipalities:				
Baker; Total employees	31	41.9		
Zachary: Total employees	32	43.7		
Special districts in SMSA:				
Baton Rouge Parish Hospital Service District I:				
Total employees	96	22.9		
Managers and professionals	25	0		

DETROIT SMSA	Total	Percent Negro	Percent Spanish American	Percent Oriental American
State agencies in SMSA:				
Total employees	8,614	36.0		
Managers and professionals	3,755	19.9		
Central city:				
Detroit:				
Total employees	26,448	40.1		
Managers and professionals	4,939	16.6		
Counties:				
Macomb:				
Total employees	907	10.6		
Managers and professionals	219	6.4		
Wayne:				
Total employees	7,986	27.0		
Managers and professionals	2,659	16.4		
Large municipalities:				
Berkley:				
Total employees	111	0		
Managers and professionals	34	0		
Birmingham:				
Total employees	190	0		
Managers and professionals	49	0		
Bloomfield Township:				
Total employees	127	0		
Managers and professionals	26	0		
Center Line:				
Total employees	64	0		
Managers and professionals	23	0		
Dearborn:				
Total employees	1,115	0		
Managers and professionals	196	0		
Dearborn Heights:				
Total employees	279	0		
Managers and professionals	95	0		
East Detroit:				
Total employees	175	0		
Managers and professionals	45	0		
Ecorse:				
Total employees	232	24.6		
Managers and professionals	79	20.3		
Ferndale:				
Total employees	208	0		
Managers and professionals	35	0		
Garden City:				
Total employees	120	0		
Managers and professionals	20	0		
Hamtramck:				
Total employees	633	10.4		
Managers and professionals	99	9.1		

DETROIT SMSA—continued	Total	Negro	Percent Spanish American	Percent Oriental American
Large municipalities—Continued				
Highland Park:				
Total employees	1,113	37.1		
Managers and professionals	388	34.3		
Inkster:				
Total employees	154	31.8		
Managers and professionals	32	21.9		
Lincoln Park:				
Total employees	221	0		
Managers and professionals	53	0		
Livonia:				
Total employees	501	0		
Managers and professionals	133	0		
Madison Heights:				
Total employees	157	0		
Managers and professionals	39	0		
Mount Clemens:				
Total employees	164	11.6		
Managers and professionals	34	0		
Oak Park:				
Total employees	167	2.4		
Managers and professionals	30	0		
Pontiac:				
Total employees	760	19.2		
Managers and professionals	194	9.3		
Redford Township:				
Total employees	202	0		
Managers and professionals	53	0		
River Rouge:				
Total employees	302	23.2		
Managers and professionals	73	11.0		
Roseville:				
Total employees	243	0.8		
Managers and professionals	46	0		
Royal Oak:				
Total employees	504	0		
Managers and professionals	171	0		
Southgate:				
Total employees	134	2.2		
Managers and professionals	37	0		
St. Clair Shores:				
Total employees	330	0		
Managers and professionals	85	0		
Taylor Township:				
Total employees	176	0		
Managers and professionals	36	0		
Trenton:				
Total employees	215	0		
Managers and professionals	60	0		

DETROIT SMSA—continued	Total	Percent Negro	Percent Spanish American	Percent Oriental American
Large municipalities—Continued				
Troy:				
Total employees	141	0		
Managers and professionals	47	0		
Warren:				
Total employees	706	0		
Managers and professionals	131	0		
Waterford Township:				
Total employees	99	0		
Managers and professionals	26	0		
Wayne Village:				
Total employees	729	18.0		
Managers and professionals	257	15.6		
Wyandotte:				
Total employees	894	1.0		
Managers and professionals	192	2.6		
Small municipalities:				
Armada: Total employees	5	0		
Avon: Total employees	20	0		
Belleville: Total employees	9	0		
Bloomfield Hills: Total employees	32	0		
Brandon: Total employees	9	0		
Brownstown: Total employees	7	0		
Bruce: Total employees	3	0		
Canton: Total employees	5	0		
Chesterfield: Total employees	8	0		
Clawson: Total employees	69	0		
Clinton: Total employees	88	5.7		
Commerce: Total employees	12	0		
Farmington City: Total employees	47	0		
Farmington Township: Total employees	59	0		
Flat Rock: Total employees	27	0		
Franklin: Total employees	1	0		
Fraser: Total employees	28	0		
Gibralter: Total employees	36	0		
Grosse Ile: Total employees	20	0		
Grosse Pointe Park: Total employees	99	0		
Harrison: Total employees	24	0		
Highland: Total employees	4	0		
Holly Township: Total employees	2	0		
Holly Village: Total employees	18	0		
Huntington Woods: Total employees	46	0		
Huron: Total employees	5	0		
Independence: Total employees	19	0		
Keego Harbor: Total employees	8	0		
Lake Angflus: Total employees	1	0		

DETROIT SMSA—continued	Total	Percent Negro	Percent Spanish American	Percent Oriental American
Small municipalities—Continued				
Lake Orion: Total employees	12	0		
Lathrup Village: Total employees	15	0		
Leonard: Total employees	11	0		
Melvindale: Total employees	73	0		
Memphis: Total employees	3	0		
Milford Township: Total employees	6	0		
Milford Village: Total employees	21	0		
New Baltimore: Total employees	24	0		
New Haven: Total employees	5	20.0		
Northville City: Total employees	27	0		
Northville Township: Total employees	2	0		
Novi Village: Total employees	22	0		
Oakland: Total employees	1	0		
Orion: Total employees	7	0		
Ortonville: Total employees	1	0		
Oxford Township: Total employees	4	0		
Oxford Village: Total employees	14	0		
Plymouth City: Total employees	66	0		
Plymouth Township: Total employees	19	0		
Pontiac: Total employees	10	0		
Richmond: Total employees	18	22.2		
Riverview: Total employees	50	0		
Rochester: Total employees	38	0		
Rockwood: Total employees	9	0		
Romeo: Total employees	28	10.7		
Romulus: Total employees	39	10.3		
Rose: Total employees	3	0		
Royal Oak: Total employees	35	100.0		
Shelby: Total employees	44	0		
South Lyon: Total employees	8	0		
Sterling: Total employees	128	0		
Sumpter: Total employees	6	33.3		
Sylvan Lake: Total employees	9	0		
Utica: Total employees	15	0		
Van Buren: Total employees	13	7.7		
Walled Lake: Total employees	21	0		
Washington: Total employees	1	0		
West Bloomfield: Total employees	55	0		
White Lake: Total employees	11	0		
Wixom: Total employees	12	0		
Wolverine Lake: Total employees	17	0		
Woodhaven: Total employees	16	0		

DETROIT SMSA—continued	Total	Percent Negro	Percent Spanish American	Percent Oriental American
Special districts in SMSA:				
Huron-Clinton Metropolitan Authority:				
Total employees	202	0		
Managers and professionals	50	0		
Peoples' Community Hospital Authority:				
Total employees	1,643	18.7		
Managers and professionals	819	19.0		
Southeastern Oakland County Incinerator:				
Total employees	37	5.4		
Managers and professionals	2	0		
Southeastern Oakland County Water Authority:				
Total employees	31	0		
Managers and professionals	5	0		

Governments Not Responding

Counties: Oakland.
Large municipalities: Allen Park, Grosse Pointe Farms, Grosse Pointe Woods, Hazel Park, Southfield, Westland.
Small municipalities: Beverly Hills, Grosse Pointe, Grosse Pointe Shores, Harper Woods, Orchard Lake, Pleasant Ridge, Richmond Township, Southfield Township.

PHILADELPHIA SMSA	Total	Percent Negro	Percent Spanish American	Percent Oriental American
State agencies in SMSA:				
Total employees	16,020	26.3		
Managers and professionals	5,729	15.4		
Central city:				
Philadelphia:				
Total employees	28,075	40.6		
Managers and professionals	7,297	23.8		
Counties:				
Burlington:				
Total employees	630	8.7		
Managers and professionals	121	5.0		

PHILADELPHIA SMSA—continued	Total	Percent Negro	Percent Spanish American	Percent Oriental American
Counties—Continued				
Camden:				
Total employees	1,901	22.0		
Managers and professionals	456	11.4		
Chester:				
Total employees	452	13.5		
Managers and professionals	137	9.5		
Delaware:				
Total employees	1,506	13.3		
Managers and professionals	252	4.8		
Gloucester:				
Total employees	361	10.2		
Managers and professionals	90	0		
Montgomery:				
Total employees	897	10.4		
Managers and professionals	180	4.4		
Large municipalities:				
Abington Township:				
Total employees	220	19.5		
Managers and professionals	54	1.9		
Bristol Township:				
Total employees	101	2.0		
Managers and professionals	19	0		
Burlington:				
Total employees	104	9.6		
Managers and professionals	21	9.5		
Camden:				
Total employees	1,293	27.5		
Managers and professionals	262	13.7		
Cherry Hill Township:				
Total employees	216	15.7		
Managers and professionals	51	5.9		
Chester:				
Total employees	364	16.5		
Managers and professionals	72	5.6		
Coatesville:				
Total employees	106	25.5		
Managers and professionals	21	0		
Haddon Township:				
Total employees	105	24.8		
Managers and professionals	6	0		
Haverford Township:				
Total employees	216	13.4		
Managers and professionals	38	0		
Lower Merion Township:				
Total employees	396	24.7		
Managers and professionals	68	1.5		

PHILADELPHIA SMSA—continued	Total	Percent Negro	Percent Spanish American	Percent Oriental American
Large municipalities—Continued				
Norristown Borough:				
Total employees	177	11.9		
Managers and professionals	57	1.8		
Pennsauken:				
Total employees	111	17.1		
Managers and professionals	16	0		
Ridley Township:				
Total employees	78	0		
Managers and professionals	14	0		
Upper Darby Township:				
Total employees	383	.8		
Managers and professionals	77	0		
Small municipalities:				
Aldan: Total employees	4	0		
Ambler: Total employees	36	13.9		
Aston: Total employees	17	0		
Audubon: Total employees	29	3.4		
Audubon Park: Total employees	2	0		
Barrington: Total employees	26	0		
Bedminister: Total employees	2	0		
Bellmawr: Total employees	47	0		
Bensalem: Total employees	58	1.7		
Berlin: Total employees	13	0		
Bordentown: Total employees	15	0		
Borgentown: Total employees	30	6.7		
Bridgeport: Total employees	19	5.3		
Bristol: Total employees	56	1.8		
Brookhaven: Total employees	5	0		
Brooklawn: Total employees	8	0		
Bryn Athyn: Total employees	3	0		
Buckingham: Total employees	4	0		
Burlington: Total employees	21	0		
Caln: Total employees	13	0		
Chester: Total employees	7	85.7		
Cinnaminson: Total employees	36	22.2		
Clayton: Total employees	17	0		
Clementon: Total employees	15	0		
Clifton Heights: Total employees	11	0		
Coatesville: Total employees	8	50.0		
Collegeville: Total employees	2	0		
Collingdale: Total employees	10	0		
Collingswood: Total employees	77	20.8		
Colwyn: Total employees	6	0		
Concord: Total employees	4	25.0		
Conshohocken: Total employees	26	7.7		
Darby Borough (Delaware):				
Total employees	27	22.2		
Darby Township: Total employees	19	68.4		

PHILADELPHIA SMSA—continued	Total	Percent Negro	Percent Spanish American	Percent Oriental American
Small municipalities—Continued				
Delanco: Total employees	11	0		
Delran: Total employees	10	0		
Deptford: Total employees	48	29.2		
Douglass: Total employees	1	0		
Downington: Total employees	35	5.7		
Doylestown Borough: Total employees	31	0		
Doylestown Township: Total employees	3	0		
Durham: Total employees	3	0		
East Bradford: Total employees	1	0		
East Fallowfield: Total employees	3	33.3		
East Goshen:				
East Goshen: Total employees	5	0		
East Greenville: Total employees	34	0		
East Greenwich: Total employees	3	0		
East Lansdowne: Total employees	4	0		
East Marlborough: Total employees	4	25.0		
East Norriton: Total employees	18	11.1		
East Nottingham: Total employees	6	0		
East Whiteland: Total employees	11	9.1		
Easttown: Total employees	17	0		
Eddystone: Total employees	10	0		
Edgewater Park: Total employees	6	0		
Evesham: Total employees	15	6.7		
Falls: Total employees	60	0		
Florence: Total employees	46	6.5		
Folcroft: Total employees	11	36.4		
Franconia: Total employees	5	0		
Franklin: Total employees	17	5.9		
Glassboro: Total employees	41	31.7		
Gloucester City: Total employees	87	0		
Gloucester Township: Total employees	67	0		
Greenwich: Total employees	38	2.6		
Haddonfield: Total employees	94	16.0		
Haddon Heights: Total employees	39	25.6		
Hainesport: Total employees	2	0		
Hatboro: Total employees	46	0		
Hatfield: Total employees	15	0		
Hilltown: Total employees	5	0		
Honeybrook: Total employees	3	0		
Horsham: Total employees	25	0		
Jenkintown: Total employees	28	32.1		
Kennett: Total employees	3	66.7		
Kennett Square: Total employees	16	31.3		

PHILADELPHIA SMSA—continued	Total	Percent Negro	Percent Spanish American	Percent Oriental American
Small municipalities—Continued				
Lansdale: Total employees	97	0		
Lansdowne: Total employees	26	15.4		
Laurel Springs: Total employees	2	0		
Lawnside: Total employees	8	75.0		
Levittown: Total employees	43	0		
Limerick: Total employees	3	0		
Lindenwold: Total employees	12	8.3		
London Grove: Total employees	2	0		
Lower Chichester: Total employees	5	0		
Lower Frederick: Total employees	1	0		
Lower Gwynedd: Total employees	16	12.5		
Lower Makefield: Total employees	22	0		
Lower Moreland: Total employees	19	0		
Lower Pottsgrove: Total employees	3	0		
Lower Providence: Total employees	10	0		
Lower Salford: Total employees	14	0		
Lower Southampton: Total employees	40	0		
Lumberton: Total employees	7	14.3		
Magnolia: Total employees	7	28.6		
Malvern: Total employees	4	0		
Mantua: Total employees	3	0		
Marcus Hook: Total employees	18	5.6		
Marple: Total employees	63	1.6		
Medford: Total employees	11	0		
Medford Lakes: Total employees	14	7.1		
Media: Total employees	56	41.1		
Merchantville: Total employees	21	14.3		
Middletown (Bucks): Total employees	67	0		
Middletown (Delaware): Total employees	9	11.1		
Midford: Total employees	8	0		
Modena: Total employees	7	0		
Monroe: Total employees	24	20.8		
Montgomery: Total employees	5	0		
Moorestown: Total employees	91	26.4		
Morrisville: Total employees	32	0		
Morton: Total employees	13	30.8		
Mount Ephraim: Total employees	13	0		
Mount Holly: Total employees	53	5.7		
Mount Laurel: Total employees	22	9.1		

PHILADELPHIA SMSA—continued	Total	Percent Negro	Percent Spanish American	Percent Oriental American
Small municipalities—Continued				
Narberth: Total employees	18	0		
National Park: Total employees	1	0		
Nether Providence: Total employees	32	9.4		
New Britain: Total employees	3	0		
New Garden: Total employees	3	0		
New Hope: Total employees	3	0		
Newton Borough: Total employees	3	0		
Newton Township: Total employees	16	0		
Nockamixon: Total employees	6	0		
North Coventry: Total employees	5	0		
North Hanover: Total employees	1	0		
North Wales: Total employees	5	0		
Northampton: Total employees	17	0		
Norwood: Total employees	15	26.7		
Oakland: Total employees	17	23.5		
Oxford: Total employees	17	17.6		
Palmyra: Total employees	18	33.3		
Paresbirg: Total employees	9	11.1		
Parkside: Total employees	1	0		
Paulsboro: Total employees	31	19.4		
Penndel: Total employees	4	0		
Pennsburg: Total employees	1	0		
Pennsbury: Total employees	2	0		
Perasie: Total employees	25	0		
Phoenixville: Total employees	49	12.2		
Pine Hill: Total employees	12	8.3		
Pine Valley: Total employees	2	0		
Pitman: Total employees	41	0		
Plumstead: Total employees	3	0		
Plymouth: Total employees	45	4.4		
Pittstown: Total employees	90	8.9		
Quaker: Total employees	50	0		
Red Hill: Total employees	1	0		
Richland: Total employees	3	0		
Ridley Park: Total employees	21	4.8		
Riverton: Total employees	11	18.2		
Rose Valley: Total employees	2	50.0		
Royersford: Total employees	11	0		
Runnemede: Total employees	32	0		
Schuykill: Total employees	4	0		
Sellersville: Total employees	11	0		
Sharon Hill: Total employees	43	16.3		
Skippack: Total employees	2	0		
Solebury: Total employees	5	0		
Somerdale: Total employees	15	0		
Souderton: Total employees	30	0		

PHILADELPHIA SMSA—continued	Total	Percent Negro	Percent Spanish American	Percent Oriental American
Small municipalities—Continued				
Spring City: Total employees	8	0		
Springfield (Bucks): Total employees	4	0		
Springfield (Delaware): Total employees	89	30.3		
Springfield (Montgomery): Total employees	94	14.9		
Stratford: Total employees	13	0		
Swarthmore: Total employees	13	23.1		
Swedesboro: Total employees	10	20.0		
Telford: Total employees	7	0		
Thornbury: Total employees	1	0		
Tinicum (Bucks): Total employees	3	0		
Tinicum (Delaware): Total employees	22	0		
Towamencin: Total employees	2	0		
Trainer: Total employees	60	0		
Tredyffrin: Total employees	53	11.3		
Tullytown: Total employees	5	0		
Upper Chichester: Total employees	19	0		
Upper Dublin: Total employees	61	16.4		
Upper Gwynedd: Total employees	22	4.5		
Upper Hanover: Total employees	2	0		
Upper Makefield: Total employees	3	0		
Upper Merion: Total employees	78	1.3		
Upper Moreland: Total employees	65	0		
Upper Oxford: Total employees	1	0		
Upper Pottsgrove: Total employees	1	0		
Upper Providence (Delaware): Total employees	9	11.1		
Upper Providence (Montgomery): Total employees	5	20.0		
Upper Southampton: Total employees	21	0		
Uwchlan: Total employees	4	0		
Voorhees: Total employees	16	12.5		
Warrington: Total employees	7	0		
Warwick (Bucks): Total employees	3	0		
Warwick Township (Chester): Total employees	6	0		
Washington: Total employees	19	0		
Waterford: Total employees	1	0		
Wenonah: Total employees	7	0		
West Bradford: Total employees	2	0		

PHILADELPHIA SMSA—continued	Total	Percent Negro	Percent Spanish American	Percent Oriental American
Small municipalities—Continued				
West Chester: Total employees	79	20.3		
West Conshohocken: Total employees	15	0		
West Deptford: Total employees	26	19.2		
West Fallowfield: Total employees	2	0		
West Goshen: Total employees	28	17.9		
West Grove: Total employees	6	33.3		
West Marlborough: Total employees	1	0		
West Nantmeal: Total employees	4	0		
West Norriton: Total employees	12	0		
West Pottsgrove: Total employees	4	0		
West Rockhill: Total employees	4	0		
West Vincent: Total employees	13	0		
Westville: Total employees	19	0		
White Marsh: Total employees	58	1.7		
Whitpain: Total employees	14	0		
Willistown: Total employees	13	0		
Winslow: Total employees	12	33.3		
Woodbury: Total employees	77	18.2		
Woodland: Total employees	2	0		
Wood Lynne: Total employees	6	0		
Woodbury Heights: Total employees	4	0		
Worcester: Total employees	1	0		
Wrightstown (Burlington): Total employees	2	0		
Yardley: Total employees	3	0		
Yeadon: Total employees	26	0		
Special districts in SMSA:				
Burlington County Bridge Commission:				
Total employees	124	6.5		
Managers and professionals	3	0		
Chester Housing Authority:				
Total employees	62	32.3		
Managers and professionals	12	33.3		
Chester Municipal Authority:				
Total employees	72	20.8		
Managers and professionals	9	0		
Darby Creek Junction Authority:				
Total employees	16	31.2		
Managers and professionals	1	0		

PHILADELPHIA SMSA—continued	Total	Percent Negro	Percent Spanish American	Percent Oriental American
Special districts in SMSA—Continued				
Delaware County Housing Authority:				
Total employees	23	21.7		
Managers and professionals	4	0		
Gloucester City Sewerage Authority:				
Total employees	14	0		
Managers and professionals	4	0		
Lower Bucks County Joint Municipal authority:				
Total employees	52	0		
Managers and professionals	5	0		
Merchantville-Pennsauken Water Commission:				
Total employees	34	20.6		
Managers and professionals	6	0		
Pennsauken Sewerage Authority:				
Total employees	13	15.4		
Managers and professionals	2	0		
The Philadelphia Housing Authority:				
Total employees	834	60.2		
Managers and professionals	181	33.1		
Willingboro Municipal Utilities Authority:				
Total employees	14	0		
Managers and professionals	3	0		

Governments Not Responding

Counties: Bucks County.
Large municipalities: Cheltenham Township, Radnor Township.
Small municipalities: Avondale Borough, Beverly City, Glenalden Borough, Hatfield Township, Maple Shade Township, New Hanover Township, Pemberton Borough, Pemberton Township, Prospect Park Borough, Rockledge Borough, Sadsbury Township, Schwenksville Borough, Upland Borough, Warminster Township, Washington Township, West Caln Township, West Nottingham Township.

MEMPHIS SMSA	Total	Percent Negro	Percent Spanish American	Percent Oriental American
State agencies in SMSA:				
Total employees	1,510	27.2		
Managers and professionals	781	13.4		
Central city:				
Memphis:				
Total employees	10,732	41.7		
Managers and professionals	2,399	19.1		
Counties:				
Crittenden:				
Total employees	54	3.7		
Managers and professionals	9	0		
Shelby:				
Total employees	1,587	26.9		
Managers and professionals	480	11.0		
Small municipalities:				
Bartlett: Total employees	5	40.0		
Collierville: Total employees	28	46.4		
Earle: Total employees	12	33.3		
Germantown: Total employees	15	40.0		
Millington: Total employees	47	46.8		
Turrell: Total employees	7	14.3		
Special districts in SMSA:				
Memphis Housing Authority:				
Total employees	198	60.6		
Managers and professionals	32	31.3		
St. Francis Levee District:				
Total employees	28	42.9		
Managers and professionals	6	0		
Whitehaven Utility District:				
Total employees	57	14.0		
Managers and professionals	6	0		

Governments Not Responding

Large municipalities: West Memphis.
Small municipalities: Marion.

HOUSTON SMSA	Total	Percent Negro	Percent Spanish American	Percent Oriental American
State agencies in SMSA:				
Total employees	2,834	5.6	6.2	
Managers and professionals	1,506	2.9	4.4	

HOUSTON SMSA—continued	Total	Percent Negro	Percent Spanish American	Percent Oriental American
Central city:				
Houston:				
Total employees	8,417	19.1	8.7	.....
Managers and professionals	1,658	3.2	3.9	.....
Counties:				
Brazoria:				
Total employees	372	3.8	.5	.....
Managers and professionals	94	3.2	0	.....
Fort Bend:				
Total employees	186	12.4	1.6	.....
Managers and professionals	50	4.0	0	.....
Harris:				
Total employees	2,041	6.6	3.1	.....
Managers and professionals	580	6.9	3.1	.....
Liberty:				
Total employees	134	19.4	0	.....
Managers and professionals	22	9.1	0	.....
Montgomery:				
Total employees	314	12.7	0.6	.....
Managers and professionals	150	0	0	.....
Large municipalities:				
Baytown:				
Total employees	241	5.0	6.6	.....
Managers and professionals	34	0	0	.....
Bellaire:				
Total employees	150	42.0	4.0	.....
Managers and professionals	40	5.0	0	.....
Pasadena:				
Total employees	400	0	28.8	.....
Managers and professionals	78	0	0	.....
West University Place:				
Total employees	103	53.4	1.0	.....
Managers and professionals	15	0	0	.....
Small municipalities:				
Alvin: Total employees	60	11.7	5.0	.....
Angleton: Total employees	38	39.5	10.5	.....
Brazoria: Total employees	10	40.0	0	.....
Bunker Hill: Total employees	4	25.0	0	.....
Cleveland: Total employees	27	37.0	0	.....
Clute: Total employees	28	7.1	14.3	.....
Conroe: Total employees	73	2.7	0	.....
Dayton: Total employees	12	16.7	0	.....
Deer Park: Total employees	59	22.0	6.8	.....
Galena Park: Total employees	57	35.1	0	.....
Humble: Total employees	9	0	0	.....
Jacinto City: Total employees	33	27.3	3.0	.....
Jersey: Total employees	2	50.0	0	.....
Katy: Total employees	9	0	0	.....
La Porte: Total employees	53	17.0	0	.....

HOUSTON SMSA—continued	Total	Percent Negro	Percent Spanish American	Percent Oriental American
Small municipalities—Continued				
Lake Jackson: Total employees	69	0	50.7	
Liberty: Total employees	43	32.6	0	
Lomax: Total employees	1	0	0	
Missouri City: Total employees	2	0	0	
Morgans Point: Total employees	4	0	25.0	
Needville: Total employees	6	0	0	
Pearland: Total employees	23	0	0	
Richwood: Total employees	1	0	0	
Richmond: Total employees	28	14.3	35.7	
Rosenberg: Total employees	56	12.5	19.6	
Shoreacres: Total employees	6	66.7	0	
South Houston: Total employees	50	8.0	22.0	
Southside Place: Total employees	12	66.7	0	
Spring Valley: Total employees	8	12.5	0	
Stafford: Total employees	3	0	33.3	
Sugar Land: Total employees	8	25.0	0	
Sweeny: Total employees	23	8.7	30.4	
Tomball: Total employees	10	0	0	
Webster: Total employees	8	0	25.0	
West Columbia: Total employees	19	57.9	0	
Willis: Total employees	3	0	0	
Special districts in SMSA:				
Brazos River Harbor Navigation District:				
Total employees	19	0	21.1	
Managers and professionals	10	0	0	
Fort Bend County Drainage District:				
Total employees	171	13.5	1.8	
Managers and professionals	41	4.9	0	
Harris County Hospital District:				
Total employees	1,613	55.1	9.0	
Managers and professionals	597	47.6	8.7	
Harris County Navigation District:				
Total employees	1,050	27.8	9.5	
Managers and professionals	56	0	1.8	
Housing Authority of City of Houston:				
Total employees	106	49.1	3.8	
Managers and professionals	23	21.7	4.3	
San Jacinto River Authority:				
Total employees	26	19.2	0	
Managers and professionals	6	0	0	
Sweeny Hospital District:				
Total employees	44	27.3	4.5	
Managers and professionals	35	17.1	5.7	

HOUSTON SMSA—continued	Total	Percent Negro	Percent Spanish American	Percent Oriental American
Governments Not Responding				
Small municipalities: Brookside Village, Freeport City, Hedwig Village, Hunters Creek Village.				

ATLANTA SMSA	Total	Percent Negro	Percent Spanish American	Percent Oriental American
State agencies in SMSA:				
Total employees	6,111	5.6		
Managers and professionals	3,139	3.9		
Central city:				
Atlanta:				
Total employees	6,001	32.1		
Managers and professionals	798	2.4		
Counties:				
Clayton:				
Total employees	337	12.5		
Managers and professionals	58	0		
Cobb:				
Total employees	562	2.3		
Managers and professionals	189	0		
DeKalb:				
Total employees	2,137	28.2		
Managers and professionals	435	1.4		
Fulton:				
Total employees	1,452	16.6		
Managers and professionals	526	21.3		
Gwinnett:				
Total employees	165	.6		
Managers and professionals	14	0		
Large municipalities:				
Decatur:				
Total employees	171	33.9		
Managers and professionals	31	6.5		
East Point:				
Total employees	461	27.8		
Managers and professionals	96	2.1		
Forest Park:				
Total employees	177	32.2		
Managers and professionals	55	1.8		
Hapeville:				
Total employees	99	25.3		
Managers and professionals	29	0		

ATLANTA SMSA—continued	Total	Percent Negro	Percent Spanish American	Percent Oriental American
Large municipalities—Continued				
Marietta:				
Total employees	327	5.8		
Managers and professionals	69	0		
Small municipalities:				
Acworth: Total employees	40	10.0		
Alpharetta: Total employees	6	0		
Austell: Total employees	31	29.0		
Avondale Estates: Total employees	26	46.2		
Buford: Total employees	46	21.7		
Chamblee: Total employees	31	0		
Clarkston: Total employees	19	5.3		
Dacula: Total employees	7	0		
Doraville: Total employees	15	0		
Duluth: Total employees	11	36.4		
Fairburn: Total employees	20	30.0		
Jonesboro: Total employees	15	46.7		
Kennesaw: Total employees	15	6.7		
Lawrenceville: Total employees	58	29.3		
Lithonia: Total employees	9	33.3		
Morrow: Total employees	7	0		
Norcross: Total employees	11	18.2		
Palmetto: Total employees	8	12.5		
Pine Lake: Total employees	2	0		
Powder Springs: Total employees	15	6.7		
Riverdale: Total employees	7	0		
Roswell: Total employees	22	4.5		
Snellville: Total employees	2	0		
Somyrna: Total employees	74	10.2		
Stone Mountain: Total employees	6	16.7		
Sugar Hill: Total employees	3	0		
Suwanee: Total employees	2	0		
Union: Total employees	11	18.2		
Special districts in SMSA:				
Brazos River Harbor Navigation District:				
Total employees	19	0	21.1	
Managers and professionals	10	0	0	
Fort Bend County Drainage District:				
Total employees	171	13.5	1.8	
Managers and professionals	41	4.9	0	
Harris County Hospital District:				
Total employees	1,613	55.1	9.0	
Managers and professionals	597	47.6	8.7	
Harris County Navigation District:				
Total employees	1,050	27.8	9.5	
Managers and professionals	56	0	1.8	

ATLANTA SMSA—continued	Total	Percent Negro	Percent Spanish American	Percent Oriental American
Special districts in SMSA—Continued				
Housing Authority of City of Houston:				
Total employees	106	49.1	3.8	.....
Managers and professionals	23	21.7	4.3	.....
San Jacinto River Authority.				
Total employees	26	19.2	0	.....
Managers and professionals	6	0	0	.....
Sweeny Hospital District:				
Total employees	44	27.3	4.5	.....
Managers and professionals	35	17.1	5.7	.....
Governments Not Responding				
Small municipalities: Brookside Village, Freeport City, Hedwig Village, Hunters Creek Village.				
Special districts in SMSA:				
Atlanta City Housing Authority:				
Total employees	464	69.8	.....	
Managers and professionals	85	40.0	.....	
City of Marietta Hospital District:				
Total employees	738	20.2	.....	
Managers and professionals	237	16.0	.....	
Cobb County-Marietta Water Authority:				
Total employees	27	7.4	.....	
Managers and professionals	3	0	.....	
DeKalb County Hospital Authority:				
Total employees	454	30.2	.....	
Managers and professionals	156	10.3	.....	
Fulton DeKalb Hospital Authority:				
Total employees	2,088	62.0	.....	
Managers and professionals	767	48.4	.....	
Gwinett County Hospital Authority:				
Total employees	192	28.1	.....	
Managers and professionals	50	6.0	.....	
Housing Authority of Marietta:				
Total employees	41	14.6	.....	
Managers and Professionals	5	0	.....	
Governments Not Responding				
Large muncipalities: College Park.				
Small municipalities: Lilburn.				

Appendix C.

FEDERAL ACTIONS

Item No.	*Title*
1	Standards for a Merit System of Personnel Administration.
2a	Equal Employment Opportunity—Public Housing.
2b	Equal Employment Opportunity—Urban Renewal.
3	Federal Programs of Grants to State and Local Governments Subject to Merit System Personnel Requirements.
4a	Agreement for the Provision of Merit System Services to the Bureau of Employment Security.
4b	Note on Experience Under Agreement with DSMS.
5	Complaint, *United States* v. *Frazer*, Civil No. 2709–N (U.S.D.C. Ala., filed June 12, 1968).
6	Order, *United States* v. *Frazer*, Civil No. 2709–N (U.S.D.C. Ala., filed Aug. 16, 1968).
7	Complaint, *United States* v. *The Housing Authority of the City of Little Rock, Arkansas*, No. L R 68 C–239 (U.S.D.C. Ark. filed Nov. 7, 1968).
8	Order, *United States* v. *The Housing Authority of the City of Little Rock, Arkansas*, No. L R 68 C–239 (U.S.D.C. Ark. filed Dec. 7, 1968).

No. 1. STANDARDS FOR A MERIT SYSTEM OF PERSONNEL ADMINISTRATION

STANDARDS FOR A MERIT SYSTEM OF PERSONNEL ADMINISTRATION

These Federal standards are issued to implement the statutory and regulatory provisions requiring the establishment and maintenance of personnel standards on a merit basis in the administration of various grant-in-aid programs. The merit system standards are issued by the Social Security Administration, the Welfare Administration and the

Public Health Service of the Department of Health, Education, and Welfare, the Bureau of Employment Security, Department of Labor, and the Office of Civil Defense, Department of Defense.

The development of proper and efficient administration of the grant-in-aid programs is a concern of both the Federal and the State agencies cooperating in the programs. Proper and efficient administration requires clear definition of functions, the employment of the most competent available personnel, and the development of staff morale and individual efficiency. The merit system provisions of Federal statutes relating to the grant-in-aid programs are directed to the achievement of these ends through the application of personnel standards on a merit basis.

An integral part of the grant-in-aid programs is the maintenance by the State of a merit system of personnel administration applicable to the grant-aided agencies. The Federal agencies are interested in the development and continued improvement of State merit systems but exercise no authority over the selection, tenure of office, or compensation of any individual employed in conformity with the provisions of such systems.

Laws, rules and regulations to effectuate a merit system in accordance with these standards are a necessary part of the approved State plans required as a condition of Federal grants. Such laws, rules and regulations and amendments thereto will be reviewed for substantial conformity to these standards. The administration of the merit system will likewise be subject to review for compliance in operation.

Continuing application of these standards will give reasonable assurance of a proper basis for personnel administration, will promote a career service, and will result in increased operating efficiency in the State agencies. In order to assist States in maintaining their merit systems under these standards, technical consultative service will be made available.

Jurisdiction

These standards are applicable to all personnel, both State and local, except those hereinafter exempted, engaged in the administration of grant-in-aid programs established under the following Federal laws: Social Security Act, Titles I (Old-Age Assistance and Medical Assistance for the Aged), III (Unemployment Compensation), IV (Aid and Services to Needy Families With Children), V (Maternal and Child Welfare), X (Aid to the Blind), XIV (Aid to the Permanently and Totally Disabled), and XVI (Aid to the Aged, Blind, or Disabled, or for Such Aid and Medical Assistance to the Aged); the Public Health Service Act, including the Hospital Survey and Construction Act; the Wagner-Peyser Act, as amended; and the Federal Civil Defense Act, as amended. The standards apply to personnel engaged in the administration of the federally aided programs, irrespective of the source of funds for their individual salaries.

At the option of the State agencies, the following positions in the several programs may be exempted from application of these standards: Members of State and local boards or commissions; members of advisory councils or committees or similar boards paid only for attendance at meetings; State and local officials serving ex officio and performing incidental administrative duties; the executive head of each State agency; one confidential secretary to any of the foregoing exempted officials; janitors; part-time professional personnel who are paid for any form of medical, nursing, or other professional service, and who are not engaged in the performance of administrative duties; local civil defense directors; attorneys serving as legal counsel; members of unemployment compensation appeals tribunals and boards of review representing employer and employee interests. Upon request of the State health authority to the Public Health Service or Children's Bureau, as applicable, exemption of hospital and sanatoria and local health department personnel from application of these standards will be considered on the basis of State and local administration.

Merit System Organization

If a State has a statewide civil service system operating under standards substantially

equivalent to those herein provided, such State civil service system should be applicable to the State agencies as defined above.

In the absence of a State civil service system with substantially equivalent standards, there will be established a merit system administered by an impartial body herein referred to as the Merit System Council, the members of which are appointed by the administrative agencies or by the Governor on recommendation of the administrative agencies, for stated overlapping terms, and no member of which is otherwise employed as an official or employee of any of the State agencies affected.

The executive of the merit system, referred to as the Merit System Director, will be appointed under the merit system. Qualifications for the Director will include training and experience in a field related to merit system administration, and known sympathy with the principles of the merit system.

In the interests of economy and of efficient administration, a joint merit system should serve all the State agencies as defined above unless, because of special circumstances, it is not feasible to establish such a joint system.

Prohibition of Discrimination

Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, or any other personnel action, because of political or religious opinions or affiliations or because of race, national origin, or other nonmerit factors will be prohibited. The regulations will include appropriate provisions for appeals in cases of alleged discrimination.

Limitation of Political Activity

Participation in political activity of any employee of the State or local agencies, except those hereinbefore exempted, will be prohibited under the merit system rules, except that an employee will have the right freely to express his views as a citizen and to cast his vote. Such prohibited political activity will include in substance the activities prohibited employees in federally aided agencies under the Federal Hatch Political Activities Act, as amended. (Individuals whose principal employment, whether or not under the merit system, is in a federally aided agency, are subject to the prohibitions in the Hatch Act, administered by the U.S. Civil Service Commission.)

Classification Plan

A classification plan for all positions in the agency, based upon investigations and analysis of the duties and responsibilities of each position, will be established and maintained. The classification plan will include an appropriate title for each class of position, a description of the duties and responsibilities of position in the class, and requirements of minimum training, experience, and other qualifications suitable for the performance of the duties of the class of position.

Compensation Plan

A plan of compensation for all classes of positions in the agency will be established and maintained. Such plan will include salary schedules for the various classes in which the salary of a class is adjusted to the responsibility and difficulty of the work. The salary range for each class will consist of minimum, intervening, and maximum rates of pay to provide for salary advancements within the range. In arriving at such salary schedules, consideration will be given to the prevailing rates for comparable positions in other departments of the State and to other relevant factors. The State administrative agencies will adopt plans for salary advancements based upon quality and length of service. Salary laws and rules and regulations uniformly applicable to departments of the State government will be given consideration in the formulation of the compensation plan.

Recruitment and Appointment of Personnel

All positions in the State agencies, except those hereinbefore exempted, will be filled by personnel selected on the basis of merit, and in accordance with standards and procedures set forth in rules and regulations for the merit system.

Regulations governing the administration of examinations will include the following provisions:

Examinations for entrance to the service will be conducted on an open competitive basis, with adequate publicity, and with a reasonable period for filing applications.

Applicants admitted to examinations will meet the minimum requirements for the positions for which they apply as set forth in the specifications for the positions.

Examinations will be practical in nature, constructed to reveal the capacity of the applicant for the position for which he is competing and his general background and related knowledge, and will be rated objectively. A practical written test will be included, except that where exceptional qualifications of a scientific or professional character are required, and competition through an assembled examination is impracticable, an unassembled examination may be held.

Examination will also include: A rating of training and experience for the more responsible positions; an oral examination for positions requiring frequent contact with the public; or which involve important supervisory or administrative duties; and a performance test for positions involving the operation of office machines.

The Merit System Director will prepare and establish registers of eligibles in the order of their final scores and will maintain the registers, make certification of eligibility, and keep all examination records.

All positions, not specifically exempted herein, are to be filled from registers of eligibles, except for emergency and provisional appointments for limited periods. Appointments will be made by selection from a limited number of the highest available eligibles on the appropriate register.

In the absence of an appropriate register, provisional appointments may be made pending competitive examination, provided each provisional appointee is certified by the Merit System Director as meeting at least the minimum qualifications established for the class of position, and further provided that no individual may receive successive provisional or emergency appointments.

Personnel selected from registers to fill permanent positions will serve a fixed probationary period. Permanent appointment will be based upon an evaluation in writing of the performance of the employee during the probationary period.

An employee of an agency who has recieved appointment under a merit system with standards substantially comparable to these will retain the status held by him under such merit system in the event the State agency is placed under the jurisdiction of another merit system.

An employee of an agency in which no comparable merit system has been in operation may, upon the initial extension of the merit system to such agency, obtain status through examination on an open competitive or qualifying basis as specified in the merit system rules and regulations. Such rules and regulations may permit an employee with a specified period of service in the agency to be automatically admitted to the examination covering the position held by him, and may permit him to be retained at the discretion of the State agency, providing he attains a passing grade in such examination.

Promotions

Whenever practicable and in the best interest of the service, a vacancy will be filled by promotion, after consideration of the eligible permanent employees in the agency or in the career service, upon the basis of demonstrated capacity and quality and length of service. Promotions, whether or not from a competitive promotional register, will require certification of eligibility by the Merit System Director.

Layoffs and Separations

Regulations will be established governing layoffs, suspensions, and separations, and governing leaves and the conditions for payment of salary at termination of services. Such regulations will include provisions for adequate competition among employees in classes affected by reduction in force, and for retention of employees based upon systematic consideration of type of appointment, length of service, and efficiency.

Employees who have completed the required probationary period of appointment and acquired permanent status will not be subject to separation except for cause, or for reasons of curtailment of work or lack of funds. In the event of separation, permanent employees will have the right of appeal to an impartial body through an established procedure provided for in the merit system rules.

Performance Evaluations

A system of periodic evaluations of work performance will be maintained. The manner in which such performance evaluations are to be used in promotions, salary advancements, and separations, as well as in the improvement of individual performance, will be provided for by regulation.

Personnel Records and Reports

Such personnel records as are necessary for the proper maintenance of a merit system and effective personnel administration will be maintained by the State administrative agency. Periodic reports will be published by the Merit System Council.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
DEPARTMENT OF LABOR
DEPARTMENT OF DEFENSE

January 1968

No. 2a. EQUAL EMPLOYMENT OPPORTUNITY—PUBLIC HOUSING

"TERMS AND CONDITIONS CONSTITUTING PART TWO OF AN ANNUAL CONTRIBUTIONS CONTRACT BETWEEN LOCAL AUTHORITY AND PUBLIC HOUSING ADMINISTRATION.

"Article III. Provisions Common to Development and Operation.

"Sec. 304. *Equal Employment Opportunity.*

"(A) In connection with the development or operation of any Project, the Local Authority shall not discriminate against any employee or applicant for employment because of race, creed, color or national origin. The Local Authority shall take affirmative action to ensure that applicants are employed and that employees are treated during employment, without regard to race, creed, color or national origin. Such action shall include but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Local Authority shall insert the foregoing provision (modified only to show the particular contractual relationship) in all its contracts in connection with the development or operation of any Project, except contracts for standard commercial supplies or raw materials and contracts referred to in

subsection (B) of this Section 304, and shall require all such contractors to insert a similar provision in all subcontracts, except subcontracts for standard commercial supplies or raw materials. The Local Authority shall post at the Projects, in conspicuous places available for employees and applicants for employment, notices to be provided by the PHA setting forth the provisions of this nondiscrimination clause."

No. 2b. EQUAL EMPLOYMENT OPPORTUNITY—URBAN RENEWAL

"LOAN AND CAPITAL GRANT CONTRACT, II, TERMS AND CONDITIONS

"ARTICLE I—PROJECT DEVELOPMENT

"SEC. 107. *Labor and Construction Provisions.*

"(F) *Equal Employment Opportunity.* * * *

"(1) *Activities and Contracts Not Subject to Executive Order 11246.*—In the carrying out of the Projects, the Local Public Agency will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The Local Public Agency will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Local Public Agency agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Government setting forth the provisions of this nondiscrimination clause. The Local Public Agency will, in all solicitations or advertisements for employees placed by or on behalf of the Local Public Agency, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin. The Local Public Agency will incorporate the foregoing requirements of this paragraph (1) in all of its contracts for Project work, except contracts governed by paragraph (2) in this Section 107 (F) and contracts for standard commercial supplies or raw materials, and will require all of its contractors for such work to incorporate such requirements in all subcontracts for Project work."

No. 3. FEDERAL PROGRAMS OF GRANTS TO STATE AND LOCAL GOVERNMENTS SUBJECT TO MERIT SYSTEM PERSONNEL REQUIREMENTS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

1. ADMINISTRATION ON AGING

a. Older Americans: Community planning, services, and training (p. S81)—42 U.S.C. 3001 et seq esp. secs. 3021–3025, at sec. 3023(a)(5).

2. Public Health Service

(For a. through m. 58 Stat. 693 (1944), as amended, title III, sec. 314; 42 U.S.C. 246)

a. Accident Prevention (p. C62).
b. Communicable disease activities (p. C60).
c. Community health services, particularly for the chronically ill and aged (pp. C59, S168).
d. Dental health resources (pp. C62, S169).
e. Environmental engineering and sanitation (p. C64).
f. General health (pp. C58, S168).
g. Heart-disease control (pp. C59, S118).
h. Neurological and sensory disease control (p. C60).
i. Occupational health (p. C65).
j. Radiological health (pp. C64, S169).
k. Radiological health research and institutional training (p. C64).
l. Tuberculosis control (p. C61).
m. Venereal disease (p. C62).
n. Construction and modernization grants (pp. S9–11—42 U.S.C. 291–291j and 291o, at sec. 291d(a)(8); 42 CFR 53.123.
o. Areawide planning (p. S12)—42 U.S.C. 247c. Grants may be made to State agencies designated in accordance with sec. 291d(2)(1), so that the merit personnel system requirement of sec. 291d(a)(8) appears to be incorporated by reference.
p. State administrative expenses (p. S12)—42 U.S.C. 291f(c). Agencies administering State plans may apply to use for administrative expenses a portion of the allotments to their States under the Hill-Burton Act, as amended. Consequently, the merit personnel system requirement of sec. 291(d)(a)(8) appears to be incorporated by reference.

3. Welfare Administration

(Now known as Social and Rehabilitation Service)

a. Aid and services to needy families with children (pp. C93, S17, S182)—42 U.S.C. 601–609, at sec. 602(a)(5); 45 CFR, pt. 70.
b. Aid to the blind (pp. C91, S179, S181–182)—42 U.S.C. 1201–1206, at sec. 1202(a)(5); 45 CFR, pt. 70.
c. Aid to the permanently and totally disabled (pp. C93, S178, S179, S182)—42, U.S.C. 1351–1353, at sec. 1352(a)(5); 45 CFR, pt. 70.
d. Combined plans for adult assistance programs (pp. C87, S179, S183)—42 U.S.C. 1381–1385, at sec. 1352(a)(5); 45 CFR, pt. 70.
e. Medical assistance (pp. S130–133)—Title 19 of the Social Security Act as amended (P.L. 89–97, sec. 121); 42 U.S.C. 1396–1396d, et sec. 1396a(a)(4).
f. Medical assistance for the aged (pp. C90–91, S130–133, S181, S182–183)—42 U.S.C. 301–306, at sec. 302(a)(5); 45 CFR, pt. 70.
g. Old-age Assistance (pp. C90, S178–182)—42 U.S.C. 301–306 at sec. 302(a)(5); 45 CFR, pt. 70.
h. Preventive and rehabilitative services; training of welfare personnel (p. C97)—42 U.S.C. 301–303, 601–603, 1201–1203, 1310, 1351–1353, 1381–1383, and 1369(a)(11) and (22).
i. Maternal and child health services: Formula grants (pp. C101, S184)—42 U.S.C. 701–705, at sec. 703(a)(3).
j. Maternal and child health services: Health of school and preschool children (pp. S133–134)—42 U.S.C. 729–1.
k. Crippled children's services: Grants to States (pp. C101–102, S184)—42 U.S.C. 711–715, at sec. 713(a)(3).
l. Child welfare services generally (p. C99)—42 U.S.C. 721–728, at sec. 723(a); 42 CFR 201.6.

4. VOCATIONAL REHABILITATION ADMINISTRATION

(The Federal Merit Standards are applied administratively to these three programs)

a. Basic support (pp. C83–4, S176–177)—29 U.S.C. 31–41d, particularly secs. 32 and 41(i). Provisions relating to personnel standards are in sec. 35(a)(6) and in 45 CFR, pt. 401.
b. Planning and initiating special programs: Innovations (p. S177)—29 U.S.C. 33.
c. Rehabilitation facilities and workshops: Surveys of needs, (p. S127)—29 U.S.C. 41a.

5. DEPARTMENT OF LABOR: BUREAU OF EMPLOYMENT SECURITY

a. Employment service and unemployment compensation administration (pp. 112–113)—29 U.S.C. 49–49k; 38 U.S.C. 2001–2005; 39 U.S.C. 4152: 42 U.S.C. 501–503, 1101–1105, 1321–1324, 1361–1371.

6. DEPARTMENT OF DEFENSE: DEPARTMENT OF THE ARMY

a. Civil defense: Financial contributions for personnel and administrative expenses (pp. C35, S5)—50 U.S.C. App. 2251–2297, at sec. 2286(a)(4).

Source: Intergovernmental Personnel Act of 1966, Hearings before the Subcommittee on Intergovernmental Relations of the Committee on Government Operations, U.S. Senate, Eighty-ninth Congress, Second Session, on S. 3408. August 16, 17, and 18, 1966.

No. 4a. AGREEMENT FOR THE PROVISION OF MERIT SYSTEM SERVICES TO THE BUREAU OF EMPLOYMENT SECURITY

AGREEMENT FOR THE PROVISION OF MERIT SYSTEM SERVICES TO THE BUREAU OF EMPLOYMENT SECURITY

This will constitute an agreement whereby services in the area of State merit system administration will continue to be provided by the Division of State Merit System Services, Federal Security Agency, to the Bureau of Employment Security, Department of Labor.

The purpose of this agreement is to establish a basis for the provision of certain merit system services to the Bureau of Employment Security by the Division of State Merit System Services and thereby to promote a common approach to States on personnel standards, to assure economy and efficiency in use of consultative services on personnel, and to avoid duplicate Federal contacts with State personnel agencies on merit system administration.

Classification and compensation work will be handled by the Bureau of Employment Security in connection with its organization and fiscal functions. The services provided by the Division of State Merit System Services will include the review of personnel laws, rules and regulations, preparation of examination and other technical personnel materials, review of merit system operations, and advice to the Bureau staff in Washington and in the field with respect to personnel matters, including recommendations on audit exceptions. Policy determinations on these matters will be made by the Bureau of Employment Security; technical advice, and information as to the handling of related problems within other grant-in-aid programs, will be furnished to the Bureau in accordance with procedures established by it.

It is agreed that the sum of $26,667 for the period November 1, 1949, to June 30, 1950, will be transferred to the Federal Security Agency for the functions performed by the Division of State Merit System Services for the Bureau of Employment Security, as outlined above. This sum is at an annual rate of $40,000.

ROBERT C. GOODWIN,
Director, Bureau of Employment Security.
GEORGE E. BIGGE,
Director, Office of Federal-State Relations.

Approved:

JAMES E. DODSON
(For the Secretary of Labor.)

No. 4b. NOTE ON EXPERIENCE UNDER AGREEMENT WITH DSMS

NOTE ON EXPERIENCE UNDER AGREEMENT WITH DSMS

The agreement between BES and DSMS is not included in the BES Manual. One of its provisions, however, is that "classification and compensation work will be handled by the Bureau of Employment Security in connection with its organization and fiscal functions."

Although not specified in the agreement, the technical assistance of the DSMS regional representatives, nevertheless, has been made available to the Bureau's regional staffs with respect to classification and compensation matters. This was explained initially, as follows, in a memorandum dated November 9, 1949, from the Director of DSMS to the field staff of his division, cleared by BES:

> "You will note that the Division, under the terms of this agreement, will continue to provide services to the Bureau of Employment Security except in the classification and compensation area. It is expected accordingly that you will continue to perform such consultative personnel services for the Regional Employment Security Representative and the State Employment Security agencies as are requested. Services and consultation on classification and compensation matters peculiar to the State Employment Security agencies now become the responsibility of the Bureau. However, since common classes are involved, liaison and exchange of information will be necessary. To the extent that the Regional Employment Security Representative may request your technical services in the field of Employment Security classification and compensation, you will, of course, provide such assistance as you can within the total framework of your regional responsibility."

No. 5. IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

Civil Action No. 2709–N

UNITED STATES OF AMERICA BY RAMSEY CLARK, ATTORNEY GENERAL, PLAINTIFF

v.

JOHN S. FRAZER, AS DIRECTOR, ALABAMA PERSONNEL DEPARTMENT, TOM J. VENTRESS, AS CHAIRMAN, STATE PERSONNEL BOARD, JAMES A. SIMPSON, AS A MEMBER, STATE

PERSONNEL BOARD, RALPH W. ADAMS, AS A MEMBER, STATE PERSONNEL BOARD, RUBEN KING, AS COMMISSIONER AND DIRECTOR, ALABAMA DEPARTMENT OF PENSIONS AND SECURITY, REX D. ROACH, AS DIRECTOR, ALABAMA DEPARTMENT OF INDUSTRIAL RELATIONS, IRA L. MYERS, AS STATE HEALTH OFFICER AND DIRECTOR, ALABAMA DEPARTMENT OF PUBLIC HEALTH, ERNEST STONE, AS SUPERINTENDENT AND DIRECTOR, ALABAMA DEPARTMENT OF EDUCATION, J. S. TARWATER, AS STATE MENTAL HEALTH OFFICER AND DIRECTOR, ALABAMA DEPARTMENT OF MENTAL HEALTH, AND J. FRANK MANDERSON, AS DIRECTOR, ALABAMA DEPARTMENT OF CIVIL DEFENSE, DEFENDANTS

Complaint

The United States of America by Ramsey Clark, Attorney General, alleges:

1. This action is brought by the Attorney General on behalf of the United States seeking relief for violation of the following provisions of Federal statutes and regulations requiring the establishment and maintenance of personnel standards on a merit basis in the administration of grant-in-aid programs: Old Age Assistance and Medical Assistance for the Aged, 42 U.S.C. 302(a)(5); Aid to Families with Dependent Children, 42 U.S.C. 602(a)(5); Maternal and Child Health and Crippled Children's Services, P.L. 90–248, Title III, Secs. 301, 304(a) (42 U.S.C.A. 705(a)(3) (Feb. Supp. 1968)); Child Welfare Services, P.L. 90–248, Title II, Sec. 240(c) (42 U.S.C.A. 622) (Feb. Supp. 1968)); Aid to the Blind, 42 U.S.C. 1202(a)(5); Aid to the Permanently and Totally Disabled, 42 U.S.C. 1352(a)(5); Combined Grants for the Aged, Blind, Disabled and Medical Assistance for the Aged, 42 U.S.C. 1382(a)(5); Medical Assistance, 42 U.S.C. 1396a(a)(4); Hospital Survey and Construction, 42 U.S.C. 291d(a)(8); Grants for Comprehensive Health Planning and Public Health Services, 42 U.S.C. 246(a)(2)(f), 246(d)(2)(f); Grants for Unemployment Compensation Administration, 42 U.S.C. 503(a)(1); Grants for State Public Employment Offices, 29 U.S.C. 49, P.L. 88–136 (Title I, Sec. 101), 20 C.F.R. 602.15; Work Experience and Training, 42 U.S.C. 2822, 2823; Programs for Older Americans, 42 U.S.C. 3023, 3032; Civil Defense Financial Assistance, 50 U.S.C. Appendix 2286(a)(4); and 45 C.F.R. Part 70.

2. This Court has jurisdiction of this action under 28 U.S.C. 1345.

3. Defendant J. S. Frazer is the Personnel Director and the head of the Personnel Department of the State of Alabama. As such, he is responsible for the administration of the Alabama Merit System, together with the State Personnel Board. His office is in Montgomery, Alabama, and he resides there.

4. Defendants Ventress, Simpson, and Adams are members of the Alabama State Personnel Board. This Board has the authority and responsibility to adopt and amend rules and regulations for the administration of the Alabama Merit System and otherwise to consider and act upon matters concerning the Alabama Merit System. Defendant Ventress resides in Clayton, Alabama, defendant Simpson resides in Birmingham, Alabama, and defendant Adams resides in Troy, Alabama.

5. Defendants King, Roach, Myers, Stone, Tarwater and Manderson are the heads of the State Departments of Pensions and Security, Industrial Relations, and Public Health, Education, Mental Health and Civil Defense, respectively. Those departments administer the Federal grant-in-aid programs which are subject to the Federal merit standards statutes set forth in paragraph one, above. Each of these defendants has responsibility for the selection, appointment, promotion, demotion and transfer of personnel and for recruitment in his Department or agency. Defendants King, Roach, Myers and Stone, have their offices and reside in Montgomery, Alabama. Defendant Manderson has his office in Montgomery, Alabama and resides in Northport, Alabama. Defendant Tarwater has his office and resides in Tuscaloosa, Alabama.

6. On January 26, 1963, the United States Secretaries of Health, Education and Welfare, Labor and Defense promulgated a regulation, 45 C.F.R. 70.4, which requires that States, administering programs receiving Federal assistance pursuant to the Federal merit system statutes set forth above in paragraph one, adopt laws, rules, or regulations, expressly

prohibiting discrimination on the grounds of race, color, national origin or religious or political opinion or affiliation and providing appropriate procedures for appeal in cases of alleged discrimination on those grounds.

7. Since that time, Federal officials have requested the appropriate officials of the State of Alabama, including defendants Alabama State Personnel Director and the Alabama State Personnel Board, to adopt a rule or regulation conforming to all the requirements of that regulation. Alabama, acting by and through said defendants, has failed and refused to adopt such a rule or regulation.

8. Defendants employ approximately 3,071 full-time employees in their departments, of whom approximately 87 are Negroes. Of the approximately 3,003 employees who hold other than custodial, domestic and laboring positions, approximately 25 are Negroes.

9. The defendants follow a policy and practice of discrimination in employment against Negroes on account of their race.

10. The policy and practice referred to in the preceding paragraph has been and is being implemented by the defendants, among other ways, as follows:

a. With the exception of a few low-paying custodial, domestic and other menial positions, Negroes who are certified to a State agency as being eligible for job openings are systematically not contacted or interviewed for the positions, and are systematically denied appointments;

b. Lower ranking white eligibles are regularly appointed to jobs over higher ranking Negro eligibles on the same certificate;

c. Defendants restrict their hiring of Negroes generally to low-paying, custodial, domestic or other menial positions;

d. Defendants have failed to advertise and recruit for applications from among Negroes as they do among comparably situated white persons;

e. Defendants have failed to take reasonable and adequate steps to correct and to offset the effects of their racially discriminatory practices.

11. As a result of the policy and practices described in the preceding paragraphs, few Negroes are hired by defendants; and most of them are confined to low-paying menial categories. Substantially all supervisory, professional and clerical positions are held by white persons.

12. The policy and practices described in the preceding paragraphs constitute violations of the statutory and regulatory requirements set forth in paragraphs 1 and 6 of this complaint.

13. Unless restrained by order of this Court, defendants will continue to follow such policy and engage in such practices, to the immediate and irreparable injury of plaintiff.

14. Plaintiff has no adequate remedy at law.

WHEREFORE, plaintiff prays for an order preliminarily and permanently enjoining defendants, their agents, employees and all other persons acting in concert or participation with them from engaging in any racially discriminatory employment practice while administering any of the programs which are subject to Federal merit standards requirements; and more particularly from:

1. Failing to adopt a rule or regulation expressly prohibiting discrimination on the grounds of race, color or national origin, and providing a system of appeals in cases of alleged discrimination;

2. Failing to contact, interview, consider, or hire or appoint any Negro for any position or job classification on account of his race;

3. Passing over higher ranking eligible Negroes for positions in order to appoint lower ranking white persons;

4. Failing to place eligible Negroes on certificates sent to agencies for consideration, when such Negroes have a rank which qualifies them for the certificates;

5. Restricting the hiring and appointment of Negroes primarily to low-paying custodial, domestic or other menial positions;

6. Failing to advertise and recruit for applications among Negroes;

7. Engaging in any act or practice, directly or indirectly, for the purpose or with the effect of preventing, discouraging, or hindering the employment of Negroes under the State Merit System on the same basis and under the same conditions as white persons are employed;

8. Failing to take reasonable and adequate steps to correct and offset the effects of their racially discriminatory practices.

Plaintiff further prays for such additional relief as the needs of justice may require, together with the costs and disbursements of this action.

RAMSEY CLARK,
Attorney General.
STEPHEN J. POLLAK,
Assistant Attorney General.
BEN HARDEMAN,
United States Attorney.
DAVID L. ROSE,
Attorney,
Department of Justice,
Washington, D.C. 20530.

No. 6. IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

Civil Action No. 2709–N

UNITED STATES OF AMERICA BY RAMSEY CLARK, ATTORNEY GENERAL, PLAINTIFF

v.

JOHN S. FRAZER, AS DIRECTOR, ALABAMA PERSONNEL DEPARTMENT, TOM J. VENTRESS, AS CHAIRMAN, STATE PERSONNEL BOARD, JAMES A. SIMPSON, AS A MEMBER, STATE PERSONNEL BOARD, RALPH W. ADAMS, AS A MEMBER, STATE PERSONNEL BOARD, RUBEN KING, AS COMMISSIONER AND DIRECTOR, ALABAMA DEPARTMENT OF PENSIONS AND SECURITY, REX D. ROACH, AS DIRECTOR, ALABAMA DEPARTMENT OF INDUSTRIAL RELATIONS, IRA L. MYERS, AS STATE HEALTH OFFICER AND DIRECTOR, ALABAMA DEPARTMENT OF PUBLIC HEALTH, ERNEST STONE, AS SUPERINTENDENT AND DIRECTOR, ALABAMA DEPARTMENT OF EDUCATION, J. S. TARWATER, AS STATE MENTAL HEALTH OFFICER AND DIRECTOR, ALABAMA DEPARTMENT OF MENTAL HEALTH, AND J. FRANK MANDERSON, AS DIRECTOR, ALABAMA DEPARTMENT OF CIVIL DEFENSE, DEFENDANTS

Order

The United States of America, acting through the Honorable Ramsey Clark, Attorney General, brings this action to enforce the requirements of Federal statutes and regulations that State personnel engaged in the administration of Federally financed grant-in-aid programs be recruited, hired and promoted or demoted on a merit basis, without discrimination on the ground of race or color.[1]

[1] The federally financed grant-in-aid programs involved are: Old-Age Assistance and Medical Assistance for the Aged, 42 U.S.C. § 302(a)(5); Aid to Families with Dependent Children, 42 U.S.C. § 602(a)(5); Maternal and Child Health and Crippled Children's Services, P.L. 90–248, Title III, §§ 301, 304(a) (42 U.S.C.A. § 705(a) (3)); Child Welfare Services, P.L. 90–248, Title II, § 240(c) (42 U.S.C.A. § 622); Aid to the Blind, 42 U.S.C. § 1202(a)(5); Aid to the Permanently and Totally Disabled, 42 U.S.C. § 1352(a)(5); Combined Grants for the Aged, Blind, Disabled and Medical Assistance for the Aged, 42 U.S.C. § 1382(a)(5); Medical Assistance, 42 U.S.C. § 1396a(a)(4); Hospital Survey and Construction, 42 U.S.C. § 291d(a)(8); Grants for Comprehensive Health Planning and Public Health Services, 42 U.S.C. § 246(a)(2)(f), § 246(d)(2)(f); Grants for Unemployment Compensation Administration, 42 U.S.C. § 503(a)(1); Grants for State Public Employment Offices, 29 U.S.C. § 49, P.L. 88–136, Title I, § 101, 20 CFR 602.15; Work Experience and Training, 42 U.S.C. §§ 2922, 2923; Programs for Older Americans, 42 U.S.C. §§ 3023, 3032; Civil Defense Financial Assistance, 50 U.S.C. Appendix 2286(a)(4); and 45 CFR Part 70.

The defendants Ventress, Simpson and Adams are members of the Alabama State Personnel Board. The defendant John S. Frazer is the personnel director and the head of the personnel department of the State of Alabama. As director, Frazer is responsible for the administration of the Alabama Merit System together with the State personnel board. The board has the authority and responsibility to adopt and amend rules and regulations for the administration of the Alabama Merit System. Defendants King, Roach, Myers, Stone, Tarwater and Manderson are the heads of the State Departments of Pensions and Security, Industrial Relations, Public Health, Education, Mental Health, and Civil Defense, respectively. These departments administer the Federal grant-in-aid programs which are subject to the Federal merit standards statutes set out above in note 1. Each of the defendants has the responsibility, acting within the rules and regualtions for the administration of the Alabama Merit System as promulgated by the Alabama State Personnel Board and administered by the Alabama State Personnel Director, for the selection, appointment, promotion, demotion, and transfer of personnel and for the recruitment of personnel in his department or agency.

This case is now submitted upon the motions of the defendants filed herein on June 28, 1968, and on July 1, 1968, seeking dismissal upon the pleadings. These motions challenge the right of the United States to bring the action, and, in the motions, the defendants contend that the United States does not have the authority to enforce by judicial proceedings the terms and conditions which Congress, by statute, and Federal officials, by regulation acting pursuant to Congressional authority, have attached to the expenditure of Federal funds. The defendants, in their motions, also challenge the validity of the Federal regulation, 45 CFR 70.4, promulgated by the United States Secretaries of Health, Education, and Welfare, Labor, and Defense, which requires that States administering programs receiving Federal assistance pursuant to the Federal merit standards statutes, adopt laws, rules, and regulations expressly prohibiting discrimination on the ground of race, color, national origin, religious or political affiliation. This regulation also requires that the States provide appropriate procedures for appealing cases of alleged discrimination on any of those grounds.

When reviewing the sufficiency of a complaint against a motion to dismiss, the allegations of the complaint are to be taken as true. No citation of authority is necessary to sustain this basic proposition. Thus, from the allegations of the complaint, defendants have followed and continue to follow a policy of racial discrimination against Negroes in the selection and appointment of employees in the Alabama agencies here involved. Furthermore, this Court is informed by brief of the United States—and this is not denied by the defendants—that the six State agencies involved in this case receive and administer approximately $150,000,000 in Federal funds annually under the merit standards statutes. There is no question but that these discriminatory practices engaged in by the defendants,

as the United States alleges in its complaint, constitute violations of the merit system requirements of Federal law. 45 CFR 70.4.

Defendants' argument that the enactment of Titles VI and VII of the Civil Rights Act of 1964 "may have nullified" the authority of the Secretaries of Defense, Health, Education, and Welfare, and Labor to adopt 45 CFR 70.4, is without merit. Title VII defines "for the purposes of this title" the term "employer" in such a manner as to exclude states or political subdivisions. Section 701(b), 42 U.S.C. § 2000e(b). This exclusion from the coverage of Title VII was not intended to repeal the authority conferred by other statutes. The limited definition of "employer" was consistent with the Congressional concern, under Title VII, to prohibit discrimination by commercial enterprises. See *Local Union 12, United Rubber Workers* v. *NLRB*, 368 F.2d 12 (5th Cir. 1966), *cert. denied*, 389 U.S. 837, and *United States* v. *Jefferson County Board of Education*, 372 F.2d 836, 883 (5th Cir. 1966), where the United States Court of Appeals for the Fifth Circuit has held that Title VII was not intended to preempt or repeal other provisions of law prohibiting racial discrimination.

It is true that § 604 of Title VI makes it clear that Title VI was not intended to be applicable to the employment practices of recipients of Federal assistance "except where a primary objective of the Federal assistance is to provide employment" or where discrimination in employment causes discrimination to the beneficiaries. *United States* v. *Jefferson County Board of Education, supra.* However, the language of § 604 of Title VI also clearly reflects that that section was not intended to detract from any authority that Federal officials might have under other provisions of the law. Thus, neither Title VI nor Title VII preempts or limits the authority that Federal officials have to take affirmative action, including the filing of civil actions, designed to reduce or eliminate racial discrimination.

The other substantial ground—and one defendants strenuously urge—concerns whether the United States has the authority to enforce by a judicial proceeding the terms and conditions set forth in Federal statutes and regulations requiring states to follow merit personnel standards. This Court is clear to the conclusion that the United States does have standing to seek judicial enforcement of the terms and conditions of grants of Federal property and that the administrative remedy of termination of assistance was not intended to be and is not exclusive. The argument of the State, if it prevailed, would necessitate this Court's telling the United States of America that the only remedy it had in this case would be to administratively terminate the Federal funds of $150,000,000 a year provided to the State agencies here concerned for assistance to the aged, to families with dependent children, to crippled children's services, for aid to the blind, aid to the permanently and totally disabled, and for other similar programs administered by the defendants for the benefit of United States citizens residing in the State of Alabama.

It is settled law that the United States has the authority to fix the terms and conditions upon which its money allotments to states shall be disbursed. *King* v. *Smith*, 36 U.S.L. Week 4703, 4710. Upon this point, the United States Supreme Court stated:

> "There is of course no question that the Federal Government, unless barred by some controlling constitutional prohibition, may impose the terms and conditions upon which its money allotments to the States shall be disbursed, and that any state law or regulation inconsistent with such federal terms and conditions is to that extent invalid. See *Ivanhoe Irrigation District* v. *McCracken*, 357 U.S. 275, 295 (1958); *Oklahoma* v. *Civil Service Commission*, 330 U.S. 127, 143 (1947)."

The law is also clear that the grant of Federal assistance may be upon conditions *that are attached to the grant* and the *acceptance by the recipient of the grant* to which the conditions and stipulations are attached creates an obligation to perform the conditions on the part of the recipient. *United States* v. *Northern Pacific Ry Co.*, 256 U.S. 51, and the cases therein cited. On this point the Supreme Court of the United States stated in *McGee* v. *Mathis*, 71 U.S. 143, 155:

> "It is not doubted that the grant by the United States to the State upon conditions,

and the acceptance of the grant by the State, constituted a contract. All the elements of a contract met in the transaction—competent parties, proper subject-matter, sufficient consideration, and consent of minds. This contract was binding upon the State. . . ."

There is no controlling law to support the defendants' argument that the United States has no standing to enforce its contractual rights in court in the absence of specific statutory authority to do so. The law is to the contrary. *Rex Trailer Co.* v. *United States*, 350 U.S. 148, 151. It has long been recognized that the United States has the right to bring suit to require the recipient of Federal grants to comply with the terms and conditions of the grant. *United States* v. *San Francisco*, 310 U.S. 16.

The contractual aspects of the relationship between the United States and the State of Alabama concerning these grants aside, there is no necessity for specific statutory authority in order to permit the United States to bring this action. The Federal district courts have jurisdiction of any case in which the United States is a party plaintiff, 28 U.S.C. § 1345, and it has been determined upon numerous occasions by the courts of our land that the Attorney General may sue on behalf of the United States by virtue of his office if the United States has an interest to protect. 28 U.S.C. §§ 516–519; *Wyandotte Transportation Co.* v. *United States*, 389 U.S. 191, and the cases therein cited.

Here, the interest of the United States is the enforcement of the terms and conditions of grants of Federal funds, namely, the $150,000,000 of Federal funds being channeled into the State of Alabama for administration and disbursement to needy American citizens by the agencies and the defendants here involved. This interest is not complicated, nor does its enforcement impose an onerous burden; it is only that those funds be administered by persons selected on the basis of their merit and fitness rather than on the basis of their race or color. As a matter of fact, the interest of the United States in these Federally financed programs may be so considerable that the Government, through its duly constituted officials, including the Attorney General of the United States, has a constitutional obligation to eliminate racial discrimination in their administration. Failure on the part of any of these Government officials to take legal action in the event that racial discrimination does exist—and, as stated earlier in this opinion, we must, for the purposes of measuring these motions to dismiss against the complaint, assume that it does exist—would constitute dereliction of official duty.

For purposes of emphasis, this Court will repeat that the argument by the defendants that the administrative remedy vested in the Federal officials to terminate the funds—the $150,000,000 flowing to various agencies in the State of Alabama—is an exclusive remedy, is without merit. The fact that an administrative remedy to terminate these funds is vested in the various Federal officials involved does not mean that this is the only action the Federal Government can take to eliminate the racial discrimination alleged. Termination of assistance as authorized by the Congress of the United States is only one of the means—this is a "means" that the Federal administrators are authorized to take of a nonjudicial nature; the other remedies traditionally available to enforce Federal statutory law were not divested by the granting of these administrative remedies. Furthermore, the granting of these statutory administrative remedies may not be considered exclusive unless the statutes contain clear and specific language to that effect. *United States* v. *Wittek*, 337 U.S. 346; *United States* v. *Stevenson*, 215 U.S. 190. See also *Wyandotte Transportation Co.* v. *United States*, 389 U.S. 191, and *United States* v. *Acme Process Co.*, 385 U.S. 138. The statutes now being considered by this Court and involved in this litigation contain no language showing, and the legislative history provides no showing, that Congress intended the administrative remedy of termination to be exclusive. If the argument of the defendants was sustained and this Court held that the administrative remedy of termination of assistance was the exclusive remedy, it would be drastic action, having the inevitable effect of injuring the very people that Congress intended to benefit and the very people that the State agencies here involved are set up to assist. In this connection, see *Gardner* v. *State of Alabama, Dept. of Pensions & Security*, 385 F.2d 804 (5th Cir. 1967), *cert. denied*, 389 U.S. 1046.

Defendents' reliance upon *United States* v. *Madison County Board of Education*, 219 F. Supp. 60 (N.D. Ala. 1963), *aff'd on other grounds*, 326 F.2d 237 (5th Cir. 1964), *cert. denied* 379 U.S. 929, is misplaced. Here, the United States is seeking to enforce the terms and conditions which Congress expressly imposed upon the expenditure of Federal funds. To put it another way, the United States is merely attempting to enforce the express terms and conditions which the State of Alabama agreed to meet in receiving Federal funds. There was no express obligation in the Madison County case of a contractual nature which the United States was seeking to enforce. Furthermore, see the discussion of *United States* v. *Madison County Board of Education, supra*, in *Bossier Parish School Board* v. *Lemon*, 370 F.2d 847, 850–851 (5th Cir. 1967).

Accordingly, the United States will be given an opportunity to prove the allegations in its complaint, and if it does so injunctive relief will be granted prohibiting the defendants from engaging in any racially discriminatory employment practice while administering any of the programs which are subject to Federal merit standards requirements. The motions to dismiss this complaint are, therefore, ORDERED to be and each is hereby denied.

Done, this the 16th day of August, 1968.

FRANK M. JOHNSON, JR.,
United States District Judge.

No. 7. IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF ARKANSAS, WESTERN DIVISION

UNITED STATES, OF AMERICA, BY RAMSEY CLARK, ATTORNEY GENERAL, PLANTIFF

v.

THE HOUSING AUTHORITY OF THE CITY OF LITTLE ROCK, ARKANSAS, FRED W. PARRIS, BEN SCROGGIN, JR., JESSE POWELL, PURCELL SMITH, AND LOU B. HOFFMAN, AND GEORGE MILLAR, JR., EXECUTIVE DIRECTOR, DEFENDANTS

Complaint

The United States of America, by Ramsey Clark, Attorney General, alleges:

1. This action is brought by the United States to prevent in the future and to correct the past effects of defendants' racially discriminatory housing and employment practices which are prohibited by Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq.*; the regulations of the Department of Housing and Urban Development (24 C.F.R., Part I, and more specifically Sec. 1.4(b)(2)(ii) thereof); contractual agreements and assurances made by the defendant Housing Authority of the City of Little Rock, Arkansas; 42 U.S.C. 1982, and the Fourteenth Amendment to the United States Constitution.

2. The Court has jurisdiction of this matter under 28 U.S.C. 1345.

3. The defendant Housing Authority of the City of Little Rock, Arkansas (hereinafter referred to as "Authority"), a local housing authority, is a public body corporate created under the laws of the State of Arkansas as an agency of that State, for the purpose of developing and administrating low-income public housing to be financed by the Federal Government pursuant to said United States Housing Act of 1937, as amended, 42 U.S.C. 1401 *et seq.*

4. Defendant's principal place of business is in Little Rock, Arkansas.

5. Defendants Fred W. Parris, Ben Scroggin Jr., Jesse Powell, Purcell Smith, and Lou B. Hoffman are Commissioners of the Authority, and defendant George Millar Jr., is Executive Director. They generally supervise and conduct the operation of the Authority. The defendants reside in Little Rock, Arkansas.

6. Defendant Authority owns and operates eight low-rent housing projects from five management project offices with a combined total of more than 1,178 units. Defendant Authority is and at all times herein has been receiving Federal financial assistance annually, aggregating a total of more than $6,000,000 pursuant to four Annual Contributions Contracts (hereinafter referred to as "Contracts") entered into by and between the Authority and Public Housing Administration (predecessor of the Department of Housing and Urban Development and referred to hereinafter as "HUD") on October 14, 1940, March 23, 1950, July 12, 1950 and October 23, 1951, and subsequently amended from time to time. Under the terms and conditions of those Contracts (Section 304), the defendant Authority agreed not to discriminate against any employee or applicant for employment because of race, creed, color, or national origin.

7. There remain outstanding certain securities issued by defendant Authority, the unpaid principal balance of which aggregates approximately $6,700,000, payment of which has been secured by pledge of the annual contributions to be made by HUD, pursuant to said Contracts, which payments are secured by the full faith and credit of the United States and are incontestable under Section 22 of said Housing Act, as amended, 42 U.S.C. 1421a.

8. Defendant Authority, designed, constructed and operated its low-rent housing projects on a racially segregated basis, assigning tenants to units on the basis of their race and color. Four projects were constructed for and occupied soley by white tenants, at least until December 14, 1967 and four projects were constructed for and occupied solely by Negro tenants.

9. In order to qualify for continued Federal financial assistance, the defendant Authority, on May 17, 1965, executed its "Statement of Compliance" assuring HUD of its compliance with the requirement of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*) that no person in the United States shall, on the grounds of race, color, or national origin be subjected to discrimination under programs or activities receiving Federal financial assistance, of its compliance with HUD's regulations issued thereunder, and of its continued compliance therewith.

10. The four projects originally constructed for Negro occupancy continue to be occupied solely by Negro tenants as of July, 1968; and the four projects originally constructed for white occupancy continue to be occupied solely by white tenants, except that as of July, 1968, two units in one of these projects were occupied by Negro tenants. Defendants thus have been maintaining, and they continue to maintain, a racially segregated system of public housing projects.

11. Defendant Authority has engaged and continues to engage in discriminatory employment practices based on race and color. It hires Negroes for and assigns them to jobs which are held only by Negroes, most of which are in the projects built for and occupied by Negro tenants, and it hires its white employees for and assigns them to jobs reserved for white persons, most of which are in the projects designed for occupancy by white tenants, and its central office. There are no Negroes employed by the Defendant Authority in its low rent public housing program at its central office.

12. Section 1.4(b)(2)(ii) of the regulations of HUD requires that recipients, in operating low-rent housing with Federal financial assistance, make assignments to eligible applicants "on a community-wide basis in sequence," based upon the date and time applications are received, and upon other factors not inconsistent with the objectives of Title VI of the 1964 Civil Rights Act. Such assignments must be made in accordance with a plan, duly adopted by the recipient and approved by the responsible Department official.

13. Defendants have refused and continue to refuse to file an acceptable plan for selection of applicants and assignment of dwellings pursuant to said Section 1.4(b)(2)(ii), and officials

of the Department of HUD have sought unsuccessfully to obtain voluntary compliance with such requirement.

14. Defendant Authority has assigned and continues to assign dwellings to applicants and tenants on the basis of race and color. In addition, defendant Authority continues to maintain a system of segregated housing projects, and has refused and failed to take adequate measures to desegregate its dual segregated housing program, and to establish a unitary, non-racial system of housing projects.

15. Defendants continue to hire and assign employees on the basis of race; and continue to assign tenants on the basis of race and continue to refuse to take steps necessary to eliminate the segregated nature of their public housing programs; and refuse to assign tenants and eligible applicants pursuant to a plan providing for assignments on a community-wide basis in sequence, based upon the date and time applications are received, and upon other factors not inconsistent with the objectives of Title VI of the 1964 Civil Rights Act, all in violation of their contractual undertakings and assurances, and in violation of Title VI of the Civil Rights Act of 1964 and the regulations, and in violation of defendants' obligations under the Fourteenth Amendment to the Constitution of the United States, and 42 U.S.C. 1982.

16. Unless restrained by order of this Court, the defendants will continue to engage in the discriminatory practices set forth in paragraphs 10, 11, 13, 14 and 15 above, to the irreparable injury of the plaintiff.

WHEREFORE, plaintiff prays that this Court enter an order enjoining the defendants, their successors in office, agents, employees, and all other persons in active concert or participation with them from engaging in any racially discriminatory practices in administering their public housing program, and more particularly from:

1. Failing to adopt and file with HUD an appropriate plan for tenant assignment providing for assignments of dwelling units to eligible applicants on a community-wide basis in sequence, based upon the date and time the applications are received;

2. Hiring and assigning its employees on the basis of race, and from failing to take all reasonable steps to correct the effects of its past racially discriminatory employment practices;

3. Assigning housing units on the basis of race, color, and national origin; and

4. Failing to take all reasonable steps to correct the effects of past racially discriminatory housing practices in public housing projects in Little Rock, Arkansas, operated by defendant Authority.

Plaintiff further prays that this Court grant such additional relief as the needs of justice may require, including the costs and disbursement of this action.

RAMSEY CLARK,
Attorney General.
STEPHEN J. POLLAK,
Assistant Attorney General.
W. H. DILLAHUNTY,
United States Attorney.
DAVID L. ROSE,
Attorney, Department of Justice.

No. 8. IN THE UNITED STATES DISTRICT COURT EASTERN DISTRICT OF ARKANSAS, WESTERN DIVISION

No. LR 68 C–239

UNITED STATES OF AMERICA, BY RAMSEY CLARK, ATTORNEY GENERAL, PLAINTIFF

v.

THE HOUSING AUTHORITY OF THE CITY OF LITTLE ROCK, ARKANSAS, ET AL., DEFENDANTS

Order

On this day this cause is presented to the Court upon the Complaint of the plaintiff and the statements of counsel that the parties have agreed upon the entry of this Order, for consideration, approval and entry by the Court in order to resolve the issues raised by said Complaint in the following manner:

I.

1. On September 10, 1968 the defendant, Housing Authority of the City of Little Rock, Arkansas, acting by and through its Board of Commissioners, adopted its Resolution No. 2256 relating to low rent public housing tenant assignment plan which was submitted to the Regional Office of the Department of Housing and Urban Development (HUD) with the statement that the same would be made effective conditioned, among other things, that "HUD must agree in writing that all applications received prior to the accomplishment of the above three items and the actual implementation date of the tenant assignment plan, will not be subject to said tenant assignment plan."

2. On November 22, 1968, said Board of Commissioners voted to withdraw said condition. This action was taken on the day following the filing of this suit.

3. The adoption and implementation of said Resolution No. 2256 and the withdrawal of said condition with respect to prior applications would constitute substantial compliance with the requirements of Section 1.4(b)(2)(ii) of the regulations of HUD which require that recipients, including defendant Housing Authority, in operating low rent housing with Federal financial assistance, make assignments to eligible applicants "on a community-wide basis in sequence, based upon the date and time applications are received." Accordingly, upon consent of the parties, it is ORDERED that the tenant assignment plan called for by said Resolution shall be implemented not later than January 15, 1969, provided appropriate assistance in effecting said implementation is received from HUD.

II.

The defendant Housing Authority's practices with respect to the housing of applicants and its employment practices shall be conducted without discrimination on the basis of race or color and in conformity with the provisions of Title VI of the Civil Rights Act of 1964, Section 304 of the annual contributions contract between the parties and in accordance with said tenant assignment plan, and the Authority's Resolution #2279. Records and other information designed to show the extent of compliance with the provisions of this paragraph will be maintained by the Housing Authority and appropriate and reasonable reports thereof shall be made at regular intervals, and reasonable notice shall be given to tenants, employees and applicants for housing and employment of this Order and of their rights with respect thereto.

III.

This cause shall remain on the docket of this Court. The plaintiff and defendants may seek such supplemental orders as they believe to be appropriate under law; and the

parties shall be entitled to raise all defenses they believe to be appropriate under law without prejudice for having approved this Order.

ORDERED, APPROVED and entered by the Court on this 7th day of December, 1968.

J. SMITH HENLEY,
United States District Judge.

Approved:

W. H. Dillahunty,
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Footnotes

INTRODUCTION

[1] Title VII of The Civil Rights Act of 1964 which prohibits discrimination in employment specificially excludes State and local government employment.

[2] (See *Racial Isolation in the Public Schools*, U.S. Commission on Civil Rights, February 1967.)

[3] U.S. Department of Commerce, Bureau of the Census, *Census of Governments: 1967. Vol. I—Government Organization.* Special purpose governments, commonly referred to as special districts, are governmental units created to provide the population which they serve with a single government activity, such as fire protection, water control, or hospital service, not available from existing governments.

[4] U.S. Department of Labor, Bureau of Labor Statistics, *Employment and Earnings Statistics for the United States, 1909–64* (December 1964), p. 587 and data collected for but not published in *Employment and Earnings and Monthly Report on the Labor Force* (April 1968).

[5] The term "public employment," as used in this study, does not include employment at the Federal level nor educational employment at any level, unless so specified.

[6] California State Personnel Board, *Twenty-Sixth Biennial Report* (1964), p. 19.

[7] "Each Standard Metroplitan Statistical Area (SMSA) consists of a single county area or group of contiguous counties . . . Each such area includes at least one 'central city' of at least 50,000 inhabitants or—in a few instances—contiguous twin cities which together meet this population minimum." U.S. Department of Commerce, Bureau of the Census, *Census of Governments: 1962. Vol. V—Local Government in Metropolitan Areas*, p. 1.

[8] In each SMSA data were collected on full-time employment for five different types of governments—State agencies, counties, large municipalities (defined as cities with 100 or more full-time employees), small municipalities, and special districts. Excluded from the survey were 600 special districts each of which had a combined total of less than 20 full- and part-time employees.

[9] Data for two Georgia State agencies are not included in the tabulations because of late submission.

[10] The city of Detroit was the only responding jurisdiction in the survey which did not supply the U.S. Commission on Civil Rights with current data as requested in the questionnaire. Current (1967) data were supplied for police, fire, health, and housing departments and the Detroit House of Correction. Figures for other agencies are from a count made in November 1965.

[11] Spanish Americans include those of Mexican, Latin American, Puerto Rican, or Spanish origin. Although data were collected for Spanish Americans the term Mexican American is frequently used in the interview material which relates specifically to Mexican Americans. Oriental Americans include those of Chinese, Japanese, or Filipino origin. For further discussion of data collected for those two groups, see Appendix A.

[12] The latest census data available indicate that Negroes are the only substantial minority group in Philadelphia. There is other evidence, however, that in recent years there has been a substantial growth in the area's Puerto Rican population. Field investigations conducted

in the course of this study indicate that any future examination of equal opportunity in public employment in Philadelphia must include the status of Puerto Ricans as well as Negroes. The U.S. Commission on Civil Rights has requested the city of Philadelphia to collect public employment statistics for this group.

[13] A breakdown of interviewees by category reveals the following distribution:

Elected officials	11
Department administrators	53
Personnel and civil service administrators	68
Government human relations and civil rights personnel	29
Other public employees and former employees	22
Community members active in civil rights and community organizations	49
Others (including union spokesmen, journalists, and special assistants)	35
Federal officials in Washington	25
Federal officials in regional offices	49
Total	342

[14] The central county is the county in which the central city is located.

[15] The governments are:

Central City	*Central County*	*State*
San Francisco-Oakland	Alameda	California
Philadelphia	Delaware	Pennsylvania
Detroit	Wayne	Michigan
Atlanta	Fulton	Georgia
Houston	Harris	Texas
Memphis	Shelby	Tennessee
Baton Rouge		Louisiana

There are no separate central county governments in San Francisco, Baton Rouge, and Philadelphia. Alameda County is the central county of Oakland, Delaware County is the largest suburban county in the Philadelphia metropolitan area.

Footnotes

CHAPTER I.

[1] "The competition from the white workers, and the gradual loss of protection from the side of the former master class meant not only that the Negroes' share in the jobs became smaller in many traditional 'Negro occupations;' but, perhaps even more important in the long run was the fact that Negroes, in most cases, failed to get any appreciable share in the jobs whenever new lines of production were opened up. . . . When there were technical innovations, making work less strenuous, less dirty, and generally more attractive, this often implied a redefinition of the occupations from 'Negro jobs' to 'white man's work.' " Gunnar Myrdal, *An American Dilemma*, Harper & Brothers, New York, 1944, p. 282.

[2] In addition to schools, other institutions which were frequently segregated in the past include among others, hospitals, children's homes, homes for the aged, and mental institutions.

[3] Interview with William W. McDougall, director of personnel, State of Louisiana, Baton Rouge, La., Sept. 26, 1967.

[4] Interview with John R. Martzell, special counsel to the Governor, Louisiana Commission on Human Relations, Rights, and Responsibilities, Baton Rouge, La., Oct. 11, 1967.

[5] Financial administration and general control include treasurer's office, auditor's or comptroller's office, tax assessing, tax billing and collection, budgeting, purchasing, central accounting offices and similar financial administration. Council, board of supervisors or commissioners, and central administrative officers and agencies, such as manager or mayor, clerk, recorder, legal staff, and central personnel or planning agency; include also all judicial officers and employees (judges, magistrates, bailiffs, etc.).

[6] Interview with Bertrand H. Roussel, director of finance, city of Baton Rouge and parish of East Baton Rouge, Baton Rouge, La., Sept. 28, 1967.

[7] Interview with Russell J. Cullota, personnel administrator, city of Baton Rouge and parish of East Baton Rouge, Baton Rouge, La., Sept. 27, 1967.

[8] Interview with Richard Barnes, director of personnel, city of Memphis, Tenn., Aug. 23, 1967.

[9] Interview with Mrs. Maxine A. Smith, executive secretary, Memphis Branch, National Association for the Advancement of Colored People, Memphis, Tenn., Aug. 25, 1967.

[10] Interview with W. W. Wilkinson, assistant chief of police, chief of administrative services, Memphis Police Department, Memphis, Tenn., Aug. 24, 1967.

[11] Interview with Ray W. Burgess, director of public works, city of Baton Rouge and parish of East Baton Rouge, Baton Rouge, La., Sept. 27, 1967.

[12] Statistics for Negroes in the city of Detroit are actually for nonwhites of which Negroes are estimated to account for more than 98 percent.

[13] For a definition of special districts, see Introduction.

[14] The percentage cited for Georgia does not include two State agencies: The board of corrections with 772 white and two black employees and the law department with 50 white and two black employees.

[15] State data from *1960 Census of the Population*, Vol. 1, Part 12 (Georgia), Table 15, p. 36 and Vol. 1, Part 20 (Louisiana), Table 15, p. 27.

[16] Oakland County in the Detroit SMSA, which had 1,967 full-time employees in 1967 and Bucks County in the Philadelphia area with 627 in 1967 were the nonrespondents. Source: U.S. Census of Governments, unpublished figures.

[17] In the San Francisco-Oakland SMSA, the central city and central county of San Francisco are coterminous and have been consolidated into one government. The city and county of Philadelphia also are coterminous and in the final stages of consolidating their governments. In the Baton Rouge SMSA, the city of Baton Rouge and the single county of the SMSA, East Baton Rouge Parish, though separate geographic entities, have a consolidated government. Atlanta is located in two counties—Fulton and DeKalb; however, Fulton is considered the central county since most of Atlanta's population resides there.

[18] In this study suburban governments include all counties (except central counties), large and small municipal governments, and special district governments outside the central county.

[19] Data (1960) are available on the racial composition of the population of small municipalities in only two of the seven SMSA's, Philadelphia and Detroit.

[20] Approximately 18,000 persons or about 8 percent of all government employees in this study worked for special districts, primarily in the San Francisco-Oakland and Atlanta areas. One-half of all special district employees worked in health and hospitals and aonther fourth for public utilities.

[21] Residency requirements (discussed at length in Chapter 2) may occasionally present a problem for Negroes seeking employment in the suburbs.

[22] See Appendix A for a reproduction of questionnaires which contain definitions for all occupations.

[23] See Appendix B for a reprint of questionnaire which includes a definition of all functions.

[24] Two central cities, Baton Rouge and Atlanta, are excluded from this discussion because the former employed no Negro clerical workers and the latter employed only 14 at the time of the survey.

[25] The public safety functions in this study were defined as follows.

Police protection—police department, highway patrol, etc., including technical and clerical employees engaged in police activities.

Fire protection—fire department including clerical as well as uniformed force but *excluding* volunteer firemen.

Corrections—penal institutions, parole and probation services, halfway houses, and juvenile training schools.

[26] In each of the public safety areas civilian employees were classified into two broad groups: managers, officials, professional and technical workers; and office, clerical, blue-collar, and service workers. Ranked personnel were divided into three categories: administrative, supervisory, and operational. In police protection, operational personnel were further subdivided into investigative, uniformed patrolmen, and clerical and technical personnel.

The following are definitions of administrative, supervisory, and operational categories in the three public safety areas: *administrative*: personnel performing the executive work relating to the management of the department (generally those with the rank of captain or above in police and fire departments); *supervisory*: those who oversee operational employees (generally those with rank of lieutenant and sergeant in police and fire departments); *operational*: personnel who perform line functions (generally those with rank below, but not including, sergeant, in police and fire departments and generally those supervising prisoners in corrections).

[27] The Baton Rouge and Memphis SMSA's were not included because the suburban employment was so small that percentages derived from them are not significant.

[28] There are two explanations for this pattern. Atlanta has a higher percentage of Negroes in the suburbs than most of the other cities, and an unusually high percentage of Atlanta's suburban employment is in hospital districts where Negroes are heavily employed.

[29] As used in this study the term "Anglo" includes all whites other than Spanish Americans.

Footnotes

CHAPTER II

[1] Interview with Mrs. Maxine A. Smith, executive secretary, Memphis Branch, National Association for the Advancement of Colored People, Memphis, Tenn., Aug. 25, 1967.

[2] In a telephone interview on Jan. 22, 1969, Carl Sutherland, director of personnel for the city of Atlanta, reported that there is considerable contact with all the local universities. He said that recruiters usually go to the undergraduate college because mainly persons with bachelor's degrees are wanted. Joel Lauchner, personnel recruiter, said brochures were sent to each college and general literature was posted on college bulletin boards. He noted that sometimes student groups are visited and that interviewing was done at Atlanta University once, but that there is not much need for persons with graduate degrees. The personnel office, he said, does not feel the need to do much more than this because most of their jobs do not require a college degree.

In a telephone interview on Jan. 21, 1969, Mrs. Ruth Knight, director of the civil service board for Fulton County, said that the county has a limited staff and therefore does not send recruiters to colleges.

[3] Telephone interviews Apr. 11, 1968, with Harvey I. Anderson, coordinator, Atlanta University Placement Center, Atlanta, Ga.; Mrs. Georgia B. Jones, director of placement services, Clark College, Atlanta, Ga.; William M. Nix, director of placement, Morehouse College, Atlanta, Ga.; Mrs. Nancy Stripling, placement assistant, Morris Brown College, Atlanta, Ga.

[4] In a telephone interview on Jan. 21, 1969, H. S. Lanier, director of the Houston Civil Service Commission, confirmed that no active recruiting is done at Texas Southern University.

[5] Telephone interview with Elva K. Steward, director, career counseling and placement service, Texas Southern University, Houston, Tex., Apr. 17, 1968.

On May 16, 1967, the arrest of a Negro student followed by the presence of the police on campus led to a rock- and bottle-throwing melee. The police reported gunshots from the men's dormitory whereupon several hours of gunfire followed. While policemen were entering the dormitory, a patrolman, struck by a ricocheting bullet, was killed. Police cleared all 480 occupants from the building and found one shotgun and two .22 caliber pistols. The origin of the shot that killed the officer was not determined. (From *Report of the National Advisory Commission on Civil Disorders*. p. 22.)

[6] In a telephone interview on Jan. 22, 1969, Russell J. Culotta, personnel administrator, city of Baton Rouge and parish of East Baton Rouge, said that the city does no recruiting of any kind at Southern University or at Louisiana State University, a predominantly white institution.

[7] Commission staff interviewed by telephone James F. McKay, director of placement, Southern University, who stated that the State of Louisiana has never recruited on campus. He further stated that he had been unsuccessful in a request to the State to recruit on the campus. He was informed that the university received regular job announcements which were public and that persons interested could apply through the regular channels. W. W. McDougall, personnel director for the State department of civil service, informed Commission staff by telephone that representatives from the State had met with "a Mr.

B. B. Little and someone from the placement office" and had interviewed students regarding positions with the State. When told of this by Commission staff, Burnett A. Little, Comptroller at Southern University, stated by telephone that he was not aware of any recruiting that had been done on the Southern University Campus by State personnel.

[8] Interview with Russell J. Culotta, personnel administrator, city of Baton Rouge and parish of East Baton Rouge, Baton Rouge, La., Sept. 27, 1967.

[9] Recruitment for the police force is usually carried on directly by the police department unlike recruitment for most other municipal jobs which is done centrally. Police recruiting is discussed in Chapter III.

[10] Interview with Charest Thibaut, Jr., chairman, community relations committee of city-parish, Baton Rouge, La., Aug. 21, 1967.

[11] Interview with Richard W. Barnes, director of personnel, city of Memphis, Tenn., Aug. 23, 1967.

[12] The Alameda County Civil Service Commission recruitment budget is only $1,000 per annum. (Interview with Ronald Beldon, civil service analyst, Alameda County Civil Service Commission, Oakland, Calif., June 29, 1967.) A recruitment official at the California State Personnel Board stated that insufficient manpower and funds limited his recruitment efforts. (Interview with Alden L. Brock, chief of recruitment and field services, California State Personnel Board, Sacramento, Calif., July 27, 1967.)

[13] Interview with Hugh Rice, personnel director, department of public works, Memphis, Tenn., Aug. 31, 1967.

[14] Interview with Mrs. Ramon T. Davis, commissioner of personnel, department of personnel, State of Tennessee, Nashville, Tenn., August 1967.

[15] The U.S. Department of Labor has charged the Allen-Bradley Company of Milwaukee, Wis., a Federal contractor, with violating the terms of its contract by excluding Negroes through hiring friends and relatives of its employees, 99 percent of whom were white. See *Fair Employment Report*, Vol. 6, No. 14, Sept. 2, 1968, p. 82–3.

[16] Interview with James W. Shannon, former job analyst, civil service department, city of Houston, Tex., Aug. 9, 1967.

[17] Interview with C. J. O'Kane, assistant to the personnel director, personnel department, Philadelphia, Pa., Aug. 7, 1967, and interview with Richard Rosenberry, deputy director, Pennsylvania Civil Service Commission, Harrisburg, Pa., Aug. 9, 1967.

[18] Interview with Carl T. Sutherland, director of personnel, city of Atlanta, Ga., May 20, 1968.

[19] Interview with Lester Lisker, former consultant to California Fair Employment Practice Commission, San Francisco, Calif., July 1967.

[20] Interview with Charles S. Pearson, director, technical division department, civil service, Lansing, Mich., Sept. 8, 1967.

[21] Interview with Carl S. Smith, county tax assessor and collector, Harris County, Houston, Tex., August 1967.

[22] Interview with Arnold M. Beyer, district personnel officer, district 4, division of highways, San Francisco, Calif., June 1967.

[23] Interview with Alden R. Brock, chief of recruitment and field service, California State Personnel Board, Sacramento, Calif., July 27, 1967.

[24] Brock interview.

[25] Interview with Alan W. Wong, former community organizer for the San Francisco Economic Council, Chinatown North Beach Staff, July 1967.

[26] Interviews with James Townsend, former director of personnel, Shelby County, Memphis, Tenn., Aug. 21, 1967 and Mrs. Leo Burson, commissioner, Tennessee Department of Employment Security, Nashville, Tenn., Aug. 30, 1967. Also Steward and Pearson interviews.

[27] Pearson interview.

[28] Brock interview.

[29] Interview with Garland L. Bonin, commissioner, Louisiana Department of Public Welfare, Baton Rouge, La., Aug. 21, 1967; also McDougall and Brock interviews.

[30] Testimony by Joe Vargas, assistant director, Catholic Youth Organization of California before the California State Advisory Committee to the U.S. Commission on Civil Rights, in Los Angeles, June 9, 1967, p. 394–395.

[31] See Chapter I.

[32] California State Personnel Board, "Ethnic Census of Examination Competitors: Report of Examinations Given January through July 1966," Sacramento, 1966 and "Ethnic Census of Examination Competitors: Report of Examinations Given July through December 1966," Sacramento, 1967.

[33] Brock interview.

[34] Interview with Frank Krupiarz, personnel director, Michigan State Department of Health, Lansing, Mich., Sept. 12, 1967.

[35] Culotta interview, and interview with Alvin S. Echols, executive director, North City Congress, Philadelphia, Pa., Aug. 2, 1967.

[36] Interview with Fred L. Davis, former librarian, county register's office, Shelby County, Memphis, Tenn., Aug. 25, 1967.

[37] Interview with R. E. Turrentine, Jr., county clerk, Harris County, Tex., Aug. 23, 1967.

[38] Smith interview.

[39] Interview with Gus Taylor, deputy director of Concentrated Employment, (affiliated with Houston-Harris County Community Action Agency), July 21 1967

[40] O. Glenn Stahl, *Public Personnel Administration*, 5th Edition, Harper & Row, New York and Evanston, 1962, p. 69.

[41] Stahl, p. 69.

[42] Interview with James C. Malcolm, M.D., health officer, Alameda County Health Department, Oakland, Calif., Aug. 1, 1967.

[43] Interview with Harold Wilson, president, East Bay Municipal Employees Union, Oakland, Calif., July 6, 1967.

[44] Interview with Conrad L. Mallett, executive secretary I to the mayor, Detroit, Mich., Sept. 14, 1967.

[45] Interviews with Franklin K. DeWald, State personnel director, department of civil service, Lansing, Mich., Sept. 7, 1967, and Wilfred J. Godfrey, director of testing, Michigan State Civil Commission, Lansing, Mich., Sept. 8, 1967.

[46] See Chapter IV for a discussion of Federal merit standards.

[47] *Standards for a Merit System of Personnel Administration*, U.S. Department of Health, Education, and Welfare; U.S. Department of Labor; U.S. Department of Defense, Revised Jan. 26, 1963. *Federal Register*, Jan. 26, 1963, p. 734. The Standards also provide exemption for top officials or members of commissions, boards, councils, etc. and their personal secretaries; part-time professionals paid for any form of medical or other professional services, and who are not engaged in the performance of administrative duties; local civil defense directors; attorneys serving as legal counsel; members of unemployment compensation appeals tribunals and boards of review. Upon request of the State health authority to the Public Health Service or Children's Bureau, exemption of hospital and sanatoria and local health department personnel will be considered.

[48] Interview with Edgar A. Collins, personnel officer 3, department of employment, State of California, Sacramento, Calif., July 27, 1967.

[49] The *true* passing rate is somewhat higher than this. The percent of each race and ethnic group passing the written examination is computed by comparing the number taking it with the number who appear for oral examination. Those who pass but do not appear for the interview are counted as failing. California has estimated that these persons are "sometimes 10 percent to 15 percent of the total competitor group."

[50] California State Personnel Board, "Ethnic Census of Examination Competitors: Report of Examinations Given July through December, 1966."

[51] Harold S. Rosen, "Equal Opportunity Under the Merit System," Public Personnel Review (July 1966), p. 176.

[52] John C. Bianchini, et. al., *The Berkeley Project: Race and Socio-Economic Status in the Selection Testing of Municipal Personnel* (Berkeley, Calif., 1966), p. 4.

[53] See for example: Campbell, Joel, "Testing of Culturally Different Groups," *Research Bulletin* (Princeton, New Jersey, Educational Testing Service, No. RB 64–34, June 1964); Krug, Robert E. "The Problem of Cultural Bias in Selection," *Selecting and Training Negroes for Managerial Positions* (Princeton, New Jersey, Educational Testing Service, 1965); Ash, Philip, "Race, Employment Tests, and Equal Opportunity", presented before Conference of National Association of Inter-Group Relations Officers, Chicago, Ill. (Oct. 21, 1965); Wallace, Phyllis; Kissinger, Beverly; and Reynolds, Betty; *Testing of Minority Group Applicants for Employment*, Office of Research and Reports, Equal Employment Opportunity Commission (March 1966).

[54] Interview with Frank A. Quinn, Regional Director, San Francisco Regional Office, U.S. Equal Employment Opportunity Commission, San Francisco, Calif., July 1967.

[55] Interview with Richard V. Marks, secretary-director, commission on community relations of the city of Detroit, Mich., Sept. 14, 1967.

[56] Interview with F. Joseph Rosati, chief, welfare merit systems bureau, State department of social welfare, Sacramento, Calif., July 27, 1967.

[57] Interview with Homer H. Jackson, district director, Texas Employment Commission, Houston, Tex., Aug. 25, 1967.

[58] Interview with Vernon R. Taylor, State examining standards, California State Personnel Board, Sacramento, Calif., July 28, 1967.

[59] Godfrey interview.

[60] Order on Validation of Employment Tests by Contractors and Sub-Contractors Subject to the Provision of Executive Order 11246. Federal Register, Vol. 33, No. 186, Part II, Sept. 24, 1968, Washington, D.C. The order does not cover professional, technical, or managerial positions. The Equal Employment Opportunity Commission has rendered several decisions on test validation. On August 24, 1966, the Commission adopted *Guidelines of Employment Testing Procedures.* In light of the Guidelines, the Commission found a respondent's testing procedure to be in violation of Title VII of the Civil Rights Act of 1964. Title VII permits employers to use ability tests which are "professionally developed" and which are not "designed, intended, or used 'to discriminate'." The Guidelines say that to be considered as "professionally developed," not only must the tests in question be devised by a person or firm in the business or profession of developing employment tests, but in addition, the tests must be developed and applied in accordance with the acceptable standards of the testing profession. Relevant in this case were the requirements that the tests used be structured in terms of the skills required on the specific jobs in question and that the tests be validated for those specific jobs. In other words, before basing personnel actions on test results, it must have been determined that those who pass the tests have a greater chance for success on the particular jobs in question than those who fail. Moreover, where the work force, or potential work force, is multiracial, the tests should be validated accordingly.

The Commission found that there was nothing to indicate that the traits measured by respondent's tests are traits which are necessary for the successful performance of the specific jobs available at respondent's plant. Nor that any of the tests had been validated properly in terms of the specific jobs available at respondent's plant, or in terms of the racial composition of respondent's work force. In the absence of evidence that the tests were properly related to the jobs and had been properly validated, the Commission found that respondent had no rational basis for believing that employees and applicants who passed the test would make more successful employees than those who failed; conversely, that respondent had no rational basis for believing that employees and applicants who fail tests would not make successful employees. The Commission found that respondent's testing procedures, therefore, were not "professionally developed." Accordingly, since

respondent's testing procedures served to perpetuate the same pattern of racial discrimination which respondent had maintained overtly for many years before it began testing, the Commission concluded that there was reasonable cause to believe that respondent, thereby, had violated and continued to violate Title VII of the Civil Rights Act of 1964. Source: Labor Policy and Practice (Fair Employment Practices), pp. 401: 2003–2005.

[61] Townsend interview.

[62] Barnes interview.

[63] Interview with James Newman, director of personnel, city of Oakland, Calif., Apr. 12, 1967.

[64] Psychologist Irwin Katz and his colleagues have done a series of studies on the effect of a variety of racial environment factors on the performance of Black Americans. See, for example, Irwin Katz, "Review of Evidence Relating to Effect of Desegregation on the Intellectual Performance of Negroes," *American Psychologist* (June 1964), pp. 381–399.

[65] McDougall interview.

[66] Interview with Walter Greene, deputy director, Michigan State Civil Rights Commission, Detroit, Mich., Sept. 15, 1967.

[67] Interview with Oliver M. Cole, regional director, Texas Department of Public Welfare, Houston, Tex., Aug. 25, 1967.

[68] Interview with Sergeant H. D. Teddy, assistant personnel director, Michigan State Police Department, Lansing, Mich., Aug. 11, 1967.

[69] Interview with Philip R. Berger, director, civil service commission, Alameda County, Oakland, Calif., June 28, 1967.

[70] Interview with Alvin C. Clark, director of employee relations, Wayne County Hospital Administration, Eloise, Mich., Sept. 21, 1967. Provisional workers in the Wayne County Hospital are not eligible for promotion.

[71] Detroit Civil Service Commission, Rule IV, Section 7(a).

[72] Barnes interview.

[73] Interview with Charles A. Meyer, secretary and chief examiner, and Robert C. Walter, assistant secretary and chief examiner, Detroit Civil Service Commission, Detroit, Mich., Sept. 18, 1967.

[74] Candidates who take the examination for the following classes receive the booklet:

(1) classes requiring less than a high school education, or for which a substantial proportion of the competitors substitute experience for high school;

(2) classes for which the education requirement is graduation from high school, but most of the competitors have been out of school for some years;

(3) classes for which the test mechanics require skills different from those used on the job;

(4) classes for which substantial numbers of the culturally deprived apply.

Source: Memo from California State Personnel Board to All Technical Staff and Clerical Supervisors, Mar. 10, 1967.

[75] Mallet interview.

[76] Taylor interview.

[77] Taylor interview.

[78] Interviews with Wilfred J. Godfrey, director of testing, Michigan State Civil Service Commission, Lansing, Mich., Sept. 8, 1967; Walter Greene, deputy director, Michigan State Civil Rights Commission, Detroit, Mich., Sept. 15, 1967; and H. D. Teddy, sergeant, Michigan State Police, East Lansing, Mich., Aug. 11, 1967.

[79] Interview with Harry Albert, assistant general manager, personnel, San Francisco City and County Civil Service Commission, San Francisco, Calif., July 1967.

[80] Stahl, pp. 75–76.

[81] Stahl, p. 76.

[82] Interview with Lionel Wilson, Judge, Superior Court, Oakland, Calif., July 1967.

[83] Wilson interview.

[84] Interview with Theodore Reavis, former project director, Oakland office of the Bay Area Urban League, Oakland, Calif., July 28, 1967.

[85] Taylor interview.

[86] Taylor interview.

[87] Telephone interview with Glenn McClung, State personnel board. examination division, San Francisco, Calif., Aug. 1, 1968.

[88] Public Personnel Association, *Minority Groups and Merit System Practice*, Personnel Report No. 653, p. 17.

[89] McClung interview.

[90] O'Kane interview and interview with Yori Wada, commissioner, San Francisco City and County Civil Service Commission, San Francisco, Calif., July 1967.

[91] Interviews with Walter L. Scott, coordinator of employment, San Francisco Human Rights Commission, San Francisco, Calif., Apr. 14, 1967, and Ernest Wu, employment representative, San Francisco Human Rights Commission, San Francisco, Calif., Apr. 14, 1967.

[92] Wada interview.

[93] Vernon R. Taylor, "Control of Cultural Bias in Testing: An Action Program," *Public Personnel Review*, July 1968, p. 176, and Lyman H. Cozad, "Use of Performance Tests by the Los Angeles City Civil Service Commission," *Public Personnel Review*, October 1941, p. 282, as quoted in *Municipal Personnel Administration*, p. 94.

[94] Mallet interview.

[95] *Municipal Personnel Administration*, pp. 94–95.

[96] Interview with David J. Keyser, chief of police, Baton Rouge, La., Sept. 28, 1967.

[97] Vernon R. Taylor, "Control of Cultural Bias in Testing: An Action Program," *Public Personnel Review*, July 1968, p. 176.

[98] Interview with C. J. O'Kane, Aug. 7, 1967.

[99] O'Kane interview, Aug. 21, 1968.

[100] Supra n. 97 at 177.

[101] Taylor, *Public Personnel Review*, p. 177.

[102] President's Commission on Law Enforcement and Administration of Justice, *The Challenge of Crime in a Free Society* (Washington, February 1967), p. 44.

Preliminary findings from another study, currently underway by the U.S. Commission on Civil Rights, indicate that the arrest rate for persons of Spanish surname in the Southwest is also above that of the majority group.

[103] President's Commission on Law Enforcement and Administration of Justice, p. 75.

[104] State of California Fair Employment Practice Commission, "Evaluating Job Applicants with Police Records", July 1966, pp. 1–2.

[105] These were the State of Texas (for jobs under the Texas Merit Council); the State of Louisiana; Delaware County, Pa.; the city of Baton Rouge; and the city of Memphis.

[106] In a message to Congress in March 1966 dealing with the rising problem of crime in America, President Lyndon B. Johnson directed Federal agencies to examine their policies and programs with respect to the employment of persons who had records of offenses against the law. He stated that the objective of correctional measures would be doomed "if legitimate avenues of employment are forever closed to reformed offenders." The plea was addressed not only to Federal agencies but to private business and State and local governments. As a result of the review made by the Civil Service Commission, the following changes in Federal policy were made: (1) Questions about arrests were eliminated from the application form. (2) Under a previous rule applications from persons convicted of a felony were rejected if the job involved law enforcement or fiduciary responsibilities unless the application was made at least 2 years after the sentence expired. The new rule removed this restriction; applications can now be accepted any time. (3) Offenses committed prior to the applicant's 21st birthday can now be omitted from the application. . . (Federal Personnel Manual Letter No. 731–2, Aug. 15, 1966).

[107] The four jurisdictions which did not require information on arrests were the State of Michigan; the State of California; Alameda County, Calif.; and Wayne County, Mich.

[108] Commonwealth of Pennsylvania, State Civil Service Commission, Application for Civil Service Examination, SCSC–1878, Rev. 4–60.

[109] The statement which appears in the instructions for the Michigan Civil Service application form reads as follows:

> If you were ever fined, or jailed, or placed on probation, or received a suspended sentence, or paid court costs or forfeited bond or collateral for violation of any law, give the full facts of the trouble. You may omit only minor traffic violations. Other minor violations must be listed. Drunk driving, reckless driving, hit and run driving, and revocation of drivers license are not minor traffic violations and must be included. If you are in doubt as to whether a traffic violation not mentioned above is a major violation, list it on the application. You will be fingerprinted and investigated before being hired.
>
> In evaluating arrest records, we consider the kind of offense, the number and recency of offenses, the penalty imposed, your age at the time, and your prior and subsequent conduct and work record. If you have been in trouble be sure you have given us a full explanation.
>
> *The fact that you admit an arrest record does not necessarily mean that you will be rejected nor that you will be barred from State employment.* (Emphasis added.)

[110] The policy statement given to applicants with arrest records by the city of San Francisco states:

> The answer to . . . the arrest question on the application is carefully reviewed by the Civil Service Commission staff as to the kind of arrest and what happened to the case. The decision to accept or reject the application depends upon the kind of work for which you are applying, the seriousness and the recency of the arrest, and your work record. An arrest does not usually bar you from being employed. Many people who have been arrested and convicted are cleared for employment and have been hired.
>
> If your application is rejected, you may request in writing for a hearing of your case before the Civil Service Commission.
>
> You must answer the arrest question fully and truthfully about any arrest you may have had whether it resulted in a conviction or not. If you have had your record sealed by court order, answer "no" to the arrest question.
>
> If you are now on probation or parole you may be accepted only for limited tenure or temporary employment if you meet the other requirements for the position. When your probation or parole is terminated and you have shown a good work record, you will be considered for permanent employment.

[111] Replies from Harry P. Griffiths, executive director, Pennsylvania State Civil Service Commission, and W. W. McDougall, director of personnel, Louisiana State Department of Civil Service to a U.S. Commission on Civil Rights letter, Apr. 12, 1968.

[112] Interview with Walter L. Scott, former coordinator of employment, Human Rights Commission, San Francisco, Calif., Apr. 14, 1967.

[113] Scott interview.

[114] Telephone interview with Edwin L. Swain, director of State merit system, State of Georgia, Atlanta, Ga., July 24, 1968.

[115] Reply from Philip Berger, director, Alameda County Civil Service Commission, to a U.S. Commission on Civil Rights letter, Apr. 12, 1968.

[116] Shannon interview.

[117] Interview with Arnold Beyer, district personnel officer, department of public works, division of highways, State of California, San Francisco, Calif., July 13, 1967.

[118] Reply from Norman C. Ecklund, director of recruitment and examinations, city and county of San Francisco Civil Service Commission, to U.S. Commission on Civil Rights letter, Apr. 12, 1968.

[119] Reply from John F. Fisher, executive officer, California State Personnel Board, Sacramento, Calif., to a U.S. Commission on Civil Rights letter, Apr. 12, 1968.

[120] O'Kane interview, Aug. 7, 1967.

[121] Reply from Franklin K. DeWald, Michigan State Personnel Director, Lansing, Mich., to a U.S. Commission on Civil Rights letter, Apr. 12, 1968.

[122] Reply from Robert C. Walter, assistant secretary and chief examiner, Detroit Civil Service Commission, Detroit, Mich., to a U.S. Commission on Civil Rights letter, Apr. 12, 1968.

[123] Reply from H. S. Lanier, acting director, Houston Civil Service Department, Houston, Tex., to a U.S. Commission on Civil Rights letter, Apr. 12, 1968.

[124] Stahl, pp. 57 and 58.

[125] China, 19,078; Japan, 25,253; Korea, 2,493; Philippines, 19,543. *Annual Report of the Immigration and Naturalization Service*, 1966, Table 35.

[126] The validity of statutes excluding aliens from public employment has been questioned by recent court decisions which emphasized the protection afforded aliens by the 14th amendment. The California anti-alien employment statute was recently declared unconstitutional by the Superior Court of Santa Barbara County. Relying on Supreme Court decisions which had affirmed the right of aliens under the 14th amendment to the "ordinary means of earning a livelihood" and which had repudiated the view that the State, in dealing with the common property or resources of the State, could arbitrarily prefer its own citizens to aliens, the court held that the State could not "constitutionally stop a potential citizen from following an ordinary occupation simply because the work is done on a public building or in a public park." (*Bruce* v. *Santa Barbara*, No. 80509, Superior Ct. of Santa Barbara County, Nov. 28, 1967; *Truax* v. *Raich*, 239 U.S. 33 (1915); *Takahashi* v. *Fish and Game Commission*, 334 U.S. 410 (1948). While this decision has not been appealed and is binding only in Santa Barbara County, the Supreme Court's interpretation of an alien's rights under the 14th amendment would seem to dictate similar results in other challenges of such statutes.

[127] Transcript of Proceedings, Open Meeting, California State Advisory Committee to the U.S. Commission on Civil Rights, Vol. II. June 9, 1967, Los Angeles, Calif., p. 367.

[128] Interview with Herman Gallegos, consultant, Ford Foundation, San Francisco, Calif., July 24, 1967. Testimony of Roger U. Hernandez, executive secretary of the Catholic Council for the Spanish-Speaking in San Francisco, Hearing Before the United States Commission on Civil Rights, May 1967, San Francisco, Calif., p. 431.

[129] The *Municipal Yearbook*, 1967, p. 160.

[130] Telephone interview with Miss Jo Watson, personnel technician, city of Atlanta, personnel division, Atlanta, Ga., July 9, 1968. Telephone interview with J. Fred Holmes, assistant director of civil service department, Houston, Tex., July 9, 1968.

[131] Personnel department and civil service commission, city of Philadelphia, *Philadelphia Civil Service Regulations* (Transmittal #93), 30.01 and city of Memphis, *Civil Service Rules and Regulations* (Memphis, May 1, 1958), p. 24.

[132] *City of Detroit, Civil Service Commission Rules, January 1967*, Rule VII, Sec. 1–4.

[133] Albert interview. The San Francisco rule is the reverse of the frequently found practice which accepts applications from out-of-towners and requires them to move into the city after they are appointed.

[134] Newman interview.

[135] Personnel board, city of Baton Rouge, *Rules Governing Employees in the Classified Service of the City of Baton Rouge and the Parish of East Baton Rouge*, Baton Rouge, La. (Feb. 3, 1960), Rule V, Sec. 2.4.

[136] For example, *City of Detroit Civil Service Commission Rules, January 1967*, Rule VII, Sec. 2.

[137] Testimony of the Hon. John D. Maltester, Mayor of San Leandro, Calif., Hearing, before the U.S. Commission on Civil Rights. San Francisco, Calif., May 1–3, 1967, and Oakland, Calif., May 4–6, 1967.

[138] Stahl, p. 58.

[139] International City Managers' Association, *Municipal Personnel Administration* (Chicago 1960), Appendix B, Rule IV, No. 1, p. 356.

[140] Louisiana State Department of Civil Service, *Louisiana State Civil Service Rules* (Baton Rouge, Feb. 25, 1966), Section 7.17(b) and *Rules Governing Employees in the Classified Service of the City of Baton Rouge and the Parish of East Baton Rouge, La.*, as amended to and including Feb. 3, 1960. Rule V, Section 2.2, p. 19.

[141] U.S. Commission on Civil Rights, *Political Participation*, May 1968, Appendix VII. Percentages are based on 1960 census data for voting age population. State figures prior to Voting Rights Act of 1965 are as of Mar. 19, 1965. Figures for Baton Rouge are as of Oct. 3, 1964.

[142] Id., ch. 7. p. 115.

[143] Id., Appendix VII, Table 8, pp. 240–43.

[144] Interview with Harry A. McNichol, county commissioner, Delaware County, Media, Pa., Aug. 2, 1967.

[145] McNichol interview.

[146] Stahl, p. 104.

[147] Interview with Judge Joseph G. Kennedy, chairman, Economic Opportunity Council of San Francisco, Inc., San Francisco, Calif., July 2, 1967.

[148] *Minority Groups and Merit System Practice*, Personnel Report No. 653, p. 17, Public Personnel Association, Chicago, Ill.

[149] Commission of Inquiry on Public Service Personnel, *Better Government Personnel*, the report of the Commission, New York, 1935, as quoted in Stahl, p. 105.

[150] Municipal Personnel Administration, U.S. Civil Service Commission (Washington 1960), p. 330.

[151] U.S. Civil Service Commission, *The Probationary Period*, Personnel Management Series No. 20, November 1967, p. 1.

[152] U.S. Civil Service Commission, *The Probationary Period*, p. 2.

[153] Stahl, p. 105.

[154] U.S. Civil Service Commission, *The Probationary Period*, p. 2.

[155] Vernon R. Taylor, "Control of Cultural Bias in Testing: An Action Program," *Public Personnel Review*, July 1968, p. 176.

[156] The total action against poverty program is now the mayor's committee for human resources development.

[157] Telephone interview with Mrs. Mary L. Williams, personnel officer, the mayor's committee for human resources development, Detroit, Mich., June 14, 1968.

[158] See Chapter I.

[159] Stahl, p. 118.

[160] Townsend interview.

[161] DeWald interview.

[162] Interviews with Cecil Moore, former president, Philadelphia Branch, National Association for the Advancement of Colored People, Philadelphia, Pa., Aug. 1, 1967, and Mrs. Kathleen Hackett, elected representative to the Philadelphia Anti-Poverty Action Committee, Philadelphia, Pa., Aug. 8, 1967.

[163] Telephone interview with Thomas E. Johnson, supervisor of police-community relations, Michigan State Civil Rights Commission, Apr. 28, 1968.

[164] Interview with Floyd Newsum, former fireman, Memphis, Tenn., Aug. 28, 1967.

[165] Shannon interview.

[166] Stahl, p. 109.

[167] Stahl, p. 120.

[168] Interview with Dr. Norvel Smith, Regional Director, Office of Economic Opportunity, Oakland, Calif., July 1967.

[169] Sutherland interview.

[170] Meyer interview.

[171] Mallett interview.

[172] Interview with William W. McDougall, director of personnel, State of Louisiana, Baton Rouge, La., Sept. 26, 1967.

[173] Meyer interview.

[174] Statement by Mel Ravitz, chairman of the board of supervisors for Wayne County as quoted in The Detroit News, Aug. 29, 1967.

[175] Marks interview.

[176] Lisker interview.

[177] Mrs. Maxine Smith, testimony before the Tennessee State Advisory Committee to the U.S. Commission on Civil Rights, Feb. 4, 1966, Memphis, Tenn.

[178] Testimony of Jack Ramsay, chairman of the Shelby County Commission before the Tennessee State Advisory Committee to the U.S. Commission on Civil Rights, Feb. 4, 1966, Memphis, Tenn.

[179] Interviews with Hugh Rice, personnel director, department of public works, Memphis, Tenn.; James Cole, director of the sanitation division, department of public works, Memphis, Tenn.; and Joseph C. Chumley, director of maintenance, department of public works, Memphis, Tenn., Aug. 28, 1967.

[180] Chumley interview.

[181] Chumley interview.

[182] Human Rights Commission of San Francisco, "A Preliminary Statistical Report: Racial and Ethnic Employment Pattern Survey of the City and County of San Francisco Government."

Entrance positions are the lowest level jobs, promotive positions are more generally filled by people already in the civil service although an upper level position filled from outside the service would also be considered in this category. Appointive positions are noncivil service.

[183] Telephone interview with Walter Scott, Apr. 15, 1968.

[184] Only 371 employees were classified as appointive compared with 9,372 in entrance and 3,503 in promotive positions. There are appointive positions only in the administrative, professional, and clerical and related occupational groups.

[185] The Percent of Employees in Promotive Positions by Race and Occupation: San Francisco 1965:

Occupation	*Majority group*	*Oriental American*	*Negro*	*Spanish American*
Total	31.3	33.0	10.7	13.7
Administrative	60.7	100.0	.....	.....
Professional	33.0	41.6	22.0	26.3
Semiprofessional and technical	31.0	38.5	3.5	25.0
Clerical and related	45.7	38.5	20.1	20.0
Skilled trades	28.5	14.3	29.6	10.5
Semiskilled trades	38.0	4.8	14.7	25.0
Transportation and related	5.9	5.1	1.3	4.8
Unskilled trades	11.5	.....	13.4	9.7
Service workers: protective and building service [1]	11.7	.....	7.1	7.7
Agriculture-horticulture	64.1	53.3	20.3	50.0
Service or institutional classes	14.7	8.3	15.5	3.6

[1] Does not include police and fire uniformed force. Includes watchmen, security officers, janitors, porters, etc.

NOTE.—Forty-five employees classified as nonwhites are included in the majority group.

Source: Human Rights Commission of San Francisco, "A Preliminary Statistical Report: Racial and Ethnic Employment Pattern Survey of the City and County of San Francisco Government", San Francisco, Calif., Aug. 12, 1965.

[186] The Commission was informed of only one instance of a differentiation in salary for white and black employees. The director of personnel for Shelby County stated that the pay scale had recently been equalized for all jobs with the exception of some in the Shelby County Hospital which remain unequal because there is no formal compensation plan.

Charges that these same Negro hospital employees were unaware of their rights to vacations and sick leave were made by a county employee. The director of personnel confirmed this by stating that many employees, in particular Negro employees, did not know they were entitled to vacation and sick leave because the county did not have a written set of rules and regulations governing county personnel procedures. [Interview with James Townsend, former director of personnel, Shelby County, Memphis, Tenn., August 1967.]

[187] Reported in an interview with Walter Scott.

[188] Davis interview.

[189] Interview with Augustine Calabro, president, Local 229 of the American Federation of State, County and Municipal Employees, department of public works, Detroit, Mich., Sept. 14, 1967.

[190] Interview with H. S. Lewis, executive director, Memphis Park Commission, Memphis, Tenn.

[191] Interview with John Martzell, special counsel to the Governor, Louisiana Commission on Human Relations, Rights, and Responsibilities, New Orleans, La., Oct. 11, 1967.

[192] Anonymous.

[193] Interview with Redden T. Parramore, assistant budget supervisor, Houston Health Department, Houston, Tex., Aug. 25, 1967.

[194] Rosenberry interview.

[195] Beyer interview.

[196] Interview with Bertrand H. Roussel, director of finance, city of Baton Rouge and parish of East Baton Rouge, La., Sept. 28, 1967.

[197] Interview with W. W. MacDougall, personnel director, Georgia State Highway Department, Atlanta, Ga., May 23, 1968.

[198] Anonymous.

[199] Anonymous.

[200] Interview with Eugene Mathievet, Jr., former director, Wayne County Civil Service Commission, Wayne County, Mich., Sept. 21, 1967.

[201] Anonymous.

[202] Interview with Murphy W. Bell, attorney and member of the Louisiana State Advisory Committee to the U.S. Commission on Civil Rights, Baton Rouge, La., Sept. 25, 1967.

[203] Interview with Sam Massell, vice mayor of Atlanta and Vice Chairman of the Georgia State Advisory Committee to the U.S. Commission on Civil Rights, Atlanta, Ga., May 20, 1968.

[204] Stahl, p. 28.

[205] U.S. Congress, Senate, Committee on Government Operations, *Hearings on S. 3408 Intergovernmental Personnel Act of 1966, before the Subcommittee on Intergovernmental Relations, 89th Congress, 2d. Session, Aug. 16–18* (Washington 1966), Exhibit 3, p. 20.

[206] Stahl, pp. 46–47.

[207] Merit system coverage in Texas is limited to employees covered by the Federal Merit Standards under the grant-in-aid programs.

[208] Community Relations Service, U.S. Conference of Mayors, "Equal Opportunity in Public Employment," Mar. 1, 1965, p. 4.

[209] Barnes interview.

[210] Sutherland interview.

[211] Coleman interview.

[212] *Civil Service News*, p. 9, U.S. Civil Service Commission, address by former Chairman John W. Macy, Jr., U.S. Civil Service Commission, to the opening session of the 1968 International Conference of the Public Personnel Association, Oct. 21, 1968.

[213] O. Glenn Stahl as quoted in an address by John W. Macy, Jr., at the opening session of the 1968 International Conference of the Public Personnel Association, Oct. 21, 1968.

[214] Stahl, p. 84.

[215] Stahl, p. 84.

[216] Minutes of the task force on police recruitment and hiring, May 24, 1968.

[217] Report of the special task force on police recruiting and hiring, p. 12.

[218] Mathievet interview and telephone interview with Aldo Bozzini, personnel office, welfare department, Alameda County, Calif., May 9, 1968.

[219] Philadelphia Civil Service Regulations, Personnel Department and Civil Service Commission Transmittal #94, Rule 9.062.

[220] Philadelphia Civil Service Regulations, Personnel Department and Civil Service Commission, Transmittal #88, Rule 9.121.

[221] Taylor interview.

[222] Stahl, p. 101.

[223] Wada and Quinn interviews.

[224] Interview with James Bush and Paul Borman, staff members on the mayor's development team, Detroit, Mich., Sept. 22, 1967.

[225] O'Kane interview.

[226] Newman interview.

[227] Trimpe interview.

[228] Ravitz interview.

[229] Barnes interview.

[230] Barnes interview.

[231] Thibaut interview.

[232] Rosenberry interview.

[233] Sutherland interview.

[234] Scott interview.

[235] O'Kane interview.

[236] Massell interview.

Footnotes

CHAPTER III

[1] Interviews with H. T. Jenkins, chief of police, Atlanta, Ga., May 22, 1968; W. W. Wilkinson, assistant chief of police, chief of administrative services, Memphis Police Department, Memphis, Tenn., Aug. 24, 1967; and David J. Keyser, former chief of police, Baton Rouge, La., Sept. 28, 1967.

[2] Interview with Casimir Chesley, personnel officer, police department, Philadelphia, Pa., Aug. 9, 1967.

[3] Interview with Mrs. Gertrude M. Williams, local office manager, Oakland Adult Minority Employment Project, Oakland, Calif., April 1967.

[4] Interview with Robert Tighe, secretary, Detroit Board of Fire Commissioners, Detroit, Mich., Sept. 22, 1967.

[5] Interviews with Royal Towns, first Negro employed by the Oakland Fire Department, Oakland, Calif., July 7, 1967, and James Sweeney, chief, Oakland Fire Department, Oakland, Calif., July 26, 1967.

[6] Interview with C. H. Hildebrand, chief, Atlanta Fire Department, Atlanta, Ga., May 30, 1968.

[7] Interview with Floyd Newsum, former fireman, Memphis Fire Department, Memphis, Tenn., Aug. 28, 1967.

[8] Interview with Charest Thibaut, Jr., chairman, community relations committee of city-parish, Baton Rouge, La., Aug. 21, 1967.

[9] The President's Commission on Law Enforcement and Administration of Justice, *Task Force Report:* The Police, 1967, p. 121 and telephone interview with Al Davis, special representative, International Association of Fire Fighters, Washington, D.C., Oct. 4, 1968.

[10] International City Managers' Association, *The Municipal Year Book 1967*, Chicago, Tables XI and XII, pp. 395–397 and pp. 453–455.

[11] *Municipal Year Book*, 1967, Table XII, pp. 452–478.

[12] *Task Force Report*, p. 133.

[13] Telephone interview with Warren Y. Kimball, chief fire service specialist, National Fire Protection Association, Boston, Mass., Apr. 25, 1968.

[14] William Raspberry, "Police and Public, a Serious Case", *IUD Agenda*, June 1967, vol. 3, No. 6, p. 7.

[15] For an account of intense hostility felt by young Negroes toward the Oakland police see "The Wrong Way to Find Jobs for Negroes" by David Wellman, *Trans-action*, April 1968, vol. 5, No. 5, pp. 8–18.

[16] Memorandum to Burton O. Levy, director, community services division, from Thomas E. Johnson, supervisor, police-community relations and tension analysis, Michigan State Civil Rights Commission, "The Recruiting Efforts of Six Police Departments Recently Visited", Jan. 23, 1968, p. 14.

[17] The city of Washington, D.C., which was not included in this study, actively recruited among the military personnel sent into the city during the civil disorders of April 1968, administering the written examination to interested soldiers at the places they were camped. *Washington Post*, Apr. 24, 1968.

[18] Levy-Johnson Memorandum, p. 13, and interview with Rev. Donald Ganoung, member

of California State Advisory Committee to the U.S. Commission on Civil Rights, Oakland, Calif., August 1967.

[19] Levy-Johnson Memorandum, pp. 13–14.

[20] Interview with Thomas E. Johnson, supervisor, police-community relations, Michigan Civil Rights Commission, Detroit, Mich., Sept. 19, 1967.

[21] Interview with W. W. Wilkinson, assistant chief of police, chief of administrative services, Memphis Police Department, Memphis, Tenn., Aug. 24, 1967.

[22] Telephone interview with Thomas E. Johnson, Apr. 28, 1968.

[23] Johnson telephone interview Apr. 28, 1968, and data supplied by Robert Quaid, director of personnel, Detroit Police Department, Detroit, Mich., Oct. 15, 1968. In the first 10 months of 1968, 165 Negroes were hired, representing 35 percent of all policemen hired.

[24] Interview with Rev. Donald Ganoung, member of California State Advisory Committee to the U.S. Commission on Civil Rights, Oakland, Calif., August 1967.

[25] Wilkinson interview.

[26] Of the eight central cities studied, only four had residency requirements for policemen. San Francisco requires applicants to have been residents of the State of California for 3 years immediately prior to taking the written examination. (See Recruitment announcement dated June 21, 1967.) Detroit requires policemen to be residents of the city by the time they finish their probationary period (1 year) but they must have been residents of the State of Michigan for a year prior to application (Recruitment pamphlet, C of D–54–PA, Revised 8–65.) Memphis requires residence in Shelby county if selected. (Recruitment pamphlet). Philadelphia requires residence for at least 1 year immediately prior to appointment. (Recruitment pamphlet). Furthermore, Philadelphia has never waived its residency requirements for police or for firemen although the Philadelphia Civil Service Commission has recommended they be waived for both. (Interview with C. J. O'Kane, assistant to the personnel director, personnel department, Philadelphia, Pa., Aug. 7, 1967.)

[27] The Michigan State Police Department, for example, normally admits to its training program only one out of every 25 men who indicate an interest in working for the police department. Interview with Sergeant H. D. Teddy, Michigan State Police Department, East Lansing, Mich., Aug. 11, 1967.

[28] Interview with Walter L. Scott, former coordinator of employment, San Francisco Human Relations Commission, San Francisco, Calif., Apr. 14, 1967.

[29] Statistical data supplied by Robert Quaid, director of personnel, Detroit Police Department, Detroit, Mich.

[30] Interview with Benjamin D. Brown, State Representative, Atlanta, Ga., May 20, 1968.

[31] Report of the Special Task Force on Police Recruiting and Hiring, Detroit, Mich., Aug. 8, 1968. P. 12.

[32] Johnson interview.

[33] Fox interview.

[34] The usual passing rate is one out of 15. See Fox interview.

[35] Subsequently, the procedure was changed and the physical and psychiatric tests were administered first. (Fox interview.)

[36] Fox interview.

[37] Fox interview.

[38] Interview with Dr. Dupuy Anderson, Baton Rouge community relations committee, Baton Rouge, La., Sept. 26, 1967.

[39] Towns interview.

[40] Press release from the office of Mayor Jerome P. Cavanagh, Detroit, Mich., May 27, 1968 and Detroit police recruitment brochure.

[41] Levy-Johnson memorandum, pp. 6, 10, and 16, Jan. 23, 1968.

[42] Interview with Yori Wada, commissioner, San Francisco City and County Civil Service Commission, San Francisco, Calif., July 1967.

[43] Interview with Daniel O'Connel, supervising inspector, California Highway Patrol, San Francisco, Calif., July 14, 1967.

[44] Replies to a letter from the U.S. Commission on Civil Rights, Apr. 12, 1968, requesting information on the use of arrest and conviction records.

[45] For example, the California State Code prevents anyone convicted of a felony from serving as a peace officer in any jurisdiction in the State; the charter of the city of Detroit prohibits felons from becoming city policemen.

[46] Civil Service Rules and Classification Plan, Memphis, Tenn., Section 6.10.

[47] Reply from Casimir P. Chesley, police personnel officer, Philadelphia, Pa., to a letter of Apr. 12, 1968, from the U.S. Commission on Civil Rights, requesting information on the use of arrest and conviction records.

[48] Reply from Chief Roy C. Nixon, Shelby County Sheriff's Department, Memphis, Tenn., to a letter from the U.S. Commission on Civil Rights, Apr. 12, 1968.

[49] Jenkins interview.

[50] Excluded were traffic offenses where the fine imposed was $30 or less, convictions for offenses committed before the applicant's 21st birthday which were finally adjudicated in a juvenile court or under a youth offender law, or incidents that had been sealed under welfare and institutions Code Section 781 or Penal Code Section 1203.45. Source: California State Personnel Board Application for Examination Form 678 (3–67).

[51] Question 8, Application for Police Employment, D.P.D., 482, Detroit Mich.

[52] Interview with Carl T. Sutherland, director of personnel, personnel department, city of Atlanta, Ga., May 20, 1968.

[53] Question 12, Application for Police Employment, D.P.D. 482, Detroit, Mich.

[54] Question 11, Application for Police Employment, D.P.D. 482, Detroit, Mich.

[55] Question 15, Application for Police Employment, D.P.D. 482, Detroit, Mich.

[56] Question 16, Application for Police Employment, D.P.D. 482, Detroit, Mich.

[57] Question 30. In addition, applicants who are successful in passing the written, medical and physical agility tests must be prepared to furnish the following list of documents and information to the office of the personnel examiner: bank books, birth certificate, marriage or divorce papers, insurance papers, discharge and separation papers (DD–214), voter's registration card, citizenship papers, if any, credit accounts, charge account statements, stocks and bonds, high school diploma, operator's or chauffeur's license, selective service registration classification card, gross earnings for previous year as filed with the U.S. Bureau of Internal Revenue, and loan payment books. See: "Detroit Police Department, Merit System, General Information for Applicants."

[58] O'Kane interview.

[59] Wilkinson interview.

[60] Report of the Special Task Force on Police Recruiting and Hiring, Detroit, Mich., p. 7.

[61] Johnson telephone interview, Apr. 28, 1968.

[62] See, for example, "Patterns of Behavior in Police and Citizen Transactions," by Donald J. Black and Albert J. Reiss, Jr., in *Studies in Crime and Law Enforcement in Major Metropolitan Areas*, Vol. II, A Report Study Submitted to the President's Commission on Law Enforcement and the Administration of Justice and Report of *The National Advisory Commission on Civil Disorders*, Mar. 1, 1968, p. 160.

[63] Statistical data supplied by Robert Quaid, director of personnel, Detroit Police Department, Detroit, Mich.

[64] State of Michigan, department of civil service, field investigation report on applicant, conservation officer, liquor enforcement TR. I, State police trooper I.

[65] State of Michigan, department of civil service, field investigation report on applicant.

[66] From material supplied by Chief Herman B. Short, Houston Police Department in reply to a letter from the U.S. Commission on Civil Rights, Apr. 12, 1968.

[67] Michigan Civil Rights Commission Memorandum to Burtin I. Gordin, executive director, from Walter R. Greene, deputy director, "Investigation of Michigan State Police Trooper Selection Process," June 13, 1967, p. 10.

[68] Gordin-Greene Memorandum, p. 11.

[69] Wada interview.

[70] Wada interview.

[71] Interview with Janet Cooper, case supervisor, compliance division, Michigan State Civil Rights Commission, Detroit, Mich., Sept. 21, 1967.

[72] Johnson interview.

[73] Johnson interview.

[74] Cooper interview.

[75] Interview with James Bush and Paul Borman, staff members, mayor's development team, Detroit, Mich., Sept. 22, 1967.

[76] Johnson telephone interview, Apr. 28, 1968.

[77] Johnson telephone interview, Apr. 28, 1968.

[78] Interview with James J. Sweeney, fire chief, Oakland Fire Department, Oakland, Calif., July 26, 1967, and Carl T. Sutherland, director of personnel, city of Atlanta, Ga., May 20, 1968.

[79] Wilkinson interview.

[80] Anonymous interview.

[81] Cooper interview and Johnson telephone interview, Apr. 28, 1968.

[82] Wilkinson interview.

[83] Interview with Richard W. Barnes, director of personnel, city of Memphis, Tenn., Aug. 23, 1967.

[84] Interview with Herman B. Short, chief, Houston Police Department, Houston, Tex., Aug. 9, 1967.

[85] Barnes interview.

[86] Newsum interview.

[87] Interview with John A. Jones, president, Baton Rouge Branch of the National Association for the Advancement of Colored People, Baton Rouge, La., Sept. 26, 1967.

[88] Interview with David J. Keyser, former chief of police, Baton Rouge, La., Sept. 28, 1967.

[89] The Fifth Circuit Court has held that the St. Petersburg, Fla., police department in assigning black officers solely to Negro areas violated the equal protection clause of the 14th amendment (*Baker* v. *City of St. Petersburg*, No. 23720, 5th Cir.), Aug. 1, 1968.

[90] Interview with Charest Thibaut, Jr., chairman, community relations committee of city-parish, Baton Rouge, La., Aug. 21, 1967.

[91] Telephone interview with Mrs. Patricia B. Miller, executive director, Louisiana Council on Human Relations, Baton Rouge, La., Sept. 25, 1967.

[92] Keyser interview.

[93] Wilkinson interview.

[94] Wilkinson interview.

[95] Interview with Raphael Taliaferro, public information officer, San Francisco Economic Opportunity Council, San Francisco, Calif., July 1967.

[96] Taliaferro interview.

[97] Interview with Frank A. Quinn, Regional Director, San Francisco Regional Office, U.S. Equal Employment Opportunity Commission, San Francisco, Calif., July 1967.

[98] Interview with Grayton Little, president, employees union, sheriff's department, Wayne County, Detroit, Mich., Sept. 19, 1967.

[99] Wada interview.

[100] Wada interview.

[101] Taliaferro interview.

[102] Interview with Albert Dector, personnel officer, Philadelphia Fire Department, Philadelphia, Pa., Aug. 7, 1967.

[103] Tighe interview.

[104] Sweeney interview.

[105] Tighe interview.

[106] Newsum interview.

[107] Wada interview.

[108] Interview with Donald Cummins, chief, head of community relations unit, San Francisco Fire Department, San Francisco, Calif., July 1967.

[109] Interview with Dr. Norvel Smith, Regional Director, U.S. Office of Economic Opportunity, Oakland, Calif.

[110] Sweeney interview.

[111] Hildebrand interview.

[112] Cummins interview.

[113] Thibaut interview.

[114] Interview with W. O. Hunter, assistant chief, Houston Fire Department, Houston, Tex., Aug. 11, 1967.

[115] Hildebrand interview.

[116] Dector interview.

[117] Taliaferro interview.

[118] Ganoung interview.

[119] Sweeney interview.

[120] Hildebrand interview.

Footnotes

CHAPTER IV

[1] Title VI of the Civil Rights Act of 1964, which requires equality of service from State and local government programs, does not require equal employment opportunity unless the purpose of the federally aided program is to create employment. One example of this Federal equal employment opportunity requirement is the Appalachian Regional Commission. In the Appalachian Regional Commission Area, which receives special Federal funding to create projects to relieve severe unemployment, the equal employment requirement applies to employees of State highway departments connected with the Appalachian highway program. Source: Bureau of Public Roads, U.S. Department of Commerce, Policy and Procedures Memorandum, Appalachian Highway Procedures, 23–3 Transmittal 47, 12–7–65, p. 3.

However, in the Federal-Aid Highway Act of 1968, "employment in connection with all projects approved on or after Aug. 23, 1968, will be provided without regard to race, color, creed or national origin." Memorandum of Lowell K. Bridwell, Federal Highway Administrator, U.S. Department of Transportation, Aug. 30, 1968. Also covered are "State highway department employees any part of whose compensation is reimbursed from Federal funds." Interim State Assurance With Regard to Equal Employment Opportunity as Required by the Federal-Aid Highway Act of 1968, point 7.

[2] A complete list of programs covered by the Standards is in Appendix C.

[3] One source of resistance to congressional enactment of the requirement, as a historian of the Social Security Act expressed it, was that "the southern members [of Congress] did not want to give any authority to anyone in Washington to deny aid to any state because it discriminated against Negroes in the administration of old-age assistance." Another was the general Congressional apprehension about Federal intervention in State personnel practices. Source: Edwin E. Witt, *The Development of the Social Security Act* (Madison, Wis., 1962), pp. 144 and 145.

Arthur J. Altmeyer, Chairman of the Social Security Board from 1935 to 1946, recorded that political interference and inefficiency caused the withdrawal of Federal funds from three States in 1938.

"The inefficiency or political motivation of personnel, of course, affected the cost of administration, but, far more seriously, resulted in inequity in providing assistance to needy persons on the basis of their actual need. The political motivation was particularly strong in old age assistance because of the strength of the Townsend Movement.

"The administration was so bad in three states that the board was obliged to withdraw grants. Two of the states, where the situation was due to plain inefficiency rather than political motivation took immediate corrective action, so they actually lost no federal funds. But in Ohio, where a particularly scandalous situation existed, the state failed to take corrective action and did actually suffer the loss of federal funds. The Governor of Ohio had become increasingly active from 1936 to 1938 in soliciting the political support of old age assistance recipients. . . . In December 1937, a 10 percent increase was ordered by the Governor, and members of the staff of the state old-age assistance agency were directed to deliver personally to each recipient a copy of the Governor's order.

"The Ohio story also demonstrated that the Social Security Act should have been explicit in requiring state and local personnel to be appointed in accordance with recognized civil service standards and in guarding against the use of public assistance rolls for political or commercial purposes. It also demonstrated that the Social Security Act ought to provide additional sanctions less stringent than the complete withdrawal of federal grants to secure compliance with federal requirements." Source: Arthur J. Altmeyer, *The Formative Years of Social Security* (Madison, Wis., 1966), pp. 75 and 79.

[4] U.S. Congress, *Social Security Act of 1935*, as amended (Washington, D.C., 1966), Title I, Sec. 2(a)(5) and other sections.

[5] Federal Security Agency, *Fifth Annual Report* (Washington, D.C., 1940), p. 94.

[6] Federal Security Agency, Social Security Administration, *Standards for a Merit System of Personnel Administration*, Sept. 1, 1948.

[7] Department of Health, Education, and Welfare; Department of Labor; Department of Defense; "Standards for a Merit System of Personnel Administration", rev. ed., *Federal Register* (Jan. 26, 1963) pp. 734–7. (See Appendix C.)

[8] Department of Health, Education, and Welfare; Department of Labor; Department of Defense, p. 734.

[9] Of the States covered in this study, California and Michigan have effective statewide merit systems with virtually complete coverage. Pennsylvania's merit system covers about one-half of all State employees. Louisiana is reported to have covered the majority of State employees. In Georgia more than 60 percent are covered; in Tennessee about 20 percent. In the State of Texas the merit system applies only to employees administering federally aided programs requiring a merit system. (These data and estimates were obtained from Office of State Merit Systems regional representatives in 1968 and are considered reasonably current and accurate.)

Eighteen of the 50 States do not have statewide merit systems but cover only the agencies required by the Federal merit standards. Source: U.S. Congress, Senate, Committee on Government Operations, *Hearings on S. 3408 Intergovernmental Personnel Act of 1966, before the Subcommittee on Intergovernmental Relations, 89th Congress, 2d Session, Aug. 16–18* (Washington D.C., 1966), Exhibit 3, p. 20.

[10] Interviews with Joseph Hoffman, Assistant to the Regional Health Director for Equal Health Opportunity, San Francisco, Calif., July 26, 1967; Ed Collins, personnel officer, California Department of Employment, Sacramento, Calif., July 27, 1967; Tom Ecker, Regional Merit System Representative, Atlanta, Ga., Sept. 22, 1967.

[11] Letter from Albert H. Aronson, Director, Office of State Merit Systems, HEW, to Mrs. Eunice S. Grier, Director, Research Division, U.S. Commission on Civil Rights, Dec. 13, 1968.

[12] Department of Health, Education, and Welfare, Division of State Merit Systems, *Memorandum to Department of Labor; Department of Defense; and the Welfare Administration, Bureau of Family Services; and the Public Health Service of the Department of Health, Education, and Welfare* (Washington, D.C., Sept. 26, 1963).

[13] Albert H. Aronson, Director, OSMS, wrote to the Alabama Personnel Director on Jan. 4, 1968 as follows:

> We understand that the State has taken the position that it abides by the provisions of State law requiring appointment in its civil service on a merit basis; that, in fact, there is no discrimination on the basis of race in State employment; and therefore, there is no necessity for further amendment of the Alabama laws or regulations. As you know, the replies from the State, taking the position noted, have not been accepted as meeting the requirements of the standards and have not been incorporated into the State plan for any of the Federal programs.
>
> Quite frankly, we are puzzled at the State's reluctance to adopt the required provisions if, as is apparently its contention, the present provisions of the Alabama merit system have the same substance and effect. We continue to question that the plan does so provide (consider, especially, the absence of a clear provision for prohibition of

discrimination and for appeals with respect to discretionary personnel actions such as selection under the rule of three, dismissal of probationary employees, and promotion) and, therefore, believe that an amendment is essential.

The same letter also requested a report of the racial composition of the relevant State agencies.

J. S. Frazer, Alabama Personnel Director, replied on February 15, 1968:

> It is the conclusion of the Board that the present laws and regulations of the State of Alabama, as described in my letter of August 8, 1962, to Mr. Joseph T. Ecker, Regional Representative of the Division of State Merit Systems and confirmed in my letter to you of May 3, 1965, embody the same prohibitions as those you want our Board to adopt.

The Department of Justice instituted a suit, *United States* v. *Frazer, et. al.*, Civil No. 2709–N, (M.D. Ala.), Filed June 12, 1968 charging State agencies of Alabama with "discrimination in employment against Negroes on account of their race."

[14] The official "mission" and important "functions" of the agency are:

Mission

The Office of State Merit Systems serves as the Secretary's staff in matters involving State personnel administration in the Department's grant-in-aid programs.

Functions

A. The Office of State Merit Systems is responsible for—

1. Providing coordination, leadership, and guidance to the operating agencies in relation to State personnel administration in the grant-in-aid programs.

2. *Developing and maintaining policies, standards, and procedures for State merit systems in Department grant-in-aid programs.* (Emphasis added.)

3. *Assisting States in maintaining conformity with Federal merit system requirements and in achieving maximum efficiency and economy in personnel administration.* (Emphasis added.)

4. Reviewing State personnel plans in the grant-in-aid programs and recommending appropriate State and Federal action.

* * * * * * *

7. *Conducting periodic and special reviews of State personnel operations in merit system and grant-in-aid agencies.* (Emphasis added.)

B. The Office of State Merit Systems is responsible for:

1. Performing similar services, on a contractual basis, for other Federal agencies, including the Bureau of Employment Security, Department of Labor, and for the Office of Civil Defense, Department of Defense.

2. Providing coordinating services to attain common interdepartmental policies, standards, procedures, and action in Federal-State personnel relations.

Source: Department of Health, Education, and Welfare, Office of the Secretary, *HEW Organization Manual* (Washington, Mar. 8, 1967), Part 2, Chapter 2–590.

[15] Agreement for the Provision of Merit System Services to the Bureau of Employment Security, Oct. 26, 1949.

[16] Letter from Aronson to Grier, Dec. 13, 1968. The letter further states OSMS' views of guidelines for nondiscrimination as follows: "The Office does have guidelines for implementing the prohibition of discrimination requirement. The Federal Standards for a Merit System of Personnel Administration is itself a basic guideline to the States in provisions for equal employment opportunity. Oral guidance is continually provided by our regional representatives in their recurring contacts with State personnel and program officials. At every conference of our regional representatives, the subject of equal employment opportunity in State grant-aided programs is discussed. At these conferences, approaches to more effective implementation are discussed and methods, successful in one or more

States, are shared for the benefit of all representatives in their continuing contacts with States."

[17] Letter from Norman Locke, Acting Director, OSMS, to William L. Taylor, Staff Director, U.S. Commission on Civil Rights, May 14, 1968.

However, in 1960, "Instructions and Guides for Completing the Qualitative Section of the Merit System Review," was drafted in anticipation of a more extensive compliance program covering all aspects of merit systems operations. Additional resources were not approved for the programs' implementation and the Guides were never officially accepted. The Guides were used as general guidance for later special reviews. Source: Telephone interview with Robert L. Veazey, Assistant to the Director, OSMS, July 18, 1968.

[18] Department of Health, Education, and Welfare; Department of Labor; Department of Defense, p. 737.

[19] Aronson interview and Department of Health, Education, and Welfare Division of State Merit Systems; Department of Labor; Department of Defense, "Review of Operations-Grant Aided Agency, Review of Operations-Merit System Agency," Budget Bureau No. 85–R012.

[20] Aronson letter to Grier, Dec. 13, 1968.

[21] Interview with Aronson, Dec. 5, 1968.

[22] U.S. Department of Labor, Bureau of Employment Security, *Minority Group Staffing in Employment Security Agencies* (Washington, D.C., February 1967).

[23] Letter from Albert H. Aronson, Director, OSMS, to William L. Taylor, Staff Director, U.S. Commission on Civil Rights, June 13, 1968.

[24] Aronson letter to Taylor.

[25] Locke interview.

[26] Funds have been requested for additional activities including equal employment opportunity compliance and been denied by the Bureau of the Budget. There were 65 budgeted positions for OSMS in 1967 with 59 filled. Source: Interview with Norman O. Locke, Chief, Standards and Plans Branch, OSMS, June 2, 1967 and Locke letter.

[27] Locke letter.

[28] Locke letter. This response does not even refer to "Compliance in Operation" language of the Federal Merit Standards.

[29] Locke letter.

[30] Locke letter.

[31] The Mississippi welfare open meeting was held on Feb. 27–28, 1967. "Welfare in Mississippi," a report of the Mississippi State Advisory Committee to the U.S. Commission on Civil Rights, February 1967, and the unpublished "Report on the Review of Personnel Administration in the Mississippi Department of Public Welfare."

[32] Aronson letter to Taylor.

[33] Division of State Merit Systems, *Instruction and Guides for Completing the Qualitative Sector of the Merit System Review* (Washington, D.C., June 1960).

[34] Telephone interview with Robert L. Veazey, Assistant to the Director, Office of State Merit System, HEW, July 18, 1968.

[35] A few special reviews were made such as in Mississippi noted above, but these were not systematic nor did they include all merit system agencies.

[36] Letter from Fred H. Steininger, Director, Bureau of Family Services and Katherine B. Oettinger, Chief, Children's Bureau, to State agencies administering State plans for public assistance and child welfare services, Dec. 19, 1966.

[37] Interview with Roselle Hart, Assistance Payments Administration Regional Representative, and Mrs. Thelma Thompson, Regional Representative for Child Welfare of the Chicago Regional Office, Sept. 5, 1967.

[38] Letter from the Texas Welfare Department to Fred H. Steininger and Katherine B. Oettinger, dated Jan. 25, 1967.

[39] U.S. Department of Labor, Bureau of Employment Security, *General Administration Letter #747* (Jan. 20, 1964).

[40] U.S. Department of Labor, Bureau of Employment Security, *Regional Memorandum #1216* (Mar. 19, 1965).

[41] U.S. Department of Labor, Bureau of Employment Security, *General Administration Letter No. 1110*, (Aug. 28, 1967).

[42] "These reviews were conducted as BES studies. The extent of our staff participation varied from State to State dependent on the workload and other priorities at any given time, but there was staff participation in most of the studies. Our staff did not prepare OSMS' comments since they were involved in the studies and only a single report was prepared for each State." Aronson letter to Grier, Dec. 3, 1968. However, the Commission has a copy of an OSMS report resulting from a review of the Texas Employment Agency dated May 28, 1965.

[43] U.S. Department of Labor, Bureau of Employment Security, *Nondiscrimination Evaluation-Review*, Michigan (Washington, D.C., 1966).

[44] Interview with Charles P. Little, Director, Office of State Personnel Management and Training, Bureau of Employment Security, Department of Labor, June 12, 1967.

[45] U.S. Department of Labor, Bureau of Employment Security, *Nondiscrimination Evaluation Review-Louisiana* (Washington, D.C., 1966); *Tennessee* (Washington, D.C., 1965); *Pennsylvania* (Washington, D.C., 1965); *California* (Washington, D.C., 1966); *Texas* (Washington, D.C., 1965); *Michigan* (Washington, D.C., 1966).

[46] The "policy statement," quoted below was, "developed in response to the recommendations of the Cresap, McCormick and Paget study," which, "has been approved and is now Bureau policy."

"The Policy of the Bureau is to develop, implement, and respond to an evaluation program that will assess all aspects of administration and management, program achievement, and resources utilization in the employment security system. *Primary reliance will be placed on self-appraisal because such a system provides the best means to obtain prompt and complete remedial action.* Evaluation measurements will be identified, to the extent feasible in all activities, in terms of end results indicative of efficient program achievement. Productivity goals will be used as measurements wherever applicable. (Emphasis added.)

"The Bureau in consultation with State agencies will develop the design and content of the evaluation program. The program will indicate the minimum coverage of the evaluations and, to the extent feasible, will establish criteria to be used in determining program accomplishment.

"When the Bureau is assured that the self-evaluation process is working satisfactorily, as determined by the monitoring system described below, the self-evaluation process will be used as the primary means of determining program accomplishment by a State agency.

"The Bureau's evaluation program will be designed to determine on a continuous basis the adequacy of State evaluations and to improve the methods of evaluation. The Bureau's evaluations will relate, in terms of measurement factors and objectives, to comparable elements of the State self-appraisal program. The Bureau will seek, to the extent feasible, joint participation in State and local office evaluations. *Independent periodic evaluations by the Bureau will be made only to the extent considered necessary as shown by the adequacy of the State evaluation process. The Bureau will conduct evaluations regularly in any State which does not perform the evaluations objectively and thoroughly until such time as the State agency demonstrates its capability and effectiveness in carrying out the program.*" (Emphasis added.)

Source: U.S. Department of Labor, Bureau of Employment Security, *Staff Memorandum #1924* (Washington, D.C., Oct. 24, 1967).

[47] U.S. Department of Labor, Office of State Personnel Management and Training, "Bureau of Employment State Agency Self-Evaluation," (Washington, May 1968). A preliminary self-evaluation form has been created and tested on a trial basis in three States. This form has over 100 pages of questions—18 pages dealing with personnel and training practices. Nine of the questions directly relate to equal employment opportunity. However, the initial returns from the test States contained many incomplete responses.

[48] On June 12, 1968 the first such case was filed, *United States* v. *John S. Frazer, as Director, Alabama Personnel Department, et. al.* On August 16, 1968 the U.S. District Court for the Middle District of Alabama, Northern Division ordered and stated:

1. The enactment of Titles VI and VII of the Civil Rights Act of 1964 has *not* nullified "the authority of the Secretaries of Defense, Health, Education and Welfare, and Labor to adopt 45 CFR 70.4," (the Federal Merit Standards).

2. "It has long been recognized that the United States has the right to bring suit to require the recipient of Federal grants to comply with the terms and conditions of the grant." The administrative remedy is not exclusive.

3. And the court added: "As a matter of fact, the interest of the United States in these Federally financed programs may be so considerable that the Government, through its duly constituted officials, including the Attorney General of the United States, has a constitutional obligation to eliminate racial discrimination in their administration. Failure on the part of any of these Government officials to take legal action in the event that racial discrimination does exist . . . would constitute dereliction of official duty."

[49] Locke interview.

[50] Altmeyer, pp. 75 and 79 and Aronson interview.

[51] *Alabama* v. *Gardner*, 385 F. 2d 804 (5th Cir. 1967), *cert. denied*, 389 U.S. 1046 (1968). However, an OSMS regional official has stated that the threat of an investigation (the first step preparatory to an administrative hearing) has been useful in obtaining required action of a State agency in a few cases not dealing with equal employment opportunity. Interview with Bert Michael, Assistant Regional Representative, OSMS, Chicago regional office, HEW, Sept. 5, 1967.

[52] Telephone interview with Clayton Johnson, Chief, Division of State Personnel Management and Merit Systems, BES, July 24, 1968. Audit exceptions do not provide remedies for individuals discriminated against. There is usually a significant time lag, up to 3 or 4 years, before exceptions are discovered, thus the remedy is so long delayed that it is of small use to an aggrieved party. Audit exceptions cause the State to lose only small amounts of Federal funds after the discrimination has taken place. The weakest aspect is that generally no change in State agency operation would be required.

[53] Aronson interview.

[54] Court suits have not previously been used to implement the standards.

[55] See Footnote 13, pp. 268–69.

[56] HAA was previously known as the Public Housing Administration.

[57] See U.S. Congress, U.S. Housing Act of 1937, as amended, Sec. 10(c) in U.S. Congress, House of Representatives, Committee on Banking and Currency, *Basic Laws and Authorities on Housing and Urban Development*, revised through May 15, 1967 (Washington, D.C., 1967), pp. 186–187.

[58] Department of Housing and Urban Development, *Loan and Capital Grant Contracts*, II, Terms and Conditions (Washington, D.C., 1965), Sec. 105.

[59] U.S. Congress, Housing Act of 1949, as amended—*Slum Clearance and Urban Renewal*, Title I, Sec. 103(b) in U.S. Congress, House of Representatives, Committee on Banking and Currency, *Basis Laws and Authorities on Housing and Urban Development, Revised through May 15, 1967* (Washington, D.C., 1967), p. 295.

[60] The Housing Act of 1937, as amended, and the Housing Act of 1949, as amended, require numerous actions by local governments before the local agency may receive Federal assistance. Some of them are:

Public housing

Adoption of a Workable Program (Sec. 10(e)). Housing Act of 1937.

Approval of the local housing authority's application to the HAA. (Sec. 15(7)(a).) Housing Act of 1937.

Agreement between local government and local housing authority providing for local government cooperation (Sec. 15(7)(b).) Housing Act of 1937.

Urban renewal

Adoption of Workable Program for Community Improvement. (Sec. 101(c).) Housing Act of 1949.

Local governing body must approve the renewal plan. It must find that (1) Federal financial aid is necessary to carry out renewal, (2) renewal plan provides for maximum amount of rehabilitation, (3) renewal plan conforms to comprehensive plan, and (4) plan provides for parks and recreation and considers the welfare of children. (Sec. 105(a).) Housing Act of 1949.

[61] Department of Housing and Urban Development, *Annual Contributions Contracts*, II (Washington, D.C., 1966) Sec. 304(A).

[62] Executive Order 11114 extended existing Federal contractor employment nondiscrimination requirements (EO 10925) to federally aided construction contracts.

[63] Interview with Mary D. Pinkard, Intergroup Relations Officer, Office for Housing Assistance Administration, HUD, May 14, 1968.

[64] National Housing Agency, Commissioner's Order, *Manual of Policy and Procedure* (Washington, D.C., May 14, 1946), Sec. 3012:2, par. 7d.

[65] The basic change in the clause was the affirmative action requirement.

[66] In some States, including Georgia, Tennessee, and Michigan, both the housing and renewal functions are carried out by one local agency.

[67] Interviews with Larry Duncan, Assistant for Intergroup Relations, Renewal Assistance Administration, HUD, May 18, 1967, and Philip Sadler, Director, Intergroup Relations, Housing Assistance Administration, May 19, 1967. The 1967 Census of Governments shows 42,000 employees as the full-time equivalent employment of local housing and renewal agencies.

[68] See Table 4–7 for list of agencies.

[69] Pinkard interview.

[70] Pinkard, Duncan, and Sadler interviews.

The policy of racial equity assured that Negroes would obtain jobs at all levels. It was not based on agency-wide merit appointment, however, and it placed certain positions out of reach of Negroes. Promotions were not an initial problem because of the racial restrictions inherent in the racial equity concept.

In this connection, it should be noted that as of Jan. 1, 1967, the large majority of public housing projects had either all-white or all-Negro occupancy.

Additional source: Housing and Home Finance Agency, U.S. Public Housing Administration, *Open Occupancy in Public Housing* (Washington, D.C., 1953), pp. 3–8.

[71] Pinkard interview.

[72] Interview with Booker T. McGraw, Assistant to the Secretary for Intergroup Relations, Department of Housing and Urban Development, May 24, 1967 and Pinkard and Duncan interviews.

[73] Robert C. Weaver, *The Negro Ghetto* (New York 1948). p. 158.

[74] Duncan and Sadler interviews.

[75] Letter from Walter B. Lewis, Assistant Secretary for Equal Opportunity, HUD to Howard A. Glickstein, Acting Staff Director, U.S. Commission on Civil Rights, Dec. 17, 1968.

[76] U.S. Department of Housing and Urban Development, HUD Handbook 1160. *Organization: Assistant Secretary for Equal Opportunity*, 1968, pp. 1–2, 12.

[77] HUD Handbook, 1170.1, Regional Organization, Chapter 11 "Assistant Regional Administrator for Equal Opportunity," 1968, p. 91.

[78] Lewis letter, Dec. 17, 1968.

[79] Duncan and Sadler interview.

[80] Department of Housing and Urban Development, Secretary's Order #13, (Revision No. 1) (Washington, D.C., Feb. 1, 1967).

[81] Duncan and Sadler interviews.

[82] Lewis letter, Dec. 17, 1968.

[83] Sadler interview.

[84] From Administrative Manual, Staff Procedures, Low-Rent Program Operations, the Management Officer is required to determine whether serious problems exist with respect to:

"(3) *Nondiscrimination* (a) Equal Employment Opportunity, including but not limited to recruitment, hiring, promotion, transfers, affirmative action, and posting regulations.

* * * * * * *

"Note: The reviewer shall examine each item of the above policies and practices in depth and record them in the record of observations, unless a special study has been made as to such items within the six-month period preceding the Management Review. In the latter event, any remaining follow-up action resulting from such special study shall be undertaken by the reviewer."

Source: Department of Housing and Urban Development, Housing Assistance Administration, *Management Review Program*, 86–5–4 (Washington, D.C., March. 1966), p. 3.

While no system of formal compliance review of LPA equal employment opportunity existed at the time this survey was made, Washington officials assured Commission staff that such a program was being formulated. Source: Duncan and Sadler interviews. and interview with B. T. McGraw, Assistant to the Secretary for Intergroup Relations, Department of Housing and Urban Development, May 24, 1967.

[85] Interview with Orville E. Freeman, Management Officer, Housing Assistance Office, Chicago Regional Office, HUD, Sept. 6, 1967.

[86] Interview with A. Dean Swartzel, Director, Program Operations, Renewal Assistance Office, Chicago Regional Office. HUD, Sept. 6, 1967.

[87] U.S. Commission on Civil Rights received 15 reports of management reviews including civil rights audits. They were selected by HAA in HUD to represent authorities in all regional offices. With very few exceptions, the only references to equal employment were statements that the required posters were on the wall, or were being put up as a result of the auditor's visit.

[88] Duncan and Sadler interviews.

[89] Lewis letter, Dec. 17, 1968.

[90] Swartzel interview.

[91] Duncan, Sadler, and McGraw interviews.

[92] Edward C. Sylvester, Jr., Director, Office of Federal Contract Compliance, U.S. Department of Labor, to heads of all agencies, *Memorandum* (Dec. 22, 1966).

[93] Richard G. Mitchell, Assistant Regional Administrator for Renewal Assistance, Renewal Assistance Office, Region VI, San Francisco, *Memorandum* (San Francisco, May 1, 1967), to all Bay Area Local Public Agencies, concerning Equal Employment Opportunity—Affirmative Action Programs.

[94] Duncan interview. The job was determined to be too great a task and it was felt that other means could be used to monitor local agency employment, such as field visits.

[95] Lewis letter, Dec. 17, 1968.

[96] Telephone interviews with Joseph Burstein, Associate General Counsel, HUD, July 25, 1968 and Lewis letter.

[97] Housing and Home Finance Agency, *Loan and Capital Grant Contract*, Part II, Terms and Conditions (Washington, D.C., 1954), Article V.

[98] Burstein interview.

[99] Burstein interview.

[100] *United States* v. *Housing Authority of the City of Little Rock, Arkansas*, Civil No. LR 68 C–239 (E.D. Ark., filed Nov. 21, 1968).

[101] *United States* v. *Housing Authority of the City of Little Rock, Arkansas*, Civil No. LR 68 C–239 (E.D. Ark., filed Nov. 21, 1968) order issued Dec. 7, 1968.

[102] Lewis letter.

[103] Freeman interview.

Footnotes

APPENDIX A

[1] "Each Standard Metropolitan Statistical Area (SMSA) consists of a single county area or group of contiguous counties. . . . Each such area includes at least one 'central city' of at least 50,000 inhabitants or—in a few instances—contiguous twin cities which together meet this population minimum." Source: U.S. Department of Commerce, Bureau of the Census, *Census of Governments: 1962, Vol. V—Local Government in Metropolitan Areas, p. 1.*

[2] See *Racial Isolation in the Public Schools.*

[3] In 1960, 98.5 percent of the nonwhites in the Philadelphia SMSA, 98.6 percent of the nonwhites in the Detroit SMSA, and 99 percent of the nonwhites in the city of Detroit were Negro. Source: U.S. Bureau of the Census, *U.S. Census of Population, General Population Characteristics,* PC(1)—B Series, Washington, D.C., Tables 21 and 28.

[4] The new counties added were Crittenden County, Arkansas in the Memphis SMSA and four Texas counties—Brazoria, Fort Bend, Liberty, and Montgomery—in the Houston SMSA.

[5] Other organizations which were invited but were unable to send representatives were the American Society for Public Administration, the American Political Science Association, the American Institute of Planners, the National Association of Counties, and the International Association of Fire Fighters.

[6] In the Memphis and Baton Rouge SMSA's letters were sent to mayors of cities of 1,000 or more population.

[7] Separate mailings were made to the heads of six independent constitutional offices in Baton Rouge and to seven Shelby County (Tennessee) offices not included under the County Commissioners.

[8] Those governments explicitly refusing to complete the survey on the grounds that it was illegal were: Grosse Pointe Woods, Grosse Pointe Farms, Harper Woods, Southfield City, and Hazel Park, Michigan.

[9] The figures are: 11,333 total employees and 3,139 nonwhite employees in the selected departments out of a grand total of 26,448 employees and 19,607 nonwhite employees.

[10] Although a portion of the Philadelphia SMSA is in New Jersey and a portion of the Memphis SMSA in Arkansas, data were not collected for New Jersey and Arkansas State employees.

[11] References used were: U.S. Bureau of the Census, *1960 Census of Population, Index of Occupations and Industries* (Washington, D.C. 1960) and U.S. Employment Service, *Dictionary of Occupational Titles: Definitions of Titles,* Vol. 1, 1965.

[12] Jack Buckley, chief, transactions division of the bureau of personnel, State of Pennsylvania, informed the Commission that job titles listed as unknown included such personnel as consultants and other employees not employed on the standard basis.

[13] The confusion arose because the Census Bureau distinguishes between licensed practical nurses, which it classifies in the professional and technical category, and unlicensed practical nurses, which it does not. Some respondents failed to make the same distinction.

[14] Checking was done by a computer consistency comparison of the horizontal sum of the parts with the total for each line of the card.

Footnotes

RECOMMENDATIONS

[1] U.S. Constitution, Amendment XIV.

[2] The courts have "not merely the power but the duty to render a decree which will so far as possible eliminate the discriminatory effects of the past as well as bar like discrimination in the future." *Louisiana* v. *United States*, 380 U.S. 145, 154 (1965). Thus, for example, the appropriate remedy for purposeful school segregation is not merely to cease requiring segregation, but also to dismantle the dual school system which the policy of segregation has created. *Greene* v. *County School Board of New Kent County*, 391 U.S. 430, 437 (1968). Cases variously applying the 14th amendment to the Constitution, Title VII of the Civil Rights Act of 1964, and Executive Order 11246 prohibiting employment discrimination by Federal contractors similarly make clear that the effects of employment discrimination must be undone or compensated for. Employees discriminatorily discharged must be rehired and compensated for lost salary or other damages, *Smith* v. *Board of Education of Morrilton School District No. 32*, 36 F. 2d 770, 784 (8th Cir. 1966) (14th amendment), and employees discriminatorily denied promotion opportunities must be given compensatory promotion rights by which to secure their rightful position, *United States* v. *Local 189, United Papermakers and Paperworkers, AFL–CIO*, 282 F. Supp 39 (E.D. La. 1968) (Title VII of the Civil Rights Act and Executive Order 11246).

These are remedies which compensate specific individuals for discrimination directly affecting them; such remedies may do much to correct discriminatorily created patterns in public employment. But it may be necessary also to adopt another kind of remedy to undo the consequences of employment discrimination. The effect of many of the barriers to equal employment opportunity, such as those discussed in the text above, is to impede or to exclude minority persons from applying for employment, particularly at nontraditional job levels. Though the victims of such discrimination are, by definition, difficult or impossible to identify, the impact of such discrimination is no less real. The consequence may be that instead of minority persons comprising, for example, 20 percent of the public employer's work force, distributed among various job levels, minority persons—through the cumulative effect of discriminatory barriers—comprise only 10 percent of the work force, concentrated at lower job levels. As noted in the text above, such a discriminatorily created pattern in public employment itself gives rise to denial of equal protection of the laws. Such a pattern, like the other consequences of employment discrimination, must be corrected.

The need to correct such discriminatory patterns is recognized, for example, in the requirement of the Office of Federal Contract Compliance, with respect to federally assisted construction projects, that—in addition to correcting the effects upon specific individuals of discriminatory refusals to hire or to admit to union membership—special efforts must be made to increase the number of minority persons employed, or through training made available for employment, in construction trades from which minority persons have in the past largely been excluded by discriminatory union practices. A comparable remedy was fashioned by the courts to undo the effects of discriminatory exclusion of Negroes from voting rolls. The remedy required that registration officials apply to all current applicants—

regardless of whether they had sought, or even been eligible, to register during the period when discrimination was being practiced—the relatively lax standards which during the period of discrimination were applied preferentially to whites, until such time as the effects of that past discrimination were undone. *United States* v. *Ward*, 349 F. 2d 795, 803, 806 (5th Cir. 1965). This remedy, like the requirement of the Office of Federal Contract Compliance described above, recognizes that patterns created by discriminatorily preferential treatment for whites can be corrected effectively only by extending the same or comparable advantages to the class previously discriminated against. The steps to be taken to remedy discriminatorily created patterns in public employment are described in Recommendation B paragraph 2, below, and discussed in comment which accompanies that Recommendation.

[3] Examples of such goals appear in the "Affirmative Action Guidelines" published by Plans for Progress, a voluntary association of 417 companies—including most of the leaders of American industry—pledged to advance the cause of equal employment opportunity. Section V of these guidelines, entitled "Establishment of Company Goals and Objectives by Division, Department, Location and Job Classification: Including Target Completion Date", includes the following two sections:

* * * * * * *

C. Goals should be significant, measurable and attainable.

D. Goals should be specific both for planned results and timetable (examples):

Completely desegregate facilites by Oct. 1, 1968.

Increase flow of minority applicants for sales positions by at least 35 percent by Dec. 1, 1968.

New York office plans to hire 20 sales representatives by June 1, 1969. Ten of the 20 will be minorities. Six of the 10 will be Negro.

Fifteen percent of employees promoted into supervisory positions in 1969 will be minorities.

[4] U.S. Constitution, Article VI.

[5] There are a number of professional or other associations related to State and local government, such as the Conference of Mayors, the National Municipal League, and the like. These associations should take an active role in assisting State or local governments to formulate and to execute affirmative programs.

[6] Other measures, such as those discussed in the first part of footnote 2, also may be necessary to undo some effects of discrimination upon particular employees or applicants for employment.

[7] The need for removing from Title VII the exemption of State and local governments was stressed by the Commission in a previous report. U.S. Commission on Civil Rights, *Law Enforcement, A Report on Equal Protection in the South (1965)*. After an extensive review of the conduct of local law enforcement officials in several Southern States, the Commission concluded that Title VII should be used to help assure nondiscrimination in employment in law enforcement agencies, as a step in furthering the nondiscriminatory administration of justice. Id. at 180. It is true, of course, that imposing Federal regulations on State and local government employment practices has become necessary only because the State and local governments have not taken adequate steps to meet their obligations under the 14th amendment.

[8] *Cooper* v. *Aaron*, 358 U.S. 1 (1958); *Bolling* v. *Sharpe*, 347 U.S. 497 (1954).

[9] *Burton* v. *Wilmington Parking Authority*, 365 U.S. 715 (1961); *Simkins* v. *Moses H. Cone Memorial Hospital*, 323 F.2d 959 (4th Cir. 1963), *cert. denied* 376 U.S. 938 (1964); *Todd* v. *Joint Apprenticeship Committee of the Steel Workers of Chicago*, 223 F. Supp. 12 (N.D. Ill. 1963), *vacated as moot*, 332 F.2d 243 (7th Cir. 1964), *cert. denied* 380 U.S. 914 (1965); *Ethridge* v. *Rhodes*, 268 F. Supp. 83 (S.D. Ohio 1967).

[10] U.S. Constitution Article II, Sec. III. It has long been settled that this duty is not limited solely to the enforcement of Acts of Congress but includes "the rights, duties and obligations growing out of the Constitution itself . . . and all the protection implied by the nature of the Government under the Constitution." *In re Neagle*, 135 U.S. 1, 64 (1890).

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