

The Employment of Minorities and Women in Wyoming State Government

**Wyoming Advisory Committee to the
U.S. Commission on Civil Rights**

October 1994

A report of the Wyoming Advisory Committee to the United States Commission on Civil Rights prepared for the information and consideration of the Commission. Viewpoints and recommendations in this report should not be attributed to the Commission, but only to the Advisory Committee or those persons whose opinions are quoted.

The United States Commission on Civil Rights

The United States Commission on Civil Rights, first created by the Civil Rights Act of 1957, and reestablished by the United States Commission on Civil Rights Act of 1983, is an independent, bipartisan agency of the Federal Government. By the terms of the 1983 act, the Commission is charged with the following duties pertaining to discrimination or denials of the equal protection of the laws based on race, color, religion, sex, age, handicap, or national origin, or in the administration of justice: investigation of individual discriminatory denials of the right to vote; study of legal developments with respect to discrimination or denials of the equal protection of the law; appraisal of the laws and policies of the United States with respect to discrimination or denials of equal protection of the law; maintenance of a national clearinghouse for information respecting discrimination or denials of equal protection of the law; and investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

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An Advisory Committee to the United States Commission on Civil Rights has been established in each of the 50 States and the District of Columbia pursuant to section 105 c) of the Civil Rights Act of 1957 and section 6(c) of the United States Commission on Civil Rights Act of 1983. The Advisory Committees are made up of responsible persons who serve without compensation. Their functions under their mandate from the Commission are to advise the Commission of all relevant information concerning their respective States on matters within the jurisdiction of the Commission; advise the Commission on matters of mutual concern in the preparation of reports of the Commission to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Advisory Committee, initiate and forward advice and recommendations to the Commission upon matters in which the Commission shall request the assistance of the State Advisory Committee, and attend, as observers, any open hearing or conference that the Commission may hold within the State.

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Letter of Transmittal

Wyoming Advisory Committee
to the U.S. Commission on Civil Rights

Members of the Commission

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As part of its responsibility to assist the Commission in its factfinding function, the Wyoming Advisory Committee submits this report of its study of the extent to which minorities and women are provided equal employment opportunity in State government. Members of the Advisory Committee who participated in the project unanimously approved the report by a vote of 10 to 0. The study is based on background research and interviews by Committee members and staff, and a public factfinding meeting conducted in Cheyenne on December 3, 1992. Persons who provided information were given an opportunity to review relevant sections of the report and, where appropriate, their comments and corrections were incorporated.

The study was initiated by the Advisory Committee following a number of previous activities. In 1986, a community forum was held in Casper at which allegations were made that minorities and women were discriminated against in the State government workforce, and that salary differentials were not equitable. A survey by the Wyoming Legislative Service Office in 1990 revealed that twenty percent of State government employees felt they had been discriminated against at some time during their employment, or during the job application process. These allegations and other concerns prompted the Advisory Committee to undertake the study which resulted in this report.

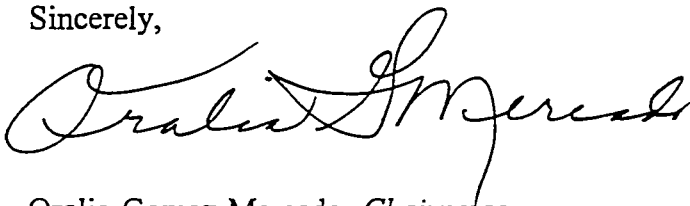
Among the findings resulting from its study, the Advisory Committee noted that, though Wyoming State government has a stated policy of equal opportunity for all employees and job applicants, it has no affirmative action plan or overall program or goals to implement this policy. Only 25 percent of the State EEO coordinator's time is allocated for Statewide EEO activities, and his accessibility to State employees is very limited. Racial and ethnic minorities are greatly underrepresented in the State labor force, and relatively few women are employed at the managerial, administrative and professional levels. In every State agency, average women's salaries are lower

than those of the men, in some agencies, to an alarming degree. Sexual harassment is a major concern for women employees and the governor has recently mandated the establishment and implementation of a Statewide policy on this issue.

Among recommendations put forth in the report to alleviate or mitigate perceived problems, the Advisory Committee urges the development of a Statewide affirmative action plan with specific strategies for correcting the underrepresentation of minorities and women in State government. It also recommends the establishment of a full-time EEO coordinator position which reports directly to the governor, and the development of a compensation system which provides for equity of the salaries of men and women in the same or equivalent positions.

The Advisory Committee urges the Commission to accept this report and to support its followup activities.

Sincerely,

A handwritten signature in cursive script, reading "Oralia Gomez Mercado". The signature is written in black ink and is positioned above the typed name.

Oralia Gomez Mercado, *Chairperson*
Wyoming Advisory Committee

Wyoming Advisory Committee to the U.S. Commission on Civil Rights

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Acknowledgments

The Wyoming Advisory Committee wishes to thank staff of the Rocky Mountain Regional Office for its help in the preparation of this report. The project and report were the principal assignment of Malee V. Craft. Evelyn S. Bohor provided essential support services. Editorial assistance and preparation of the report for publication were provided by Gloria Hong Izumi. Kathryn Monroe reviewed the report for legal sufficiency. William F. Muldrow, Director of the Rocky Mountain Regional Office, provided editorial assistance, and the project was carried out under his overall direction.

Preface

In keeping with its factfinding, investigative, and information dissemination responsibilities, the Wyoming Advisory Committee to the U.S. Commission on Civil Rights conducted a factfinding meeting in Cheyenne on December 3, 1992, to receive information on issues related to the employment of minorities and women in Wyoming State government. This meeting was part of a larger research project carried out by the Committee to determine the extent to which minorities and women are provided equal employment opportunity.

At a public factfinding meeting held in Casper in 1986 the Advisory Committee heard allegations that minorities and women were discriminated against in the State government work force and that salaries were not equitable. During subsequent planning meetings in 1991 and 1992 the Committee was briefed on similar concerns. Twenty percent of the State government employees who responded to a questionnaire sent out by the Legislative Service Office (LSO) reported that they had been discriminated against at some time during their employment, or during the job application process.¹ With reference to this survey, State Senator Jim Geringer, who

is also chair of the Senate Appropriations and Legislative Management Audit Committees, said that:

... in the State of Wyoming almost one out of four employees is employed in the public sector (Federal, State, county, or local government), so the examples set by the State government oftentimes can reflect down to other levels of government employment, and then in turn to the private sector, the State should indeed set an example through its actions and its policy

Concerns such as these prompted the Advisory Committee to conduct the research project that culminated in the Cheyenne factfinding meeting and resulted in this report.

Throughout the project, every effort was made to obtain accurate and factual data and to hear from persons with various perspectives, responsibilities, and experiences related to the topic. Nineteen individuals participated in the Committee's factfinding meeting, including State elected officials, university administrators, community and public organizations, Native American tribes, and representatives from State and Federal agencies.² Additional information was received through staff interviews and from material submitted through the mail.

1 Jim Geringer, State senator and chair of the Legislature's Management Audit Committee, transcript of the factfinding meeting conducted by the Wyoming Advisory Committee in Cheyenne, WY, on Dec. 3, 1992 (hereafter cited as *Transcript*) p 34

2 Participants in the factfinding meeting were

- Dave Ferrari, auditor, State of Wyoming
- Fred Feth, affirmative action officer, Casper College
- Elizabeth Frank, supervisory investigator, Denver District Office, U.S. Equal Employment Opportunity Commission
- Senator Jim Geringer, chairman, Management Audit Committee and chairman, Senate Appropriations Committee, Wyoming State Legislature
- Manuel Gonzales, interim president, Latin American Association
- Phil Kiner, governor's representative and director, Wyoming Department of Administration and Information
- Perry Mathews, executive director, Wyoming Indian Affairs Council

This report is compiled from data collected during the project and is intended to present issues, statistics, and recommendations addressing issues related to equal employment opportunity for minorities and women in Wyoming State government. The study should

serve to identify areas of concern and heighten community and public awareness of policies and programs related to equal employment opportunity and affirmative action in State government.

-
- Perry Mathews, executive director, Wyoming Indian Affairs Council
 - Paula Morton, board member, Wyoming Commission for Women
 - Reverend Glenn C. Nelson, Jr., member, Christian Ministerial Alliance
 - Diana J. Ohman, State superintendent of public instruction, Wyoming Department of Education
 - John Renneisen, deputy attorney general, Wyoming Attorney General's Office
 - Robert Sherard, personnel manager, Wyoming Department of Health
 - Dennis Smyth, executive director, Wyoming Public Employees Association
 - Mike Sullivan, commissioner of labor, Labor Standards/Fair Employment Division, Wyoming Department of Employment
 - Jesse Vialpando, employment practices officer, University of Wyoming
 - Gary Maier, council member representing the State of Wyoming on the Wyoming Indian Affairs Council and community services manager, Health Care Financing, Wyoming Department of Health
 - Phyllis Jones, equal opportunity coordinator, Wyoming Department of Employment
 - Vanessa Forselius, socioeconomic specialist, Industrial Citing Division, Wyoming Department of Environmental Quality, and
 - Donna Nelson-Stuart, trainer specialist, Personnel Division, Department of Administration and Information.

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1. Introduction

Equal Employment Opportunity and Affirmative Action

Termed the "Equality State" since before the days of statehood, Wyoming's personnel rules include assurance that "equal employment opportunity should be provided to applicants and employees in the administration of all personnel practices. . . ." In addition, they provide that the State shall not discriminate on the basis of "race, color, creed, sex, national origin, age, political affiliation, or any other nonmerit factor."¹ Furthermore, virtually every aspect of the State government workplace, including testing, hiring, promotion, transfer, referral, maternity leave, compensation, fringe benefits, scheduling of work, physical facilities, layoffs, and behavior that may constitute sexual harassment, is also subject to Federal civil rights requirements.²

Federal law also requires all State and local governments to compile data by race, ethnicity, and sex and file EEO-4 reports, which serve to evaluate and insure equal employment opportunity.³ Every political jurisdiction with 15 or more employees must submit these reports for eight specific job categories: officials and administrators, professionals, tech-

nicians, protective service workers, paraprofessionals, administrative support, skilled craft, and service maintenance workers.⁴

In addition, an affirmative action plan complying with Executive Order 11246⁵ is required of any employers, including State agencies, who are prime contractors of the Federal Government or subcontractors with 50 or more employees and a contract at \$50,000 or more.⁶ Affirmative action is described as a tool to help broaden the employment opportunities of the traditional victims of job discrimination—minorities, women, those of various religious and ethnic groups, handicapped persons, and covered veterans.⁷ Through affirmative action, special efforts are made by employers in outreach, recruitment, training, and other areas to help members of protected groups compete for jobs and promotions on equal footing with other applicants and employees. Basically, it means that positive steps must be taken to provide equal employment opportunity. It does not mean that unqualified persons should be hired or promoted over other people. The Wyoming Department of Employment (formerly known as the Employment Security Division)

1 Department of Administration and Fiscal Control, *State of Wyoming Personnel Rules*, October 1989, p. 2.

2 U.S. Commission on Civil Rights, *Federal Enforcement of Equal Employment Opportunity Requirements*, clearing-house publication 93, July 1987, p. 1. See, e.g., 42 U.S.C. § 2000e *et. seq.* (1981 & Supp. 1993) (Title VII of the Civil Rights Act of 1964), 20 U.S.C. §§ 1681 *et. seq.* (1990 & Supp. 1993) (Title IX of the Education Amendments of 1972); 29 U.S.C. § 206(d) (1978) (The Equal Pay Act of 1968), 23 U.S.C. § 324 (1990 & Supp. 1993) (Federal-Aid Highway Act of 1973); and 3 C.F.R. § 339 (1965), reprinted as amended in 42 U.S.C. § 2000e (Executive Order No. 11246).

3 42 U.S.C. § 2000e-8(c) (1981)

4 Section 709(c), Title VII, Civil Rights Act of 1964. These reports were waived for calendar year 1992, though recordkeeping was still required, but beginning with 1993 are required on every odd-numbered year.

5 Exec. Order No. 11246, 3 C.F.R. § 339 (1965), reprinted as amended in 42 U.S.C. § 2000e (1981 & Supp. 1993).

6 41 C.F.R. § 2.1(a)

7 U.S. Department of Labor, Employment Standards Administration, Office of Federal Contract Compliance Programs, *OFCCP: Making EEO and Affirmative Action Work*, OFCCP-28, January 1987.

described an affirmative action program as "a set of specific and result-oriented procedures to which a contractor [is committed] to apply every good faith effort. The objective . . . is equal employment opportunity."⁸

Demographics of Wyoming

Geographically, Wyoming is the ninth largest State, composed of 23 counties comprising 97,914 square miles.⁹ At the same time it is sparsely populated, ranking 50th of all the States, with a total population of 453,588.¹⁰ Table 1.1 shows that fewer than 12 percent of the population are racial or ethnic minorities. These are largely concentrated in a limited number of communities. Examples of communities with large concentrations of minorities are Cheyenne with 8,305 (16.7 percent), Laramie with 2,815 (10.5 percent), Casper with 2,740 (5.9 percent), Rawlins with 2,137 (22.8 percent), Rock Springs with 1,930 (10.1 percent), Green River with 1,635 (12.9 percent), Riverton with 1,319 (14.3 percent), and Lander with 732 (10.4 percent).¹¹

The majority of Native Americans in the State reside on the Wind River Indian Reservation, the only Indian reservation in Wyoming and home to the Northern Arapaho and the Eastern Shoshone Tribes. The estimated total population is 7,764, with 12 percent belonging to 40 other Indian tribes and 12 percent non-Indian.¹²

Table 1.1 shows that the proportions of black and Asian minorities in the Wyoming labor force approximate their percentages of the State's population. However, the propor-

tions of American Indians and Hispanics in the labor force is significantly less than their proportions of the population. Women are also represented in the labor force by about 6 percent less than their proportion in the total population, whereas men are overrepresented to the same degree. Table 1.2 depicts some major changes that occurred in Wyoming's employment sectors between 1981 to 1989. Employment in 6 of the State's 10 major industrial classifications decreased dramatically with significant increases in the services industry and in Federal, State, and local government.

The Structure and Reorganization of Wyoming State Government

In 1989, impetus for reorganizing State government came, in part, from a general downturn in the mining and energy extraction industries that contributed to declining revenues in the general fund, and cash reserves were also being tapped to sustain government programs. A general perception among the majority of legislators that restructuring the administrative organization would enhance the coordination of services and enable the State to perform more efficiently and economically led to the passage of the Wyoming Government Reorganization Act of 1988.¹³

The purpose of the act was to "establish a framework whereby the executive branch of State government [could] be reorganized into a limited number of departments to ensure

8 Wyoming Department of Employment, Division of Research and Planning, "Affirmative Action Data Package," 1990

9 *Wyoming—Historic Facts*, Wyoming State Press (undated), p. 11.

10 U.S. Department of Commerce, Economics and Statistics Administration, Bureau of the Census, *Statistical Abstract of the United States 1992* (112th Edition), pp. 22-23

11 U.S. Department of Commerce, Bureau of the Census, *Summary Population & Housing Characteristics, Wyoming*, Table 4, Sex, Race & Hispanic Origin 1990, April 1991, page 11.

12 Wyoming Indian Affairs Council, "Biennial Report of Activities," July 1, 1989-June 30, 1991, p. 27.

13 Wyoming Joint Reorganization Council, *Centennial Challenge: Accountability and Efficiency in State Government*, 1990, p. 12 (hereafter cited as *Reorganization*) See also, W.S. 9-2-1702.

TABLE 1.1
Wyoming State Population, Labor Force, and State Government Work Force

	Population (1990)		Labor force (1990)		State government work force (1993)	
	No.	%	No.	%	No.	%
Total all persons	453,588	100.0	224,854	100.0	7,042	100.0
Men	227,007	50.0	126,398	56.2	3,981	56.5
Women	226,581	50.0	98,456	43.8	3,061	43.5
White (non-Hispanic origin)	412,711	91.0	207,691	92.4	6,672	94.7
Black (non-Hispanic origin)	3,426	0.8	1,545	0.7	46	0.7
American Indian	9,479	2.1	3,591	1.6	49	0.7
Asian	2,806	0.7	1,292	0.6	37	0.5
Other	10,636	2.3	4,822	2.1	—	—
Hispanic (of any race)	25,751	5.7	10,916	4.9	238	3.4
Total minorities	52,098	11.5	22,166	9.9	370	5.3

Note: Categories for statistics in this table conform to those on the Equal Employment Opportunity Commission EEO-4 forms. American Indian, Asian and "other" categories include persons of Hispanic origin.

Sources: Bureau of the Census *Wyoming Summary of Population and Housing Characteristics*, Table 4: Sex, Race, and Hispanic Origin: 1990; *Wyoming*

Social and Economic Characteristics, Table 131: Labor Force Characteristics for Race and Spanish Origin: 1990; Wyoming State Government Workforce statistics compiled from EEO-4 forms for June 30, 1993, supplied by Danny Romero, EEO coordinator, Personnel Management Division, Wyoming Department of Administration and Information.

TABLE 1.2
Wyoming Employment by Industrial Classification

Classification	1981	1986	1989	Eight-year change
Agriculture	16,401	17,596	17,357	956
Minerals	40,716	22,972	21,171	(19,545)
Construction	26,555	21,981	17,501	(9,054)
Manufacturing	10,630	8,957	9,025	(1,605)
Transportation	20,354	17,532	17,120	(3,234)
Wholesale	11,893	9,047	8,331	(3,562)
Retail	45,829	43,693	42,192	(3,637)
Finance	13,284	14,116	13,886	602
Services	48,606	52,080	51,122	2,516
Government	51,244	57,037	56,870	5,626

Source of date: 1981 data, Department of Administration and Information (formerly Department of Administration and Fiscal Control), Research and Statistics Division, September 1987. 1986 and 1989 data, Department of Administration and Information, Research and Statistics Division, January 1988.

Source of table: State of Wyoming, Joint Reorganization Council, *Centennial Challenge: Accountability and Efficiency in State Government*, 1990, p. 121.

State resources [were] effectively and efficiently applied to implement programs and policy.¹⁴

Prior to 1990, State government was comprised of 79 boards, commissions, councils, agencies, institutions, departments, and offices with no single hierarchial structure. Departments ranged in size from 1 or 2 employees to as many as 1,800. No one was completely in charge. Nineteen agencies were directed by a manager appointed by the Governor. Others were run by a board, commission, or council, or by an individual appointed by them.¹⁵

The Joint Reorganization Council, created to review the status of State government organization, recommended a cabinet form of government to strengthen the Governor's ability to manage, enhance the efficiency of State agencies, improve their performance and the effectiveness of their programs, reduce the cost of services, and improve the morale of State workers by providing expanding career opportunities.¹⁶

The initial plan was to organize the executive branch into not more than 12 principal

departments, not including 5 elected officials and the attorney general's office.¹⁷ In order not to disrupt government, it was envisioned as a 3-year process to be completed by 1992.¹⁸ As shown on the 1992 reorganization chart attached as appendix I, the legislature created 12 departments, with 13 stand-alone agencies and 12 left to be reorganized. Now all of these departments and agencies report directly to the Governor. In addition, there are four elected officials plus the attorney general. An additional department, the Department of Education, which is not shown on the chart, is headed by the superintendent of public instruction, one of the four elected officials who reports to the electorate rather than to the Governor.¹⁹

In the view of State auditor Dave Ferrari, reorganization has improved State government services in some areas.²⁰ Senator Jim Geringer, a member of the legislative Joint Reorganization Council at the time of the study, believes that the principal benefit of reorganization is the focus on specific goals rather than a wide range of activities.²¹

14 Wyoming Statutes 9-2-1702.

15 *Reorganization*, p. 11.

16 *Ibid.*, p. 1.

17 *Ibid.*, p. 13

18 *Ibid*

19 Diana J Ohman, superintendent of public instruction, telephone interview, Feb. 17, 1994.

20 Dave Ferrari, State auditor, State of Wyoming, transcript of the factfinding meeting conducted by the Wyoming Advisory Committee in Cheyenne, WY, Dec. 3, 1992, p. 110 (hereafter cited as *Transcript*).

21 *Transcript*, p. 42.

2. State Government Work Force

State government is the largest employer in Wyoming. Without including the judicial branch, the University of Wyoming, and the community colleges, State government had 7,042 full-time employees as of June 30, 1993 (tables 1.1 and 2.1).

Table 1.1 shows that the proportion of women in the total State government work force is equal to that in the State labor force, implying no underutilization. However, table 2.1 shows that women are greatly underrepresented at the higher employment levels in the officials/administrators, professionals, technicians, protective service, and skilled craft categories. Fifty-two percent of the women employed by State government work in the lower paying administrative support or service maintenance categories. Only 15 percent of the men employed by State government work in these two lower level categories.

An examination of the statistics for minorities in State government presented in tables 1.1 and 2.1 shows that only black and Asian employees approximate their proportion in the State labor force. The percentage of American Indians employed by State government is less than half of their proportion in the labor force, and of the 49 employed by State government, 33, or 67 percent of them, work in service maintenance. There are no American Indians in the officials/administrators category. In all of State government, there are only eight American Indian professional employees and two technicians. Additional Indian employment data requested from the Tribal Employment Rights Office (TERO) and the Job Training Partnership Act (JTPA) Program of the Wind River Reservation was not forthcoming.

Hispanic persons are employed at about 70 percent of their proportion in the labor force. Nearly half of them work in lower level administrative support or service maintenance capacities where they approximate their per-

centage in the labor force. They are underrepresented to a large extent in the officials/administrators, professionals, technicians, and skilled craft worker categories. There are no Asian American officials or administrators in State government, and only two Asian American technicians and one skilled craft worker. However, half of the Asian Americans employed by the State (19) are in the professional category, and in other job categories they approximate or exceed their proportion in the labor force.

Table 1.1 shows that in 1990 women were 43.8 percent of the Wyoming labor force. Table 2.2 provides a comparison with this statistic of the proportion of women in the work force of individual State agencies in 1992. In 32 of the 46 agencies shown on the table, compiled with July 1992 data, women exceeded their 1990 proportion of 43.8 percent in the State labor force. Many of these agencies, however, are small boards or commissions with from 1 to 10 employees. Among the 13 major departments, 6 employed women at a higher rate than their proportion in the Wyoming labor force. These were the Department of Commerce (45.5 percent), the Department of Education (71.1 percent), the Department of Employment (62.2 percent), the Department of Family Services (72.5 percent), the Department of Health (69.3 percent), and the Department of Revenue (57.4 percent). The Departments of Administration and Information, Audit, Corrections, Environmental Quality, Game and Fish, Transportation, and the State Engineer's Office all employed women at a rate significantly below that of the labor force. Table 2.3 shows that 1 year later, in 1993, most departments showed a slight increase in their utilization of women as employees. Tables 2.4 through 2.18 provide statistics for employment by race, gender, and job categories in the major State agencies.

TABLE 2.1
Wyoming State Government Work Force by Job Category, 1993

Job category	Total empl.	Male		Female		Non-Hispanic origin				Hispanic		Asian		Am. Indian		Total minorities	
		No.	%	No.	%	White		Black		No.	%	No.	%	No.	%	No.	%
Officials/administrators	214	177	82.7	37	17.3	212	99.1	—	—	2	0.9	—	—	—	—	2	0.9
Professionals	2,481	1,640	62.1	841	37.9	2,407	97.1	11	0.4	36	1.5	19	0.8	8	0.3	74	3.0
Technicians	728	530	72.8	198	27.2	697	95.7	4	0.5	23	3.2	2	0.3	2	0.3	31	4.3
Protective service	535	473	88.4	62	11.6	489	91.4	3	0.6	39	7.3	4	0.7	—	—	46	8.6
Paraprofessionals	292	59	20.2	233	79.8	275	94.2	3	1.0	13	4.5	—	—	1	0.3	17	5.8
Administrative support	1,108	75	6.8	1,033	93.2	1,032	93.1	9	0.8	58	5.2	5	0.5	4	0.4	76	6.9
Skilled craft	627	617	98.4	10	1.6	612	97.6	1	0.2	12	1.9	1	0.2	1	0.2	15	2.4
Service maintenance	1,057	510	48.2	547	51.8	948	89.7	15	1.4	55	5.2	6	0.6	33	3.1	109	10.3
Totals	7,042	3,881	56.5	3,061	43.5	6,672	94.7	46	0.7	238	3.4	37	0.5	49	0.7	370	5.3

Source: Information supplied by Danny Romero, EEO coordinator, Personnel Management Division, Wyoming Department of Administration and Information, Feb. 1, 1994. State and Local Government Information (EEO-4), June 30, 1993.

TABLE 2.2

Wyoming State Work Force by Agency, July 1992*

Agency	Total employees	Men		Women	
		No.	%	No.	%
Adjutant General	101	84	83.2	17	16.8
Administration & Information**	390	256	65.6	134	34.4
Administrative Hearings	8	3	37.5	5	62.5
Agriculture	74	41	55.4	33	44.6
Attorney General	146	88	60.3	58	39.7
Audit Department**	79	50	63.3	29	36.7
Auditor	19	6	31.6	13	68.4
Commerce Department**	189	103	54.5	86	45.5
Community College Commission	7	3	42.9	4	57.1
Corrections**	463	303	65.4	160	34.6
Cosmetologist Board	1	0	—	1	100.0
CPA Board	1	0	—	1	100.0
Education**	83	24	28.9	59	71.1
Emergency Management	15	10	66.7	5	33.3
Employee's Group Insurance	5	0	—	5	100.0
Employment Department**	474	179	37.8	295	62.2
Engineer**	99	59	59.6	40	40.4
Environmental Quality**	140	89	63.6	51	36.4
Environmental Quality Council	2	0	—	2	100.0
Family Services Department**	589	162	27.5	427	72.5
Fire Prevention	24	13	54.2	11	45.8
Game and Fish**	339	268	79.1	71	20.9
Geological Survey	15	10	66.7	5	33.3
Geologist Board	1	0	—	1	100.0
Governor's Office	19	10	52.6	9	47.4
Governors' Residence	2	0	—	2	100.0
Health Department**	1,507	463	30.7	1,044	69.3
Insurance Department	21	10	47.6	11	52.4
Liquor Commission	33	18	54.5	15	45.5
Livestock Board	12	4	33.3	8	66.7
Medical Licensing Board	2	0	—	2	100.0
Nursing Board	3	0	—	3	100.0
Oil and Gas Commission	23	10	43.5	13	56.5
Outfitters Board	2	0	—	2	100.0
Pari-Mutuel Board	3	1	33.3	2	66.7
Pharmacy Board	3	1	33.3	2	66.7
Public Defender	23	11	47.8	12	52.2
Public Service Commission	32	21	65.6	11	34.4
Real Estate	4	1	25.0	3	75.0
Retirement System	18	4	22.2	14	77.8
Revenue Department**	101	43	42.6	58	57.4
Secretary of State	21	3	14.3	18	85.7
State Land Office	76	40	52.6	36	47.4
Transportation Department**	1,961	1,580	75.8	381	24.2
Treasurer	10	3	30.0	7	70.0
Water Development Commission	14	10	71.4	4	28.6
Total	7,154	3,984	55.7	3,170	44.3

* Statistics do not include university or community college employees, except for the seven members of the Community College Commission staff.

** Denotes that 12 departments created by the legislature which report directly to the Governor, plus the De-

partment of Education, headed by an elected official.
Source: Department of Administration and Information, Personnel Management Division, 1992 Salary and Personnel Structure, Dec. 1992, p. 3.

TABLE 2.3
Wyoming State Government Work Force by Department, 1993

Agency	Total work force		Men		Women		Minorities	
	No.	%	No.	%	No.	%	No.	%
Department of Administration & Information	390	100.0	262	67.2	128	32.8	49	12.6
Department of Audit	79	100.0	49	62.0	30	38.0	—	—
Department of Commerce	198	100.0	109	55.1	89	44.9	15	7.6
Department of Corrections	464	100.0	311	67.0	153	33.0	53	11.4
Department of Education	81	100.0	22	27.2	59	72.8	4	4.9
Department of Employment	566	100.0	196	34.6	370	65.4	31	5.5
State Engineer's Office	105	100.0	65	61.9	40	38.1	1	1.0
Department of Environmental Quality	162	100.0	105	64.8	57	35.2	2	1.2
Department of Family Services	635	100.0	187	29.4	448	70.6	37	5.8
Game & Fish Department*	322	100.0	257	79.8	65	20.2	6	1.9
Department of Health	1,423	100.0	453	31.8	970	68.2	67	4.7
Department of Revenue	99	100.0	43	43.4	56	56.6	5	5.1
Department of Transportation	1,949	100.0	1,562	80.1	387	19.9	80	4.1
Attorney General's Office*	154	100.0	90	58.4	64	41.6	6	3.9
State Auditor's Office*	20	100.0	7	35.0	13	65.0	1	5.0

*Data from these agencies are for 1994.

Source: Compiled from tables 2.4-2.18.

TABLE 2.4**Wyoming Department of Administration and Information Work Force, April 19, 1993**

	Total empl.	Male		Female		Non-Hispanic origin				Hispanic		Asian		Am. Indian	
		No.	%	No.	%	White No.	White %	Black No.	Black %	No.	%	No.	%	No.	%
Officials/admintrs.	9	9	100.0	—	—										
Professionals	76	52	68.4	24	31.6										
Technicians	90	68	75.6	22	24.4										
Protective service	1	1	100.0	—	—										
Paraprofessionals	7	4	57.1	3	42.9										
Administrative support	98	28	28.6	70	71.4										
Skilled craft	29	28	96.6	1	3.4										
Service maintenance	80	72	90.0	8	10.0										
Totals	390	262	67.2	128	32.8	341	87.4	9	2.3	34	8.7	6	1.5	—	—

Source: Information supplied by Phil Kiner, director, Wyoming Department of Administration and Information, Apr. 26, 1993. Statistics for minority employment by job category were not supplied.

TABLE 2.5**Wyoming Department of Audit Work Force, April 26, 1993**

	Total empl.	Male		Female		Non-Hispanic origin				Hispanic		Asian		Am. Indian	
		No.	%	No.	%	White No.	White %	Black No.	Black %	No.	%	No.	%	No.	%
Officials/admintrs.	6	4	66.7	2	33.3	6	100.0	—	—	—	—	—	—	—	—
Professionals	66	45	68.2	21	31.8	66	100.0	—	—	—	—	—	—	—	—
Technicians	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Protective service	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Paraprofessionals	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Administrative support	7	0	0.0	7	100.0	7	100.0	—	—	—	—	—	—	—	—
Skilled craft	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Service maintenance	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Totals	79	49	62.0	30	38.0	79	100.0	—	—	—	—	—	—	—	—

Source: Information supplied by Carol Peters, management services officer, Wyoming Department of Audit, Apr. 28, 1993.

TABLE 2.6
Wyoming Department of Commerce Work Force, April 22, 1993

	Total empl.	Male		Female		Non-Hispanic origin				Hispanic		Asian		Am. Indian	
		No.	%	No.	%	White No.	White %	Black No.	Black %	No.	%	No.	%	No.	%
Officials/admintrs.	28	25	89.3	3	10.7										
Professionals	83	46	55.4	37	44.6										
Technicians	8	7	87.5	1	12.5										
Protective service	—	—	—	—	—										
Paraprofessionals	4	2	50.0	2	50.0										
Administrative support	45	6	13.3	39	86.7										
Skilled craft	7	6	85.7	1	14.3										
Service maintenance	23	17	73.9	6	26.1										
Totals	198	109	55.1	89	44.9	183	92.4	2	1.0	11	5.6	1	0.5	1	0.5

Source: Information supplied by Max Maxfield, Wyoming Department of Commerce, Apr. 29, 1993.

Note: The Department of Commerce supplied totals, but statistics for minority employment by job categories were not supplied.

TABLE 2.7
Wyoming Department of Corrections Work Force, June 1993

	Total empl.	Male		Female		Non-Hispanic origin				Hispanic		Asian		Am. Indian	
		No.	%	No.	%	White No.	White %	Black No.	Black %	No.	%	No.	%	No.	%
Officials/admintrs.	9	8	88.9	1	11.1	8	88.9	—	—	1	11.1	—	—	—	—
Professionals	112	65	58.0	47	42.0	110	98.2	—	—	2	1.8	—	—	—	—
Technicians	1	1	100.0	—	—	1	100.0	—	—	—	—	—	—	—	—
Protective service	227	184	81.1	43	18.9	188	82.8	1	0.4	34	15.0	4	1.8	—	—
Paraprofessionals	12	6	50.0	6	50.0	11	91.7	—	—	1	8.3	—	—	—	—
Administrative support	49	—	—	49	100.0	44	89.8	1	2.0	4	8.2	—	—	—	—
Skilled craft	3	3	100.0	—	—	3	100.0	—	—	—	—	—	—	—	—
Service maintenance	51	44	86.3	7	13.7	46	90.2	1	2.0	4	7.8	—	—	—	—
Totals	464	311	67.0	153	33.0	411	88.6	3	0.6	46	9.9	4	0.9	—	—

Source: Information supplied by Danny Romero, EEO coordinator, Personnel Management Division, Department of Administration and Information, Feb. 1, 1994.

TABLE 2.8
Wyoming Department of Education Work Force, May 7, 1993

	Total empl.	Male		Female		Non-Hispanic origin				Hispanic		Asian		Am. Indian	
		No.	%	No.	%	White No.	White %	Black No.	Black %	No.	%	No.	%	No.	%
Officials/admintrs.	1	—	—	1	100.0										
Professionals	41	21	51.2	20	48.8										
Technicians	10	1	10.0	9	90.0										
Protective service	—	—	—	—	—										
Paraprofessionals	—	—	—	—	—										
Administrative support	29	—	—	29	100.0										
Skilled craft	—	—	—	—	—										
Service maintenance	—	—	—	—	—										
Totals	81	22	27.2	59	72.8	77	95.1	1	1.2	2	2.5	1	1.2	—	—

Source: Information supplied by Lois Mottonen, equal opportunity coordinator, Vocational Education, Wyoming Department of Education, May 20, 1993. Statistics for minority employment by job categories were not supplied.

TABLE 2.9
Wyoming Department of Employment Work Force, Program Year 1993

	Total empl.	Male		Female		Non-Hispanic origin				Hispanic		Asian		Am. Indian	
		No.	%	No.	%	White No.	White %	Black No.	Black %	No.	%	No.	%	No.	%
Officials/admintrs.	15	11	73.3	4	26.7	15	100.0	—	—	—	—	—	—	—	—
Professionals	363	155	42.7	208	57.3	345	95.0	3	0.8	11	3.0	2	0.6	2	0.6
Technicians	17	16	94.1	1	5.9	16	94.1	1	5.9	—	—	—	—	—	—
Protective service	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Paraprofessionals	11	3	27.3	8	72.7	11	100.0	—	—	—	—	—	—	—	—
Administrative support	149	4	2.7	145	97.3	139	96.0	2	1.3	6	4.0	1	0.7	1	0.7
Skilled craft	2	1	50.0	1	50.0	1	50.0	—	—	1	50.0	—	—	—	—
Service maintenance	9	6	66.7	3	33.3	8	88.9	—	—	1	11.1	—	—	—	—
Totals	566	196	34.6	370	65.4	535	94.5	6	1.1	19	3.4	3	0.5	3	0.5

Source: Information supplied by Phyllis M. Jones, equal opportunity officer, Wyoming Department of Employment, Mar. 1, 1994.

*Did not prepare salary information—data supplied difficult to tabulate and staff figures did not equal ones previously supplied.

TABLE 2.10
Wyoming State Engineer's Office Work Force, May 1993

	<u>Total empl.</u>	<u>Male</u>		<u>Female</u>		<u>Non-Hispanic origin</u>				<u>Hispanic</u>		<u>Asian</u>		<u>Am. Indian</u>	
		<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>White</u> <u>No.</u>	<u>%</u>	<u>Black</u> <u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Officials/admintrs.	6	5	83.3	1	16.7										
Professionals	72	59	81.9	13	18.1										
Technicians															
Protective service															
Paraprofessionals	1			1	100.0										
Administrative support	26	1	3.8	25	96.2										
Skilled craft															
Service maintenance															
Totals	105	65	61.9	40	38.1	*104	99.0			*1	1.0				

*Statistics by job category were not supplied.

Source: Information supplied by Gordon W. Fassett, Wyoming State Engineer, May 7, 1993.

TABLE 2.11
Wyoming Department of Environmental Quality Work Force, May 3, 1993

	<u>Total empl.</u>	<u>Male</u>		<u>Female</u>		<u>Non-Hispanic origin</u>				<u>Hispanic</u>		<u>Asian</u>		<u>Am. Indian</u>	
		<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>White</u> <u>No.</u>	<u>%</u>	<u>Black</u> <u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Officials/admintrs.	7	7	100.0	—	—	7	100.0	—	—	—	—	—	—	—	—
Professionals	122	92	75.4	30	24.6	121	99.2	—	—	—	—	1	0.8	—	—
Technicians	2	2	100.0	—	—	2	100.0	—	—	—	—	—	—	—	—
Protective service	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Paraprofessionals	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Administrative support	27	—	—	27	100.0	26	96.3	—	—	1	3.7	—	—	—	—
Skilled craft	4	4	100.0	—	—	4	100.0	—	—	—	—	—	—	—	—
Service maintenance	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Totals	162	105	64.8	57	35.2	160	98.8	1	0.6	1	0.6	—	—	—	—

Source: Information supplied by James S. Uzzell, management services administrator, Wyoming Department of Environmental Quality, May 3, 1993.

TABLE 2.12
Wyoming Department of Family Services Work Force, April 30, 1993

	Total empl.	Male		Female		Non-Hispanic origin				Hispanic		Asian		Am. Indian	
		No.	%	No.	%	White		Black		No.	%	No.	%	No.	%
						No.	%	No.	%						
Officials/admintrs.	18	16	88.9	2	11.1	17	94.4	—	—	1	5.6	—	—	—	—
Professionals	262	100	38.2	162	61.8	251	95.8	2	0.8	6	2.3	2	0.8	1	0.4
Technicians	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Protective service	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Paraprofessionals	150	19	12.7	131	87.3	139	92.7	2	1.3	9	6.0	—	—	—	—
Administrative support	105	1	1.0	104	99.0	99	94.3	—	—	4	3.8	1	1.0	1	1.0
Skilled craft	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Service maintenance	100	51	51.0	49	49.0	92	92.0	1	1.0	5	5.0	2	2.0	—	—
Totals	635	187	29.4	448	70.6	598	94.2	5	0.8	25	3.9	5	0.8	2	0.3

Source: Information supplied by Roger Nelson, personnel field manager, Wyoming Department of Family Services, May 3, 1993.

TABLE 2.13
Wyoming Game and Fish Department Work Force, 1994

	Total empl.	Male		Female		Non-Hispanic origin				Hispanic		Asian		Am. Indian	
		No.	%	No.	%	White		Black		No.	%	No.	%	No.	%
						No.	%	No.	%						
Officials/admintrs.	12	11	91.7	1	8.3	12	100.0	—	—	—	—	—	—	—	—
Professionals	178	167	93.8	11	6.2	177	99.4	—	—	—	—	1	0.1	—	—
Technicians	8	5	62.5	3	37.5	8	100.0	—	—	—	—	—	—	—	—
Protective service	65	63	96.9	2	3.1	65	100.0	—	—	—	—	—	—	—	—
Paraprofessionals	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Administrative support	49	1	2.0	48	98.0	45	91.8	—	—	4	8.2	1	2.0	—	—
Skilled craft	7	7	100.0	0	0.0	7	100.0	—	—	—	—	—	—	—	—
Service maintenance	3	3	100.0	0	0.0	3	100.0	—	—	—	—	—	—	—	—
Totals	322	257	79.8	65	20.2	316	98.1	—	—	4	1.3	2	0.6	—	—

Source: Information supplied by John Talbott, deputy director, Wyoming Game and Fish Department, Mar. 29 and Apr. 12, 1994.

TABLE 2.14
Wyoming Department of Health Work Force, June 30, 1993

	Total empl.	Male		Female		Non-Hispanic origin				Hispanic		Asian		Am. Indian	
		No.	%	No.	%	White		Black		No.	%	No.	%	No.	%
						No.	%	No.	%						
Officials/admintrs.	16	9	56.3	7	43.8	16	100.0	—	—	—	—	—	—	—	—
Professionals	418	139	33.3	279	66.7	409	97.8	—	—	—	—	5	1.2	4	1.0
Technicians	12	4	33.3	8	66.7	12	100.0	—	—	—	—	—	—	—	—
Protective service	46	35	76.1	11	23.9	46	100.0	—	—	—	—	—	—	—	—
Paraprofessionals	81	19	23.5	62	76.5	78	96.3	1	1.2	1	1.2	—	—	1	1.2
Administrative support	154	3	1.9	151	98.1	150	97.4	—	—	3	1.9	—	—	1	0.6
Skilled craft	35	34	97.1	1	2.9	34	97.1	—	—	1	2.9	—	—	—	—
Service maintenance	661	210	31.8	451	68.2	611	92.4	2	0.3	14	2.1	1	0.2	33	5.0
Totals	1423	453	31.8	970	68.2	1356	95.3	3	0.2	19	1.3	6	0.4	39	2.7

Source: Information supplied by Danny Romero, EEO coordinator, Wyoming Department of Administration and Information, Feb. 1, 1994.

TABLE 2.15
Wyoming Department of Revenue Work Force, April 1993

	Total empl.	Male		Female		Non-Hispanic origin				Hispanic		Asian		Am. Indian	
		No.	%	No.	%	White		Black		No.	%	No.	%	No.	%
						No.	%	No.	%						
Officials/admintrs.	7	5	71.4	2	28.6	7	100.0	—	—	—	—	—	—	—	—
Professionals	45	35	77.8	10	22.2	44	97.8	—	—	—	—	1	2.2	—	—
Technicians	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Protective service	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Paraprofessionals	3	1	33.3	2	66.7	3	100.0	—	—	—	—	—	—	—	—
Administrative support	43	1	2.3	42	97.7	39	90.7	—	—	4	9.3	—	—	—	—
Skilled craft	1	1	100.0	—	—	1	100.0	—	—	—	—	—	—	—	—
Service mMaintenance	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Totals	99	43	43.4	56	56.6	94	94.9	—	—	4	4.0	1	1.0	—	—

Source: Information supplied by Harry L. Kembel, personnel director, Wyoming Department of Revenue, Apr. 27, 1993.

TABLE 2.16
Wyoming Department of Transportation Work Force, June 1993

	Total empl.	Male		Female		Non-Hispanic origin				Hispanic		Asian		Am. Indian	
		No.	%	No.	%	White No.	White %	Black No.	Black %	No.	%	No.	%	No.	%
Officials/admintrs.	19	19	100.0	—	—	19	100.0	—	—	—	—	—	—	—	—
Professionals	431	386	89.6	45	10.4	419	97.2	3	0.7	5	1.2	4	0.9	—	—
Technicians	564	411	72.9	153	27.1	543	96.3	2	0.4	18	3.2	—	—	1	0.2
Protective service	133	131	98.5	2	1.5	132	99.2	1	0.8	—	—	—	—	—	—
Paraprofessionals	4	3	75.0	1	25.0	4	100.0	—	—	—	—	—	—	—	—
Administrative support	186	23	12.4	163	87.6	170	91.4	2	1.1	13	7.0	1	0.5	—	—
Skilled craft	529	522	98.7	7	1.3	520	98.3	—	—	7	1.3	1	0.2	1	0.2
Service maintenance	83	67	80.7	16	19.3	62	74.7	4	4.8	15	18.1	2	2.4	—	—
Totals	1949	1562	80.1	387	19.9	1869	95.9	12	0.6	58	3.0	8	0.4	2	0.1

Source: Information supplied by Danny Romero, EEO coordinator, Personnel Management Division, Wyoming Department of Administration and Information, Feb. 1, 1994.

TABLE 2.17
Wyoming Attorney General's Office Work Force, March 11, 1994

	Total empl.	Male		Female		Non-Hispanic origin				Hispanic		Asian		Am. Indian	
		No.	%	No.	%	White No.	White %	Black No.	Black %	No.	%	No.	%	No.	%
Officials/admintrs.	8	5	62.5	3	37.5	8	100.0	—	—	—	—	—	—	—	—
Professionals	78	60	76.9	18	23.1	77	98.7	—	—	1	1.3	—	—	—	—
Technicians	3	2	66.7	1	33.3	3	100.0	—	—	—	—	—	—	—	—
Protective service	10	10	100.0	—	—	8	80.0	1	10.0	1	10.0	—	—	—	—
Paraprofessionals	8	5	62.5	3	37.5	8	100.0	—	—	—	—	—	—	—	—
Administrative support	35	4	11.4	31	88.6	33	94.3	—	—	2	5.7	—	—	—	—
Skilled craft	1	1	100.0	—	—	1	100.0	—	—	—	—	—	—	—	—
Service maintenance	11	3	27.3	8	72.7	10	90.9	—	—	1	9.1	—	—	—	—
Totals	154	90	58.4	64	41.6	148	96.1	1	0.6	5	3.2	—	—	—	—

Source: Information supplied by Loretta Valdez, administrative assistant, Wyoming Attorney General's Office, Mar. 15, 1994.

TABLE 2.18
Wyoming State Auditor's Office Work Force, February 7, 1994

	Total empl.	Male		Female		Non-Hispanic origin									
		No.	%	No.	%	White		Black		Hispanic		Asian		Am. Indian	
						No.	%	No.	%	No.	%	No.	%	No.	%
Officials/admintrs.	2	1	50.0	1	50.0	2	100.0	—	—	—	—	—	—	—	—
Professionals	10	6	60.0	4	40.0	10	100.0	—	—	—	—	—	—	—	—
Technicians	6	—	—	6	100.0	5	83.3	—	—	1	16.7	—	—	—	—
Protective service	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Paraprofessionals	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Administrative support	2	—	—	2	100.0	2	100.0	—	—	—	—	—	—	—	—
Skilled craft	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Service maintenance	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Totals	20	7	35.0	13	65.0	19	95.0	—	—	1	5.0	—	—	—	—

Source: Information supplied by David Ferrari, Wyoming State Auditor's Office, Feb. 7, 1994.

The general pattern that emerges shows most of the employees in the administrative support job category, a relatively low-paying position, are women. At the other end of the pay scale, few women are hired at the level of officials/administrators in most departments. Three of these agencies have no women at all at this level. However, women generally have a higher rate of participation in the professional employee category. In seven agencies shown, their employment rate equals or exceeds their Wyoming labor force proportion. In the technician, protective service, paraprofessional, skilled craft, and service categories, there are few women.

Mr. Ferrari said that some of the inconsistency in the rate of women's employment in various departments may be explained by the nature of the work that traditionally has not attracted women. As an example, he pointed to the Department of Transportation (formerly the Highway Department) in which about 15 percent of the employees are women.¹ Phil Kiner, director of the Department of Administration and Information, said the reasons for overrepresentation or underrepresentation are not easy to determine. He said, typically, a larger proportion of women go into clerical jobs, a trend with 50 to 75 years of history behind it "which doesn't change overnight."²

Table 2.3 shows that in 1993 minority employees exceeded their 1990 Wyoming labor force participation rate (9.9 percent) only in the Departments of Administration and Information and Corrections. In the remainder of the departments, as in State government as a whole, minorities are underutilized to a signif-

icant extent. The Departments of Education, Environmental Quality, Game and Fish, and Revenue, and the State engineer's, attorney general's, and State auditor's offices each have a total of six or fewer minority employees, and the Department of Audit has none.

Information provided by John W. Renneisen, deputy attorney general, shows that among the eight managers in his office, three are women. Of a total of 11 legal division heads, 3 are women. Of the 48 lawyers in the office, 14 are women, and among the top 20 salaried attorneys, 6 are women. The only minority attorney is a black male.³

Mr. Renneisen believed the number of minority attorneys in his office is partially explained by the low number of minority enrollees and graduates from the University of Wyoming College of Law. In 1988 there were four minority graduates, and in 1989 there were seven. In 1990 three were enrolled, none graduated, and in 1991 four were enrolled, but none graduated.⁴ Although graduation from the University of Wyoming College of Law is not a requirement for employment in the attorney general's office, it may be a factor in candidates' awareness of vacancies and ability to interview.⁵

Table 2.1 shows that in all of State government, there are two minorities in the officials/administrators category. In the professional, technician, and skilled craft categories, they are employed significantly under their proportion in the total government work force. Only in the service maintenance occupational category do they approximate their proportion in the Wyoming labor force. In tables 2.4 through 2.18, some data are

1 Dave Ferrari, State auditor, State of Wyoming, transcript of the factfinding meeting conducted by the Wyoming Advisory Committee in Cheyenne, WY, Dec. 3, 1992, p. 116 (hereafter cited as *Transcript*).

2 *Ibid.*, p. 11.

3 Memorandum to the Wyoming Advisory Committee to the U. S. Commission on Civil Rights, presented by John W. Renneisen, Dec. 3, 1992.

4 *Ibid.* (Data on law school enrollment and graduation was provided to Mr. Renneisen by Debra Madsen, assistant dean, University of Wyoming College of Law, Laramie, WY.)

5 *Ibid.*

provided about minority employment by department. In many instances, data by occupational category were not furnished.

Gary E. Maier, community services manager, in the Department of Health, and member of the Wyoming Indian Affairs Council, reported that, in November 1992, of the total 74 Indian employees in State government, 68 were in the Department of Health, of whom 58 were employed at the State Training School in Lander near the Wind River Indian Reservation. He said that, though the Native American population by census count numbered 9,479, "only 11 held meaningful" State government jobs. These included three employment workers, two social worker technicians, one nurse, one equipment operator, one fire investigator, and one aide supervisor.⁶ Manuel Gonzales, a member of Wyoming's Latin American Association, reported that State government Hispanic employees are in a similar situation in that relatively few have "responsible" jobs at supervisory or decisionmaking levels and most are concentrated in lower paying positions, such as custodians.⁷

Representatives of minority community organizations who participated in the Advisory Committee's factfinding meeting expressed dissatisfaction with recruiting policies of the State. Mr. Gonzales reported that although some State agencies have asked the Latin American Association for suggested candidates for boards and councils, such requests are not routine, and it is common practice for State agencies to go through their own personnel for such suggestions.⁸ He recommended that his organization be used as a recruiting source for Hispanic employees.⁹ The Rev. Glenn C. Nelson, a member of the Christian

Ministerial Alliance, observed that his organization would be a good source for recruiting African American State employees, but that the organization has not been used for this purpose. Phyllis Jones, equal opportunity officer for the Wyoming Department of Employment, said confidentiality requirements that restrict information about the racial identity of applicants makes it difficult to assure that racial, ethnic, or disabled persons have equal access to all job openings.¹⁰

At the Advisory Committee's factfinding meeting in Cheyenne, Mr. Ferrari, the State auditor, supplied some comparative historical figures for the level of the employment of women in State government from 1989 to 1991, and also for the participation of women supervisors in the work force and their salary levels during that period. From 1989 to 1991, the State government work force increased from 6,704 to 7,131, an increase of 427 (6 percent). During the same period the proportion of women employees increased at about the same rate, from 3,005 to 3,178.

There was no change during this period in the overall participation rate for men and women, which was 45 percent for women and 55 percent for men. However, from July 1989 to November 1992, while the total number of supervisors in the work force grew by 168 (19 percent), women supervisors increased by 96 (31 percent). Despite this increase and the fact that there were more women supervisors in State government than ever before, during 1992, men continued to hold 62 percent of the supervisory positions in State government.¹¹ As an aside, Mr. Ferrari noted that two of the

6 Gary E. Maier letter to Malee V. Craft, undated, received Dec. 21, 1992.

7 *Transcript*, p. 250.

8 *Ibid.*, p. 248.

9 *Ibid.*, p. 251.

10 *Transcript*, pp. 84-87.

11 *Ibid.*, pp. 103-07, and statistics supplied by Dave Ferrari to the Wyoming Advisory Committee, Dec. 3, 1992.

four elected officials in the State are women, and that three of the four deputies in those agencies are women.¹²

Few women hold executive level jobs in State government, according to the Wyoming Commission for Women (WCW). Based on 1991 information, just 18 percent, or 15 of 83, division and department heads were women. There were 259 women seated on the 116 boards and commissions, 30 percent of their membership, and the women who do serve were mostly on boards that are concerned with traditional women's issues. For example, there were 6 women and 1 man on the Board of Nursing, 7 women and 4 men on the Board of Education, and 26 women and 1 man on the WCW. Such groups as the Mining Council and the Investment Fund Committee had no women representation.¹³

The WCW compiled a packet of materials entitled *Women and Public Policy: Getting Appointed to State Boards and Commissions*,¹⁴ which includes information about the makeup of State boards and suggestions for receiving an appointment. Since its creation in 1986 by the State legislature, the WCW has

strongly advocated for the equality of women in employment. It succeeded the Commission on the Status of Women, which was initiated by a 1965 gubernatorial proclamation. It was not until 1973, however, that the legislature appropriated funds for the commission, and in 1980, it obtained office space and a full-time director. When State government was reorganized in 1989, its name was officially changed to the Council on Women's Issues. However, it is commonly referred to as the Commission for Women.¹⁵ Part of this organization's purpose is to focus on employment issues involving women. WCW was instrumental in amending Wyoming's sexual harassment laws and published educational pamphlets on various aspects of women's employment.¹⁶

In 1988 the WCW's operating budget was cut in half, and in 1992 it lost 96 percent of its funding, its executive director, and its part-time clerical help. It operates now, primarily with volunteer help, on a \$4,000 budget for the biennium.¹⁷ Ms. Morton reported that the WCW is the only State agency dealing with such women's issues.¹⁸

12 *Transcript*, p. 116.

13 "Women Lag Behind in Top State Jobs," *Casper Star Tribune*, Feb. 14, 1992.

14 Published by the Wyoming Commission for Women, Herschler Building, Cheyenne, WY 82022, July 1988.

15 Paula Morton, board member, Wyoming Commission for Women, *Transcript*, p. 254.

16 *Ibid.*, p. 255.

17 *Ibid.*, pp. 256-57.

18 *Ibid.*, p. 259.

3. Comparative Salaries in State Government

Table 3.1 shows that in all of the 46 State government agencies listed, the average 1992 salary for women employees is lower than that for men. The average salary of women ranged from 40.5 percent of that for men (the Oil and Gas Commission) to 98.1 percent (the Liquor Commission). In the 13 major departments, the range was from 60.3 percent (the Department of Revenue) to 95.1 percent (the Department of Corrections). In all of State government, women's salaries were 73.5 percent of those for men. Nationally that year, women's earnings were 76.0 percent of those for men (see table 3.2). Table 3.3 shows that by 1993, 9 of the 12 departments that supplied data have improved the ratio of women's-to-men's salaries. Tables 3.4 through 3.15 provide comparative salary statistics for the different job categories in some individual departments. In several categories, the average women's salaries equal or exceed those of men, but the overall pattern is one of significantly lower salaries for State government women employees.

Mr. Ferrari considered the disparity between the pay for men and women supervisors in State government to be "alarming" and provided statistics comparing pay levels in 1989 and 1992.¹ Table 3.16 shows that the total number of supervisors in State government increased by 19 percent during this period, and the proportion of women increased from 34.9 to 38.4 percent. The salaries of women supervisors also increased in relation

to those of men supervisors, from 72.3 percent of men's salaries in 1989 to 79.4 percent of men's salaries in 1992. These proportions were slightly better than national figures during those same years. In the fourth quarter of 1989, women's earnings, nationally, were 70.0 percent of those for men, and in the fourth quarter of 1992, 76.0 percent of those for men (table 3.2).

Table 3.16 shows that State government salary gains for women supervisors between 1989 and 1992 are reflected in individual A and B pay plans as well. In plan A, women's supervisory salaries increased from 79.7 percent of those for men to 81.3 percent during those years, and for those in plan C, salaries increased from 81.0 percent to 81.3 percent of those for men.

As far back as 1985 concern about the pay disparity between men and women employees in State government prompted the Governor to approve legislation authorizing a study of pay equity in the State government work force.² That study revealed substantial occupational segregation by sex, as is shown also in the current data presented above, and pronounced differences in the annual wages of men and women. In 1985 women who worked for Wyoming State government earned 71.5 percent of the annual salaries of men in State government. The 28.5 percent wage gap compared precisely with that of the average wage gap for government workers in all the States.³

1 Dave Ferrari, State auditor, *State of Wyoming*, transcript of the factfinding meeting conducted by the Wyoming Advisory Committee in Cheyenne, WY, Dec 3, 1992, p 104-08 (hereafter cited as *Transcript*).

2 Hubbard & Revo-Cohen, Inc., *Preliminary Pay Equity Study of Wyoming State Workforce*, 1985, p. 1.

3 *Ibid.*, pp. 1, 2.

TABLE 3.1
Wyoming State Government Employee Salaries by Agency,* July 1992

Agency	Average men's monthly salary	Average women's monthly salary	Women's percent of men's
Adjutant General	\$ 1,570	\$ 1,394	88.8
Administration & Information**	2,201	1,691	76.8
Administrative Hearings	3,605	1,557	43.2
Agriculture	2,287	1,735	75.9
Attorney General	2,620	1,882	71.8
Audit Department**	2,329	2,184	93.8
Auditor	3,810	1,949	51.2
Commerce Department**	2,210	1,694	76.7
Community College Commission	3,873	2,739	70.7
Corrections**	1,710	1,627	95.1
Cosmetologist Board	0	1,923	—
CPA Board	0	1,888	—
Education**	3,041	1,899	62.4
Emergency Management	2,271	1,814	79.9
Employee's Group Insurance	0	1,851	—
Employment Department**	2,352	1,698	72.2
Engineer**	2,381	1,549	65.1
Environmental Quality**	2,883	1,837	63.7
Environmental Quality Council	0	2,391	—
Family Services Department**	2,160	1,628	75.4
Fire Prevention	2,277	1,457	64.0
Game and Fish**	2,478	1,508	60.9
Geological Survey	2,999	1,501	50.1
Geologist Board	0	1,705	—
Governor's Office	4,222	1,852	43.9
Governors' Residence	0	1,608	—
Health Department**	1,841	1,532	83.2
Insurance Department	2,596	1,929	74.3
Liquor Commission	1,500	1,472	98.1
Livestock Board	2,808	1,686	60.0
Medical Licensing Board	0	1,717	—
Nursing Board	0	2,288	—
Oil and Gas Commission	3,608	1,460	40.5
Outfitters Board	0	1,517	—
Pari-Mutuel Board	2,991	2,017	67.4
Pharmacy Board	2,661	2,320	87.2
Public Defender	2,886	1,660	57.5
Public Service Commission	3,391	1,843	54.3
Real Estate	2,096	2,017	96.2
Retirement System	3,579	1,613	45.1
Revenue Department**	2,690	1,622	60.3
Secretary of State	2,592	1,868	72.1
State Land Office	2,618	1,571	60.0
Transportation Department**	2,129	1,501	70.5
Treasurer	3,872	2,064	53.3
Water Development Commission	3,502	1,984	56.7
Total	2,185	1,606	73.5

* Statistics do not include university or community college employees, except for the seven members of the Community College Commission staff.

** Denotes the 12 departments created by the legislature which report directly to the Governor, plus the Department

of Education headed by an elected official.

Source: Department of Administration and Information, Personnel Management Division, *1992 Salary and Personnel Structure*, December 1992, p.3.

TABLE 3.2

Comparison of Women's and Men's Earnings Nationally, 1989-1993

Year (4th Quarter)	Women's earnings as a percentage of men's*
1993	76.9 %
1992	76.0
1991	74.2
1990	72.4
1989	70.0

* The median weekly earnings of the nation's women working full time expressed as a percentage of the median weekly earnings of the nation's men working full time.

Source: U.S. Department of Labor, Bureau of Labor Statistics, News Bulletins, Jan. 31, 1994; Feb. 1., 1993; Feb. 4, 1992; Feb. 8, 1991; and Jan. 26, 1990.

TABLE 3.3

Wyoming State Government Employee Salaries by Department, 1993-94

	Men's average monthly salary	Women's average monthly salary	Women's percent of men's
Department of Administration & Information	\$2,420.74	\$1,756.05	72.5
Department of Audit	3,190.07	2,587.48	81.1
Department of Commerce	1,898.87	1,687.72	88.9
Department of Corrections	2,079.97	2,259.35	108.6
Department of Education	2,141.76	2,657.97	124.1
State Engineer's Office	2,264.23	2,257.05	99.7
Department of Environmental Quality	2,934.34	1,851.35	63.1
Department of Family Services	2,013.60	1,910.65	94.9
Game and Fish Department	2,307.27	2,274.88	98.6
Department of Revenue	2,305.70	2,670.78	115.8
Attorney General's Office	2,380.86	2,237.19	94.0
State Auditor's Office	3,658.21	1,805.25	49.4

Source: Compiled from tables 3.4-3.15.

TABLE 3.4

Department of Administration and Information, Salary Comparisons, April 19, 1993

Job category	Men's average salary	Women's average salary	Women's percent of men's
Administration	4,383.63	—	—
Professionals	2,969.67	2,022.25	68.1
Technicians	2,539.36	2,286.36	90.1
Protective service	3,025.00	—	—
Paraprofessionals	1,557.68	1,869.94	120.0
Office clerical	1,584.34	1,446.97	91.3
Skilled craft	1,976.38	1,604.17	81.2
Service/maintenance	1,329.89	1,306.61	98.2
Total	2,420.74	1,756.05	72.5

Source: Information supplied by Phil Kiner, director,
Wyoming Department of Administration and Information,
Apr. 26, 1993.

TABLE 3.5

Department of Audit Salary Comparisons, April 26, 1993

Job category	Men's average salary	Women's average salary	Women's percent of men's
Administration	4,138.86	4,146.00	100.2
Professionals	2,241.28	2,060.93	92.0
Technicians	—	—	—
Protective service	—	—	—
Paraprofessionals	—	—	—
Office clerical	—	1,555.50	—
Skilled craft	—	—	—
Service/maintenance	—	—	—
Total	3,190.07	2,587.48	81.1

Source: Information supplied by Carol Peters, management
services officer, Wyoming Department of Audit, Apr. 28,
1993.

TABLE 3.6
Department of Commerce Salary Comparisons, April 22, 1993

Job category	Men's average salary	Women's average salary	Women's percent of men's
Administration	2,957.30	2,278.09	77.0
Professionals	2,324.45	1,917.27	82.5
Technicians	1,943.86	2,086.00	107.3
Protective service	—	—	—
Paraprofessionals	1,826.23	1,631.39	89.3
Office clerical	1,583.93	1,386.97	87.6
Skilled Craft	1,201.13	1,284.28	106.9
Service/maintenance	1,455.21	1,230.04	84.5
Total	1,898.87	1,687.72	88.9

Source: Information supplied by Max Maxfield, Wyoming Department of Commerce, Apr. 29, 1993.

TABLE 3.7
Department of Corrections Salary Comparisons, May 18, 1993

Job category	Men's average salary	Women's average salary	Women's percent of men's
Administration	3,912.93	5,471.83	139.8
Professionals	2,134.94	2,008.99	94.1
Technicians	1,850.28	—	—
Protective service	1,450.46	1,538.74	106.1
Paraprofessionals	1,825.32	1,708.54	93.6
Office clerical	—	1,315.29	—
Skilled craft	1,695.06	—	—
Service/maintenance	1,690.78	1,512.68	89.5
Total	2,079.97	2,259.35	108.6

Source: Information supplied by Jerry Pieper, management administrator, Department of Corrections, May 18, 1993.

TABLE 3.8
Department of Education Salary Comparisons, May 7, 1993

Job category	Men's average salary	Women's average salary	Women's percent of men's
Administration	—	4,848.06	—
Professionals	2,836.33	2,658.80	93.7
Technicians	1,447.18	1,575.76	108.9
Protective service	—	—	—
Paraprofessionals	—	—	—
Office clerical	—	1,549.27	—
Skilled craft	—	—	—
Service/maintenance	—	—	—
Total	2,141.76	2,657.97	124.1

Source: Information supplied by Lois Mottonen, equal opportunity coordinator, Vocational Education, Wyoming Department of Education, May 20, 1993.

TABLE 3.9
State Engineer's Office Salary Comparisons, May 7, 1993

Job category	Men's average salary	Women's average salary	Women's percent of men's
Administration	4,044.10	3,704.32	91.6
Professionals	1,671.59	1,755.94	105.0
Technicians	—	—	—
Protective service	—	—	—
Paraprofessionals	—	2,293.33	—
Office clerical	1,077.00	1,274.59	118.3
Skilled craft	—	—	—
Service/maintenance	—	—	—
Total	2,264.23	2,257.05	99.7

Source: Information supplied by Gordon W. Fessett, Wyoming State Engineer, May 7, 1993.

TABLE 3.10

Department of Environmental Quality Salary Comparisons, May 3, 1993

Job category	Men's average salary	Women's average salary	Women's percent of men's
Administration	4,516.69	—	—
Professionals	2,738.24	2,287.60	83.5
Technicians	2,557.44	—	—
Protective service	—	—	—
Paraprofessionals	—	—	—
Office clerical	—	1,415.10	—
Skilled craft	—	—	—
Service/maintenance	1,925.00	—	—
Total	2,934.34	1,851.35	63.1

Source: Information supplied by James S. Uzzell, management services administrator, Wyoming Department of Environmental Quality, May, 3, 1993.

TABLE 3.11

Department of Family Services Salary Comparisons, April 30, 1993

Job category	Men's average salary	Women's average salary	Women's percent of men's
Administration	3,713.81	3,300.35	88.9
Professionals	2,039.34	2,048.05	100.4
Technicians	—	—	—
Protective service	—	—	—
Paraprofessionals	1,754.51	1,674.71	95.5
Office clerical	1,233.80	1,171.00	94.9
Skilled craft	—	—	—
Service/maintenance	1,326.54	1,359.14	102.5
Total	2,013.60	1,910.65	94.9

Source: Information supplied by Roger Nelson, personnel field manager, Wyoming Department of Family Services, May 3, 1993.

TABLE 3.12

Game and Fish Department Salary Comparisons, March 29, 1994

Job category	Men's average salary	Women's average salary	Women's percent of men's
Administration	4,056.68	3,692.47	91.0
Professionals	2,570.49	2,122.34	82.6
Technicians	2,106.87	1,896.36	90.0
Protective service	2,247.48	2,173.90	96.7
Paraprofessionals	—	—	—
Office clerical	1,106.33	1,489.32	134.6
Skilled craft	2,259.74	—	—
Service/maintenance	1,803.31	—	—
Total	2,307.27	2,274.88	98.6

Source: Information supplied by John Talbott, deputy director, Wyoming Game and Fish Department, March 29, 1994.

TABLE 3.13

Department of Revenue Salary Comparisons, April 1993

Job category	Men's average salary	Women's average salary	Women's percent of men's
Administration	4,479.61	5,239.79	117.0
Professionals	2,493.37	2,172.29	87.1
Technicians	—	—	—
Protective service	—	—	—
Paraprofessionals	1,575.34	1,882.26	119.5
Office clerical	1,343.00	1,388.79	103.4
Skilled craft	1,637.19	—	—
Service/maintenance	—	—	—
Total	2,305.70	2,670.78	115.8

Source: Information supplied by Harry L. Kerbel, personnel director, Wyoming Department of Revenue, Apr. 27, 1993.

TABLE 3.14
Attorney General's Office Salary Comparisons, March 11, 1994

Job category	Men's average salary	Women's average salary	Women's percent of men's
Administration	4,569.23	4,140.18	90.6
Professionals	2,760.45	2,577.96 ¹	93.4
Technicians	2,138.65	2,077.53	97.1
Protective service	1,881.30 ²	³	
Paraprofessionals	2,100.06	1911.05	91.0
Office clerical	1,739.90	1,585.33 ⁴	91.0
Skilled craft	⁵		
Service/maintenance	1,476.44	1,131.09	76.6
Total	2,380.86	2,237.19	94.0

Source: Information supplied by Loretta Valdez, administrative assistant, Wyoming Attorney General's Office, Mar. 15, 1994.

¹ Average based upon 17 of 18 women employees as the salary of one employee is not available.

² Average based upon 9 of 10 men employees as the salary of one employee is not available.

³ There are no women employees in the protective service category.

⁴ Average based on 30 of 31 women employees as the salary of one woman is not available.

⁵ There are no women employees in the skilled craft category, and the salary of the single man employee is not available.

TABLE 3.15
State Auditor's Office Salary Comparisons, February 7, 1994

Job category	Men's average salary	Women's average salary	Women's percent of men's
Administration	4,375.00	4,083.33	93.3
Professionals	3,538.75	1,596.83	45.1
Technicians	—	1,640.50	—
Protective service	—	—	—
Paraprofessionals	—	—	—
Office clerical	—	1,577.33	—
Skilled craft	—	—	—
Service/maintenance	—	—	—
Total	3,658.21	1,805.25	49.4

Source: Information supplied by David Ferrari, State Auditor's Office, Feb. 7, 1994.

TABLE 3.16

Wyoming State Government, Salary Comparisons for Men and Women Supervisors

	<u>July</u> <u>1989</u>	<u>November</u> <u>1992</u>	<u>Change</u>	
			<u>No.</u>	<u>%</u>
<i>All supervisors:</i>				
Women supervisors employed	310	406	96	31.0
Men supervisors employed	579	651	72	12.0
Totals	889	1,057	168	19.0
Women supervisor's average salary	\$2,103	\$2,334	\$231	11.0
Men supervisor's average salary	\$2,906	\$2,941	\$35	1.0
Women's salaries as percentage of men's	72.3%	79.4%		
<i>Pay plan A supervisors:</i>				
Women supervisors employed	163	216	53	32.5
Men supervisors employed	415	400	(15)	(3.6)
Totals	578	616	38	6.6
Women supervisor's average salary	\$2,650	\$2,625		
Men supervisor's average salary	\$3,324	\$3,229		
Women's salaries as percentage of men's	79.7%	81.3%		
<i>Pay plan B supervisors:</i>				
Women supervisors employed	147	156	9	6.1
Men supervisors employed	164	184	20	12.2
Totals	311	340	29	9.3
Women supervisor's average salary	\$1,497	\$1,633	\$136	9.1
Men supervisor's average salary	\$1,849	\$1,827	(\$22)	(1.2)
Women's salaries as percentage of men's	81.0%	89.4%		
<i>Pay plan X supervisors:</i>				
Women supervisors employed		34		
Men supervisors employed		65		
Totals		99		
Women supervisor's average salary		\$3,703		
Men supervisor's average salary		\$4,247		
Women's salaries as percentage of men's		87.2%		

Note: Plan A: professional scale—program coordinators, dentists, managers, administrators, program consultants, engineers, auditors, attorneys, analysts; plan B: paraprofessionals, skilled technicians, clerical, aides, clinical assistants, correctional officers, custodians, welfare workers;

plan X: appointed and unusual positions such as deputy auditors, elected officials, doctors, at-will contract employees.

Source: Information provided by Dave Ferrari, State auditor, at the Wyoming Advisory Committee's factfinding meeting in Cheyenne on Dec. 3, 1992.

Mr. Ferrari believes that there is no direct attempt by anyone in State government to make sure that men are paid more than women.⁴ Part of the problem, he said, is that State government has not specifically articulated its goals with respect to the compensation of women.⁵ Also, he said, the compensation system of State government tends to reward those who are employed longer. The State's longevity plan provides a bonus to those who stay with State government.⁶ On the average, he explained, men have more seniority in State government than women because in former years the State employed many more men than women. Consequently, there are more men who have remained employed with the State than women, and because of their longevity, earn more.⁷ The dis-

parity would go away, he believes, if the compensation plan rewarded people equally for doing the same job at the same level of competence, regardless of longevity.⁸

In a 1990 report directed by the Management Audit Committee, the Wyoming LSO recommended that the Personnel Division provide annual reports to the legislature on compensation and benefits.⁹ The Audit Committee said the Personnel Division does not routinely provide the legislature with employee compensation and benefit data and analysis. Consequently, when making salary decisions, it does not have comprehensive information, with the result, according to a quotation from one legislator, the legislature "has not been consistent" in making decisions concerning pay.¹⁰

4 *Transcript*, p. 113.

5 *Ibid.*, p. 109.

6 *Ibid.*, p. 119.

7 *Ibid.*, p. 113.

8 *Ibid.*

9 Wyoming Legislative Service Office, *Program Evaluation: Personnel System*, November 1990, p. 21 (hereafter cited as *Program Evaluation: Personnel System*).

10 *Ibid.*, p. 21.

4. State Equal Opportunity and Affirmative Action Policies and Programs

Equality in Employment

The title of "Equality State" was bestowed upon Wyoming because of its role in helping to remove the barriers to women suffrage in the United States. In 1869 the Territory of Wyoming passed the first woman suffrage bill in the Nation, a law that it insisted upon retaining even though it jeopardized its application for statehood. In 1890, Wyoming became the first State to allow women the right to vote.¹

Phil Kiner, director of the Wyoming Department of Administration and Information, reported that the Governor and the State of Wyoming carry the concept of equality into the area of employment opportunity and look forward to further progress in that area. The Wyoming government's philosophy in this regard, he said, is made clear in its personnel rules, which apply to all State agencies.² These state:

Equal employment opportunity shall be provided to applicants and employees in the administration of all personnel practices such as recruitment, appointment, promotion, performance appraisal, discipline, retention, training, and other benefits, terms, and conditions of employment in a manner which does not discriminate on the basis of race,

color, creed, sex, national origin, age, political affiliation, handicap (except where handicap is a bona fide occupational disqualification), or any other non-merit factor.³

The rules further state that the Personnel Division shall provide assistance to agency heads in the administration of equal employment opportunity policy, and that they shall act in accordance with it. Agencies are also required to assure understanding and consistent application of this policy, and to cooperate fully with the State equal employment opportunity (EEO) coordinator in investigating and resolving discrimination complaints.⁴ Mr. Kiner concluded that, although efforts have not always been noticeable, the Personnel Division and other agencies are doing a "good job" in the area of equal employment opportunity despite limited resources and budget cuts.⁵ The Governor, he said, is committed to hiring and promoting as many persons of any gender or ethnicity as possible.⁶

Mr. Kiner said, however, that the State government has no affirmative action plan.⁷ Danny F. Romero, State EEO coordinator, stated that in 1979 a recommendation made to the State legislature for establishment of a State affirmative action plan was defeated

1 Wyoming State Archives, Museums and Historical Department, *Annals of Wyoming*, vol. 62, no. 1, spring 1990, p. 3

2 Phil Kiner, transcript of the factfinding meeting conducted by the Wyoming Advisory Committee in Cheyenne, WY, Dec. 3, 1992, pp. 7, 13 (hereafter cited as *Transcript*)

3 State of Wyoming, *Personnel Rules of the Executive Branch of Wyoming State Government*, October 1989, p. 2.

4 *Ibid.*

5 *Transcript*, p. 7.

6 *Ibid.*, p. 12.

7 *Ibid.*

and has not been made again.⁸ Mr. Kiner pointed out that this is a time of very limited resources and the legislature has been reluctant to add programs absent some significant, pressing problem area.⁹

Dennis Smyth, executive director of the Wyoming Public Employee's Association (WPEA), reported that his association's recommendation for the development of a State affirmative action plan has been repeatedly and consistently rejected. He said, "We have felt for a long time that the State of Wyoming ought to have an affirmative action plan. I think it says something very negative when you find a State, 'The Equality State,' that doesn't go so far as to have goals defined in an affirmative action plan."¹⁰

Other participants in the Advisory Committee's Cheyenne factfinding meeting echoed this concern. Jesse Vialpando, employment practices officer at the University of Wyoming, said, "I think it is very disappointing . . . that the State of Wyoming does not have an affirmative action plan in place that deals with all State agencies."¹¹ Mr. Ferrari suggested that the Committee recommend that the State define goals to work towards or else any results will be haphazard and accidental.¹²

State personnel rules require individual agency heads to act in accordance with the State's EEO policy.¹³ Some State agencies have EEO programs designed to implement State policy. However, just two departments have affirmative action plans, the Department of Employment and the Department of Transportation.¹⁴ Part of the reason given for this is the lack of Federal funding for EEO personnel and a reduction in State funding.¹⁵ Mr. Kiner said the Personnel Division has taken a 9 percent cut over the past three bienniums, which has hampered the ability to set forth EEO standards and procedures.¹⁶

Mr. Smyth also believes that lack of legislative funding for the development of EEO standards and operations is part of the problem. He said that the legislature repeatedly and consistently over the years has refused to adequately fund or staff the Personnel Division, and if this continues, recommendations for approval of new procedures to assure against discrimination will be futile.¹⁷

A report by the Legislative Service Office (LSO) completed in 1990 finds State government has no specific legislation or executive order establishing an EEO program within the executive branch, and there is no state-wide EEO plan or minimum standards or guidelines for agency level EEO activities.¹⁸

8 Interview with Malee V Craft in Cheyenne, WY, Mar 5, 1992

9 *Transcript*, p 16

10 *Ibid* , pp 277, 278

11 *Ibid* , p 149

12 *Ibid* , p 117

13 *Personnel Rules of the Executive Branch of Wyoming State Government*, October 1989, p. 2 (hereafter cited as *Personnel Rules*)

14 Wyoming Department of Transportation, *Affirmative Action Plan Update*, Sept. 1, 1991; and Wyoming Department of Employment, *Affirmative Action Plan* July 1, 1991-June 30, 1992.

15 Phil Kiner, Director of the Wyoming Department of Administration and Information, *Transcript*, p. 16.

16 *Ibid.*, p. 13.

17 *Transcript*, p. 277

18 Wyoming Legislative Service Office, *Program Evaluation. Personnel System*, November 1990, p. 18 (hereafter cited as *Program Evaluation. Personnel System*)

Current State government personnel rules give agencies great latitude in developing their own EEO activities over which the Personnel Division provides minimal oversight. The Personnel Division has no enforcement power to require individual agency compliance with the personnel rules prohibiting discrimination, and there is no formalized appeals process for applicants alleging discrimination.¹⁹

A State employee survey conducted by the LSO found that 20 percent of the respondents believe they have been discriminated against in the context of State employment, and 22 percent say they would not know where to file a discrimination complaint. The report says these numbers could be construed as a lack of State commitment to discouraging and eliminating discrimination in the workplace.²⁰

The LSO concluded that the State government EEO efforts are minimal.²¹ When questioned at the Advisory Committee's meeting as to why there is no overall State EEO program, Mr. Kiner replied that it is the responsibility of the legislature to set policy. During this time of limited resources, the legislature has been very reluctant to add programs absent some significant, pressing problem area, Mr. Kiner said.²² He said that the legislature has never specifically funded any extra EEO program efforts for the Personnel Division, and, in fact, has had to cut 9 out of 30 employees, including 5 professionals, over the last three bienniums.²³ Senator Geringer agreed with Mr. Kiner by placing the responsibility

for EEO program resources at the door of the legislature. Though Mr. Kiner's department has 100 percent discretion in the reallocation of general fund services, Senator Geringer said the policy and priority setting through the appropriation process is more appropriately the role of the legislature.²⁴ Mr. Renneisen also said that equal opportunity is the policy of the State and the law of the Nation, but fulfilling the mandate will require some new resources, which can only come from the legislature.²⁵

Sexual Harassment

In the course of the Advisory Committee's study, concern regarding the issue of sexual harassment was raised several times. Commissioner of Labor Michael J. Sullivan said that sex discrimination and sexual harassment make up the heaviest load of employment discrimination complaints investigated by the Employment Department's Labor Standards/Fair Employment Division.²⁶ The WPEA successfully represented eight women who alleged they were victims of sexual harassment and were told by their agency or division heads in so many words, "That's life, that's America."²⁷

In November 1992, prior to the Committee's factfinding meeting in Cheyenne, Cecilia Lynn Kinter, a temporary employee of the Wyoming Game and Fish Department, presented a long and detailed list of alleged incidents and conditions of a sexual nature in her office that were offensive to her and other

19 Ibid., pp 18-19.

20 Ibid., p 19.

21 Ibid., p. 19.

22 *Transcript*, p. 16.

23 Ibid., p. 13.

24 Ibid., p. 41.

25 Ibid., p. 30.

26 Ibid., p. 181.

27 Dennis Smyth, *Transcript*, pp. 279, 284.

women employees and that she believed to be discriminatory. These included meeting room reading material containing sexist jokes and *Playboy* magazines, and a poster of a semi-nude woman on the wall; an all-male interview panel asking sexually oriented questions ("Would you consider fooling around on the job?"), and sexual advances by male employees.²⁸ Upon inquiry by U.S. Commission on Civil Rights staff, Francis "Pete" Petera, director of the Game and Fish Department, stated that an internal review of Ms. Kinter's allegations would be initiated immediately and any improprieties rectified. In addition, Mr. Petera said that a draft sexual harassment policy would be presented for adoption by the Game and Fish Department on January 19, 1993, and implemented by the department upon approval (see appendix II), with an aggressive training program for all supervisors, managers, and administrators.²⁹

On December 8, 1992, Ms. Kinter filed a discrimination complaint with the Denver District Office of the Equal Employment Opportunity Commission (EEOC).³⁰ On April 19, 1994, Elizabeth Frank, supervisory investigator for that office, reported that those incidents in Ms. Kinter's complaint that were sufficiently timely to fall within EEOC jurisdiction were still under investigation and that no determination had been issued regarding their merits.³¹ Results of the Game and Fish Department's internal review have not been made public. In March 1993 Ms. Kinter alleged that her working situation had not improved. As examples, she said she came home one night to her residence (which is in the headquarters where she works) to find a male

colleague asleep in her bed. He allegedly said, "Well, there's plenty of room here. I don't bite." In addition, she said that her supervisor's office contained a cartoon drawing of three naked men, and a light switch designed as a penis.³²

When contacted by U.S. Commission on Civil Rights staff in February 1994, Ms. Kinter said that the EEOC investigator had informed her that in her case, because the Game and Fish Department had made an effort to educate its staff on sexual harassment, a no cause finding was likely. According to Ms. Kinter, however, by that date no sexual harassment training had been initiated by the department. The investigator also indicated that there was a question as to whether the individual minor incidents she reported would be enough to support a court case against the department, and he suggested it might be better to take a right-to-sue letter from EEOC and handle it privately, or with help from a women's organization or professional association.³³ Elizabeth Frank, supervisory investigator, said that the investigator of Ms. Kinter's complaint had indicated to her that he did not recommend that Ms. Kinter request a notice of right-to-sue, but informed her of her right to do so.³⁴

Mr. Kiner reported that there is a proposed State policy on sexual harassment, which is the same as the one proposed for the Game and Fish Department that is in appendix II, and the Department of Administration and Information approved a sexual harassment policy.³⁵ Seven other departments reported that they have sexual harassment policies in place.³⁶ However, Labor Commissioner

28 Cecilia Lynn Kinter, letter to William F. Muldrow, U.S. Commission on Civil Rights, Nov. 29, 1992.

29 Francis Petera, letter to William F. Muldrow, Jan. 12, 1993.

30 Cecilia Lynn Kinter, letter to Elizabeth Frank, EEOC supervisory investigator, Dec. 8, 1992.

31 Elizabeth Frank, letter to William F. Muldrow, Apr. 19, 1994.

32 Cecilia Lynn Kinter, letter to Ruth Sterner, EEOC investigator, Mar. 23, 1993.

33 Cecilia Lynn Kinter, notes of telephone conversation with Andrew Williams, EEOC investigator, Oct. 29, 1993.

34 Elizabeth Frank, letter to William F. Muldrow, Apr. 19, 1994.

Sullivan stated that though the department conducted 85 training seminars all over the State during 1992, including some for major corporations, it was never asked by the State government of Wyoming to conduct one on this area of concern.³⁷

A sexual harassment policy, which is now a part of the State government personnel rules, became effective in October 1993. The policy includes procedures for addressing alleged acts of sexual harassment. All State agencies and departments are required to follow this policy and to incorporate it into their respective personnel rules. On December 21, 1993, Governor Mike Sullivan, by executive order, directed all State employees to receive formal training by June 30, 1994, in the identification and prevention of sexual harassment.³⁸

Training

Mr. Kiner said that the Department of Administration and Information is in the process of revising the rules regarding EEO training and has implemented an ongoing training program. A third full-time trainer was hired into a position previously vacant for 8 months due to lack of funds.³⁹ EEO training responsibilities, he said, are the direct responsibility of

Danny Romero, the EEO coordinator.⁴⁰ Mr. Kiner said that his department has no authority to force anyone to take training, something that must be initiated by individual agency heads.⁴¹ Nor does the Department of Administration and Information have the authority to dictate individual agency policy or to review the procedures of other departments in the areas of sexual harassment and other EEO concerns other than those specified in the personnel rules.⁴²

Senator Geringer said that, at present, the State only has 3 people designated specifically as trainers for over 7,000 State employees, though some training takes place within individual departments. Training is not mandated in any way and has been deemphasized "through the appropriations process."⁴³ Questionnaires sent by the LSO staff to executives and managers revealed that only 14 percent had attended training seminars.⁴⁴ Training, he believes, should be mandatory within government, rather than a discretionary item that has to be funded out of the agency's budget.⁴⁵ Diana Ohman, State superintendent of public instruction, also deplored the lack of training in State government, which she be-

35 Phil Kiner letter to Malee V. Craft, Apr. 26, 1993.

36 Letters to Malee V. Craft as follows: Carol Petera, management services officer, Department of Audit, Apr. 28, 1993; Max Maxfield, director, Department of Commerce, Apr. 29, 1993; Lois Mottonen, equal opportunity coordinator, Department of Education, May 20, 1993; Phyllis Jones, equal opportunity officer, Department of Employment, May 24, 1993; James S. Uzzell, management services administrator, Department of Environmental Quality, May 3, 1993; Roger Nelson, personnel field manager, Department of Family Services, May 3, 1993; Harry L. Kembel, personnel director, Department of Revenue, Apr. 27, 1993; and John Renneisen, deputy attorney general, Attorney General's Office, *Transcript*, p. 62.

37 *Transcript*, pp. 199-200.

38 Danny Romero, Wyoming EEO coordinator, telephone interview with Malee V. Craft, Apr. 4, 1994.

39 *Transcript*, pp. 18-19.

40 *Ibid.*, p. 19.

41 *Ibid.*, p. 21.

42 *Ibid.*, pp. 21-22.

43 *Ibid.*, p. 33.

44 Jim Geringer, *Transcript*, p. 34.

45 *Ibid.*, p. 24.

lieves is especially needed for supervisors and managers responsible for interviewing and hiring.⁴⁶

Because of mistakes made by some agencies with regard to wrongful terminations or improperly denied employment, the attorney general's office has assumed some role in training. Staff attorneys instruct groups of State employees, or managers, on various State and Federal laws in the employment area.⁴⁷ Mr. Renneisen said that, due in part to the constant employee turnover in State government, there is always a demand and need for training. More often than not, though it is offered free of charge, training is initiated by his office, rather than by the request of individual agencies.⁴⁸

The State Equal Employment Opportunity Coordinator

The State personnel rules require agency heads to cooperate fully with the State EEO coordinator in investigating and resolving discrimination complaints and to contact him when an employee or applicant complains of employment discrimination. The rules say that an employee or applicant alleging employment discrimination *should* contact the EEO coordinator.⁴⁹

Though EEO coordinator Romero is a full-time employee, his primary responsibility is

not related to EEO programs but rather to employee grievance hearings and personnel review board hearings.⁵⁰ These activities take up about 75 percent of his time, leaving only 10 hours per week for statewide EEO duties.⁵¹ Commissioner of Labor Sullivan said that Mr. Romero loses his effectiveness as an EEO coordinator, which is primarily why he was hired, because most EEO responsibilities were taken away from him.⁵² Mr. Smyth, executive director of the Wyoming Public Employees Association (WPEA), said that the State does not, in effect, have an EEO officer because he is "buried in a myriad of other duties."⁵³ Mr. Romero's EEO duties include compiling and filing the required EEO-4 personnel reports with the EEOC every 2 years.⁵⁴ Mr. Romero said that he was aware of only two departments with EEO coordinators or representatives, the Department of Employment and the Department of Transportation. He also explained that his activities do not coordinate with theirs.⁵⁵ Phyllis M. Jones, equal opportunity officer for the Department of Employment, who has no staff except a shared secretary, explained that she does not work directly with Mr. Romero.⁵⁶ Ms. Ohman said that the Department of Education has a person whose job includes "OCR" (Office for Civil Rights) responsibilities.⁵⁷

46 *Transcript*, p. 170.

47 John Renneisen, *Transcript*, p. 52.

48 *Ibid.*, pp. 53, 56-57.

49 *Personnel Rules*, p. 2.

50 *Program Evaluation: Personnel System*, p. 19.

51 *Ibid.*

52 *Transcript*, p. 202.

53 *Ibid.*, p. 278.

54 Danny Romero, Wyoming EEO coordinator, interview with Malee V. Craft, Mar. 5, 1992.

55 *Ibid.*

56 *Transcript*, pp. 87-88.

57 *Ibid.*, p. 70.

The EEO coordinator is difficult to access because his office is located in the back of the State's Emerson Building basement. He is mentioned three times on only one page of the 98-page document containing the State personnel rules.⁵⁸ The State phone book does not contain a listing for his position, nor is it found in the official State government directory.⁵⁹ Because of the limited time available to the EEO coordinator for EEO duties and the remoteness of his office, the LSO study concluded that it is difficult for complainants to know where and how to file a complaint.

At the Committee's Cheyenne factfinding meeting, belief was voiced that, as recommended by the WPEA, the State should have a full-time EEO officer, solely responsible for monitoring EEO functions and enforcing standards.⁶⁰ The LSO agreed with this assessment.⁶¹ It concluded that, because Federal law, State statutes, and personnel rules require that equal employment opportunities be available to all State employees and applicants, the State needs a full-time EEO coordinator.

Others expressed their belief that the EEO coordinator position should be more autonomous to free itself from conflicts of interest. At present, the EEO coordinator is employed by the Personnel Division where he represents

both employees and the administration.⁶² Mike Sullivan said that the EEO coordinator sits in limbo, involved in a process that includes the very people he is reviewing.⁶³ Danny Romero, Mr. Kiner said, is available to any agency or to any employee; he works both sides of the fence.⁶⁴ Commissioner of Labor Sullivan and Mr. Smyth both recommended that the EEO coordinator report directly to the Governor in order to carry the clout of the State's chief executive.⁶⁵ The LSO study also recommended that the EEO coordinator report either to the Governor or to the director of the Department of Administration and Information to provide the autonomy necessary to oversee and analyze major Personnel Division activities.⁶⁶

The Complaint Process

Currently, there is no unified process for filing and resolving discrimination complaints within State government. The LSO study reported that the current system varies depending on the complainant, the agency, and internal agency policy.⁶⁷ Generally, complaints directed to the Personnel Division are not documented.⁶⁸

Mr. Kiner reported that his agency and several others have developed their own policies. He said that if aggrieved parties believe

58 *Personnel Rules*, p. 2.

59 *1992 Wyoming Official Directory*, compiled by Kathy Karpan, Secretary of State.

60 Dennis Smyth, *Transcript*, p. 278

61 *Program Evaluation. Personnel System*, p. 19

62 Vanessa Forselius, socioeconomic specialist in the Department of Environmental Quality, *Transcript*, p. 232.

63 *Transcript*, p. 193.

64 *Ibid.*, p. 13.

65 *Ibid.*, pp. 185, 193.

66 *Program Evaluation. Personnel System*, p. 19

67 *Ibid.*, p. 20.

68 *Ibid.*

that they cannot go to their immediate supervisor or division administrators, they can go to the EEO coordinator or to himself.⁶⁹ When asked if there was a formal, written process for dealing with complaints, he said, "I think it's pretty formally written down when it says, subject to immediate disciplinary action in my policies and procedures . . . I have an open-door policy, most of the agency heads do."⁷⁰ The procedure, he said, is for him to clear his schedule, talk to employees one-on-one with assurances they will not be quoted directly, and if there is a problem, take the next step in the disciplinary procedure.⁷¹

Mr. Renneisen believes a published procedure for complainants to follow is more effective than an informal process. He said that, although the attorney general's office has developed a procedure for handling sexual and other discrimination complaints that has been adopted by a number of other client agencies, it would be preferable for the State to have a central policy and procedure. A complication, he pointed out, was that every agency has a different structure, some with only two or three people, and different levels of resources. Regardless, he said that every agency should have a policy and procedure.⁷²

State employees may also file discrimination complaints with the EEOC district office in Denver, or with the Labor Standards/Fair Employment Division of the Wyoming Depart-

ment of Employment, with which the EEOC has a work-sharing agreement. These agencies enforce four laws prohibiting employment discrimination: Title VII of the Civil Rights Act of 1964,⁷³ as amended; the Age Discrimination in Employment Act of 1967,⁷⁴ as amended; the Equal Pay Act of 1963;⁷⁵ and the Americans with Disabilities Act of 1990.⁷⁶ All of these laws also prohibit retaliation for filing a charge.⁷⁷

If the investigation of a complaint by these agencies does not result in a finding of reasonable cause, the complainant has a right to take it to Federal district court. If reasonable cause is found, an attempt is made to settle the complaint by conciliation. If this fails, a recommendation can be made to the U.S. Department of Justice to take it to court. The EEOC, however, cannot take a title VII or Americans with Disabilities Act complaint against a local or State government to court as it is able to do with complaints against private employers.⁷⁸

The Wyoming Labor Standards/Fair Employment Division handles the majority of discrimination complaints in Wyoming. For the 12-month period ending June 20, 1992, the Wyoming agency handled 270 charges that were filed in the State, and the EEOC received 70 such complaints.⁷⁹ The Labor Standards/Fair Employment Division investigates discrimination charges against the

69 *Ibid.*, p. 9.

70 *Transcript*, p. 21.

71 *Ibid.*, p. 20.

72 *Ibid.*, pp. 62-63.

73 42 U.S.C. §§ 2000e *et. seq.* (1981 & Supp. 1993).

74 29 U.S.C. §§ 621 *et. seq.* (1985 & Supp. 1993).

75 29 U.S.C. § 206 (1978 & Supp. 1993).

76 42 U.S.C. §§ 12101 *et. seq.* (1993).

77 Elizabeth Frank, supervisory investigator, Denver District Office, U.S. Equal Employment Opportunity Commission. *Transcript*, pp. 204, 205.

78 *Ibid.*, pp. 207-08.

79 *Ibid.*, pp. 211, 212.

State, except those against the Wyoming Department of Employment of which it is a part. Those would be investigated by the EEOC.⁸⁰

However, Commissioner of Labor Sullivan said that there were few discrimination complaints by State employees because, he believes, most are afraid to file complaints against the State government for fear of retaliation.⁸¹ Mr. Smyth, whose WPEA represents its members in grievances or complaints against State agencies, agreed. He could not think of a single instance in which an employee did not discuss with him concerns about retaliation.⁸² He explained there are a myriad of ways to "get around" rules prohibiting retaliation, he said, such as simply giving an employee an unpleasant work assignment or transfer to some out-of-the-way place.⁸³ Commissioner Sullivan said that despite legal protections against retaliation, a good administrator is going to gather knowledge over a period of time and get rid of a person anyway. He believes legislation to prevent retaliation is a short-term remedy.⁸⁴

In addition to individual complaints processed by EEOC, it also has provision for Commission initiated actions called "commissioner charges." These involve an alleged pattern or practice of discrimination that has an adverse impact on a group of people based upon protected status.⁸⁵ Commissioner

charges are rare, however, and make up a very small percentage of EEOC's workload.⁸⁶ The agency is seeking increased budget and staff allocations so that it can give more attention to initiating and investigating commissioner charges.⁸⁷

Ms. Frank reported that after EEOC has had a case for 180 days, the complainant is automatically entitled to notice of right to sue. She said that at the present time, with the increase in the number of charges filed without a corresponding increase in staff, it is unusual to complete a case in 180 days. In fact, she said, many charges are not assigned to an investigator until beyond that time.⁸⁸ Mr. Smyth stated that it took the EEOC 2½ to 3 years to complete an investigation and finally issue findings. This, he said, is too long for people who have an immediate problem. They either stay where they are in silence or get another job rather than file a complaint, because they know they are going to be fired long before anything is resolved.⁸⁹ Ms. Frank said it is unusual for a charge investigation to take this long, and that in the EEOC Denver District Office, the average processing time was 13 months in FY 1992 and 12 months in FY 1993.⁹⁰ As noted above, however, as of April 19, 1994, Ms. Kinter's complaint of sexual harassment was still in process after 16 months.

80 Mike Sullivan, commissioner of labor and administrator of the Wyoming Labor Standards/Fair Employment Division, *Transcript*, pp. 186-87.

81 *Ibid.*, p. 187.

82 *Transcript*, p. 290.

83 *Ibid.*, p. 291.

84 *Ibid.*, p. 188.

85 Elizabeth Frank, *Transcript*, pp. 208-09.

86 *Ibid.*, p. 209.

87 Elizabeth Frank, letter to William F. Muldrow, April 19, 1994.

88 Elizabeth Frank, *Transcript*, pp. 208-09.

89 *Transcript*, pp. 282-83.

90 Elizabeth Frank, letter to William F. Muldrow, Apr. 19, 1994.

5. Response to Recommendations of the Wyoming Legislative Service Office

In November 1990 the Legislative Service Office (LSO) completed its evaluation of Wyoming's personnel system and Personnel Division, and released its report.¹ This evaluation resulted, in part, because the Personnel Division, as an agency receiving a substantial amount of general fund money, became a potential target for reduction, and because there was some discontent with the personnel system.² Though the report and its recommendations are several years old, Senator Geringer believes many of the recommendations and the discussion surrounding them are still pertinent.³ The first seven of the report's recommendations concern equal employment opportunity principles and procedures, and therefore are germane to the Advisory Committee's study. A response to the recommendations by the Department of Administration, which included the Personnel Division, was included in the LSO report.⁴ The LSO endorsed six of the seven recommendations in the report, the exception being the seventh, which asked for the addition of a full-time position.⁵ At the Cheyenne factfinding meeting, both Mr. Kiner, director of the

present Department of Administration and Information, and Senator Geringer discussed the seven EEO recommendations and the current status of their implementation.

Recommendation 1 states that the Personnel Division should develop standards and procedures that demonstrate compliance with the commitment to generally accepted EEO principles.⁶ Behind this recommendation was seen the need for an aggressive program to show intent by the State to accomplish compliance with EEO laws and EEO principles.⁷ Mr. Kiner believes that the personnel rules demonstrate such compliance and commitment.⁸ The LSO, however, concluded that the State cannot demonstrate that it complies with EEO law and principles because it has not set in place the machinery to fulfill this obligation. This not only increases the risk of litigation for the State, but does not set a good example for other Wyoming employers to comply with EEO requirements.⁹ Recommendation 2 states that the Personnel Division should collect, analyze, and disseminate adverse impact statistics.¹⁰ The purpose for this is to provide statistical evidence to prove there

1 Wyoming Legislative Service Office, *Program Evaluation: Personnel System*, November 1990 (hereafter referred to as *Program Evaluation: Personnel System*)

2 Jim Geringer, State senator, and chair of the legislature's Management Audit Committee, *Transcript*, pp. 25-26.

3 *Ibid.*, p. 25.

4 *Ibid.*, p. 45.

5 *Ibid.*, pp. 24, 30.

6 *Program Evaluation: Personnel System*, p. 11.

7 *Ibid.*, p. ii; and Jim Geringer, *Transcript*, p. 26.

8 *Transcript*, p. 8.

9 *Program Evaluation: Personnel System*, p. 12.

10 *Ibid.*, p. 13.

is no discriminatory effect of its employment practices. This would require the statistical tracking of protected groups that are 2 percent or more of the population in terms of applicant flow, hiring, promoting, training, or dismissal of employees.¹¹ In Wyoming, this would include persons of Hispanic descent and women. These data, Senator Geringer said, would not necessarily be adverse and would show what is actually occurring in these areas.¹² Historically, the Personnel Division has not kept such statistics in useable form.¹³

Mr. Kiner reported that the Personnel Division has started the collection and analysis through a new computer system; although a long-term data base is not available. However, he said that, at present, the State seems to be on target.¹⁴

Recommendation 3 states that the Personnel Division should develop procedures to ensure the confidentiality of applicant EEO information.¹⁵ At the time of the LSO report it was noted that the tear-off section of the employment application was not routinely detached by self-screen agencies receiving applications, allowing personnel analysts to note race, age, handicap, gender, or veteran's status; thus a procedure was in place that could be viewed as discriminatory if called into question.¹⁶ At the 1992 factfinding meeting,

Mr. Kiner said that when an application reaches the Personnel Division, the tear-off section is removed and no one else sees it beyond the Personnel Division.¹⁷

Recommendation 4 states that the Personnel Division should validate selection procedures systematically.¹⁸ The purpose is to establish the relationship between the selection procedure and performance on the job. Ideally, according to the LSO, this should be an ongoing process accomplished by an industrial psychologist.¹⁹ The LSO report concluded that the Personnel Division appeared to give little attention to this important aspect of the selection process, and that current selection procedures could be discriminatory.²⁰ Mr. Kiner reported that one full-time person is working to validate tests and that given the current level of resources, progress is being made, although not as fast as some would hope.²¹ Senator Geringer said he had no reaction to the current status of the validation process because a followup audit has not been done.²²

Recommendation 5 states that the personnel rules should include a policy that prohibits sexual harassment, and define a confidential procedure for addressing and resolving complaints.²³ By way of application, the LSO said that the personnel rules should state definitively the State's position against this type of

11 Ibid., p. 13.

12 *Transcript*, p. 27.

13 *Program Evaluation. Personnel System*, p. 13.

14 *Transcript*, p. 8.

15 *Program Evaluation. Personnel System*, p. 14.

16 Ibid.

17 *Transcript*, p. 8.

18 *Program Evaluation: Personnel System*, p. 14.

19 Ibid., p. 2.

20 Ibid.

21 *Transcript*, p. 9.

22 Ibid., p. 28.

23 *Program Evaluation: Personnel System*, p. 16.

discrimination, including penalties for non-compliance, and include a swift, confidential procedure for those who feel they have been sexually harassed.²⁴ Senator Geringer said the audit of the Personnel Division showed a fairly well-defined, though somewhat inefficient procedure for regular appeals and grievances, but no special procedure for confidential and expedited appeal or investigation of sexual harassment complaints.²⁵ Mr. Kiner reported that the Personnel Division is in the process of rewriting personnel rules. The sexual harassment policy is there, he said, but agencies were put on notice to review the procedure, which several of them have done, including the Department of Employment. He also said that if complainants feel they cannot go to their own immediate supervisor, they can go to Danny Romero, the EEO coordinator, or himself.²⁶ Senator Geringer emphasized that the LSO staff found it is a matter of how aggressively a process is implemented, and how well training sensitizes supervisors and employees to the issue, that will determine how discrimination can be prevented and cases handled expeditiously and confidentially. Procedures for handling sexual harassment cases, he said, are not anywhere nearly as formal as for normal grievance or complaint procedures concerning other aspects of employment.²⁷

As noted above, in October 1993, a statewide sexual harassment policy was im-

plemented that includes procedures for addressing alleged acts of sexual harassment. Governor Mike Sullivan's December 21, 1993, executive order requires that, by June 30, 1994, all State employees receive training in the identification and prevention of sexual harassment.

Recommendation 6 states that the Personnel Division should establish an appeals procedure for applicants who allege discrimination.²⁸ At the time of the audit, the LSO reported that applicants who believe they have been discriminated against in the recruitment or selection process have little recourse short of filing a discrimination complaint.²⁹ Three previous evaluations of the Personnel Division's EEO efforts also recommended establishment of an appeals procedure.³⁰ Mr. Kiner reported that this has been done, and that there is an appeals procedure giving a complainant 30 days to appeal to the EEO coordinator. This, he said, is stated clearly on the application form.³¹

Recommendation 7 states that the legislature should consider creating a full-time EEO coordinator position in order to establish an effective statewide EEO program.³² The Management Audit Committee amplified this to explain that there is no statewide EEO plan, nor minimum standards or guidelines for agency level EEO activities.³³ Furthermore, it stated that, although State rules and statutes prohibit discrimination, the Personnel Divi-

24 Ibid.

25 *Transcript*, pp. 28-29.

26 Ibid. p. 9.

27 Ibid., p. 29.

28 *Program Evaluation: Personnel System*, p. 17.

29 Ibid.

30 Ibid.

31 *Transcript*, pp. 9-10.

32 *Program Evaluation: Personnel System*, p. 18.

33 Ibid., p. 18.

sion has no enforcement power to require agency compliance with this mandate.³⁵ Reports in 1974 and 1979 by the U.S. Office of Personnel Management called for increased effort in regard to EEO compliance by the Personnel Division. The 1979 report called the State's EEO effort "reactive and rudimentary."³⁶ A 1978 study done by a consultant for the Personnel Division made 17 recommendations for change, only 3 of which had been implemented.³⁷ In its report, the LSO concluded that the State had made little progress in its EEO efforts in the years following these studies.³⁸

In addition, recommendation 7 specifies, in some detail, the perceived function of a full-time EEO position as discussed in the preceding sections.³⁹ Senator Geringer said that the State legislators on the Management Audit Committee, which directed the LSO to conduct the audit, chose not to endorse the recommendation for a full-time EEO coordinator position because of the desire to downsize State government. Instead they believed that an attempt should be made to reallocate resources from within the department.⁴⁰

Mr. Kiner believes that it is the legislature's responsibility to set personnel relocation policy if EEO is a high priority. He points out that Federal funds for EEO personnel have "dried up" and that the legislature is reluctant to add new programs. He said that he has been forced to do the best he can with what he has, and that it is hard to be aggressive about adding programs.⁴¹ Mr. Renneisen agreed that new resources from the legislature are necessary to create new positions and these must be authorized and funded through the appropriations process.⁴²

With regard to the above recommendations made by the LSO, Senator Geringer said that all of them have been implemented to a certain degree. The difficulty, he said, lies in determining full implementation.⁴³ With regard to the degree to which implementation of these recommendations might have an effect on liability to the State if violations of the law should occur, Mr. Renneisen said that recommendations not implemented can influence litigation and be held against the State.⁴⁴

35 Ibid

36 Ibid

37 Ibid

38 Ibid, p. 19.

39 Ibid, pp. 19-20.

40 *Transcript*, p. 30.

41 Ibid., pp. 16-17.

42 Ibid., pp. 63, 64.

43 Ibid., p. 38.

44 Ibid., p. 59.

6. Institutions of Higher Education

University of Wyoming

The University of Wyoming, located in Laramie, is governed by a 12-member board of trustees. Members are appointed to 6-year terms by the Governor, and no two members may be residents of the same county. No more than seven members may belong to the same political party.¹ Regulations of the trustees affirm the university's commitment to nondiscrimination and equal opportunity:

The University's policy is one of equal opportunity for all persons in all facets of the University's operations. Equal opportunity is offered to all officers, faculty and staff members, and applicants for employment on the basis of their demonstrated ability and competence and without regard to such matters as race, color, national origin, sex, religion, political belief, age, veteran status, or disability.²

This policy applies to all employment practices and responsibility for compliance rests with "all administrative officers, deans, directors, department heads, search committees, and others involved in employment decisions"³ Jesse L. Vialpando, employment practices officer, is responsible for administering and coordinating the university's equal employment opportunity/affirmative action program.⁴

As a Federal contractor, the university has prepared its affirmative action plan under the requirements of Executive Order 11246, as

amended, and the implementing regulations.⁵ This plan includes guidelines on sex discrimination, including the university's personnel policies and practices to guard against such discrimination. It also includes policy statements prohibiting sexual harassment and equitable treatment with regard to religion and national origin.⁶

Table 6.1 shows that in 1992 women made up 27.0 percent of the university's 800-member faculty. This proportion was the same as that for 1991, but showed a slight increase over that in 1990. Minority faculty in 1992 made up 5.0 percent of the total. Asians were the largest group of minority faculty with a total of 28, or 3.5 percent. Other minority groups that year each represented less than 1 percent of the total, with six blacks, five Hispanics, and one American Indian. Information was not readily available on the tenure status of minority and women faculty. A request for that data, through the employment practices officer to the Office for Institutional Analysis, has yet to be received.

In 1992 women made up 56.8 percent of the university staff and minorities 10 percent, approximately the same as their proportion of the Wyoming labor force (see table 1.1). Black, Hispanic, and Asian university employees were equal to or above their percentage representation in the Wyoming work force, though American Indians were considerably

1 1992 Wyoming Official Directory, compiled by Kathy Karpan, Secretary of State, pp. 105-06.

2 Terry P. Roark, president of the University of Wyoming, a posted notice, Jan. 1, 1992.

3 Ibid.

4 Ibid.

5 University of Wyoming, *Affirmative Action Plan*, Jan 1, 1992, p. 1; 41 C.F.R. Part 60-1.

6 University of Wyoming, *Affirmative Action Plan*, Jan 1, 1992, pp. 15, 20.

TABLE 6.1
University of Wyoming Faculty and Staff, 1990-1992

	FACULTY			STAFF		
	1990	1991	1992	1990	1991	1992
Total	774	790	800	1732	1771	1826
Percent	100.0	100.0	100.0	100.0	100.0	100.0
Men	574	577	584	748	751	789
Percent	74.2	73.0	73.0	43.2	42.4	43.2
Women	200	213	216	984	1020	1037
Percent	25.8	27.0	27.0	56.8	57.6	56.8
Black	3	3	6	15	11	14
Percent	0.4	0.4	0.8	0.9	0.6	0.8
Hispanic	3	3	5	105	108	112
Percent	0.4	0.4	0.6	6.1	6.1	6.1
Asian	25	10	28	31	19	37
Percent	3.2	1.3	3.5	1.8	1.1	2.0
Am. Indian	1	2	1	18	15	19
Percent	0.1	0.3	0.1	1.0	0.8	1.0
Other	—	53	—	—	26	—
Percent	—	6.7	—	—	1.5	—
All minorities	32	71	40	169	179	182
Percent	4.1	9.0	5.0	9.8	10.1	10.0

Source: Information supplied by Jesse Viaipando, employment practices officer, University of Wyoming, Dec. 3, 1992.

underrepresented. The proportion of staff employees who were women or minorities in 1992 showed little change over the previous 2 years.

Table 6.2 provides a picture of the representation of women and minorities on the various departmental faculties over a 3-year period from 1990 to 1992. The large majority of women are employed in the departments of arts and sciences, health sciences, education, and libraries. In 1992 all of the black and Hispanic faculty were located in only two departments, athletics and education. This was also true, almost without exception, in the previous 2 years. In 1992, 8 departments out of the 14 had no minority faculty at all.

Table 6.3 shows that women on the university staff are concentrated in such occupations as clerical and support, health, and food services. In 1992 only 2 of the 16 executives were women, and only 1 woman held a crafts or trade position out of the 89 employees in this category. With the exception of the engineer/researcher category, minority employees have their highest representation in relatively low-paying occupational categories; such as service/maintenance, student services, crafts/trades, technicians, and clerical. In 1992, only 1 of the university's 16 executives was a minority person, an American Indian.

TABLE 6.2

University of Wyoming Women and Minority Faculty by Department, 1990-1992

	Women	Black	Hispanic	Asian	Amer. Indian	Other
1990						
Athletics (38)	6 (15.8%)	2	1	—	—	—
UW/Casper College (8)	1 (12.5%)	—	—	—	—	—
Arts & Sciences (311)	72 (23.1%)	1	2	13	—	—
Agriculture (99)	10 (10.1%)	—	—	3	—	—
Commerce & Industry (52)	11 (21.2%)	—	—	2	1	—
Engineering (64)	1 (1.6%)	—	—	5	—	—
Health Sciences (76)	41 (53.9%)	—	—	1	—	—
Education (69)	28 (40.6%)	—	—	—	—	—
School of Extended Studies (13)	4 (30.8%)	—	—	—	—	—
Law (16)	6 (37.5%)	—	—	—	—	—
Libraries (25)	20 (80.0%)	—	—	—	—	—
WY Water Research (3)	—	—	—	1	—	—
Total faculty (774)	200 (25.8%)	3	3	25	1	—
1991						
Athletics (40)	5 (12.5%)	1	1	—	—	2
UW/Casper College (12)	3 (25.0%)	—	—	—	—	—
Arts & Sciences (321)	83 (25.9%)	1	2	4	—	25
Agriculture (100)	12 (12.0%)	—	—	1	—	5
Commerce & Industry (47)	10 (21.3%)	—	—	1	1	3
Engineering (67)	1 (1.5%)	—	—	2	—	—
Health Sciences (78)	40 (51.3%)	—	—	1	1	7
Education (71)	31 (43.7%)	1	—	—	—	1
School of Extended Studies (11)	3 (27.3%)	—	—	—	—	—
Law (16)	6 (37.5%)	—	—	—	—	—
Libraries (24)	19 (79.2%)	—	—	—	—	1
WY Water Research (3)	—	—	—	1	—	—
Total faculty (790)	213 (27.0%)	3	3	10	2	53
1992						
American Heritage C. (1)	—	—	—	—	—	—
Athletics (45)	7 (15.6%)	2	1	—	—	—
UW/Casper College (12)	2 (16.7%)	—	—	—	—	—
Arts & Sciences (319)	77 (24.1%)	4	4	14	—	—
Agriculture (101)	13 (12.9%)	—	—	4	—	—
Commerce & Industry (45)	9 (20.0%)	—	—	2	—	—
Engineering (73)	2 (2.7%)	—	—	5	—	—
Health Sciences (74)	41 (55.4%)	—	—	2	1	—
Education (76)	37 (48.7%)	—	—	—	—	—
School of Extended Studies (9)	3 (33.3%)	—	—	—	—	—
Law (17)	6 (35.3%)	—	—	—	—	—
Libraries (24)	19 (79.2%)	—	—	—	—	—
WY Water Research (3)	—	—	—	1	—	—
Alumni Relations (1)	—	—	—	—	—	—
Total faculty (800)	216 (27.0%)	6	5	28	1	—

Source: Information supplied by Jesse Viapando,
employment practices officer, Dec. 3, 1992.

TABLE 6.3
University of Wyoming Staff by Job Category, January 1, 1992

Job category	Total		Men		Women		White		Black		Hispanic		Asian		Amer. Indian		Total minorities	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Executives	16	100	14	87.5	2	12.5	15	93.8	—	—	—	—	—	—	1	6.3	1	6.3
Exec. support group	111	100	95	85.6	16	14.4	107	96.4	—	—	1	0.9	3	2.7	—	—	4	3.6
Administration	28	100	16	57.1	12	42.9	26	92.9	1	3.6	—	—	1	3.6	—	—	2	7.1
Adm./management support	155	100	30	19.4	125	80.6	152	98.1	—	—	3	1.9	—	—	—	—	3	1.9
Student services	82	100	25	30.5	57	69.5	67	81.7	3	3.7	6	7.3	3	3.7	3	3.7	15	18.3
Agriculture ext. & research	87	100	50	57.5	37	42.5	84	96.6	—	—	1	1.1	—	—	2	2.3	3	3.4
Computer professionals	57	100	36	63.2	21	36.8	53	93.0	—	—	2	3.5	2	3.5	—	—	4	7.0
Food service professionals	11	100	4	36.4	7	63.6	11	100	—	—	—	—	—	—	—	—	—	—
Health/medical professional	75	100	37	49.3	38	50.7	74	98.7	—	—	1	1.3	—	—	—	—	1	1.3
Instructional, education	32	100	9	28.1	23	71.9	32	100	—	—	—	—	—	—	—	—	—	—
Media, communications, art	57	100	35	61.4	22	38.6	53	93.0	1	1.8	—	—	2	3.5	1	1.8	4	7.0
Engineer/researcher	154	100	110	71.4	44	28.6	131	85.1	—	—	4	2.6	19	12.3	—	—	23	14.9
Clerical	463	100	13	2.8	450	97.2	421	90.9	2	0.4	34	7.3	2	0.4	4	0.9	42	9.1
Technicians	118	100	63	53.4	55	46.6	108	91.5	1	0.8	4	3.4	2	1.7	3	2.5	10	8.5
Crafts/trades	89	100	88	98.9	1	1.1	78	87.6	—	—	11	12.4	—	—	—	—	11	12.4
Service/maintenance	291	100	164	56.4	127	43.6	232	79.7	6	2.1	45	15.5	3	1.0	5	1.7	59	20.3
Totals	1,826	100	789	43.2	1,037	56.8	1,644	90.0	14	0.8	112	6.1	37	2.0	19	1.0	182	10.0

Source: Information supplied by Jesse Viapando, employment practices officer, University of Wyoming, Sept. 1, 1992.

Mr. Vialpando related that a compliance review in 1985 conducted by the U. S. Labor Department's Office of Federal Contract Compliance Program had found the University of Wyoming in noncompliance with Federal statutes in seven different areas.⁷ A 1986 conciliation agreement established short-term and long-term goals designed to correct these deficiencies and vitalize the university's affirmative action program. As a result, the affirmative action program was centralized in the president's office with each vice president responsible for an administrative unit with the goals set for that particular unit. Within 3 years, the program was computerized.⁸ As a result of these efforts, a minority person and three women were brought into the executive category in 1992.⁹

Mr. Vialpando also reported that the university has gone beyond merely modest gains in the affirmative action program for women and is now doing very well in that area.¹⁰ Modest gains, he said, have been made in terms of minority professional and general staff.¹¹ However, he said that no university departments are doing well in the area of minority faculty recruitment.¹²

Mr. Vialpando said that the university is not exempt from a resurgence of racist attitudes that have plagued universities and colleges nationally in the last 10 years.¹³ In 1991, upon invitation, the Community Rela-

tions Service of the U. S. Department of Justice did an assessment of race-related incidents and recommended the establishment of a community human relations advisory board to suggest to the president ways to reduce tension. The president established such a board, which has met twice.¹⁴

In relation to minority concerns and the issue of diversity, Mr. Vialpando said the Student Educational Opportunity (SEO) Office of the University of Wyoming and the Community Relations Service (CRS) of the U.S. Department of Justice both recommended to university administrators the creation of a position of director of African-American studies.¹⁵ In addition, a President's Women and Minority Advisory Council was formed to provide advice and suggestions from women and minorities regarding equal employment opportunity problems and solutions.¹⁶ A recommendation from this council, similar to those made previously by the SEO and the CRS, led to the establishment of a position for a director of African American studies. Another established a women/minority contingency pool fund to recruit, hire, and retain minority faculty.¹⁷

Mr. Vialpando reported that the university received the U.S. Department of Labor award for going beyond good faith efforts in developing and implementing action programs under

7 Transcript of the factfinding meeting conducted by the Wyoming Advisory Committee in Cheyenne, WY, Dec. 3, 1992, pp. 134-35 (hereafter cited as *Transcript*).

8 *Ibid.*, pp. 135-36.

9 *Ibid.*, p. 137.

10 *Ibid.*, p. 138.

11 *Ibid.*

12 *Ibid.*

13 *Ibid.*, p. 141.

14 *Ibid.*, pp. 141-42.

15 Jesse Vialpando, telephone interview with Malee V. Craft, Apr. 26, 1994.

16 *Transcript*, pp. 143-44.

17 *Ibid.*, pp. 144, 146.

Executive Order 11246.¹⁸ He said that 14 university programs qualified under the award criteria.¹⁹

Community Colleges

Wyoming has a community college system comprised of seven colleges coordinated by a seven-member commission appointed by the Governor with the advice and consent of the State Senate.²⁰ Members represent appointment districts and no more than four members can belong to the same political party.²¹ Currently, there are four women and no minorities on the Community College Commission.²² There are no direct administrative ties between the community colleges and State government agencies. Funding for the individual colleges comes through the Wyoming Community College Commission directly from the legislature.²³

Due to limitations of the Advisory Committee's study, comprehensive information from the seven community colleges was not obtained. Casper College provides one example. Fred Feth, director of human resources and affirmative action officer for Casper College, provided the Advisory Committee with a

copy of the college's policy on equal employment opportunity. This states that the college is committed to the philosophy of equality in education and employment opportunities and will not discriminate on the basis of handicap, race, color, religion, national origin, sex, age, or veteran's status in the recruitment and employment of faculty and staff. This statement also affirms the college's compliance with Federal nondiscrimination statutes.²⁴ Casper College, however, does not have an affirmative action plan, nor to Mr. Feth's knowledge, do any of the other six colleges.²⁵ The adoption of such plans is not mandated by the Community College Commission.²⁶

As affirmative action officer, Mr. Feth reports directly to the college president and is responsible for the affirmative action/equal opportunity program for the college. He is also charged with ensuring compliance with the appropriate State and Federal laws and to "assist employees and students with complaints involving discrimination."²⁷ Each community college, Mr. Feth said, has designated an affirmative action coordinator, but there is no coordinated action or effort among these persons in training.²⁸ Mr. Feth explained, he

18 Ibid., pp. 142-43.

19 Ibid., p. 143.

20 *1992 Wyoming Official Directory* pp 33-37 The seven community colleges are Casper College at Casper, Central Wyoming College at Riverton, Eastern Wyoming College at Torrington, Laramie County Community College at Cheyenne, Northern Wyoming Community College (Sheridan College) at Sheridan, Northwest College at Powell, and Western Wyoming Community College at Rock Springs

21 Ibid., p. 37

22 Debbie Iverson, staff person, Community College Commission, telephone interview with Malee V. Craft, Apr. 26, 1994

23 Fred Feth, Casper College affirmative action officer, transcript of the Wyoming Advisory Committee's factfinding meeting in Cheyenne, Dec. 3, 1992, pp 161-62 (hereafter cited as *Transcript*).

24 "Equal Opportunity in Employment and Education," effective date March 1991, a bulletin supplied by Fred Feth at the Wyoming Advisory Committee factfinding meeting in Cheyenne, Dec. 3, 1992.

25 Telephone interview with Malee V. Craft, Mar 15, 1994

26 *Transcript*, p. 164.

27 "Casper College Professional Job Description Affirmative Action Officer," undated, supplied by Fred Feth, Dec. 3, 1992

28 *Transcript*, pp. 163-64

has only one secretary to assist him with his duties, and that the vast majority of his time is spent on general personnel matters for which he is also responsible. He said that only 10 to 15 percent of his time is spent exclusively on EEO and affirmative action duties.²⁹

Casper College policy and procedures are set by the president's cabinet, which until June 1992, had seven members, all white males. In July of that year, the cabinet was expanded by the addition of three white women and two white men. No minorities worked in positions that would qualify them for membership.³⁰

Table 6.4 provides staffing statistics supplied by Mr. Feth that show that slightly over half of the college's staff and faculty are women and that they are 32.1 percent, or 9, of the total of 28 executives/administrators. No minorities are employed at this level. Only 1 professional staff person, and 1 out of 162 faculty members, are minorities. The proportion of Casper College employees who are minorities amounts to about half of their percentage in the Wyoming labor force, and 12 employees of the total 17 are in the service/maintenance category. There are no minorities or women in skilled craft positions.

Recruitment of minorities and women is hampered, Mr. Feth said, by low turnover of

staff and faculty. For example, in 1992, only four positions were made vacant by faculty who retired or resigned. The majority of minorities who apply for positions at Casper College are from overseas and have limited command of the English language. Mr. Feth explained that selection committees have difficulty understanding their speech and that, as English language skills are essential for instructional purposes, they are required for employment.³¹ This language barrier is a particular problem in technical disciplines where Casper College tends to receive the largest number of foreign applicants.

Mr. Feth reported that the college is trying to bolster its recruitment efforts by a "grow our own" program in which college graduates are hired as instructors. Also, in the last 2 years, the college has implemented a federally funded gender equity program that encourages both men and women students to enroll in nontraditional courses of study.³²

Discrimination complaints are brought to Mr. Feth, and if not resolved at the staff level, complainants may request a panel of their peers to review the situation and make a recommendation to the college president for his decision. The president's decision, in turn, can be appealed to the board of trustees.³³

29 Ibid., p 167

30 Ibid., p 153

31 Ibid., pp 157-58

32 Ibid., p 159

33 Fred Feth, *Transcript*, pp 162-63

TABLE 6.4
Casper College Staffing Statistics, November 1992

Job category	Total		Men		Women		White		Black		Hispanic		Asian		Amer. Indian		Total minorities	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Executive/administrative managers	28	100	19	67.9	9	32.1	28	100.0	—	—	—	—	—	—	—	—	—	—
Other professionals	13	100	3	23.1	10	76.9	12	92.3	—	—	1	7.7	—	—	—	—	1	7.7
Faculty	162	100	88	54.3	74	45.7	161	99.4	1	0.6	—	—	—	—	—	—	1	0.6
Secretary/clerical	58	100	4	6.9	54	93.1	55	94.8	—	—	3	5.2	—	—	—	—	3	5.2
Technical/professional	12	100	2	16.7	10	83.3	12	100.0	—	—	—	—	—	—	—	—	—	—
Skilled craft	12	100	12	100.0	—	—	12	100.0	—	—	—	—	—	—	—	—	—	—
Service/maintenance	49	100	34	69.4	15	30.6	37	75.5	3	6.1	7	14.3	2	4.1	—	—	12	24.5
Totals	334	100	162	48.5	172	51.5	317	94.9	4	1.2	11	3.3	2	0.6	—	—	17	5.1

Source: Information supplied by Fred Feth, affirmative action officer, Casper College, Dec. 3, 1992.

7. Findings and Recommendations

Finding 1

State government sets the example for local governments and private industry in affirmative action and equal employment opportunity. Its policy, as stated in personnel rules that apply to all State agencies, is to provide equal employment opportunity to all job applicants and employees. However, the State has no affirmative action plan or overall goals to implement this policy, nor is there any overall EEO program, standards, or guidelines for agency-level EEO activities. Only the Departments of Transportation and Employment have agency affirmative action plans and staff with full-time EEO program responsibilities. The Personnel Division provides only minimal oversight of agency EEO activities and has no power to require agency compliance with personnel rules prohibiting discrimination. According to a survey of State employees conducted by the Legislative Service Office, 20 percent of the respondents believe they have been discriminated against in the context of State employment. This finding, and the lack of oversight, plans, and goals for providing equal opportunity, are construed as a lack of State commitment to discourage and eliminate discrimination in the workplace.

Recommendation 1.1

The Governor should direct the State EEO coordinator to develop a statewide affirmative action plan to assure equal opportunity in all aspects of employment.

Recommendation 1.2

The Governor should issue an executive order mandating implementation of this State affirmative action plan by all State departments, agencies, and institutions through the development of programs consistent with the plan that incorporate goals and timetables.

Recommendation 1.3

The Governor should direct and empower the State EEO coordinator to provide technical assistance and coordinate training efforts

necessary for accomplishing the objectives of the State affirmative action plan, inform employees about provisions of the plan, provide an annual review and analysis of the results of programs in State agencies intended to assure fulfillment of the plan's objectives, and prescribe any additional actions necessary to assure compliance with provisions of the plan and applicable State and Federal statutes.

Finding 2

Equal opportunity services provided by the State EEO coordinator are minimal. Though a full-time employee, he has primary responsibilities for personnel matters not related to equal opportunity programs, leaving only 25 percent of his time, or 10 hours per week, for statewide EEO duties. In addition, some of that time is taken up in the biennial compilation of EEO personnel reports required by the Equal Employment Opportunity Commission. His activities do not coordinate with those of EEO officers in the Departments of Transportation and Employment. Accessibility of the State EEO coordinator to State employees is also limited by the remote location and lack of visibility of his office in the back of a State office building basement. The State phone book does not include a listing of his position, nor is it found in the official State government directory.

Administratively, the EEO coordinator position is lodged in the Personnel Division of the Department of Administration and Information. This presents a conflict when he is called upon to represent both employees and the administration. It also does not provide him with the autonomy necessary for overseeing and analyzing EEO activities of the Personnel Division.

Recommendation 2.1

The Governor should create a full-time EEO coordinator position, or make the present EEO coordinator responsible only for State EEO activities, and request any

necessary additional funding from the legislature. The State EEO coordinator should also report directly to the Governor and coordinate with all departmental EEO personnel. The position and its responsibilities should be publicized and listed in the State government directory and the phone book. The office should be in a location that is readily accessible to all State employees.

Finding 3

Women in State government are greatly underrepresented in the higher level administrative, managerial, professional, and technical positions. Though some departments do much better than others, three departments have no women at all at the officials/administrators level. Over half of the women employed by the State are in the lower paying administrative support or service maintenance positions, compared with 15 percent of men employed in these positions. Women are also underrepresented to a large extent on State boards and commissions.

The Wyoming Commission for Women, which through the years has educated the public on the significant role women can play in State government and prepared them for leadership positions, has been almost completely defunded.

The proportion of minority employees in State government is only half of what would be expected from their percentage in the Wyoming labor force, and those who are employed are concentrated mainly in the protective service, administrative support, and service maintenance categories. Five departments have five or fewer minority employees, and one department has none. In all of State government, there are only two minorities in the officials/administrators category. American Indians are greatly underrepresented among State employees, and the large majority of them are employed in service/maintenance positions with the Department of Health near the Wind River Indian Reservation.

Recommendation 3.1

The State affirmative action plan should formulate specific strategies for correcting the underrepresentation of minorities and women

in State government, and establish specific hiring goals and timetables for each department. Special attention should be paid to positions where their underrepresentation is the greatest.

Recommendation 3.2

Recruitment efforts by the Personnel Division should incorporate the assistance of pertinent minority and women's organizations and commissions in the State such as the Latin American Association, the Christian Ministerial Alliance, the Wyoming Indian Affairs Council, the Wyoming Commission for Women, the University of Wyoming Minority Affairs Office, and the NAACP.

Recommendation 3.3

The Personnel Division should continue its computerized collection and analysis of employment data for women and minorities in terms of hiring, promoting, training, and dismissals, with the objective of establishing a long-term data base. These statistics should be reported annually to the Governor and made available to the legislature and the public.

Recommendation 3.4

The EEO coordinator should work with the Personnel Division to devise a selection procedure that will guard against discrimination by protecting the racial identity of applicants, while assuring that qualified minorities are provided equal consideration for employment and in the accomplishment of affirmative action goals.

Recommendation 3.5

The Personnel Division should devote sufficient resources to complete, within 1 year, the validation of selection procedures that establish a relationship between the selection procedure and job requirements.

Recommendation 3.6

The Wyoming Legislature should restore the executive director position and part-time clerical help for the Commission for Women, enabling it to fulfill its role in supporting the equality of women in employment.

Recommendation 3.7

The Governor should use the Commission for Women and the extensive network of women's organizations within the State for the preparation and identification of qualified women for appointment to State boards and commissions.

Finding 4

In every State agency, the average salaries of women are lower than those for men and, in some agencies and at some position levels, to an alarming degree.

Recommendation 4.1

The Personnel Division should devise a compensation system, with goals and timetables, that provides for the equity of the salaries of men and women in the same or equivalent positions. To assist in the development and maintenance of such a system, it should annually provide the Governor and the legislature with an analysis of comparative salaries and benefits.

Finding 5

The sexual harassment of State government employees is a major concern. The issue was recently addressed by the Governor through an executive order that mandates the establishment of a statewide sexual harassment policy, with training for all State employees. However, there is no provision for training new employees and for ongoing training of current employees. Also, the State has no expeditious and confidential procedure in place for investigating and resolving sexual harassment complaints.

Recommendation 5.1

The Personnel Division should put into place a swift, confidential procedure for handling sexual harassment complaints to be followed by all departments.

Recommendation 5.2

The Personnel Division should assure that the sexual harassment training mandated by the Governor is also provided to all new hires, and that current employees are kept informed and sensitive about sexual harassment concerns on an ongoing basis.

Recommendation 5.3

The EEO coordinator should monitor all departments for compliance with the State sexual harassment policy and expedite the investigation and resolution of sexual harassment complaints.

Finding 6

There is no uniform process or centralized system for filing, investigating, resolving, and documenting employment discrimination complaints within State government. Many employees who believe they have experienced discrimination do not file complaints under present informal procedures for fear of retaliation, though it is prohibited by Federal statutes.

Recommendation 6.1

The Personnel Division should develop and publish a formal, uniform procedure for receiving, investigating, resolving, and documenting discrimination complaints. It should include strong antiretaliation provisions and penalties.

Recommendation 6.2

The EEO coordinator should investigate discrimination complaints in an aggressive and expeditious manner, prescribing remedies, assisting complainants in the process, and advising them of appeal procedures and their rights to possible recourse through State and Federal enforcement agencies.

Finding 7

State government does not have a comprehensive training program for areas pertinent to equal employment opportunity, nor are individual agency heads mandated to receive or provide such training for program managers. Only three trainers are employed to provide service to over 7,000 State employees, and only a small percentage of executives and managers have attended training seminars. Because of mistakes by some agencies, and in order to protect the State from wrongful action claims, the attorney general's office has assumed some role in training on a voluntary basis.

Recommendation 7.1

The Department of Administration and Information should complete development of comprehensive equal employment opportunity training for incorporation into its ongoing training program.

Recommendation 7.2

The EEO coordinator should be responsible for implementation of EEO training, and for its coordination among agencies and with that provided by the attorney general's office.

Recommendation 7.3

The Governor should mandate that all agency heads, along with their managers and administrators, cooperate and participate fully in the State's EEO training program.

Finding 8

The University of Wyoming has done a commendable job of developing and implementing an equal employment opportunity/affirmative action program under the direction of a full-time employment practices officer. However, women continue to be greatly underrepresented in higher level staff positions and on the faculty in all departments except in health sciences, education, and the libraries. Though overall minority staff approximates their proportion of the Wyoming labor force, they are very underrepresented in certain job categories, especially in the upper level executive and administrative positions. There are few on the faculty and some departments have no minority faculty at all.

Recommendation 8.1

The president of the University of Wyoming should assure that the school's affirmative action plan is vigorously enforced, and that

special attention is paid to individual departments in rectifying the dearth of women and minority faculty and in correcting the underrepresentation of minorities and women in upper level administrative positions.

Recommendation 8.2

The president of the University of Wyoming should continue to work with the Office of Federal Contract Compliance Programs to assure that goals to correct deficiencies in the university's affirmative action program are in accord with the 1986 conciliation agreement.

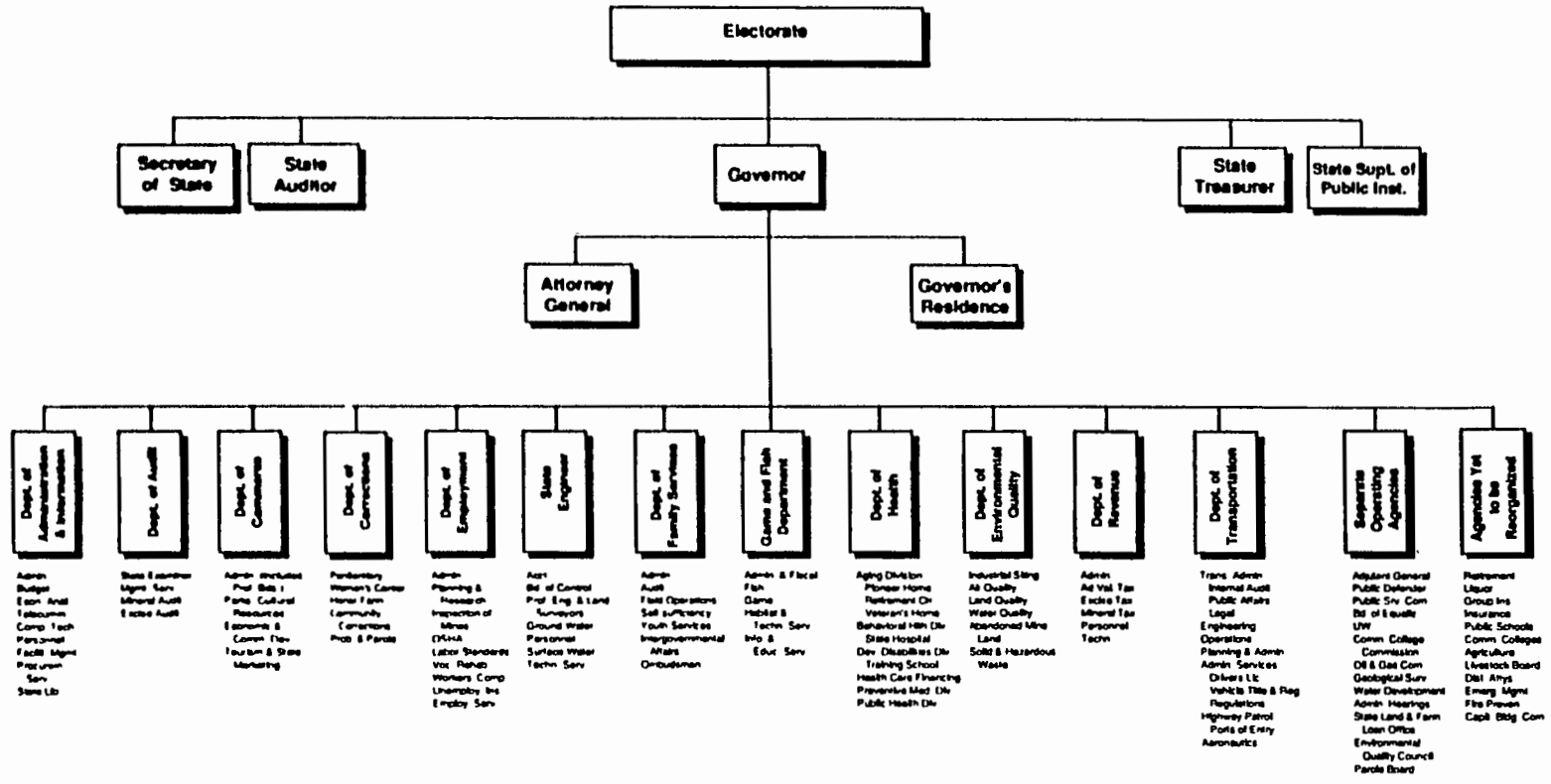
Finding 9

Though committed to policies of equality in employment opportunities, the seven community colleges in Wyoming have no central or individual affirmative action plan. Though each of the colleges has a designated affirmative action officer, they do not coordinate efforts in EEO training or programs. For example, at Casper College, one of the seven institutions, the vast majority of the affirmative action officer's time is spent on general personnel matters. Though women are well represented on the faculty at that college, there is only 1 minority person out of the total 162 faculty members. Except in the service/maintenance job category, few minorities are employed on the staff. Of those who are employed, only one is in the professional category and none are executives or managers.

Recommendation 9.1

The Wyoming Community College Commission should develop and implement an overall affirmative action program for the community college system, implemented and coordinated by a full-time EEO officer.

1992 Reorganization Chart



Source: 1992 Wyoming Official Directory, compiled by Kathy Karpan, Secretary of State, p. iii.

Appendix II

Proposed sexual harassment policy for
the Wyoming Fish and Game Department

GENERAL PROVISIONS

PERSONNEL

SEXUAL HARASSMENT

(A) Policy. It is the policy of the State of Wyoming

(i) to provide State employees with a working environment free from sexual harassment;

(ii) to communicate the state's sexual harassment policy and reporting procedures to employees and supervisors, and

(iii) to recognize the unique nature of complaints of sexual harassment, to encourage early reporting by employees, and to resolve complaints promptly, confidentially, and at the lowest management level possible.

(B) Sexual harassment means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment, (2) submission to or rejection of such conduct is used as a basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, and offensive working environment.

(C) In determining whether alleged conduct constitutes sexual harassment or an intimidating, hostile, or offensive working environment exists, it is necessary to look at the record as a whole and at the totality of the circumstances and the context in which alleged incidents occurred. The determination of the legality of a particular action will be made from the facts, on a case by case basis.

(D) Employee's responsibility.

(i) An employee who believes he or she has been the victim of sexual harassment may address the problem by any or all of the following:

(a) notify the alleged harasser and request that the behavior stop immediately; or

(b) notify the immediate supervisor or the first level supervisor who is not involved in the alleged harassment; or

(c) file a formal complaint pursuant to the grievance procedure.

(ii) the employee shall assist the designated management representative in investigating and verifying the report.

(E) Management's responsibility.

(i) When management receives a report of sexual harassment, management shall promptly initiate an investigation.

(ii) The investigation shall include verification of the report, a course of action, and documentation of the action taken.

(F) Violations of policy. Substantiated violations of this policy shall result in appropriate disciplinary action in accordance with the established disciplinary procedure.

(G) Reprisals. Reprisals are prohibited against any employee who opposes a practice prohibited by this policy or has filed a charge, testified, assisted or participated in any manner in an investigation under this policy.

(H) Malicious or frivolous complaints of sexual harassment shall result in disciplinary action against the accuser.

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