

## DOCUMENT RESUME

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Affirmative action programs were evaluated at the Department of Justice's Federal Prison System; Law Enforcement Assistance Administration; and offices, boards, and divisions. Findings/Conclusions: Some progress has been made toward increasing the representation and improving the distribution of women and minorities in the work force. For example, from July 1, 1974, through December 31, 1976, the number of women in the offices, boards, and divisions increased 15% while total employment increased 10%, and the number of female attorneys increased 77%. However, the number of minority persons at these organizations increased 7% while the total number of employees rose 10%. Women and minorities remained largely concentrated in clerical and administrative occupations in all of the bureaus. Implementation of the programs was hampered because bureaus were not making internal evaluations, and training for managers and supervisors was not provided. Coordination among bureaus in planning programs was also lacking. Recommendations: The Attorney General should require the three bureaus to: develop guidelines for comprehensive internal equal employment opportunity evaluations, including procedures for followup to make sure that corrective actions are taken on recommendations;

develop a system for maintaining total program costs; institute and carry out a systematic approach for evaluating employees performing equal employment opportunity functions on a collateral duty basis; and make sure that administrative delays are kept to a minimum and that complaints complete the administrative process within the required 180-day period.  
(Author/KTW)

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REPORT BY THE

**Comptroller General**

OF THE UNITED STATES

**RELEASED**

7/12/78

# The Affirmative Action Programs In Three Bureaus Of The Department Of Justice Should Be Improved

As requested by the Subcommittee on Civil and Constitutional Rights, House Committee on the Judiciary, GAO evaluated the operation of the affirmative action program of the Department of Justice and each of its component organizations.

Some progress has been made toward improving the employment situation of women and minorities in Justice's Offices, Boards, and Divisions; Federal Prison System; and Law Enforcement Assistance Administration, but a disparity between women and men and minorities and nonminorities remains. Women and minorities are generally concentrated in nonprofessional occupations.

Improvements can be made to strengthen the bureau's affirmative action program and increase the representation of women and minorities in professional jobs.



FPCD-78-53  
JULY 5, 1978



COMPTROLLER GENERAL OF THE UNITED STATES  
WASHINGTON, D.C. 20548

B-178929

The Honorable Don Edwards  
Chairman, Subcommittee on Civil and  
Constitutional Rights  
Committee on the Judiciary  
House of Representatives

Dear Mr. Chairman:

As requested in your July 29, 1976, letter, we evaluated the operation of the affirmative action program of the Department of Justice and each of its component organizations. As specified in your request, our work focused on the entire range of policies and practices affecting the structure and implementation of the affirmative action program--recruitment, selection, promotion, training, assignment, and the complaint process.

Subsequently, your office requested that we prepare reports to you on each of the Department's component organizations, and it was agreed that a consolidated report on the Department's overall equal employment opportunity affirmative action program would be issued to the Congress. The report now being issued concerns the Department of Justice's Offices, Boards, and Divisions, the Federal Prison System, and the Law Enforcement Assistance Administration.

So that the report could be issued in time for scheduled hearings, agency comments were obtained informally and are addressed in the report. We informally discussed the reported findings with the Chief, Equal Employment Opportunity Program Staff; the Equal Employment Opportunity Officer in the Offices, Boards, and Divisions; the Equal Employment Opportunity Section Chief and the Equal Employment Opportunity Officer at the Federal Prison System; and the Director, Office of Equal Employment Opportunity, at the Law Enforcement Assistance Administration. They are responsible for the equal employment opportunity program operations at the three bureaus.

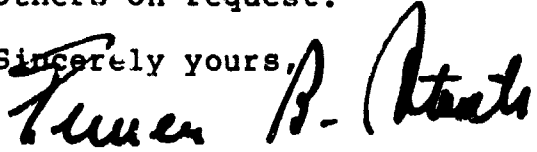
The report discusses the following aspects of the equal employment opportunity affirmative action program:

- Administrative problems hampering program implementation.
- Lack of coordination and supervisory involvement in equal employment opportunity plans.

- Need to improve efforts to recruit qualified females and minorities.
- Need to insure equal opportunity in training and promotions and to perform skills surveys.
- Improvements needed in the discrimination complaint system.

As arranged with your office, copies of this report are being sent to the Attorney General. After hearings scheduled for July 12, 1978, the report will be sent to interested parties and made available to others on request.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Thomas B. Atkins". The signature is written in a cursive style with a large, prominent initial "T".

Comptroller General  
of the United States

COMPTROLLER GENERAL'S REPORT  
TO THE SUBCOMMITTEE ON CIVIL  
AND CONSTITUTIONAL RIGHTS  
COMMITTEE ON THE JUDICIARY  
HOUSE OF REPRESENTATIVES

THE AFFIRMATIVE ACTION  
PROGRAMS IN THREE BUREAUS  
OF THE DEPARTMENT OF JUSTICE  
SHOULD BE IMPROVED

D I G E S T

Some progress has been made toward increasing the representation and improving the distribution of women and minorities in the work force of the Department of Justice's Offices, Boards, and Divisions; Federal Prison System; and Law Enforcement Assistance Administration.

For example, GAO's analysis showed that from July 1, 1974, through December 31, 1976, the number of women in the Offices, Boards, and Divisions increased 15 percent, while total employment increased 10 percent. During this same period, the number of female attorneys increased 77 percent.

More can be done, however, to equalize the representation of women and minorities. Although women represented 47 percent of the staff in this bureau, they remained largely concentrated in clerical and administrative occupations.

This situation also exists in the Federal Prison System and the Law Enforcement Assistance Administration.

The number of minority persons increased 7 percent in the Offices, Boards, and Divisions, while the total number of employees rose 10 percent. Minorities represented 23 percent of the staff in Offices, Boards, and Divisions, but they too remained largely concentrated in clerical and administrative occupations.

The equal employment opportunity program should be evaluated and total cost data for the program maintained.

GAO recommends several improvements to the equal employment opportunity affirmative action program in the area of program installation, development, following through, and evaluation; training, promotions, and upward mobility; and the discrimination complaint system. (See pp. 8, 12, 15, 23, and 32.)

Specifically, the Attorney General should require the three bureaus to:

- Develop guidelines for comprehensive internal equal employment opportunity evaluations, including procedures for followup to make sure that corrective actions are taken on recommendations made.
- Develop a system for maintaining total program costs.
- Institute and carry out a systematic approach for evaluating employees performing equal employment opportunity functions on a collateral duty basis.
- Make sure that administrative delays are kept to a minimum and that complaints complete the administrative process within the required 180-day period.

The bureaus were not given the opportunity to submit formal comments on the report, in order that it could be issued in time for scheduled hearings. However, the findings and recommendations were discussed with officials responsible for the equal employment opportunity program.

These officials concurred with most of GAO's recommendations and in some instances said they had taken actions to correct problems GAO found. They also made some clarifications and technical corrections. Their comments are discussed in chapter 7, page 34.

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ABBREVIATIONS

CO-OP	Cooperative
CSC	Civil Service Commission
EEO	equal employment opportunity
FPM	Federal Personnel Manual
FPS	Federal Prison System
GAO	General Accounting Office
GS	General Schedule
JETS	Justice Employee Training System
LEAA	Law Enforcement Assistance Administration
OBD	Offices, Boards, and Divisions
OMB	Office of Management and Budget
OUSA	Offices of United States Attorneys

## CHAPTER 1

### INTRODUCTION

We evaluated the equal employment opportunity (EEO) affirmative action programs of three bureaus of the Department of Justice: the Federal Prison System (FPS), the Law Enforcement Assistance Administration (LEAA), and Justice's Offices, Boards, and Divisions (OBD). 1/

### LEGISLATIVE BACKGROUND

Executive Order 11478, dated August 8, 1969, states that it is the policy of the United States Government to

"provide equal opportunity in Federal employment on the basis of merit and fitness without discrimination because of race, color, religion, sex, or national origin, and further, to promote EEO through a continuing affirmative action program in each executive department and agency."

This policy applies to every aspect of personnel policy and practice in the employment, development, advancement, and treatment of civilian employees of the Federal Government.

Executive Order 11478 was incorporated into the Equal Employment Opportunity Act of 1972 (Public Law 92-261, approved Mar. 24, 1972, 86 Stat. 103, 42 U.S.C. §2000e). The act amended title VII of the Civil Rights Act of 1964 and provides that all personnel actions affecting employees or applicants for employment in Federal executive agencies "shall be made free from any discrimination based on race, color, religion, sex, or national origin." The act also gave the Civil Service Commission (CSC) the authority to enforce EEO and nondiscrimination in the Federal Government. (When the President's Reorganization Plan No. 1 of 1978 goes into effect, this enforcement responsibility will be transferred to the Equal Employment Opportunity Commission.)

The Age Discrimination in Employment Act of 1967, which previously applied only to employees in private enterprise, was amended by section 28(b)(2) of Public Law 93-259 (Fair

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1/For EEO purposes, OBD is considered to be a unit within Justice; however, it is referred to as a bureau in this report.

Labor Standards Amendments of 1974, approved Apr. 8, 1974, 88 Stat. 55, 29 U.S.C. §633a) to include Federal, State, and local governments. The law requires that all personnel actions affecting Federal employees or applicants for Federal employment who are between the ages of 40 and 64 years old be free from discrimination based on age.

CSC, Justice, and each of the bureaus have issued policy statements and regulations intended to implement the Federal Government's EEO policy.

## MISSION AND WORK FORCE

### FPS

The Bureau of Prisons, now referred to as FPS, was established in 1930 by an act of the Congress, and was directed to develop an integrated system of institutions to provide custody and treatment based on the individual needs of offenders. FPS's permanent work force increased 0.2 percent in 2-1/2 years, from 7,792 employees at June 30, 1974, to 8,807 at December 31, 1976. Statistics available showed that at December 31, 1976, 0.1 percent of FPS's work force were attorneys (GS-11 through GS-16), 48 percent were correctional officers (GS-5 through GS-17), and 37 percent were employees in "other occupations." (The remaining 15 percent were not under the General Schedule pay plan.)

### LEAA

LEAA was created by the Omnibus Crime Control and Safe Streets Act of 1968 as the Federal Government's major effort in the fight against crime. LEAA's goal is across-the-board improvement of the Nation's criminal justice system.

LEAA's permanent work force increased 29 percent in 2-1/2 years, from 658 employees at June 30, 1974, to 846 employees at December 31, 1976. Available LEAA statistical data showed that 69.5 percent of the total permanent work force at December 1976 were GS-9s and above. The remaining 30.5 percent of LEAA's work force were in primarily administrative and clerical occupations (grades GS-1 through GS-8).

### OBD

OBD, while considered a unit for EEO purposes, includes many organizations of diverse size, mission, and location. As of December 31, 1976, 21 organizations in the headquarters office, Washington, D.C., comprised OBD, several of which

maintained regional and field offices nationwide. (See app. III.)

OBD's permanent work force increased 10 percent, from 6,835 employees at June 30, 1974, to 7,547 employees at December 31, 1976. As of December 31, 1976, the Offices of U.S. Attorneys had 3,252 of the total 7,547 permanent employees, and the other 20 OBDs combined accounted for the remaining 4,295 permanent employees. The employee makeup of OBD consists largely of attorneys and administrative personnel (secretaries'. Data we obtained from Justice showed that as of December 31, 1976, 42.9 percent of OBD's work force were attorneys, in grades GS-9 through GS-17, and 57.1 percent were employees in other occupations--technical, professional, clerical, and administrative.

## CHAPTER 2

### ADMINISTRATIVE PROBLEMS HAMPER

#### PROGRAM IMPLEMENTATION

Several problems in the administration of the EEO programs of the three bureaus were hampering implementation. We found that the bureaus were not making internal evaluations of the effectiveness of their EEO programs or keeping total program costs. We also found that:

- OBD did not have a central authority for EEO matters and did not evaluate supervisors' performance in the area of EEO.
- LEAA had not provided EEO training for all of its managers and supervisors or eliminated the practice of referring to its EEO officer as "EEO Director."

#### ABSENCE OF INTERNAL EEO EVALUATIONS AND FOLLOWUP

Federal regulations and guidelines require that agencies perform internal EEO evaluations.

- Title 5, section 713.204, Code of Federal Regulations, states, in pertinent part, that in implementing its EEO program "an agency shall: (d) Assign to the Director of Equal Employment Opportunity the function of: (2) Evaluating from time to time the sufficiency of the total agency program for equal employment opportunity and reporting thereon to the head of the agency with recommendations as to any improvement or correction needed, including remedial or disciplinary action with respect to managerial or supervisory employees who may have failed in their responsibilities."
- CSC requires each agency to periodically evaluate the effectiveness of its EEO program. The method of carrying this out is left to the agency's discretion. However, the evaluation must be thorough enough to assure management that all program areas have been examined.

Justice's bureaus had not evaluated all facets of their EEO programs. In general they had recognized that the absence of an evaluation system is a problem in their EEO program, but had not taken corrective action. For example, FPS stated in its draft assessment report for the 1977 EEO plan that personnel management surveys had not evaluated the EEO program

as thoroughly as they should have, and that more guidelines would have to be developed for evaluating EEO in future personnel surveys. LEAA analyzed statistical data on minorities and women by occupation, grades, location, and length of service, and also analyzed complaint data. OBD performed no evaluations of its EEO program. In its draft 1978 affirmative action plan, Justice said,

"The Department's EEO Program has not been formally evaluated. Initial steps have been taken to develop the Department's evaluation regulations, and to complete an indepth evaluation of the program."

#### RECORD OF TOTAL PROGRAM COSTS NOT KEPT

Although CSC requires Federal agencies to submit cost data in their EEO plans, none of the three bureaus had an accounting system designed to keep a record of total and reliable EEO costs. As a result the total cost of the EEO program was not known.

Federal agencies submit EEO cost data to CSC in the "allocation of personnel and resources" statement in their EEO plans, and also to the Office of Management and Budget (OMB) in their reports of EEO program expenditures required by OMB Circular No. A-11. CSC revised the format for the cost reporting section of EEO plans in its Federal Personnel Manual (FPM) Letter 713-35, dated April 30, 1976, but these guidelines are not specific on how some costs should be developed. For example, the guidelines do not explain what factors should be used to compute actual counseling costs (employees' as well as counselors' time) so that reporting will be consistent. Justice, in turn, requires its bureaus to submit bureauwide cost data annually for use in preparing Justice's cost data for CSC. However, Justice also has not provided any guidance on how to develop EEO cost data.

The EEO program costs reported to Justice by the bureaus were imprecise. Officials at the bureaus informed us at the time of our review that they had no system for keeping records of actual EEO costs.

Further, in compiling their estimated EEO resources information, the bureaus did not always include all costs attributable to their EEO programs. According to the EEO section chief at FPS, salaries for full-time EEO personnel and travel expenses for EEO investigators were accumulated under

an EEO account. However, he told us that the salaries of part-time EEO investigators and counselors were estimated according to the approximate time devoted to EEO and were not charged against the EEO account.

We believe EEO program cost data is needed at the bureaus. Cost-effectiveness evaluations, as well as budgetary and financial-management controls, depend on such data.

In our report entitled "Problems in the Federal Employee Equal Employment Opportunity Program Need to be Resolved" (FPCD-76-85), dated September 9, 1977, we recommended that regulations be established requiring that components of EEO costs be comprehensively and uniformly accounted for. In response to our recommendation, CSC, based on its experience with fiscal year 1977 cost reports, will issue additional instructions to agencies that might be needed to improve reporting practices. Until this guidance is provided the bureaus should follow the requirements of OMB Circular No. A-11 for reporting purposes.

#### CENTRAL AUTHORITY FOR EEO LACKING AT OBD

An organizational problem at OBD has limited its EEO effort. The Support Services group was formed at OBD to serve as a centralized administrative unit for the diverse components of the bureau, and the EEO office was made a part of this Support Services group. However, Support Services is headed by a Deputy Assistant Attorney General, and most of OBD is headed by Presidential appointees who normally report to higher level officials within Justice. For EEO purposes, however, these appointees have been asked to report to the Deputy Assistant Attorney General. This has created conflicting lines of authority within the EEO program.

Because authority was lacking, and because there was insufficient cooperation among OBD's components, no effective EEO program had been implemented. For example, OBD's draft 1977 plan stated:

"The attempts to develop an Affirmative Action Program within OBD have met with limited success. Although there is a departmental requirement that all organizations of 25 or more employees prepare and submit an Action Plan, only 10 out of 55 organizations have responded to the two requests for such Plans. Six of the responding offices have been submitting plans to CSC for several years, so only four offices prepared plans as a result of our memos."



The draft 1977 plan stated that as a whole, although all organizations voiced their support of EEO, there was little evidence of most of them taking affirmative steps to assure equal opportunity to all their employees and applicants.

Each OBD and U.S. Attorney's Office of 25 or more employees was required to appoint, on a part-time basis, individuals to serve as EEO coordinator, as Black Affairs Program coordinator, and as Federal Women's Program coordinator. These individuals were to render guidance and assistance to management on implementing an effective affirmative action program within their respective organizations. However, at the time of our review, although they had been asked to do so, many organizations had not appointed any coordinators.

#### SUPERVISORY EVALUATION FOR EEO NEEDED AT OBD

Executive Order 11478 and the FPM, chapter 430, subchapter 3-2, require that agencies include in the rating of supervisors an evaluation of their performance in the area of EEO. OBD stated in its draft 1977 plan that supervisors were not evaluated on their support or nonsupport of EEO, and suggests that they should be. Nevertheless, at the completion of our review such evaluations were not yet being made.

#### NEED TO PROVIDE EEO TRAINING FOR ALL LEAA MANAGERS AND SUPERVISORS

According to Justice regulations, managers and supervisors are responsible for providing equal opportunity in employment matters and for eradicating discriminatory practices within their organizational segments. To help them in this responsibility, EEO training could be useful. However, as of April 20, 1976, only 3 of LEAA's 101 managers and supervisors had taken EEO courses. According to the EEO officer, LEAA had never had a program in which managers and supervisors received EEO training. He said that the EEO office had been asked to draft a plan to determine both the type of training to be given and the grade level of supervisors who should receive EEO training during fiscal year 1978.

#### LEAA USE OF THE TITLE "EEO DIRECTOR" FOR EEO OFFICER COULD BE CONFUSING

CSC regulations require each agency to designate a director of EEO to operate under the immediate supervision of the head of the agency and, among other things, designate

as many EEO officers as are necessary to assist the head of the agency in carrying out EEO functions.

Justice has designated a director of EEO with Department-wide responsibilities and an EEO officer for each of its seven bureaus. However, LEAA referred to its EEO officer as "EEO Director," and the EEO officer used the title "EEO Director" in official correspondence. This practice, in our opinion, has caused administrative confusion. For example, the confusion arises in relation to the criteria for rejection of discrimination complaints. Department of Justice Order 1713.4, chapter 3, section 16a, provides that complaints may be rejected only with the approval of the EEO Director. If both the Department of Justice and LEAA have directors of EEO, there is a question as to which has rejection authority.

### CONCLUSIONS

More systematic implementation of the bureaus' EEO programs is needed. Each bureau needs to develop a formal system for evaluating the effectiveness of all phases of its EEO program.

The absence of complete and reliable recordkeeping on EEO program costs precludes a meaningful evaluation of the cost-effectiveness of EEO program efforts. We believe Justice should require the bureaus to keep actual-cost information on their EEO programs and should provide guidance to assure completeness in reporting of resource allocations.

At OBD the EEO officer lacked leverage to act as an authority for implementing OBD's EEO program, a situation which could prevent the establishment of an effective program. Also, OBD did not evaluate supervisors on their performance in the EEO area.

At LEAA, EEO training for all managers and supervisors had not been given to insure that they understood their role in the EEO program. Further, LEAA's use of the organizational title "EEO Director" for its EEO officer was confusing, especially in the case of who has authority to reject discrimination complaints.

### RECOMMENDATIONS

We recommend that the Attorney General require the three bureaus to:

- Develop guidelines for comprehensive internal EEO evaluations, including procedures for followup, to

insure that corrective actions are taken on recommendations made.

--Develop a system for maintaining total program costs.

He should also require OBD to:

--Review the organizational location of its EEO program and establish a central authority for EEO matters, to insure that the program is in the best position for obtaining the authority required to implement it effectively.

--Evaluate and rate supervisors on their EEO responsibilities.

He should further require LEAA to:

--Provide EEO training to all managers and supervisors.

--Avoid administrative confusion by not referring to its EEO officer as "EEO Director."

## CHAPTER 3

### LACK OF COORDINATION AND

#### SUPERVISORY INVOLVEMENT IN EEO PLANS

An EEO plan is a key element in an agency's EEO program. It is an agency's pledge to assure EEO in all aspects of its operations affecting employees and applicants for employment. The three Justice bureaus were not coordinating with each other, and with other Justice bureaus, in the development of their EEO plans.

In addition, FPS was not involving all managers and supervisors in the development of EEO plans, to enable them to carry out their responsibilities to the EEO program.

#### EEO PLAN REQUIREMENTS

The Equal Employment Opportunity Act of 1972 requires Federal agencies to submit national and regional EEO plans to CSC for review and approval. Further, in FPM Letter 713-35, CSC advised agencies that in developing EEO plans the first step is to assess the current status of EEO within the agency, identify EEO problems, assign objectives, and develop action items designed to overcome problems that are identified. These action items must have target dates.

(CSC has now, in FPM Letter 713-40, dated August 17, 1977, stated that the person responsible for preparing the plan must request and consider input from managers, supervisors, and other parties having a responsible interest in the agency's EEO program. The agency must also draw upon the results of personnel management and EEO program evaluations conducted by CSC or agencies' internal evaluation units.)

CSC, in implementing the EEO Act of 1972, required the Department of Justice to submit an annual national EEO plan to CSC for review and approval. Beginning with fiscal year 1977, four of the bureaus within Justice, including FPS and LEAA, were also required to submit their national EEO plans to CSC. Justice is required to review the plans prior to CSC's review.

NO COORDINATION OF  
EEO PLANS AND NO DEVELOP-  
MENT OF FINAL PLAN IN OBD

Coordination among bureaus would provide bureauwide consistency among all plans. Although Justice requires each of its bureaus to forward its annual EEO plan to other Justice bureaus for coordination, this requirement was not being met by the bureaus and was not enforced by Justice.

Justice also requires each of its bureaus to develop and send to it a national EEO plan. FPM Letter 713-35 does not require Justice to approve the plans, nor to monitor their implementation.

One of the bureaus, OBD, had never completed a final EEO plan. The Chief of OBD's EEO unit told us that this was because of staffing constraints. OBD's EEO unit became operational during 1974, and draft plans had been completed in 1975 and 1977. Due to reorganization and delays, the draft 1976 plan remained in draft form--to be updated and resubmitted in 1977. A final plan had not been prepared, and the draft was not coordinated.

NEED TO INVOLVE ALL MANAGERS  
AND SUPERVISORS IN FPS'S EEO PLANS

At FPS's Federal Correctional Institution, the EEO plan was developed without input from those supervisors and managers who were not on the EEO Committee. The Federal Women's Program Coordinator at FPS's Metropolitan Correctional Center told us that there was no formal system for obtaining input from staff or supervisors when preparing the plan. This does not correspond to CSC's guidelines.

According to CSC, managers and supervisors must recognize and carry out their continuing responsibilities in the EEO program. To do this, it is important that they become involved in developing the EEO plan. CSC's guidelines state that when an agency's EEO plan assigns the responsibility for carrying out action items to few operating managers and supervisors, and when most of the action items are assigned to EEO and personnel staffs, chances are that the plan has been prepared without the cooperation of--and coordination with--operating officials, and will solve few if any of the real EEO problems of the organization.

Because implementation of affirmative action depends largely on top-line managers such as those individuals responsible for the administration of training and finance, they should play a more active role in developing EEO plans.

### CONCLUSIONS

Justice should insure that it receives and reviews the bureaus' EEO plans, in order to monitor their implementation. Also, as a means of insuring coordination of efforts Department-wide and to give uniformity to all plans, bureaus should send their plans to other Justice bureaus, as required.

All of FPS's managers and supervisors should be requested to provide input for the development and implementation of EEO plans, so that they can better carry out their EEO responsibilities.

### RECOMMENDATIONS

We recommend that the Attorney General direct Justice's EEO Director to establish a system for monitoring the implementation of the bureaus' EEO plans.

We further recommend that the Attorney General direct:

- The three bureaus to submit their EEO plans to other Justice bureaus, as required.
- OBD to complete its national EEO plans.
- FPS to insure that all managers and supervisors are requested to contribute to the development and implementation of EEO plans.

## CHAPTER 4

### NEED TO IMPROVE EFFORTS TO RECRUIT

#### QUALIFIED WOMEN AND MINORITIES

Women and minorities were generally better represented in the work forces of the three bureaus than in the Federal work force as a whole. (See app. I.) However, in two special programs for recruiting employees--Justice's Honor Law Graduate Program, and LEAA's Cooperative Education Program--we found that more could be done to recruit greater numbers of qualified women and minority persons.

#### ADEQUATE STATISTICS LACKING IN JUSTICE'S LAW SCHOOL RECRUITING PROGRAM

Justice has established a program for recruiting law school graduates for its bureaus. The Honor Law Graduate Program is Justice's recruiting program for third-year students in law school and is generally the only means by which prospective attorneys may be hired by Justice prior to bar membership. The program is also the means by which attorneys with little or no experience are hired by the Department. Screening of applications, interviewing, and selecting are conducted in conjunction with the Honor Program.

Recruiting of applicants who are already attorneys is coordinated through the Office of the Associate Attorney General, except for applicants for employment in the U.S. Attorneys' offices, which individually handle their own employment effort.

Statistics were not kept on the minority and sex representation of those interviewed, those referred for consideration, those offered jobs, or those hired through the 1976 Honor Law Graduate Program. However, the program director was able to provide us with the following information on the 1977 Honor Program.

<u>Justice office</u>	<u>Total offers made</u>	<u>Total offers accepted</u>	<u>Total women accepting (note a)</u>	<u>Total minority persons accepting (note b)</u>
Antitrust	67	29	7	1 Black woman
Civil	36	18	10	1 Hispanic 1 Black woman 1 Black man
Civil rights	19	10	7	1 Black man
Criminal	20	12	6	1 Black woman 1 Hispanic
Immigration and Naturalization Service	6	3	1	1 Asian American
Lands	11	9	1	1 Native American
Tax	<u>16</u>	<u>11</u>	<u>3</u>	-
Total	<u>175</u>	<u>92</u>	<u>35</u>	<u>9</u>

a/A total of 2,201 applications were received under the 1977 Program, 484 of them from women.

b/A total of 137 minority applications were received under the 1977 Program: 85 from Blacks, 36 from Spanish-speaking applicants, 14 from Asian Americans, and 2 from Native Americans.

Such information is limited in its usefulness because the race and sex of interviewees and of those who received offers is not given.

In a memo dated May 9, 1977, the Associate Attorney General told the Honors Program Director that Justice must make stronger efforts to recruit qualified women and minority persons for its attorney positions. We could find no reply to this memo.



MINORITY CANDIDATES NOT ACTIVELY PURSUED  
FOR COOPERATIVE EDUCATION PROGRAM AT LEAA

LEAA has a Cooperative Education Program designed to employ students who are in a 2-year or 4-year college in which work experience is a prerequisite to the awarding of a degree. LEAA has co-op agreements with Northeastern and Drexel Universities, which have a predominantly white student population. The Deputy Personnel Director told us that all the persons hired under the co-op program were white. They included the following:

	<u>Approximate number of students hired</u>	
	<u>Northeastern</u>	<u>Drexel</u>
1974-1975	7	0
1975-1976	9	1
1976-1977	<u>12</u>	<u>1</u>
Total	<u>28</u>	<u>2</u>

According to the Deputy Personnel Director, a predominantly Black school, Shaw University, was to have been contacted in 1977 to recruit co-ops. As of May 10, 1978, LEAA was still pursuing the feasibility of establishing a cooperative education program with Shaw.

CONCLUSIONS

Justice was not keeping statistics on female and minority interviewees--and those offered jobs--in the Honor Law Graduate Program. Such information is essential in order to determine the extent of efforts made to recruit more minority persons and females into the program. We believe Justice should attempt to recruit greater numbers of qualified women and minorities for the program.

Further, LEAA was not approaching all sources of candidates for its cooperative education program. Efforts should be made to include minorities in the program.

RECOMMENDATIONS

We recommend that the Attorney General:

--Insure that adequate statistics are kept on female and minority interviewees and those offered jobs in Justice's Honors Law Graduate Program, to reflect more fully the efforts made to recruit women and minorities.

--Attempt to recruit larger numbers of qualified females and minorities into the program.

We further recommend that the Attorney General direct LEAA to make every effort to include minorities in its cooperative education program.

## CHAPTER 5

### NEED TO INSURE EQUAL OPPORTUNITY IN TRAINING AND PROMOTIONS AND TO PERFORM SKILLS SURVEYS

Executive Order 11478, dated August 8, 1969, and the Equal Employment Opportunity Act of 1972 require agencies to "provide maximum feasible opportunity to employees to enhance their skills so they may perform at their highest potential and advance according to their abilities." Because the bureaus had not made detailed analyses of career-development training and promotions, we could not determine whether equal opportunity in these areas had been provided all employees. To carry out these requirements, the bureaus need to insure equal opportunity in promotions and perform surveys of employees' knowledge, skills, and abilities.

Further, OBD and FPS need to determine whether they are providing equal opportunity in career-development training, and to define the extent of their upward mobility problems.

### NEED TO ANALYZE STATISTICS TO INSURE EQUAL OPPORTUNITY IN CAREER DEVELOPMENT TRAINING

Prior to July 1976, training statistics for EEO purposes were not kept by the bureaus. Beginning in July 1976, the Justice Employee Training System (JETS), an automated system, was initiated to provide data on training received by employees within Justice's bureaus (except those assigned to the Federal Bureau of Investigation) by race and sex. This data for the period July to December 1976 showed the following for LEAA. (See next page.)

Comparison of Those Taking Training with  
Work Force Representation

<u>Grade level</u>	<u>Black</u>	<u>Hispanic</u>	<u>Native American</u>	<u>Asian American</u>	<u>Other</u>	<u>Total</u>	
						<u>Male</u>	<u>Female</u>
GS-1-5	34	4	0	2	92	5	127
GS-6-10	49	3	0	0	120	40	132
GS-11-15	35	7	1	9	438	383	107
GS-16-18	0	0	0	0	16	16	0
Other	<u>1</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1</u>	<u>1</u>	<u>1</u>
Total	<u>119</u>	<u>14</u>	<u>1</u>	<u>11</u>	<u>667</u>	<u>445</u>	<u>367</u>
Percent of total taking training	14.7	1.7	0.1	1.4	82.1	54.8	45.2
Percent of LEAA work force as of 6/30/76	21.1	1.7	0.1	.9	76.2	53.8	46.2

This comparison appears to indicate that Blacks were not receiving training in proportion to their representation in LEAA's work force, while other minorities were receiving training equal to or more than their work force representation. However, of 17 incidents of Government-sponsored executive and management training, no minorities in LEAA attended, and of 67 incidents of Government-sponsored supervisory training, 6 were for minorities.

OBD's statistics for the same period showed the following.

<u>Grade level</u>	<u>Black</u>	<u>Hispanic</u>	<u>Native American</u>	<u>Asian American</u>	<u>Other</u>	<u>Total</u>	
						<u>Male</u>	<u>Female</u>
GS-1-5	19	0	0	0	27	6	40
GS-6-10	20	2	0	0	50	3	69
GS-11-15	15	3	0	1	159	147	31
GS-16-18	0	0	0	0	9	9	0
Other	<u>3</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>120</u>	<u>115</u>	<u>8</u>
Total	<u>57</u>	<u>5</u>	<u>0</u>	<u>1</u>	<u>365</u>	<u>280</u>	<u>148</u>
Percent of total taking training	13	1	0	.2	85	65	35
Percent of OBD work force	15	1	.1	.6	83	51	49

This data indicates that Native Americans, Asian Americans, and women were not receiving training in proportion to their representation in OBD's work force. Whites and men, however, appear to have been receiving more than their work force representation.

Data for the quarter ending December 18, 1976, showed the following for FPS's employees:

Grade level	Black	Hispanic	Native American	Asian American	Other	Total	
						Male	Female
GS-1-5	60	24	0	0	213	147	150
GS-6-10	235	79	5	2	1,296	1,378	239
GS-11-15	65	18	8	3	679	724	49
GS-16-18	1	0	0	0	2	3	0
Other	26	10	4	0	351	387	4
Total	<u>387</u>	<u>131</u>	<u>17</u>	<u>5</u>	<u>2,541</u>	<u>2,639</u>	<u>442</u>
Percent of total taking training	13	4	3	0	82	86	14
Percent of FPS work force at 6/30/76	12	4	0	0	83	86	14

This comparison appears to indicate that minorities and women were generally receiving their fair share of training. The December data showed, however, that of 11 training incidents for non-Government executive and management training, all were for nonminorities; of 53 training incidents for non-Government supervisory training, 4 were for minorities; of 115 training incidents for Government executive and management training, 13 were for minorities.

To determine whether equal opportunity was provided in training, factors such as the types of training offered, the availability of such training to those in certain job categories, and the race and sex of persons in each job category would have to be considered. This type of analysis would indicate whether minorities and women were receiving training on an equitable basis and could pinpoint areas where equal opportunity for training was lacking, and the bureaus would then be able to take the necessary action to correct the situation. Such analyses were not being made by the bureaus.

NEED TO INSURE EQUAL  
OPPORTUNITY IN PROMOTIONS

Justice's 1976 EEO plan contained an action item to develop a time-in-grade, average grade promotion survey of its Hispanic, Black, Native, and Asian American, and female employees in each of its bureaus, to compare with statistics of nonminorities employed in key occupations. However, in its 1977 EEO plan, Justice stated that this comparison had not been accomplished--primarily because of a lack of time and statistical capability to prepare the computer runs.

Neither LEAA nor OBD had analyzed its promotions for EEO purposes, except with respect to attorneys. Statistical data we obtained on LEAA's and FPS's total employees at June 30, 1974, at June 30, 1975, and at June 30, 1976, and on promotions in LEAA from July 1, 1974, to December 31, 1976, showed that women and minorities generally received promotions at a rate greater than their work force representation. Further study, including a time-in-grade analysis by occupation, is needed, however, to determine whether discriminatory practices exist.

In FPS, one objective of the merit promotion plan was to ensure that consideration was given each qualified applicant, regardless of race, color, sex, age, religion, or national origin. The plan specified that any official found to have discriminated on these bases when rating an employee for promotion would be subject to disciplinary action. An FPS task force on EEO performed one evaluation of promotions. In its interim report of May 1976, it concluded that for the 21-month period of July 1974 through March 1976 at the GS-8 level, the percentage of minorities who were best-qualified corresponded to the percentage who applied, and that the percentage of those selected corresponded with the percentage reaching best-qualified. The report stated that at the GS-9 and GS-11 levels, the available data and relatively small number of candidates made it difficult to reach any conclusions, but nevertheless the report concluded that the selections made at these levels were also "proportional to the total manpower pool." The EEO section chief told us there had been no other analyses of promotions for EEO purposes.

(It is worth noting that concern about promotions was the cause of about 33 percent of the formal discrimination complaints filed in FPS from January 1, 1974, to October 1976. FPS, however, had not fully analyzed these complaints to determine whether management deficiencies or systemic discriminatory practices existed regarding promotions.)

## ABSENCE OF SKILLS SURVEYS

Justice's upward mobility guidelines do not require its bureaus to conduct skills surveys as a part of their upward mobility program, even though Executive Order 11478 states that agencies must use employees' present skills and provide the maximum feasible opportunity to employees to enable them to enhance their skills. Chapter 41, title 5, of the United States Code codified the Government Employees Training Act of 1958, and prohibits agencies from training employees, through non-Government facilities, to fill a position by promotion if there is available an employee of equal ability and suitability, fully qualified to fill the position and available at, or within a reasonable distance from, the place where the duties of the position are to be performed (5 U.S.C., sec. 4118(b)(3)). As a result, CSC states in its guidelines that agencies must recognize the knowledge, skills, and abilities of their employees. Skills surveys should be performed in conjunction with agencies' upward mobility programs.

LEAA's upward mobility program coordinator told us that when the upward mobility program was initiated in November 1975, a study was performed to determine the number of lower grade employees who had degrees. The coordinator said that this study was the closest LEAA has come to performing a skills survey, and that she did not have the results of this study.

OBD had performed no skills surveys to determine the abilities of its employees and to determine whether employees were being underutilized.

FPS did not perform skills surveys because it had no upward mobility program.

In our report to CSC dated March 28, 1977 (FPCD-77-10), we recommended that CSC provide departments and agencies with guidance detailing the method for conducting staff power analyses and skills surveys in support of initial and subsequent upward mobility training agreements. CSC advised us that new guidance for assuring successful upward mobility programs, as recommended, was issued in May 1978.

## NEED TO DEFINE EXTENT OF UPWARD MOBILITY PROBLEM AT OBD AND FPS

CSC's FPM Letter 713-27, "Upward Mobility for Lower-Level Employees," dated June 28, 1974, states that most agency programs should focus on providing opportunities for employees below the GS-9 (or equivalent) levels. CSC noted, however, that the Equal Employment Opportunity Act of 1972 does not specify minimum or maximum grade levels for upward mobility efforts. Each agency is directed to apply program

concepts to develop a variety of opportunities suited to its own organizational and mission requirements. Justice's guidance does not direct bureaus to systematically analyze their work : to identify their upward mobility problems.

Our April 1975 report to the Congress 1/ stressed the need to identify situations inhibiting upward mobility. In that report, we said that management must systematically identify and analyze job patterns that prevent advancement of qualified lower level employees. Such occupational analysis should include the

- rate of personnel change from lower to higher skilled occupations by grade and job series;
- number of employees in apprentice, technician, and other developmental positions; ratios of jobs filled by promotions and reassignments, to those filled from outside the agency in apprentice, technician, developmental, or entry-level professional positions, by grade level; and
- job series and grade levels in which many employees appear to be affected.

These analyses will identify the upward mobility target populations and are essential because upward mobility needs vary among and within agencies.

OBD Order 1411, dated July 15, 1976, gives responsibility to the Director of the Support Staff to "develop, implement, monitor and refine" OBD's upward mobility program. This authority had been delegated to OBD's EEO unit chief, who also served as the upward mobility coordinator. The order directs the heads of OBD and each U.S. Attorney to be responsible for the implementation of upward mobility programs within their respective organizations.

OBD's efforts to establish an active upward mobility program have been minimal. Although a target population list was gathered including all eligible GS-1s through GS-8s, the list has never been analyzed or used. The upward mobility coordinator informed us that the program received little or no participation by OBD, and that few offices have even named an upward mobility coordinator. Further, from July 15, 1976,

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1/"Upward Mobility Programs in the Federal Government Should Be Made More Effective," FPCD-75-84, Apr. 29, 1975.



to December 31, 1976, of the 7,547 positions in OBD, there had been only 8 positions filled through the upward mobility program.

## CONCLUSIONS

The bureaus need to analyze training data to insure that equal opportunity for career-development training is provided all employees, and to periodically analyze promotion statistics for EEO purposes. Such analyses, in our opinion, should be a part of a continuing effort to identify and eliminate discriminatory practices.

Further, LEAA and OBD, in conjunction with their upward mobility programs, should perform skills surveys to determine employees' abilities and whether employees are being underutilized. (Skills surveys should not be restricted to determining which employees have degrees, as LEAA's was.) The results obtained from skills surveys should be analyzed and corrective actions taken.

OBD and FPS should also determine the extent of their upward mobility problems.

## RECOMMENDATIONS

We recommend that the Attorney General require the three bureaus to

--Analyze training statistics and related factors, to insure that equal opportunity for career-development training is provided for all employees.

--Jointly, with the Department of Justice, perform a time-in-grade study of promotions for minority persons and women, compared to promotions for non-minority persons and men, to identify possible EEO problems and discriminatory practices.

He should require:

--LEAA and OBD to issue definitive policies, procedures, and guidelines on the use of skills surveys in upward mobility programs.

--OBD and FPS to determine the extent of their upward mobility problem by analyzing work force statistics to determine practices which may prevent advancement of qualified lower level employees.

--FPS to establish an upward mobility program.

## CHAPTER 6

### IMPROVEMENTS NEEDED IN THE

### DISCRIMINATION COMPLAINT SYSTEM

Employees or applicants for Federal employment who believe they have been discriminated against because of race, color, religion, sex, national origin, or age--and who wish to resolve the matter--are required to discuss the problem with an EEO counselor. This counseling is on an informal basis, and the complainant has a right to remain anonymous. If the counselor cannot resolve the matter informally, a formal complaint may be filed with the agency. During the formal stage, the agency has the complaint investigated and attempts resolution. The complainant also has the right to (1) request a hearing before a complaints examiner whose name has been supplied to the agency by CSC as being qualified, (2) appeal agency decisions to CSC's Appeals Review Board, and (3) file a civil action in the appropriate U.S. District Court. Federal agencies are to provide prompt, fair, and impartial disposition of EEO discrimination complaints.

The three bureaus' discrimination complaint systems can be improved by

- providing better control and evaluation of employees performing part-time EEO functions and
- processing complaints in a more timely manner.

OBD and FPS could further improve their complaint systems by

- providing adequate training for all EEO counselors,
- reporting all complaints, whether formal or informal, and
- analyzing complaints to identify possible systemic problems or problems with management.

In addition, OBD could improve its EEO complaints processing by providing counselors at all office locations, and LEAA must eliminate its "staff mechanism procedure," which clearly violates complainants' rights.

NEED FOR IMPROVED CONTROL AND  
EVALUATION OF EMPLOYEES PERFORMING  
EEO FUNCTIONS ON A COLLATERAL-DUTY BASIS

Collateral-duty personnel are assigned to EEO counselor and investigator positions on a part-time basis. These assignments are official EEO duties and responsibilities of an employee in addition to his or her primary assigned tasks. In the three bureaus, collateral-duty personnel received no evaluation of their EEO duties. This lack of formal evaluation of part-time EEO duties limited the bureaus' control over these individuals' EEO functions.

CSC, in FPM Letter No. 713-37, dated May 20, 1977, issued guidelines concerning EEO collateral assignments. This guidance states that official EEO duties and responsibilities assigned to employees on a collateral basis must be described in the official position description that covers the position that the employee occupies. CSC further states that as with any other official work assignment given to an employee, certain conditions involving how and when the work will be assigned, adjusted, appraised, and supported by resources should accompany the EEO collateral assignment, to assure that it is performed in an effective manner.

In the draft EEO assessment report for its 1977 EEO plan, FPS stated that a method of evaluating persons with collateral EEO duties would have to be devised to determine deficiencies in program areas. FPS's EEO section chief told us that such evaluations will be made starting in the summer of 1978. OBD and LEAA did not comment on this issue.

180-DAY REQUIREMENT NOT MET

The EEO Act of 1972 states that a complainant may file a civil action 180 calendar days after filing a complaint with his agency if there has been no decision, or after 180 calendar days from the date of filing an appeal with CSC if there has been no decision by CSC.

In response to this provision of the act, CSC has attempted, through the issuance of guidelines and procedures, to impress upon agencies the importance of timely complaint processing by emphasizing the importance of not exceeding 180 calendar days in such processing.

The bureaus had generally exceeded 180 calendar days in processing complaints. They had not made an analysis,

however, to show the reasons for the delays, or where they were occurring. As part of our review, we made an analysis of the EEO officer's logging system in OBD. We found that two areas in which major delays appeared to be occurring at OBD were in the investigation segment of the complaint process--which averaged 225 days to process--and in Justice's phase of the task. OBD's EEO officer told us the delays had occurred at the investigation stage "for many reasons, including the complainants' failure to provide affidavits and insufficient clerical support for investigators."

In LEAA, as of December 31, 1976, of the 11 formal complaints we reviewed--complaints that had been filed since January 1, 1974--1 had been closed. That one closed complaint had been in process for 827 days. Six of the other 10 were over 300 days old.

In our report, "System for Processing Individual Equal Employment Opportunity Discrimination Complaints: Improvements Needed" (B-178929, FPCD-76-77), dated April 8, 1977, we said that CSC has never reviewed the 180-calendar-day time frame for processing complaints to determine its relevance. We recommended that the Chairman of CSC develop criteria for, and assess the effectiveness and efficiency of, agencies' complaint systems. We said that such criteria should consider qualitative and cost aspects, in addition to the timeliness consideration. In the meantime, however, we believe that the bureaus should review their complaint systems to determine if every effort is being made to avoid unnecessary delays and to process complaints in a timely manner.

#### LACK OF ADEQUATE TRAINING FOR ALL EEO COUNSELORS AT OBD AND FPS

Personnel involved in the discrimination complaint system should have sufficient knowledge of the complaint system and of the Federal personnel system to properly carry out their assigned duties and responsibilities, and to function effectively. Since most complaints are personnel related, it appears essential that those persons responsible for resolving problems involving personnel matters be knowledgeable in and have ready access to principles of personnel management techniques.

We could find no OBD regulation or policy which provided for training for all counselors. In general, OBD's EEO training for counselors was offered in an inconsistent manner--some

had received training and others had not. OBD's EEO officer told us he could not readily determine which counselors had training and which had not.

Responses to an FPS questionnaire on counseling showed that as of January 31, 1977, 12 of 49 counselors responding believed they had not received adequate training, and 25 respondents indicated they would like more training. About 80 percent of the counselors responding said they needed more intense training in personnel procedures and refresher courses.

#### OBD AND FPS NONCOMPLIANCE WITH REGULATIONS REGARDING EEO COMPLAINT REPORTING

Justice Regulation 1713.4 requires the bureaus' EEO officers to report monthly the number, the cause, and the basis of formal and informal discrimination complaints, and to report the status of all pending formal complaints.

OBD's EEO officer told us that OBD's counselors' pre-complaint reporting was inconsistent and that some counselors' reports included all counseling activities, while others reported only the counseling which had resulted in formal complaints.

A similar situation existed at FPS. Counselors at the Federal Correctional Institution did not maintain adequate records of complaints that had been resolved informally. Although FPS's central office had requested that monthly counseling checklists be submitted for each case counseled, counselors had complied only when they had processed a formal complaint. The purpose of informal complaint counseling is to resolve as many EEO problems as possible before they get to the formal complaint stage. Therefore records of informal complaints, compared with those of formal complaints, indicate whether the informal complaint system is effective.

#### ABSENCE OF PERIODIC ANALYSES OF EEO COMPLAINTS AT OBD AND FPS

During the period 1973 through 1976, 55 formal discrimination complaints were filed in OBD. During the period January 1, 1974, to October 31, 1976, 99 formal EEO complaints were reported at FPS.

We could not accurately determine the bases and causes of formal complaints using OBD's monthly reports because of

the inconsistency of the reporting process. However, a logging system established by the EEO officer in 1973 showed the bases and causes as follows for the 55 formal complaints filed from 1973 through 1976.

<u>Basis</u>	<u>Number</u>
Race	34
Sex	22
National origin	5
Age	3
Expedited reprisal	<u>2</u>
Total	<u>a/66</u>

<u>Cause</u>	<u>Number</u>
Promotion	22
Reduction in force	7
Harrassment	6
Disciplinary action	5
Termination	3
Reprisal	3
Other	<u>9</u>
Total	<u>55</u>

a/Some complaints were filed on more than one basis--for example, race and sex.

The bases and causes of two of FPS' complaints were not shown on the report we examined. For the other 97 complaints, however, the bases and causes were as shown below.

<u>Basis</u>	<u>Number</u>
Race/color	64
Sex/female	11
National origin	9
Age	8
Sex/male	3
Religion	<u>2</u>
Total	<u>97</u>

<u>Cause</u>	<u>Number</u>
Separation	34
Promotion	33
Detail	3
Suspension	3
Initial appointment	2
Reassignment	1
Reprimand	1
Job Training	1
Other	<u>19</u>
Total	<u>97</u>

Although the greatest number of complaints concerned promotions and separations, OBD had not analyzed its complaints to identify trends or to determine whether management deficiencies or systemic discriminatory practices existed; FPS had performed one analysis of complaints. An analysis of discrimination complaints would indicate trends or the bases and causes of the complaints, what regions they come from, and possibly show any area of systemic discrimination.

#### LACK OF AVAILABLE EEO COUNSELORS AT SOME OBD OFFICES AND REGIONS

Prior to 1976 most EEO counselors were selected by the supervisors in each OBD organization and quite often were members of upper level management. During 1976, however, the EEO officer and the chief of the EEO unit attempted to get more rank-and-file counseling by appointing new counselors, using a Justice-prepared volunteer's list as a guide. As of February 1977, there were 34 EEO counselors; of these, 12 had actually done counseling. Of the remaining number, 19 were newly appointed, and the remaining 3 had done no counseling. No one in the EEO office could tell us how many of the counselors had been trained.

We were told that not all of OBD's field offices had EEO counselors, but that at least one counselor was available in each CSC region. Upon examining the list of counselors, however, we found that no counselors were available in the Denver, St. Louis, or Philadelphia regions. The EEO officials who were talked to could not tell us how counseling was conducted in areas where no counselors were available.

OB D NEEDS TO INSURE THAT ALL EMPLOYEES  
AND APPLICANTS ARE INFORMED OF THE  
DISCRIMINATION COMPLAINT SYSTEM

The EEO officer at OBD informed us that job applicants were generally less aware of the discrimination complaint system than are employees and are less familiar with employment facts needed to determine whether a valid discrimination complaint actually exists. For this reason, employees are more apt to file complaints than are unsuccessful job applicants.

All of the counselors we talked to told us that employees lacked awareness of the EEO program and of the complaint system. Three of the five counselors further expressed the need for employee training, or at least some form of orientation for new employees, to raise the level of awareness of employees with regard to EEO.

NEED TO INSURE RECORDS ARE KEPT  
OF OBD DISCIPLINARY ACTIONS

CSC guidelines require that an agency, upon a finding of discrimination, determine whether disciplinary action is appropriate and record the basis of this decision. We could find no record of any such files for the 10 findings of discrimination made from January 1970 to December 1976. (There was no information available indicating how many of the 10 cases occurred during our audit period.) The EEO officer stated that she had never seen such a record, but that she was aware of at least four OBD officials who had received some form of disciplinary action for discriminatory practices.

RIGHTS OF COMPLAINANTS VIOLATED  
BY LEAA "STAFF MECHANISM" PROCEDURE

During the processing of EEO complaints, LEAA utilized a practice of trying to resolve complaints informally by a "staff mechanism" procedure. At LEAA, when an employee believed he or she had been discriminated against, he or she contacted an EEO counselor or LEAA's EEO officer. At that point the "staff mechanism" began. When the employee contacted the counselor, the counselor notified the EEO officer. The EEO officer then scheduled a meeting with the employee and with the employee-relations officer to discuss the problem. They then met with the official in charge of the employee's office and attempted to reach an agreement. The EEO officer told us that if they could not reach an agreement,



he advised the employee that he or she could file an informal complaint in writing with him. He said he also advised the complainant of things that could happen if he or she filed a complaint--for example, getting a low job evaluation in the future, or being transferred. Advice of this nature, in our opinion, appears to be attempts by management officials to discourage employees from filing complaints. The practice conflicts with CSC regulations, which provide that EEO complainants be free from reprisal and interferences during the processing of complaints and that in the informal stage the complainant has the right to remain anonymous.

After the EEO officer received an informal complaint in writing, he turned the case over to the counselor for processing. However, the requirement that informal complaints be in writing is contrary to CSC regulations, which require this only of formal complaints. To require the complainant to go through an EEO counselor after already having sought informal resolution during the "staff mechanism" procedure is, in our opinion, unfair and overly burdensome to the complainant.

LEAA's 1977 EEO plan stated that as of February 13, 1976, it had accomplished 572 counseling sessions involving LEAA employees. However, since no records were kept of the events taking place during the staff mechanism procedure, we could not determine:

- How many EEO cases had gone through this process.
- How often complaints were resolved by this approach.
- What complainants were told by the EEO Director when a resolution was not reached.
- If complainants were given a right to remain anonymous.

Since the staff mechanism procedure conflicts with CSC regulations, in our opinion it should be eliminated.

## CONCLUSIONS

The bureaus' personnel performing counseling duties on a part-time basis should be evaluated on their counseling activities to insure effectiveness of their counseling.

An analysis should be made of the three bureaus' complaint processes, to determine reasons for delays and where

they were occurring. Such an analysis would show whether every effort is being made to avoid unnecessary delay and to process complaints in a timely manner.

Not all of OBD's and FPS's (according to the results of its questionnaire) EEO counselors had received adequate training to help them carry out their counseling activities. These bureaus should provide a coordinated system for determining what advanced training is needed for EEO counselors and for insuring that the training is provided. Further, these two bureaus should comply with Justice's regulation requiring monthly reports on informal discrimination complaint counseling to provide records which would indicate whether the informal complaint system is effective.

The complaints system should be analyzed and evaluated to (1) identify trends and pinpoint management weaknesses and systemic discriminatory practices in each of the bureaus, (2) insure, in OBD, that all employees have access to EEO counselors, that employees and applicants for employment are made aware of the discrimination complaint system, and that records of disciplinary actions taken against discriminating officials are kept, as required by CSC, and (3) eliminate, in LEAA, the "staff mechanism procedure" for handling precomplaints.

### RECOMMENDATIONS

We recommend that the Attorney General require the three bureaus to:

- Institute and implement a systematic approach for evaluating employees performing EEO functions on a collateral-duty basis.
- Insure that administrative delays are kept to a minimum, and that complaints complete the administrative process within the required 180-day period.

He should require OBD and FPS to:

- Institute a system for determining the training needed for EEO counselors and insure that such training is provided.
- Insure that EEO counselors submit required reports on their counseling activities.

--Analyze their EEO complaints, to identify trends, possible management deficiencies, and possible systemic discriminatory practices.

He should also require OBD to:

--Provide sufficient EEO counselors nationwide to afford all employees access to the EEO complaint system.

--Provide the means by which all employees and applicants for employment will be made aware of the discrimination complaint process.

--Keep a record of the disciplinary actions taken against discriminating officials, as required by CSC.

Further, he should require LEAA to:

--Eliminate the "staff mechanism" procedure and follow the procedure established by CSC and Justice in processing complaints of discrimination.

## CHAPTER 7

### AGENCY COMMENTS

We discussed our findings and recommendations with officials of the three bureaus who were responsible for the EEO programs. They concurred with most of our recommendations and in some instances made clarifications and technical corrections.

They provided us with the following comments and updated information.

#### FPS

1. (See p. 5.) FPS now maintains cost data on major program actions. Management has mandated that all employees, as well as all levels of management, participate in the EEO affirmative action program. Individuals assigned EEO duties, full time and on a collateral basis, are recording the amount of time devoted to EEO. However, it is often difficult to measure the total input in terms of dollars and work-years.
2. (See p. 4.) EEO evaluations are presently being updated. Indepth audits have been done by the central office EEO staff and by the personnel and regional offices of the various field institutions.
3. The EEO training for managers and supervisors now emphasizes their responsibilities in the development of affirmative action plans.
4. (See p. 21.) FPS did not have a formal upward mobility program. FPS could not implement the upward mobility program because it was tied up in union negotiations. An upward mobility program has been agreed to by management and the union and should be implemented sometime this year. Several meetings have been held on ways to implement the program.
5. (See p. 17.) The Department of Justice is forwarding on a quarterly basis a training report (a computer printout)--JETS--that details the training by courses, race, and sex. This report is being monitored by the EEO section. Training now appears to be done on an equitable basis.

6. (See p. 21.) FPS will be conducting a skills survey during the implementation of the upward mobility program. There is a system in FPS whereby information on skills, education, and other factors is kept on all employees and updated annually. There is a newly organized Career Development Taskforce in FPS that will study the development of all employees.
7. (See p. 25.) CSC has published and distributed FPM Letter 713-37 dealing with collateral duty assignments. Most of the FPS institutions have complied and are including collateral duties in the official position description. Those that have not complied are aware of the FPM and are in the process of complying. EEO counselors and other persons who are assigned EEO duties on a collateral basis are being evaluated by monthly reports, by onsite audits, and by reports that they are required to submit on their activities.
8. (See p. 26.) Recently, EEO counselors have been monitored very closely as to their needs in the area of training. Most of the EEO counselors, other than those newly appointed, have received the basic FPS training for EEO counselors; others have received CSC training. A number of the EEO counselors are taking correspondence courses in EEO and personnel. A number of the FPS institutions have been encouraged and are sending their counselors to an advanced EEO counselors' workshop, personnel training, and other training.
9. (See p. 27.) EEO counselors are now required to submit counselor activity reports to the central office's EEO section monthly. Most of the EEO counselors now comply. FPS prepares a combined report for the Department of Justice on its counseling activity for the month. It includes the number of cases informally solved and not solved.

#### LEAA

1. (See p. 4.) The EEO office has arranged for LEAA's Office of Planning and Management to make an annual audit of the EEO program, using FPM Letter 713-40, and Part 713 (Equal Opportunity) Subparts B, C, D, and E as criteria for evaluation. Justice-wide guidelines would solve the problem of lack of uniform evaluation guidelines.

2. (See p. 5.) If a system for maintaining total program costs is to be implemented, guidance should come from Justice, if there is an expectation of uniformity among all bureaus.
3. (See p. 7.) A training program for managers and supervisors has been developed, and the recommended training will take place beginning May 22, 1978. Training for all part-time EEO staff will be held June 28 and 29, 1978.
4. (See p. 7.) LEAA appointed an EEO officer with a position description which includes duties of the Director of EEO. It also created an Officer of EEO with the organizational title of "Director of the Office of Equal Employment Opportunity." The organizational title is used to insure that EEO is given equal status to other offices so that the head of the Office of EEO can relate to other office heads as an equal.

(GAO comment. Justice's regulations require each bureau director to designate an EEO officer who would be responsible for investigations, for assisting with hearings, and for meeting with employees and applicants to discuss complaints. The regulations do not provide for the appointment of an EEO Director for each bureau. The EEO Director and EEO officer each have distinct duties outlined in Justice's regulations. These regulations, if followed, would eliminate possible confusion or conflict of duties.)

5. (See p. 11.) The 1978 plan was sent to the Department of Justice EEO office for distribution and review during the week of February 5, 1978.
6. (See p. 15.) Every effort should be made to include minorities in the Cooperative Education Program. The bureau is still pursuing the feasibility of establishing a Cooperative Education Program agreement with Shaw University.
7. (See p. 17.) Because GAO's analysis of training does not take into account a series of important factors, the Training Division will further analyze its training record to determine if there are problems to be addressed. Providing as many opportunities as possible on an equal basis, without concern for race or sex, is a constant goal of the Training Division, and efforts by the training staff toward this goal continue on a daily basis.

8. (See p. 20.) A joint Department of Justice and LEAA time-in-grade study of promotions for minorities and women, compared to promotions for nonminorities and men, should be performed to determine whether possible EEO problems and discriminatory practices exist.
9. (See p. 21.) LEAA's upward mobility program is administered by the personnel office. LEAA has acknowledged that policies, procedures, and guidelines on skills surveys need to be issued and are waiting for guidance from the Department of Justice or the Civil Service Commission that details the method for conducting skill analyses and surveys.
10. (See p. 25.) LEAA has instituted a procedure by which a part-time EEO official is either rated by his supervisor and by the EEO officer separately, or the EEO officer provides input to the supervisor's evaluation. On March 29, 1978, LEAA's administrator provided evaluation criteria.
11. (See p. 25.) LEAA has developed a procedure for processing complaints of discrimination in a more timely manner, including time frames for each milestone.
12. (See p. 30.) The present EEO officer came on board August 26, 1977, and the "staff mechanism" procedure was discontinued at that time.

OBD

1. (See p. 6.) The EEO office is no longer part of the Support Services group but has been transferred to the EEO office, Office of Management and Finance, which has Department-wide functions. Some Assistant Attorney Generals now report through the Associate Attorney General, others to the Deputy Attorney General, and others directly to the Attorney General. The position of Associate Attorney General has been established by statute.
2. (See p. 7.) New Department of Justice supervisory performance rating sheets now include ratings for EEO performance.

3. (See p. 13.) Statistics on minority group and sex are now being kept for applicants for the Justice's Honor Law Graduate Program.
4. (See p. 21.) The upward mobility program is the responsibility of the personnel office and not that of the EEO office.
5. (See p. 29.) OBD does not have EEO counselors in each region or each U.S. Attorney's office because there is no advantage in having so many counselors. OBD can borrow counselors from one of the bureaus as needed. Where OBD has counselors in a U.S. Attorney's office, the counselor generally cannot handle a case in the office because the counselor and complainant work for the same official. It is less costly and more effective to use bureau counselors in the field.
6. (See p. 30.) CSC regulations prohibit including information on disciplinary action against alleged discriminating officials in the complaint file (see 5 C.F.R. 713.221 (c)). Moreover, keeping records on disciplinary actions in EEO cases would violate the Privacy Act unless notice of the records system were published in the Federal Register.

(GAO comment. Under the provisions of 5 C.F.R. 713.221(c) the record of the basis for an agency's decision on whether disciplinary action is appropriate may not be included in the complaint file. Keeping the type of record we are recommending would not violate the provisions of the Privacy Act. We are recommending a record be kept for statistical purposes, to provide information on the number of actions taken each month. Such information would not include the names of those involved and would therefore not violate the provisions of the Privacy Act.)

7. (See p. 27.) It is incorrect to say that no analysis of complaints has been made. The EEO officer for OBD makes an analysis from time to time, but perhaps not during the limited period of this audit. In our opinion, an agency should not be criticized for failing to process a case within 180 days because the CSC-prescribed procedure is not designed to be completed within 180 days, unless the case is extremely simple or the agency does not perform a complete EEO investigation.



(GAO comment. CSC regulations specify that a complaint must be resolved 180 calendar days after the filing of a formal complaint, and that CSC may take action within 75 days after the complaint has been filed if the agency has not issued a decision or requested CSC to provide a complaint examiner. The prompt and objective resolution of complaints is critical from the standpoint of justice to the individual and of impact on positive program efforts.)

8. (See p. 27.) EEO counselors are not required to submit a report except when a complaint is filed, although some do so. Under the provisions of 5 C.F.R. 713.213(a) the counselor shall submit a written report "when advised that a written complaint has been accepted."

(GAO comment. Under the provisions of 5 C.F.R. 713.241, each agency is required to report to CSC information concerning precomplaint counseling, and the status and disposition of formal complaints. To comply with this regulation, monthly reports of precomplaint counseling and formal complaint processing are required of all EEO officers by Justice regulation 1713.4, 28(a) and (b). In turn, Justice regulation 1713.4, 14.(5) requires that informal counseling activities be documented on a counseling check list, a report form which is distributed to 4 points, including the EEO officer.)

## CHAPTER 8

### SCOPE OF REVIEW

Our examination of EEO affirmative action programs at OBD, FPS, and LEAA included a review of the laws, Executive orders, and policies and regulations of CSC, Justice, and the bureaus governing the programs. As a part of our review, we examined the practices and procedures at the bureaus' headquarters in Washington, D.C., and at FPC's facilities--Metropolitan Correctional Center, New York City, and the Federal Correctional Institution, Terminal Island, California.

Our review covered the bureaus' affirmative action programs for the period July 1, 1974, through March 1977. Statistical data provided by Justice covered the period July 1, 1974, to December 31, 1976, and was used by us to analyze the bureaus' EEO profiles, with emphasis on the representation of women and minorities in the various occupations and grade levels. We wanted to know what progress had been made in terms of increasing the representation of and improving the distribution of women and minorities in the bureaus' work force. (See app. I of this report.)

We met with appropriate EEO, personnel management, and other officials of CSC, Justice, and the bureaus. We examined draft EEO plans, program guidelines, pertinent correspondence, program evaluations, and EEO complaint files.

The bureaus' viewpoints expressed in this report primarily represent those of management. Employees' assessments of the bureaus' affirmative action policies and programs will be the subject of an overall report to be issued in the future. That report will deal with employees' responses to a comprehensive questionnaire designed to reflect attitudes toward and assessments of affirmative action programs Justice-wide.

FEMALE AND MINORITY REPRESENTATION

The statistics presented in appendix I show the representation of women and minorities in the three bureaus. Statistical data was provided by Justice and covers the period July 1, 1974, to December 31, 1976. In the absence of a better standard for comparison, we used Federal work force statistics, which were obtained from CSC's publication Equal Employment Opportunity Statistics and represent the Federal work force in November 1976. For statistical purposes, we had to separate figures for employees in the offices of the U.S. Attorney (OUSA) and the rest of OBD. The characteristics of the two groups differ because many of the employees of OUSA are political appointees, and employees in the rest of OBD are primarily general schedule employees.

In working with Justice's statistics, we found several minor discrepancies. Specifically, in 7 of the 14 comparisons there was a difference of 1 (compare tables 1 and 3, and 2 and 4, for OBD, OUSA, and FPS) and in 2 comparisons there was a difference of 2. There was one major discrepancy (tables 2 and 4), and in the four other cases the figures were exact.

OFFICES, BOARDS, AND DIVISIONSPROGRAM PROGRESS AND PROBLEMSWomen

During the period July 1, 1974, through December 31, 1976, the number of women in OBD increased to 1,996, while total employment increased 10 percent--to 4,295--as shown in the table below.

	<u>July 1, 1974</u>		<u>December 31, 1976</u>	
	<u>Number</u>	<u>Percent of work force</u>	<u>Number</u>	<u>Percent of work force</u>
Men	2,159	55.4	2,299	53.5
Women	1,740	44.6	1,996	a/46.5

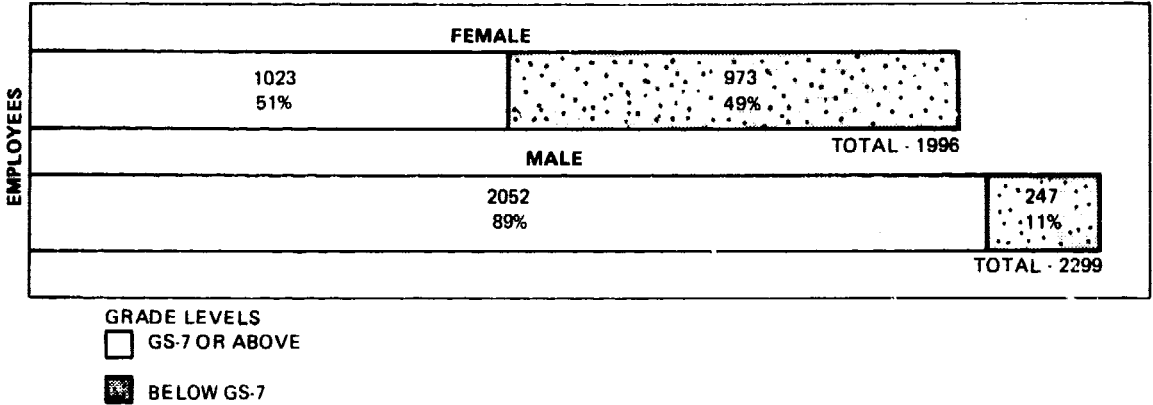
a/At March 31, 1978, 52 percent of OBD's employees (including OUSA were females.

Also during this time, the number of female attorneys increased 77 percent.

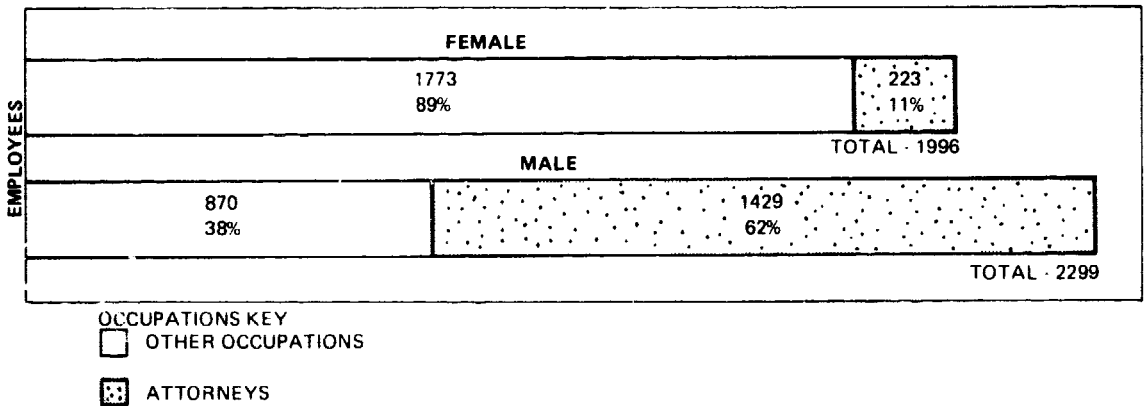
	<u>July 1, 1974</u>		<u>December 31, 1976</u>	
	<u>Number</u>	<u>Percent of attorney work force</u>	<u>Number</u>	<u>Percent of attorney work force</u>
Men	1,410	92.0	1,428	86.5
Women	126	8.0	223	13.5

Although women represented 47 percent of the staff in OBD (compared to 42 percent of the Federal work force), they remained largely concentrated in clerical and administrative occupations.

--At December 31, 1976, 1,773 (89 percent) of the women were employed in "other" occupations--technical, professional, clerical, and administrative. In contrast, of the 2,299 men, 870 (38 percent) were in these occupations.



--Of the 1,996 women in OBD at December 31, 1976, 51 percent were in grades GS-7 or above (compared to 26 percent of females in the Federal work force at these grade levels). In contrast, of the 2,299 male employees, 89 percent were in these grade levels. Male employees in grades GS-7 or above accounted for 67 percent of all of OBD's employees in these grades.



Minorities

During the period July 1, 1974, through December 31, 1976, the number of minority persons employed by OBD increased 7 percent, to 985, while the total number of employees rose 10 percent, to 4,294, as shown in the following table.

	<u>July 1, 1974</u>		<u>December 31, 1976</u>	
	<u>Number</u>	<u>Percent of work force</u>	<u>Number</u>	<u>Percent of work force</u>
Nonminorities	2,978	76.4	3,309	77.1
Minorities	920	23.6	985	a/22.9

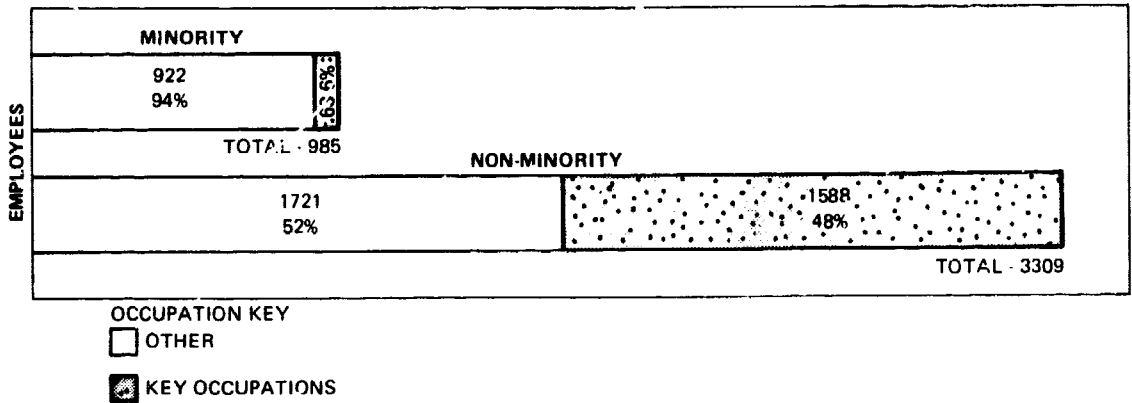
a/At March 31, 1978, 19 percent of OBD's employees (including OUSA) were minorities.

The number of minority attorneys during the same period increased 19 percent--to 63.

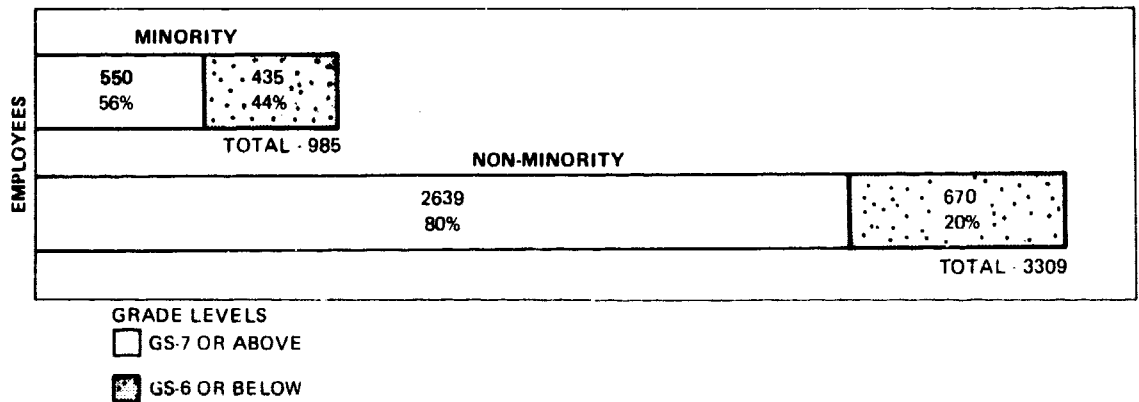
	<u>July 1, 1974</u>		<u>December 31, 1976</u>	
	<u>Number</u>	<u>Percent of atty. work force</u>	<u>Number</u>	<u>Percent of atty. work force</u>
Nonminorities	1,587	96.8	1,587	96.2
Minorities	53	3.2	63	3.8

While minorities represented 23 percent of the staff in OBD (compared to 18 percent in the Federal work force), they remained largely concentrated in clerical and administrative occupations and in lower grade levels.

--At December 31, 1976, 94 percent of the 985 minority employees were in "other occupations," while 52 percent of the 3,309 nonminority employees were in "other occupations." Nonminorities accounted for 65 percent of all employees in these occupations.



--Of the 985 OBD minority employees at December 31, 1976, 44 percent were in grade levels GS-7 or above, compared to 40 percent of minorities in the Federal work force at these grade levels. In contrast, of the 3,309 non-minority employees, 80 percent were at these grade levels. They accounted for 86 percent of all OBD employees at these grade levels.



Although the numbers of female and minority employees in OBD had increased, these employees remained concentrated in "other" occupations, and of all OBD's staff members in grades GS-7 and above, minorities represented a relatively small amount.



OFFICES OF THE UNITED STATES ATTORNEYSPROGRAM PROGRESS AND PROBLEMSWomen

During the period July 1, 1974, through December 31, 1976, the number of women in OUSA increased 14 percent, to 1,700, while the total number of employees increased 11 percent--to 3,252.

	<u>July 1, 1974</u>		<u>December 31, 1976</u>	
	<u>Number</u>	<u>Percent of work force</u>	<u>Number</u>	<u>Percent of work force</u>
Men	1,441	49.1	1,552	47.7
Women	1,495	50.9	1,700	a/52.3

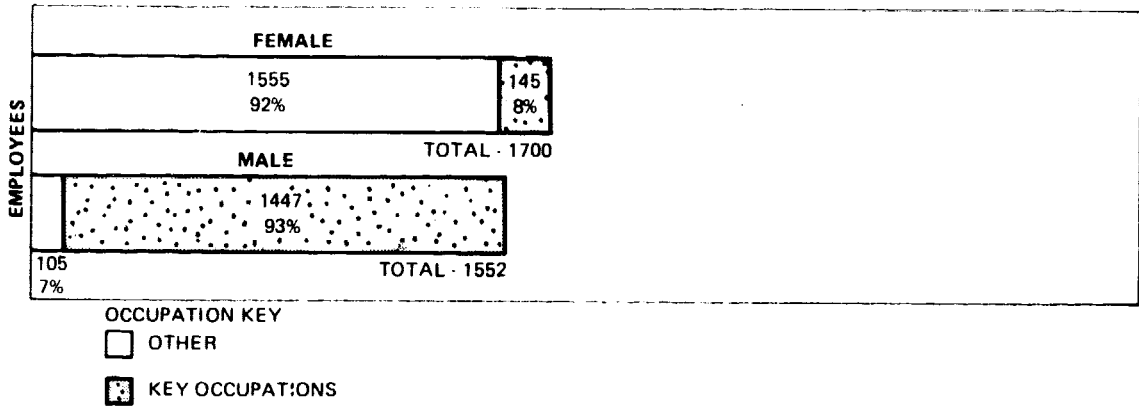
a/At March 31, 1978, 52 percent of OBD's employees (including OUSA) were females.

The increase in the number of female attorneys was greater than the increase of females in OUSA's general work force. Female attorneys increased 88 percent in 2-1/2 years, while the total number of attorneys increased 13 percent.

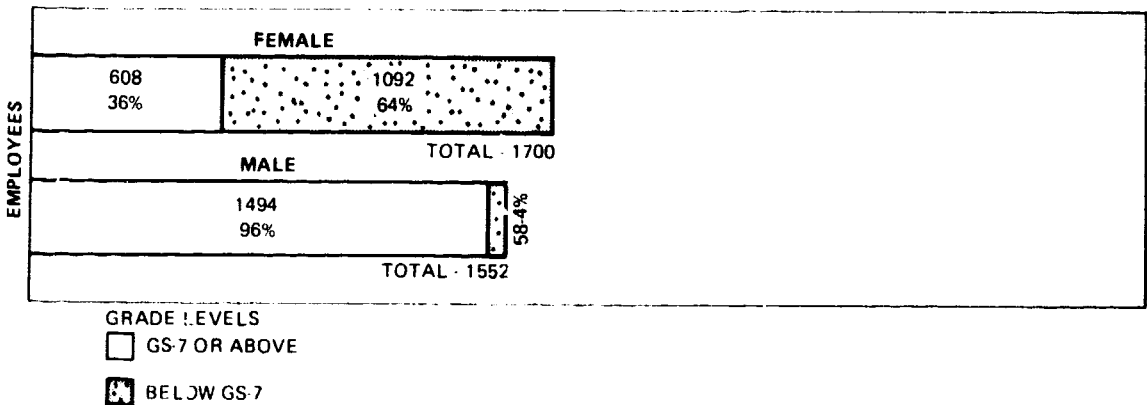
	<u>July 1, 1974</u>		<u>December 31, 1976</u>	
	<u>Number</u>	<u>Percent of atty. work force</u>	<u>Number</u>	<u>Percent of atty. work force</u>
Men	1,332	94.5	1,442	90.9
Women	77	5.5	145	9.1

Women represented 52 percent of the staff in OUSA (compared to 42 percent of the Federal work force). Although female employees outnumbered male employees, women remained largely concentrated in clerical and administrative occupations and in lower grade levels.

--At December 31, 1976, 92 percent of the women employed by OUSA were in "other" occupations. In contrast, 7 percent of the men in OUSA were in "other" occupations.



--Of the 1,700 women in OUSA, 36 percent were at grade levels of GS-7 or above, compared to 26 percent of the women in the Federal work force in these grades. In contrast, of the 1,552 OUSA male employees, 96 percent were in these grades. Men represented 71 percent of OUSA's employees in grades GS-7 or above.



Minorities

During the period July 1, 1974, through December 31, 1976, the number of minority persons employed by OUSA decreased 6 percent, from 283 to 265. During the same time, the total number of OUSA employees increased 11 percent, to 3,251.

	<u>July 1, 1974</u>		<u>December 31, 1976</u>	
	<u>Number</u>	<u>Percent of work force</u>	<u>Number</u>	<u>Percent of work force</u>
Nonminorities	2,651	90.4	2,986	91.9
Minorities	283	9.6	265	a/8.1

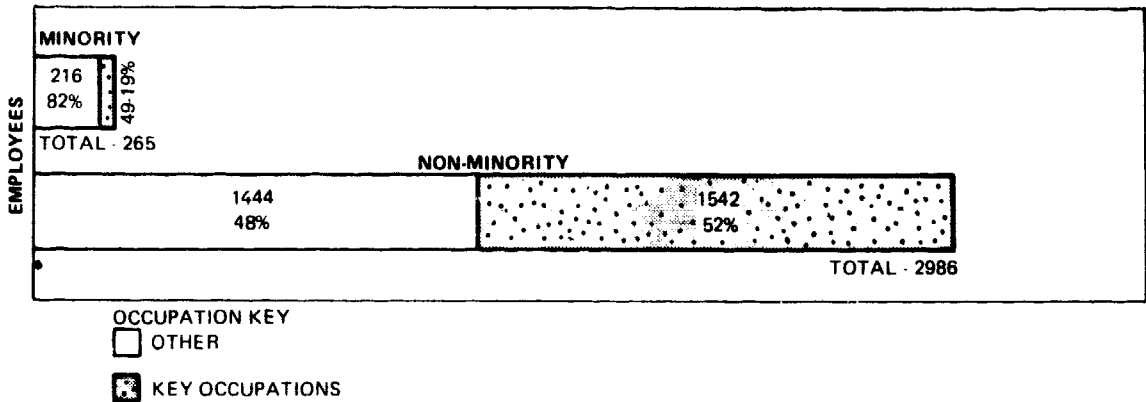
a/At March 31, 1978, 19 percent of OBD's employees (including OUSA) were minorities.

The number of minority attorneys decreased 26 percent (from 66 to 49) during the same period, while the total number of attorneys increased by 13 percent--to 1,586.

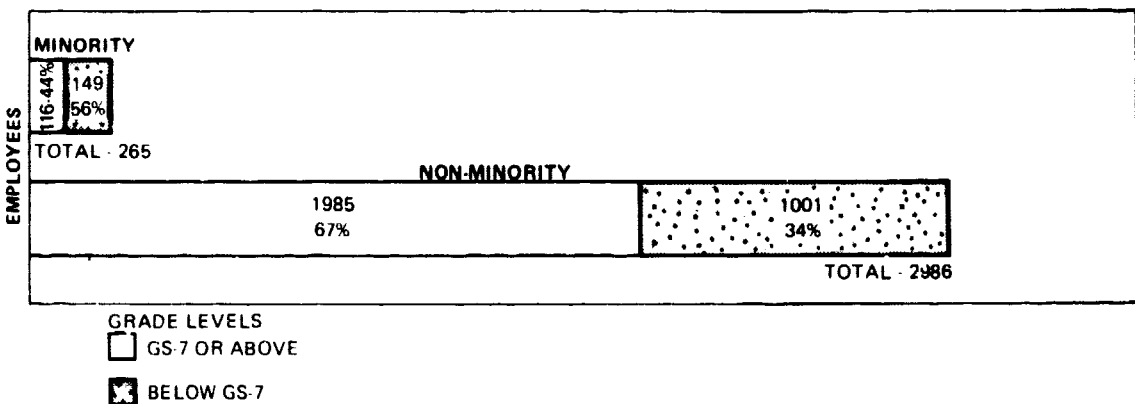
	<u>July 1, 1974</u>		<u>December 31, 1976</u>	
	<u>Number</u>	<u>Percent of OUSA atty. work force</u>	<u>Number</u>	<u>Percent of OUSA atty. work force</u>
Nonminorities	1,341	95.3	1,537	96.9
Minorities	66	4.7	49	3.1

Minorities represented 8 percent of the OUSA work force, compared to 18 percent in the Federal work force, and their number decreased in OUSA during the period reviewed. Minorities represented 3 percent of OUSA's attorneys, compared to 7 percent in the Federal work force. Minorities remained largely concentrated in clerical and administrative occupations and in lower grade levels.

--At December 31, 1976, 82 percent of 265 minority employees were in "other" occupations, while 48 percent of 2,986 nonminority employees were in "other" occupations. Nonminorities accounted for 87 percent of all employees in these occupations.



--Of the 265 minority employees at December 31, 1976, 44 percent were in grades GS-7 or above, compared to 40 percent of minorities in the Federal work force in these grade levels. In contrast, of the 2,986 OUSA nonminority employees, 67 percent were in these grade levels. Nonminorities accounted for 95 percent of all employees in these grades.



The number of women in OUSA increased and exceeded the representation of women in the Federal work force. Females and minorities remained largely in "other" occupations.

OUSA's minority profile experienced a reversal between the two time periods. Minority employees in OUSA decreased to a point substantially lower than their Federal work force representation. The number of minority attorneys also decreased. Further, minorities accounted for a relatively small number of all OUSA employees in grades GS-7 or above.

FEDERAL PRISON SYSTEMPROGRAM PROGRESS AND PROBLEMSWomen

During the period July 1, 1974, through December 31, 1976, the number of women in FPS increased 29 percent, to 1,271, while total employment increased 13 percent--to 8,807--as shown in the table below.

	<u>July 1, 1974</u>		<u>December 31, 1976</u>	
	<u>Number</u>	<u>Percent of work force</u>	<u>Number</u>	<u>Percent of work force</u>
Men	6,809	87.4	7,536	85.6
Women	983	12.6	1,271	a/14.4

a/At March 31, 1978, 16 percent of FPS's employees were females.

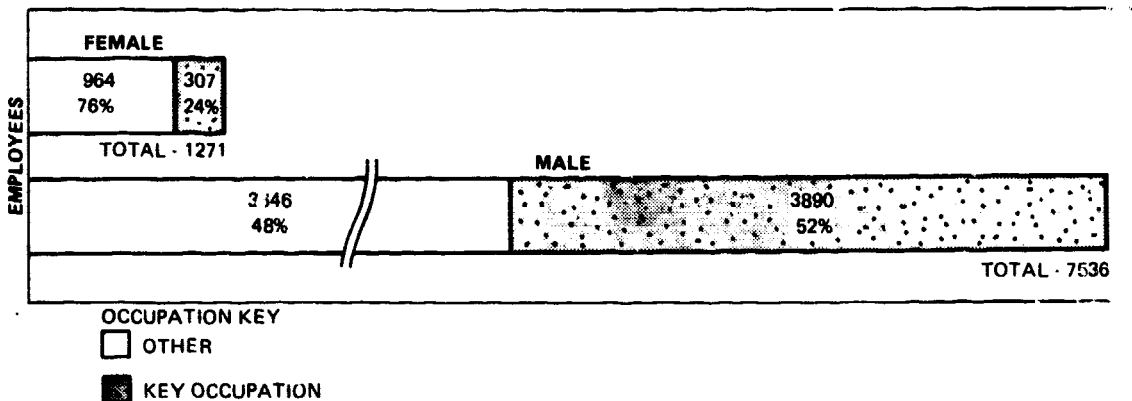
The number of female correctional officers (a key occupation in FPS) increased 23 percent, while the total number of correctional officers increased only 11 percent, to 4,187.

Correctional Officers

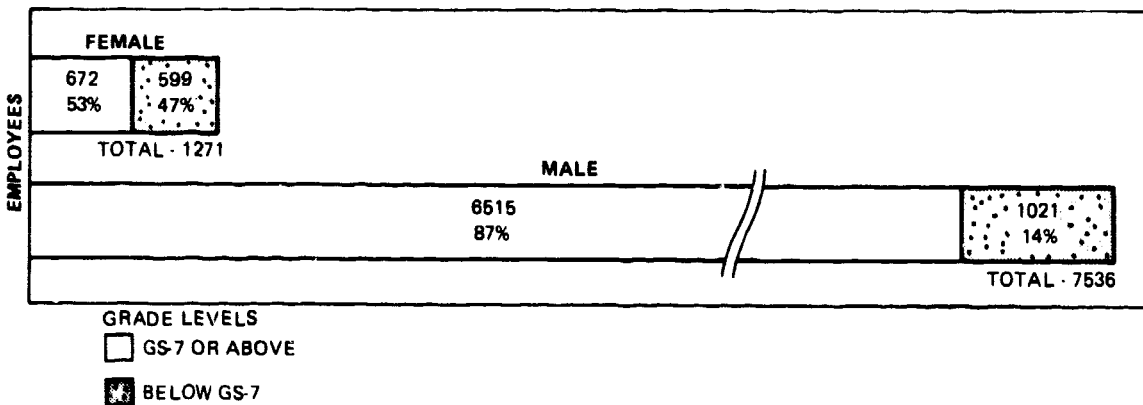
	<u>July 1, 1974</u>		<u>December 31, 1976</u>	
	<u>Number</u>	<u>Percent of corr. officer work force</u>	<u>Number</u>	<u>Percent of corr. officer work force</u>
Men	3,519	93.4	3,880	92.7
Women	249	6.6	307	7.3

The number of female employees increased during the period reviewed. They represented 14 percent of the staff in FPS (compared to 42 percent in the Federal work force). Women were concentrated in clerical and administrative occupations and in lower grade levels. There were no female attorneys at December 31, 1976.

--At December 31, 1976, 964--or 76 percent--of the women employed by FPS were in "other occupations." In contrast, 3,646, or 48 percent, of male employees in FPS were in "other occupations."



--Of the 1,271 women in FPS, 53 percent were in grades GS-7 or above, compared to the Federal work force, where women represented 26 percent of the employees at these grade levels. In contrast, of the 7,536 FPS male employees, 87 percent were in these grades. Males accounted for 91 percent of FPS's employees in grades GS-7 or above.



Minorities

During the period July 1, 1974, through December 31, 1976, the number of minority persons employed by FPS increased 44 percent, to 1,514, while the total number of employees rose 13 percent--to 8,807--as shown in the following table.

	<u>July 1, 1974</u>		<u>December 31, 1976</u>	
	<u>Number</u>	<u>Percent of work force</u>	<u>Number</u>	<u>Percent of work force</u>
Nonminorities	6,736	86.5	7,293	82.8
Minorities	1,055	13.5	1,514	<u>a/17.2</u>

a/At March 31, 1978, 20 percent of FPS's employees were minorities.

The number of minority correctional officers increased 30 percent, to 880, while the total number of correctional officers increased only 11 percent.

Correctional Officers

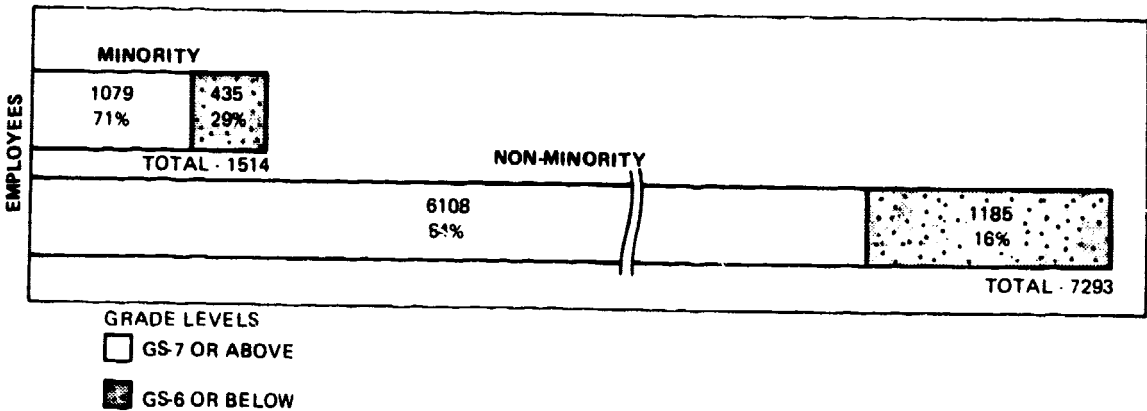
	<u>July 1, 1974</u>		<u>December 31, 1976</u>	
	<u>Number</u>	<u>Percent of corr. officer work force</u>	<u>Number</u>	<u>Percent of corr. officer work force</u>
Nonminorities	3,149	83.6	3,307	79.0
Minorities	618	16.4	880	21.0

Minorities represented 17 percent of the staff in FPS, compared to 18 percent in the Federal work force.



There were no minority attorneys in FPS.

--Of the 1,514 FPS minority employees at December 31, 1976, 71 percent were in grades GS-7 or above, compared to 40 percent of minorities in the Federal work force who were at these grade levels. In contrast, of the 7,293 nonminority employees, 84 percent were at these grade levels. They accounted for 85 percent of all employees in these grades.



Female representation in FPS was 28 percent below their Federal work force representation, while minorities nearly equaled Federal work force representation. Minorities and women, however, each accounted for relatively few of all FPS employees in grades GS-7 and above.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATIONPROGRAM PROGRESS AND PROBLEMSWomen

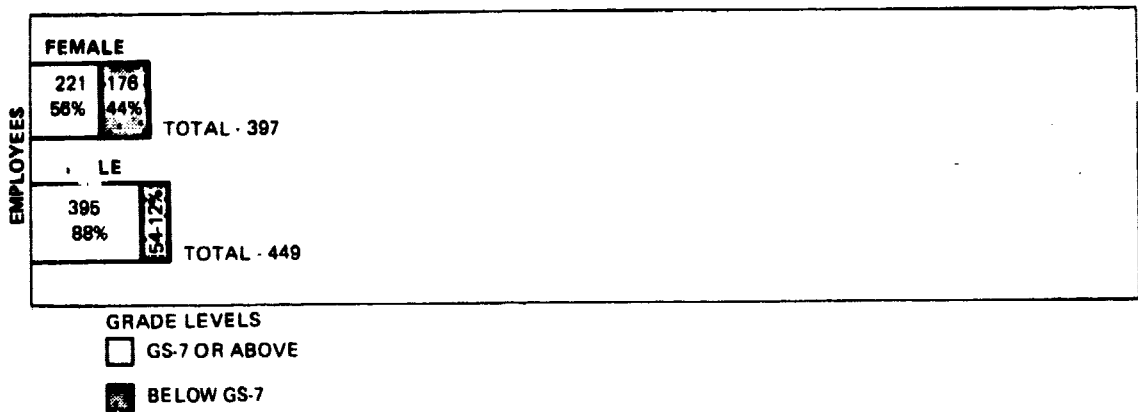
During the period July 1, 1974, through December 31, 1976, the number of women in LEAA increased 38 percent to 397, while total employment increased 29 percent--to 846--as shown in the table below.

	<u>July 1, 1974</u>		<u>December 31, 1976</u>	
	<u>Number</u>	<u>Percent of work force</u>	<u>Number</u>	<u>Percent of work force</u>
Men	370	56.2	449	53.1
Women	288	43.8	397	a/46.9

a/At March 31, 1978, 51 percent of LEAA's employees were females.

Women represented 47 percent in LEAA, compared to 42 percent in the Federal work force. They remained concentrated in lower grade levels. Because LEAA has none of the Justice-wide key occupations, statistics provided us did not separate key and "other" occupations for that bureau. We could therefore not determine whether there was a sex imbalance of employees in these occupations.

--At December 31, 1976, 56 percent of LEAA's females were in grades GS-7 or above, compared to 26 percent of females in the Federal work force at these grade levels. In contrast, of the 449 LEAA male employees, 88 percent were at these grade levels. Males accounted for 64 percent of all LEAA employees in these grades.



Minorities

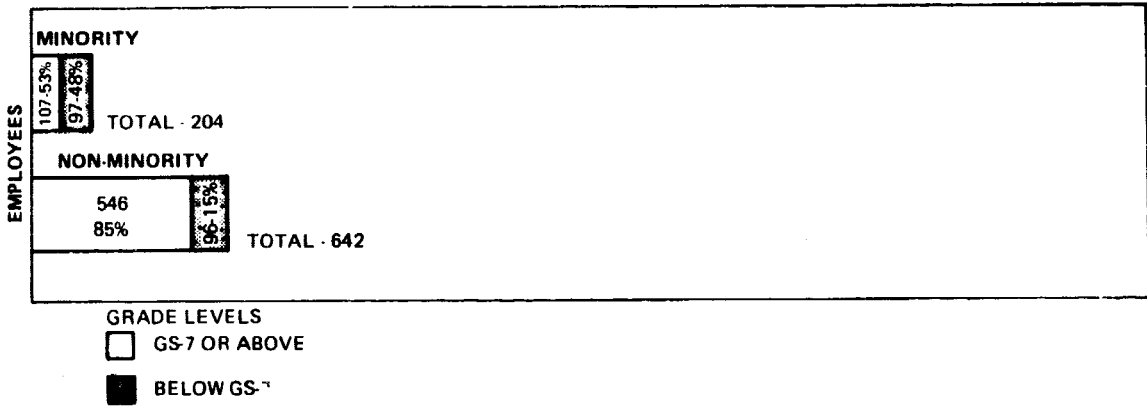
During the period July 1, 1974, through December 31, 1976, the number of minority persons employed by LEAA increased 38 percent, to 204, while the total number of employees rose 29 percent, to 846, as shown in the following table.

	<u>July 1, 1974</u>		<u>December 31, 1976</u>	
	<u>Number</u>	<u>Percent of work force</u>	<u>Number</u>	<u>Percent of work force</u>
Nonminorities	510	77.5	642	75.9
Minorities	148	22.5	204	<u>a/24.1</u>

a/At March 31, 1978, 36 percent of LEAA's employees were minorities.

Minorities represented 24 percent of the staff in LEAA (compared to 18 percent in the Federal work force). They remained concentrated in lower grade levels.

--At December 31, 1976, 53 percent of the 204 LEAA minority employees were at grade levels GS-7 or above, compared to 40 percent of minorities in the Federal work force at these grade levels. In contrast, of the 642 LEAA nonminority employees, 85 percent were at these grade levels. Nonminorities accounted for 84 percent of all LEAA employees at these grade levels.



During the period reviewed, LEAA made some progress in increasing its representation of women and minorities. Although the number in both groups increased, minorities accounted for a relatively small number of all LEAA employees in grades GS-7 or above.

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Congress of the United States  
 Committee on the Judiciary  
 House of Representatives  
 Washington, D.C. 20515

Telephone: 202-225-3951

July 29, 1976

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The Honorable Elmer B. Staats,  
 Comptroller General of the United States  
 General Accounting Office  
 441 G Street, N.W.  
 Washington, D.C. 20548

Dear Mr. Staats:

The Subcommittee on Civil and Constitutional Rights of the House Judiciary Committee has recently concluded a series of hearings on equal employment opportunity at the Department of Justice. In three days of hearings, my Subcommittee received testimony from several civil rights organizations which charged that minorities and women have been excluded from employment and promotion opportunities at the Justice Department.

We plan to continue monitoring the agency's employment practices over the next year to determine the progress of the Justice Department towards meeting the equal opportunity mandate. To assist the Subcommittee in the performance of its oversight function, I would like to request that the General Accounting Office study and evaluate the operation of the affirmative action program of the Department of Justice and each of its component organizations. The inquiry should focus on the entire range of policies and practices impacting on the structure and implementation of the affirmative action program, recruitment, selection, promotion, training, assignment, management, and the complaint process.

The Subcommittee has tentatively scheduled further hearings on this issue for early in the 95th Congress, and we would appreciate a report at that time from the GAO on your findings and recommendations. If I or my staff can assist in any manner towards your efforts in this study, please contact me.

Thank you once more for your continued assistance.

Sincerely,



Don Edwards  
Chairman  
Subcommittee on Civil  
and Constitutional Rights

DE:vs

PREVIOUS REPORTS ISSUED RELATING IN PART

TO EEO AFFIRMATIVE ACTION PROGRAMS

IN THE FEDERAL GOVERNMENT

Report to the Congress entitled "System for Processing Individual Equal Employment Discrimination Complaints: Improvements Needed," FPCD-76-77, 4-8-77

Report to the Congress entitled "Problems in the Federal Employee Equal Opportunity Program Need to be Resolved," FPCD-76-85, 9-9-77

Report to the Congress entitled "Problems with Federal Equal Employment Guidelines on Employee Selection Procedures Need to be Resolved," FPCD-77-54, 2-2-78

Report to the Congress entitled "The Immigration and Naturalization Service's Affirmative Action Program Should be Improved," FPCD-78-18, 3-28-78

Report to the Congress entitled "The Drug Enforcement Administration's Affirmative Action Program Should be Improved," FPCD-78-31, 3-30-78

Letter report to the Attorney General regarding the EEO Program at the U.S. Marshals Service, FPCD-78-24, 3-6-78

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PRINCIPAL OFFICIALS  
OF THE DEPARTMENT OF JUSTICE  
RESPONSIBLE FOR ADMINISTERING ACTIVITIES  
DISCUSSED IN THIS REPORT

	<u>Tenure of office</u>	
	<u>From</u>	<u>To</u>
<b>ATTORNEY GENERAL:</b>		
Griffin B. Bell	Jan. 1977	Present
Edward H. Levi	Feb. 1975	Jan. 1977
William B. Saxbe	Jan. 1974	Feb. 1975
<b>ASSISTANT ATTORNEY GENERAL</b>		
<b>ADMINISTRATION:</b>		
Kevin D. Rooney	May 1977	Present
Glen E. Pommerening	Jan. 1974	Apr. 1977
<b>DEPUTY ASSISTANT ATTORNEY GENERAL--</b>		
<b>OFFICES, BOARDS, AND DIVISIONS:</b>		
Robert Doian	Oct. 1976	May 1977
Robert Dennis	Mar. 1975	Sept. 1976
<b>DIRECTOR, FEDERAL PRISON SYSTEM:</b>		
Norman A. Carlson	Mar. 1970	Present
<b>ADMINISTRATOR, LAW ENFORCEMENT</b>		
<b>ASSISTANCE ADMINISTRATION</b>		
James M. H. Gregg (acting)	Feb. 1977	Present
Richard W. Velde	Aug. 1974	Feb. 1977
Donald E. Santarelli	Apr. 1973	Aug. 1974

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