
BY THE COMPTROLLER GENERAL

Report To The Congress

OF THE UNITED STATES

9244

The Department Of Justice Should Improve Its Equal Employment Opportunity Programs

Greater efforts are needed to bring minorities and women into the Justice Department's work force. Representation of minorities and women at higher levels, in more responsible jobs, and in certain occupational groups remains low. Using a GAO-developed forecasting tool and Justice's statistics on General Schedule employees, it is anticipated that employment and advancement of minorities and women in the General Schedule ranks may not increase greatly over the next 5 years. GAO found a disparity in pay levels between white men and most women and minorities in certain occupational categories.

Management at all levels should exert more leadership and commitment to accomplishing equal employment opportunity objectives and be held accountable for achieving them.



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COMPTROLLER GENERAL OF THE UNITED STATES
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To the President of the Senate and the
Speaker of the House of Representatives

This report discusses the affirmative action programs
of the Department of Justice.

In July 1976 the Chairman, Subcommittee on Civil and
Constitutional Rights, House Committee on the Judiciary,
requested that we review these programs. Pursuant to
this request, we focused our work on the entire range of
policies and practices affecting (1) the structure and
implementation of the affirmative action programs, (2) em-
ployee recruitment, selection, promotion, training, and
assignment, and (3) the discrimination complaint process.

Subsequently, the Chairman asked us to report on each
of the Department of Justice's component organizations; it
was agreed that a consolidated report on the Department's
overall equal employment opportunity affirmative action
program would be issued to the Congress. This report is
the last in the series and is the consolidated report
covering the Department's overall affirmative action pro-
gram.

The report discusses the following aspects of the
program.


- Attitudes and perceptions involving women and
minorities.
- Salary differentials for employees.
- The model developed to forecast the Department's
equal employment opportunity profile.

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--Department-wide improvements needed in equal employment opportunity programs.

--Improvements needed in the discrimination complaint system.

We are sending copies of this report to the Director, Office of Management and Budget; the Attorney General; and the Director, Office of Personnel Management.


Comptroller General
of the United States

COMPTROLLER GENERAL'S
REPORT TO THE CONGRESS

THE DEPARTMENT OF JUSTICE
SHOULD IMPROVE ITS EQUAL
EMPLOYMENT OPPORTUNITY
PROGRAMS

D I G E S T

The Attorney General has set three broad goals to make the equal employment opportunity programs more effective.

--Appointments and promotions are to be based on merit.

--Discrimination complaints are to be processed promptly.

--Equal Employment Opportunity officials and specialists are to be selected, trained, and supported throughout the Department of Justice to ensure vigorous and effective equal employment opportunity programs.

In setting these goals, he recognized that, for a program to be successful, management at all levels must be fully dedicated to the principle of equal employment opportunity.

Some progress had been made by Justice since GAO's work began; however, the programs need strengthening. More leadership and commitment by management could speed up the accomplishment of the equal employment opportunity goals.

Management at all levels must become fully committed to equal employment opportunity goals and must monitor, evaluate, enforce, and be held accountable for achieving program objectives.

A relatively small percentage of minorities and women believed Justice management officials were committed to program goals. Salary disparities existed in Justice. Before adjusting for the effects of seniority, white men were paid more than women and minority men in certain occupational categories.

Justice had not used modeling techniques to evaluate its programs. Forecasting models and

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questionnaires are tools that provide indicators of program problems.

In previous reports on bureau programs, the General Accounting Office (GAO) recommended over 90 specific actions for program improvement, with which Justice and its bureaus generally agreed.

In this report GAO recommends that the Attorney General:

- Appoint a full-time Equal Employment Opportunity Director with direct access to the Attorney General to give full attention to equal employment opportunity problems and concerns and to monitor actions taken to implement the recommendations contained in this report, as well as in five previous GAO reports on the bureaus' equal employment opportunity programs.
- Sample Justice employees' attitudes and perceptions, analyze responses, identify areas where equal employment opportunity affirmative action items need to be developed, and measure progress using GAO's data as a baseline.
- Use salary analysis and statistical modeling techniques to help identify realistic equal employment opportunity goals, to measure and monitor equal employment opportunity progress, and to allow for periodic modification of program policies and practices.
- Examine the feasibility of instituting three equal employment opportunity programs for the Offices, Boards, and Divisions--a program for the administrative divisions, one for the legal divisions, and one for the offices of the U.S. Attorneys.
- Make sure that regulations are adopted to provide needed guidance for the Black Affairs and Hispanic Employment Programs. The regulations should also specify the minimum amount of time to be allocated for part-time coordinators to carry out their duties.

--Make sure that the entire discrimination complaint process is evaluated to determine the existence of management deficiencies or systemic discriminatory practices; that problems causing delays in processing complaints are pinpointed and corrected; and that emphasis be placed on keeping complainants, counselors, investigators, and witnesses free from reprisal and interference during the complaint process. (See p. 49.)

AGENCY COMMENTS

Justice generally agreed with the thrust of GAO's recommendations. However, regarding GAO's recommendation that the Department appoint a full-time Equal Employment Opportunity Director with direct access to the Attorney General, Justice is assessing the placement of the Equal Employment Opportunity Director within the organization. Justice officials feel that perhaps the Attorney General has less time to devote to equal employment opportunity matters than does the Assistant Attorney General for Administration. GAO strongly urges that the Director have access to the Attorney General, if needed, to provide sufficient visibility and authority for resolving equal employment opportunity problems and concerns. (See app. IV.)

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ABBREVIATIONS

| | |
|---------|---|
| BAP | Black Affairs Program |
| CSC | Civil Service Commission |
| DEA | Drug Enforcement Administration |
| EEO | equal employment opportunity |
| EEOC | Equal Employment Opportunity Commission |
| FBI | Federal Bureau of Investigation |
| FPM | Federal Personnel Manual |
| FPS | Federal Prison System |
| GAO | General Accounting Office |
| GS | General Schedule |
| HEP | Hispanic Employment Program |
| INS | Immigration and Naturalization Service |
| JUNIPER | Justice Uniform Personnel System |
| LEAA | Law Enforcement Assistance Administration |
| OBD | Offices, Boards, and Divisions |
| USMS | U.S. Marshals Service |

CHAPTER 1
INTRODUCTION

Discrimination has been defined in many ways. Economists have defined it as the difference in pay between workers, which is not due to productivity differences. Social psychologists have defined it as stereotyped behavior toward people from particular groups. Legal scholars define it as the use of any employment practice which adversely affects a certain group, a practice which cannot be shown to be job related.

One purpose of equal employment opportunity (EEO) programs is to eliminate discrimination, however defined. A commonly used method of achieving EEO is affirmative action --a compensating policy or action to get previously excluded members of society into the mainstream of employment. Affirmative action programs were originally instituted only for minorities and later evolved to include all previously excluded classes. Rather than lowering hiring standards, affirmative action programs are intended to increase the number of qualified job applicants and to include all classes of qualified individuals.

An EEO program should bring about permanent changes in procedures, policies, practices, and attitudes. If an EEO program is effective, it will eventually phase itself out, because EEO programs will no longer be necessary--equal opportunity in all areas of employment will have been achieved.

LEGISLATIVE BACKGROUND

Executive Order No. 11478, dated August 8, 1969, as amended, states that it is the express policy of the U.S. Government to provide equal opportunity in Federal employment for all persons; to prohibit discrimination in employment on the basis of race, color, religion, sex, or national origin; and to promote full EEO through a continuing affirmative action program in each executive department and agency. This policy applies to all personnel policies and practices relating to the employment, development, advancement, and treatment of civilian employees of the Federal Government.

The Age Discrimination in Employment Act of 1967, as amended by section 28(b)(2) of Public Law 93-259 (Fair

Labor Standards Amendments of 1974, 88 Stat. 55, 29 U.S.C. 633a), requires that all personnel actions affecting Federal employees or applicants for Federal employment whose ages are 40 years and over be free from discrimination based on age.

The Equal Employment Opportunity Act of 1972 (Public Law 92-261, approved Mar. 24, 1972, 86 Stat. 103, 42 U.S.C. 2000e) amended title VII of the Civil Rights Act of 1964 and gave the U.S. Civil Service Commission (CSC) the authority to enforce equal opportunity and nondiscrimination in the Federal Government. Reorganization Plan No. 1 of 1978 transferred enforcement authority to the Equal Employment Opportunity Commission effective January 1, 1979. 1/

JUSTICE DEPARTMENT'S EEO POLICY

It is Department policy to eliminate discrimination in employment based on race, sex, color, religion, and national origin (or with certain restrictions, age) and to provide equal opportunity in each organizational element of the Department, in all aspects of its personnel policies and practices. Management at all levels is required to take positive action to eliminate any internal policy, practice, or procedure which denies equality of opportunity to any group or individual on the basis of race, color, religion, sex, or national origin. Management is also required to ensure that questions on and complaints of discrimination are promptly and thoroughly investigated and resolved, without reprisal or threat of reprisal to the employee or applicant.

The Attorney General retains ultimate responsibility for establishing EEO policy for the Department. In a memorandum to all employees dated August 1, 1977, the Attorney General outlined the following goals which he felt should be achieved to have an effective EEO program.

- "1. To assure equal opportunity based on merit for all appointments and promotions in the Department.
- "2. To continue to improve the timely processing of discrimination complaints against the Department.

1/Reorganization Plan No. 2 of 1978 and the Civil Service Reform Act of 1978, Public Law 95-454, October 13, 1978, converted CSC into the Merit Systems Protection Board (MSPB) and established a new central personnel agency, called the Office of Personnel Management (OPM).

- "3. To select, train, and support EEO officials and specialists throughout the Department to ensure vigorous and effective EEO programs."

MISSION

The Department serves as counsel for the Nation's citizens and represents them in enforcing the law. It plays a key role in protecting against crime and subversion; in ensuring healthy competition of business; in safeguarding the consumer; and in enforcing drug, immigration, and naturalization laws. It also plays a significant role in protecting citizens through its efforts in the areas of effective law enforcement (including individuals' civil rights), crime prevention, and prosecution and rehabilitation offenders.

The Department conducts all suits in the Supreme Court in which the United States is concerned. It represents the Government in legal matters generally, giving legal advice and opinions, upon request, to the President and to heads of executive departments and agencies.

WORK FORCE

At the time of our review, the Department employed about 53,000 people--about 16,000 in the Washington, D.C., metropolitan area; about 37,000 in the 50 states; and about 900 in foreign countries and U.S. territories.

Distribution of the work force by bureaus was as follows:

| | December 31, <u>1977 (note a)</u> | September 30, <u>1978</u> |
|--|--------------------------------------|------------------------------|
| Federal Bureau of Investigation | 18,782 | 19,347 |
| Immigration and Naturalization Service | 9,880 | 11,744 |
| Federal Prison System | 9,214 | 9,423 |
| Office, Boards, and Divisions and Office of U.S. Attorneys | 7,934 | 8,738 |
| Drug Enforcement Administration | 3,971 | 4,061 |
| U.S. Marshals Service | 2,193 | 2,370 |
| Law Enforcement Assistance Administration | <u>715</u> | <u>897</u> |
| Department total | <u><u>54,458</u></u> | <u><u>56,580</u></u> |

a/We show December 31, 1977, employment figures because this was the total work force statistic at the time the forecasting model was used. (See ch. 4.)

The Department's six key professional occupations--attorneys, criminal investigators, deputy U.S. marshals, correctional officers, border patrol agents, and immigration inspectors--accounted for about 46 percent of its employees as of June 1977; 42 percent, as of March 1978; and 44 percent, as of September 1978.

At the end of September 1978, 24,899 persons were employed in the six key occupations, of whom 1,829, or 7.3 percent, were women and 3,393, or 13.6 percent, were minorities. As of September 30, 1978, the Department employed 12,403, or 21.9 percent, minorities and 20,382, or 36.0 percent, women, including 6,759, or 11.9 percent, minority women out of a total work force of 56,580.

EEO ORGANIZATION WITHIN THE DEPARTMENT

Responsibility for bureau EEO programs has been delegated to the bureau heads. These individuals are responsible not only for implementing EEO policy in their organization but also for assuring that sufficient staff is provided at the bureau level to carry out the program.

The Assistant Attorney General for Administration has been designated by the Attorney General to serve part time as Director of EEO. Responsibilities of the EEO Director include administering and enforcing EEO policy throughout the Department and administering the Department-wide discrimination complaint program.

Supporting the Director is a full-time staff in the Department's Equal Opportunity Program Staff office including coordinators for the special emphasis programs--the Federal Women's, Hispanic Employment, and Black Affairs Programs. Special emphasis groups serve as the focal point for the concerns of their constituents. The Director is also apprised of EEO-related issues within the Department by EEO advisory board members. A chairperson for each of these special emphasis programs serves in an advisory capacity and as a representative in monthly EEO advisory board meetings.

Processing discrimination complaints at the bureau level is the responsibility of bureau heads, assisted by EEO officers, counselors, and investigators. Justice's Complaint Adjudication Officer, appointed by the Assistant Attorney General for the Civil Rights Division 1/, makes the Department's final decision on all discrimination complaints. The Complaint Adjudication Officer is a senior trial attorney in the Employment Section of the Civil Rights Division.

Before August 1977, the Department's EEO Office was located within the Personnel and Training staff and reported through Personnel to the Director of EEO. The EEO Office now functions as an independent office under the direct supervision of the EEO Director. The bureau EEO offices are organizationally located as follows:

1/The Civil Rights Division was established in 1957 in response to the need to secure effective Federal enforcement of civil rights. It is responsible for enforcing Federal civil rights laws which prohibit discrimination based on race, color, religion, or national origin in the areas of voting, education, employment, and housing, in the use of public facilities and accommodations, and in the administration of federally assisted programs. With respect to employment, housing, and education, sex discrimination is also handled by this division.

- Section or branch within Personnel--Federal Prison System (FPS) and Immigration and Naturalization Service (INS).
- Reports directly to bureau head--Drug Enforcement Administration (DEA) and Law Enforcement Assistance Administration (LEAA).
- Reports to head of Administrative Services Division--the Federal Bureau of Investigation (FBI).
- Reports to Special Assistant to Director--U.S. Marshals Service (USMS).
- Reports directly to the Director of Equal Opportunity Program Staff--Offices, Boards, and Divisions (OBD). 1/

SCOPE OF REVIEW

We evaluated the EEO affirmative action programs in the Department and at each of its seven bureaus. Our examination involved three approaches to the work--(1) a review of bureau EEO programs, (2) an analysis of questionnaires designed to produce information on salary levels for various groups and on attitudes held by and about these same groups, and (3) a statistical forecasting model.

In our examination of bureau programs, we reviewed personnel practices and procedures at the Department level, at the bureau level, and at field offices in Dallas, Texas; Los Angeles, California; and New York, New York. We also reviewed laws, Executive orders, and CSC's and Justice's policies and regulations governing the program.

We discussed the EEO program with EEO and personnel officials of CSC, Justice, and the bureaus. We examined the national and regional affirmative action plans for EEO, program guidelines, pertinent correspondence, program evaluations, and EEO complaint files.

Our examination of bureau records covered the period July 1974 through September 1978. Justice provided us with

1/The Director of EEO is charged with providing operational support for OBD's EEO Program. As a result of reorganization in January 1978, OBD's EEO Unit has been incorporated into the Department's EEO Office.

statistical data from its computerized personnel information system, Justice Uniform Personnel System (JUNIPER). We used these statistics, covering the period July 1, 1974, through December 31, 1976, to analyze the EEO profiles (representation of minorities and women) of the bureaus examined, with emphasis on the representation of women and minorities in the various occupations and grade levels.

The second approach used in evaluating the EEO programs in the Department consisted of a systemic analysis designed to produce information on salary levels for various groups. The analysis was also designed to produce information on likely staff compositions and on the experiences of those who have used the discrimination complaint system. The results of our analysis are reported in chapters 2, 3, and 6.

The third phase of our review involved developing a statistical model to project past personnel practices, as they affect race and sex balances within the Department. The model was developed to illustrate the usefulness of modeling as a management tool. Our EEO model was designed using a mathematical flow concept of the yearly movement or "flow" of personnel by General Schedule (GS) level, race, and sex from 1977 to 1982. The data used in the model was obtained from the JUNIPER system. All the data was acquired for a 42-month period--July 1, 1974, through December 31, 1977. Justice supplied the information on a Department-wide basis as well as for individual bureaus and offices. The data was reported by grade schedule, sex, and ethnic category for all GS employees classified as permanent or indefinite. This phase of the work is discussed in chapter 4.

As the result of our reviews, we have issued five reports to the Chairman, Subcommittee on Civil and Constitutional Rights, House Committee on the Judiciary. (See app. III for digests of four reports; the fifth report--on the USMS--was a letter report.) We also testified on these reports before the Subcommittee on April 12, 1978, and on July 12, 1978.

CHAPTER 2

PERSONNEL ATTITUDES AND PERCEPTIONS

To obtain a Department-wide perspective on how employees view the EEO climate in their organizations, we used a questionnaire to gain insight into (1) employee perceptions about management's commitment to equal opportunity and (2) whether employees believe they are being fairly treated, relative to others, in such areas as promotions, job assignment, and training. We also used the questionnaire to gain insight into how various groups--white males, minorities, and females--view members of other groups and how they view themselves in relation to members of other groups. Information concerning employee attitudes is useful in understanding why occupational discrimination exists in an organization.

The questionnaire was administered during the summer of 1977, and the responses reflect employee attitudes and perceptions at that time. Changes have taken place in the Department and the bureaus since the questionnaire was administered. For example, in August 1977 the Equal Opportunity Program staff was moved from under the Director of Personnel and now reports directly to the EEO Director--the Assistant Attorney General for Administration. Also, during the period March 1978 through July 1978, we issued five reports on the individual bureau programs. (See app. III.) These reports contained over 90 recommendations for improving (1) the planning and administration of EEO programs, (2) recruiting and hiring practices, (3) training, promotion, and upward mobility programs, and (4) the discrimination complaints system. The Department and bureaus generally agreed with our recommendations, and they said that actions were underway or planned to implement many of the recommendations.

Actions taken by the Department and the bureaus subsequent to our questionnaire may have changed employee perceptions and attitudes. Nevertheless, we believe that the analysis of the questionnaire results provides a useful baseline by which the Department can measure the progress made in improving the EEO program. Using this type of information, the Department can gain insight into whether the actions it has taken are effective or counterproductive and whether other management adjustments are needed.

We examined responses from three perspectives to determine whether there were differences (1) among the

different occupations, (2) among the seven bureaus, and (3) among males, females, and minorities. The most striking differences were among males, females, and minorities in terms of how fairly they thought they were treated and whether they felt top management in the offices where they worked was firmly committed to EEO.

Most females and minorities disagreed that top management in the offices where they worked was firmly committed to EEO. (Employee perceptions were generally supported by other information developed during our review.) The effects of this low commitment could be found in Justice's approach to its EEO program--from recruiting, training, and promotions to the complaints system.

Also, minorities and females in every instance except one perceived themselves as being unfairly treated on the job.

PERCEIVED LEVEL OF MANAGEMENT COMMITMENT TO EEO

A little over one-half of the white males we questioned agreed that top management in the offices where they worked was firmly committed to EEO. In contrast, only a little over one-quarter of the women responding to the same question agreed that top management was firmly committed to EEO. Minority males stood between the two groups: a little over a third of them perceived a firm commitment to EEO.

We also assessed commitment to EEO by asking members of our sample whether they thought their bureau was doing too much in the way of EEO. Nine percent of the minority males and 15 percent of the females felt that this was the case. However, 34 percent of the white males felt that their bureaus were doing too much in the way of EEO.

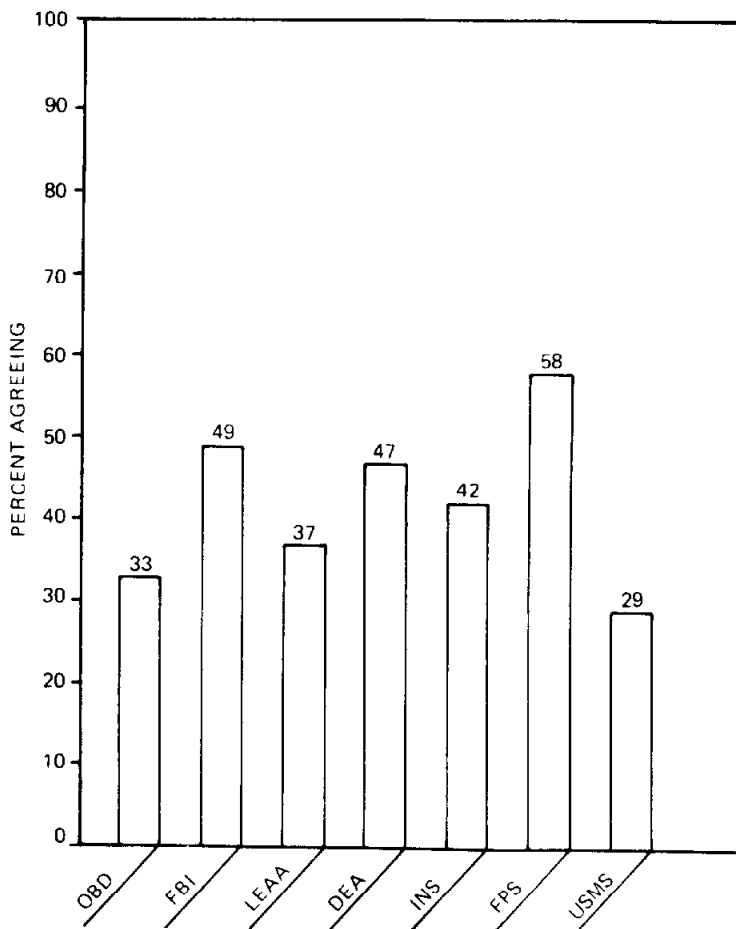
Perhaps the most significant employee perception which came from employees' responses to the questionnaire was the somewhat low percentage of people who said that top management in the offices where they worked was firmly committed to EEO.

As shown in figure 1, 29 percent of those employed by USMS believed that top management where they worked was firmly committed to EEO. Even in the highest rated bureau, FPS, only 58 percent of the employees perceived a firm commitment. In all the other bureaus, fewer than half of those responding said that management was firmly committed

to EEO. We believe that if management officials are really committed to EEO and have demonstrated this commitment through specific program actions, the percentage of employees who perceive a firm commitment to the program would be much higher than 50 percent.

We recognize that employee perceptions by themselves do not translate into factual evidence of management commitment. Nevertheless, based on other evidence presented in this report and our five previous reports, we believe that the employees' perceptions indicated by the questionnaire responses are a fairly accurate reflection of the level of commitment which existed at the time the questionnaire was administered.

FIGURE 1
PERCENT AGREE "TOP MANAGEMENT IN THE
BUREAU IS COMMITTED TO EEO"



Possible indicators of low commitment

There may be many subtle, but cumulative, effects of low management commitment to EEO. For example, an agency may not pursue an aggressive campaign of hiring qualified females and minorities into traditionally white-male-dominated occupations or promoting them once they are hired. The effects of low commitment might also include failure to provide minorities and females with the special counseling and instruction often needed to succeed in certain occupations (what sociologists call the protege system of professional development).

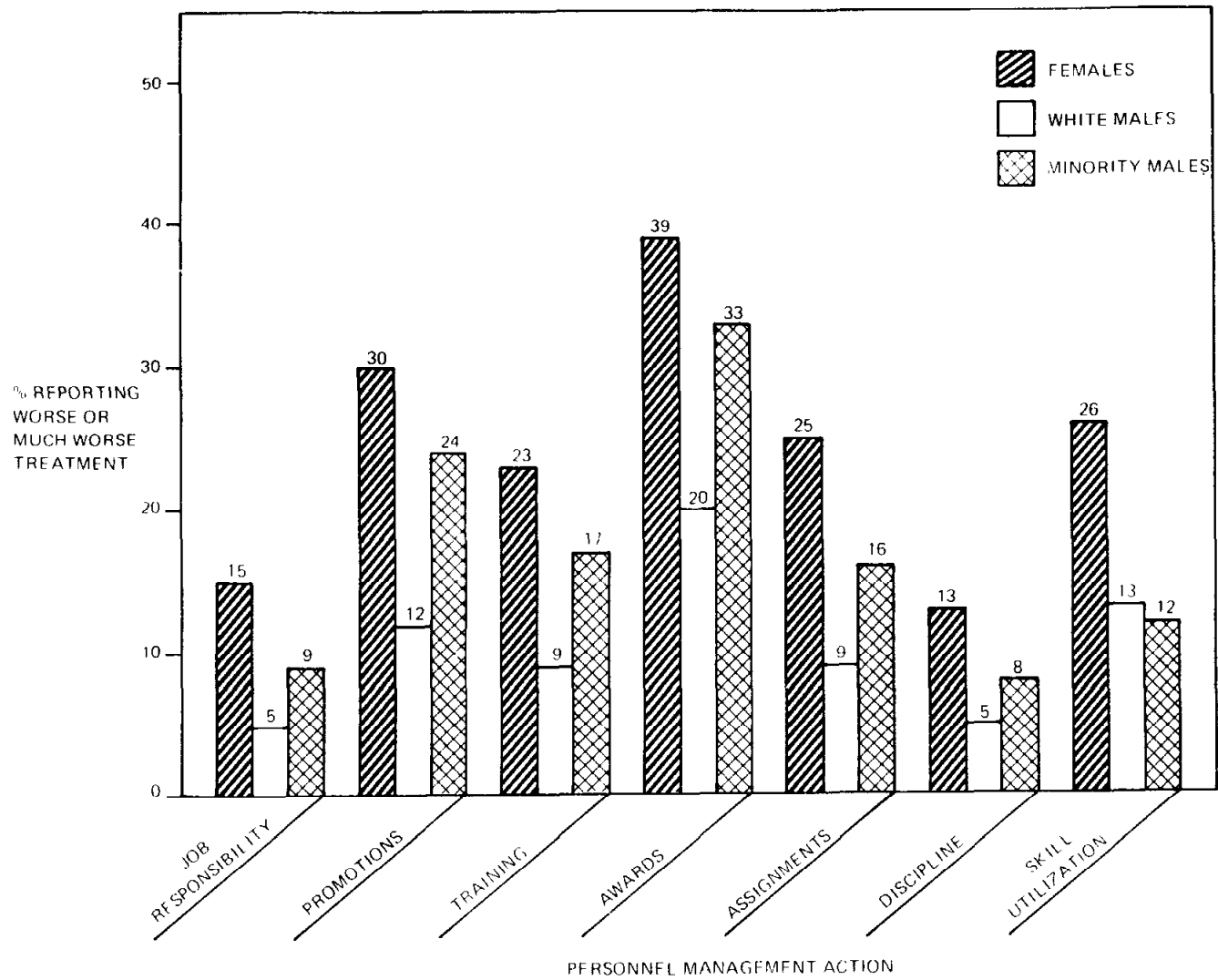
Our questionnaire results also showed that

- almost half of the minority males felt that their bureaus were more selective in hiring minority males and females than white males, while less than a quarter of white males felt the same way;
- in terms of promotion, 42 percent of the minority males, compared with 19 percent of the white males, felt that their bureaus were more selective when it came to females and minority males;
- females and minority males reported less support, encouragement, and expressions of confidence and trust from their supervisors than did white males; and
- even after statistically adjusting for expected occupational, seniority, and supervisory differences, white males still reported more frequent discussions with supervisors concerning their work and career development.

Perceived equality of treatment

Various groups in our sample consistently responded differently to the question about their treatment compared with others doing similar work. Differences in the percentage of people feeling that they had been treated either "worse" or "much worse" than others are particularly dramatic when white males are compared with minority males, as shown in figure 2. There were also some striking differences when females were compared with white males. The perceived lack of fairness in promotion shown in figure 2 is a theme echoed in responses to other questions we asked.

FIGURE 2
PERCENT OF VARIOUS GROUPS REPORTING UNFAVORABLE PERSONNEL TREATMENT



CHAPTER 3

SALARY DIFFERENTIALS

At the time of our review, white males in certain occupational groups at Justice were paid more on the average than similarly situated females. That is, in certain occupational groups white males earned more than females with the same level of education and seniority, working in about the same areas of the country, and having the same status as supervisors or subordinates. The average differential in those occupations is about 10 percent in favor of white males. Similar analyses in the private sector have found this differential to be about 12 percent. A disproportionate number of women are in the lower paid occupations in Justice.

Similarly situated white males and minority males generally received about the same salary. However, the major factor accounting for salary differences between white and minority males is that relatively few of them are similarly situated. A disproportionate number of minority men are in the lower paid occupations in the Department.

For significant salary differentials to occur, there must have been systematic differences in entry hire levels, attrition, rates of progression, or some combination thereof. Ideally, these factors should be monitored directly on an ongoing basis, since they would not only identify inequitable treatment but also point the way toward remedial action. Justice did not have such information on an ongoing cohort basis; therefore, we have used the salary differential technique to get an indication of possible discrimination within the agency.

SALARY ANALYSIS--HOW IT WAS DONE

Economists estimate salary discrimination by (1) determining the amount of the variance in pay between two groups which can be attributed to differences in those characteristics of employees which are known or suspected to cause differences in salaries and (2) attributing the residual, or unexplained portion of the differences to discrimination. The characteristics which are known or suspected to cause differences include such things as the level of professional education, work experience, and occupation. For example, in a recent case involving sex discrimination in a Federal agency--Chewing v. Seamans, U.S. District Court, District of Columbia (1978), Civil Action No. 76-0334--experts from

both sides used the following characteristics for determining differences: the level of education, seniority, years of work experience, and amount of time since last academic degree.

Our analysis of salary differences was done on a randomly selected, representative sample of employees. It included an examination of the effects of education level, seniority, occupational classification, supervisory status, location of work, sex, and race. The October 1977 GS pay rate 1/ was used to calculate salaries based on grade and step of those in the sample. Appendix II contains a detailed description of the design of our study, including sample selection procedures and mathematical techniques used to estimate the effects on salaries of each of the variables listed above.

ACCOUNTING FOR THE SALARY DIFFERENTIALS

Occupational classification differences

Before any adjustments were made for education level, seniority, occupational classification, supervisory status, and location of work, white males were paid an average of \$8,100 a year more than females, and \$5,000 a year more than minority males. Nearly half of the differences are attributable to occupational classification. For whatever reason, minority males, females, and white males were in different occupations within the Department. The difference between the salary for white males and for females is cut to about \$3,800 on average when adjustments are made for occupational differences between these groups. The salary difference between white and minority males is cut to about \$2,100 when adjustments are made for occupational differences among them.

The effect of the adjustment for occupational classification differences occurs because fewer females and minority males were in higher paid occupations. In fact,

1/In the GS pay system (the major white-collar system) many varied heterogeneous occupations are grouped into grades, with uniform pay rates, regardless of occupation or geographic location.

61 percent of all white males in the Department were employed in the three highest paid occupational groupings in our study--which had an average salary of \$24,500. (General attorney, criminal investigator, and a miscellaneous group.) By contrast, 63 percent of all females were employed in the six lowest paid occupations--which had an average salary of \$11,600. The salary difference between minority and white males was also due, in part, to differences in their occupational distribution--particularly in the criminal investigating career field and to a lesser extent in the corrections, general clerical, and mail and file occupations. Although 38 percent of the white males were investigators (the second highest paid occupation in the Department, with an average salary of \$24,800), 17 percent of the minority males were in that occupation.

Salary differences within occupations

We used two different models to test whether differences in salaries between white males and females in each of 13 major occupational groupings were statistically significant. As is general professional practice, a difference was considered significant if it was of such a size as to typically occur by chance only 5 times in every 100 independent repetitions of the test. The same models were used to assess the significance of the differences in salaries between white males and minority males.

Both of the models adjusted for the effects on salary of location, education, and supervisory status. In addition, the first model adjusted for seniority effects. Consequently, this model provides a conservative test of the effects of sex and minority status where females and minority males have been hired into an occupation more recently than white males. No adjustment was made for seniority in the second model. Consequently, it provides a liberal test of the effects of sex and minority status where salary is related to seniority.

Our tests showed that the statistically significant differences between white males and either females or minority males always favored white males. Before adjusting for seniority effects, white males were paid significantly more than women in four occupational groupings--general administration, criminal investigator, general attorney, and a group of miscellaneous occupations. In the other nine occupations--clerk-typist, steno-reporter, secretary, mail/file, corrections, border patrol, U.S. Marshal,

fingerprint identification, and immigration inspection-- there was no statistically significant difference before adjusting for seniority. After the seniority adjustment was made, the difference in salary between male and female criminal investigators was no longer statistically significant. The differences in the general administration, general attorney, and miscellaneous occupations remained significant, however.

The only statistically significant differences between white males and minority males occurred before seniority adjustments were made in the border patrol, corrections, and immigration inspection occupations. In the other 10 occupations, there was no statistically significant difference in salary before adjusting for seniority effects. After the seniority adjustment, there was no statistically significant difference in any occupation.

The results of our analysis are presented in the table on the following page. It shows the difference in salary remaining between white males and females, and between white males and minority males after the effects of location, supervisory status, and education have been removed, and before and after seniority effects have been removed. The asterisk indicates instances where the differences are statistically significant.

| | No. of white males <u>a/</u> | <u>White Male Minus Female Differential</u> | | <u>White Minus Minority Male Differential</u> | | | |
|------------------|------------------------------------|---|------------------------------------|---|--|------------------------------------|---------------------------------|
| | | No. of females <u>a/</u> | Without seniority adjustment | With seniority adjustment | No. of minority males <u>a/</u> | Without seniority adjustment | With seniority adjustment |
| Clerk-typist | 40 | 978 | \$ 228 | \$ 54 | -----Insufficient Number of Cases----- | | |
| Steno-reporter | 7 | 2,030 | 400 | 600 | do. | | |
| Secretary | 12 | 1,866 | 2,329 | 1,039 | do. | | |
| Mail/File | 693 | 2,167 | (652) | 70 | 373 | \$ 409 | \$ 617 |
| General | | | | | | | |
| Administration | 2,015 | 3,123 | 1,721* | 1,750* | 511 | (483) | (473) |
| Corrections | 3,110 | 320 | 2,214 | 890 | 810 | 1,932* | 889 |
| Border Patrol | 1,564 | 9 | 3,782 | 150 | 339 | 3,009* | 594 |
| Immigration | 1,340 | 358 | 2,540 | 1,772 | 220 | 3,025* | 2,400 |
| Investigating | 10,668 | 165 | 5,690* | 2,431 | 755 | 1,101 | (166) |
| Fingerprint ID | 630 | 668 | 2,035 | 1,108 | 152 | 425 | (622) |
| U.S. Marshal | 1,357 | 39 | 3,018 | 2,651 | 329 | 314 | 325 |
| General Attorney | 1,643 | 273 | 4,708* | 3,794* | 71 | 1,421 | 707 |
| Miscellaneous | 4,865 | 5,590 | 2,216* | 1,550* | 838 | 1,024 | 239 |

*p < .05

a/Numbers are as of the time data was collected for this study.

Other possible contributors to salary differentials

Some of the significant salary differences remaining between white males and females may be due to the wide variety of jobs included under the Civil Service occupational series for general administration (GS series 301) and general attorney (GS series 905), as well as under the miscellaneous classification we used for all series in the Department of Justice with less than 1,000 people. The way this might happen in the miscellaneous occupational grouping, for example, can be illustrated with figures from the U.S. Civil Service Commission report "Occupations of Federal White-Collar Workers," pamphlet 56-12.

At the time of the Commission report, the Department of Justice employed 48 information receptionists (GS series 304); all but 3 were female. It also employed 12 operations research analysts (GS-1515), all of whom were male. Since these two groups were in the miscellaneous occupations category, it may appear that the differences between them would not have been adjusted for in the salary differential for that category in the same way that adjustments had been made for the effects of education, location, supervisory status, and seniority. However, these adjustments were made to the extent that being an operations analyst or an information receptionist is related to a variable for which adjustments were made. For example, if all of the receptionists have less than a college graduate education and all of the analysts have graduated from college, then our adjustment for education automatically adjusted for the occupational difference.

We cannot determine the extent to which the variables we measured are related to the occupations included in the miscellaneous category. Nor can we determine the extent to which those variables are related to the variety of jobs included in the general administration and general attorney series. As a result, it is possible for some of the remaining salary differences in those occupational groupings to be due to the systematic tendency for females to be in different jobs or in different occupations.

CONCLUSION

There was a substantial difference in salaries paid to similarly situated white males and females in certain occupational categories. That is, white males in certain occupations were paid an average of about 10 percent more

than females with the same levels of education and seniority, working in approximately the same areas of the country, and with the same status as supervisors or subordinates. The same type of analysis showed that white males were paid generally about the same as minority males.

In classical economic theory, salary discrimination is the amount of the difference in salaries between groups which cannot be explained by differences between them in characteristics which are known or suspected to cause differences in salaries. Our analysis in the Department included those characteristics used in classical economic analysis. There may be other characteristics which should be taken into account in explaining salary differences between groups; however, we believe those we considered are the principal ones. They are the ones which published studies have used.

While salary analysis is only an approximate and indirect measure of possible discrimination, our analysis of salary patterns in Justice has indicated the probable existence of problems. The Department needs to routinely gather and analyze data on entry hire levels, promotion rates, attrition rates, etc., on an ongoing cohort basis to get a more definite indication of possible disparity in treatment and identify appropriate remedies. Such analyses are necessary to identify and measure discrimination, to help meet the goals of having an efficiently-run organization, to monitor EEO progress, and to allow for periodic modification of EEO policies and practices.

CHAPTER 4

FORECAST MODEL FOR DEPARTMENT'S EEO PROFILE

Work force profiles and statistical techniques are useful management tools in planning and evaluating an organization's EEO program. CSC's guidelines suggest that agencies use these tools to identify organizational components which underutilize minorities and females, and, through self-initiated actions, seek to improve imbalances in the work force. Various modeling techniques are available for use in the decisionmaking process to help determine what might be the consequences if certain decisions are made.

We developed a statistical model which was used to project the results of personnel practices as they affect the race and sex balances within the Department. ^{1/} The use of a statistical model can provide agencies with a tool for assessing their EEO programs by identifying potential organizational barriers and by forecasting the long-term effects of current personnel policies and practices. Management can also answer the "what if" questions by altering a combination of personnel actions (i.e., attrition rate, promotion rate, and hiring rate) in the model to see what effect these changes will have on the organization. Then, after carefully considering the forecasting results, tempered with practical management judgment, management can design a course of action to obtain the desired result. Further, the actual effects of any changes can be measured and compared against the forecast information, and additional management action can be taken as needed. (See app. I for a discussion of the forecasting method.)

By using the model and Department figures on GS employees, reflecting the Department's past personnel practices, it appears that the Department would not greatly change its EEO profile over a period of time unless it initiated new personnel programs or policy changes which would change personnel practices. (The personnel statistics we used were provided to us by the Department and represent the best data available at that time. We noted discrepancies

^{1/}The Department's total employment as of December 31, 1977, was as shown on p. 4. For the purpose of showing the usefulness of the model, we selected only GS employees, who represented 93 percent of all Justice employees at that date.

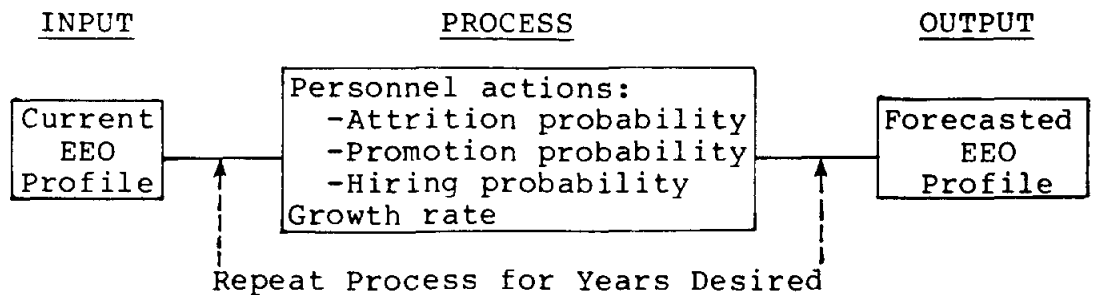
when working with Department statistics in preparing the previous reports on EEO programs in the bureaus. For example, as reported, in the Civil Service Commission publication, "Federal Civilian Workforce Statistics," Justice had 53,553 employees in March 1978, yet Justice provided us with statistics showing that a total of 54,458 employees were in its work force as of March 31, 1978.) If the data provided was an accurate reflection of personnel practices in effect during the 3-1/2-year period ended December 31, 1977, the following would result:

- The Department's EEO profile would remain relatively unchanged for minorities, with white females making gradual advances during the next 5-year period.
- The proportion of minorities would increase slightly; however, the increase will occur primarily in the lower grades of the professional category.
- The proportion of all females would gradually increase from 35 to 39 percent during the next 5 years, with significant gains being made at the professional grade levels.
- The limited accomplishment of the FBI significantly affects the Department's overall profile.

Even though much could happen during the 5-year period to make these projections inaccurate, they do illustrate the usefulness of modeling as a management tool.

STATISTICAL FORECAST METHODOLOGY

A commonly used forecasting technique in manpower planning is stochastic modeling--a method used to project an unknown result from ranges of possible outcomes, using combinations of probability factors or rates. Our model was developed using these processes and the information contained in the Department's personnel system. The following illustration depicts the operations of the forecasting model.

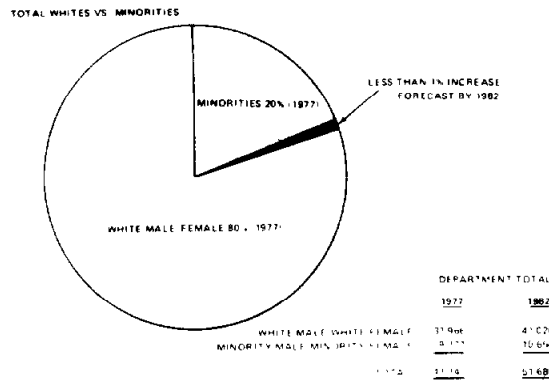
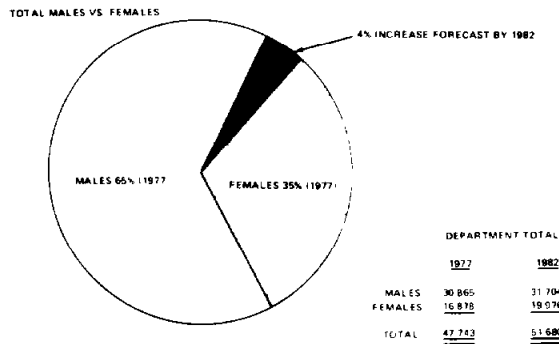


Information gathered to operate the model consists of (1) the current EEO profile for the period ended December 31, 1977 and (2) historical average rates of promotions, hires, and attrition, calculated on the basis of 3-1/2 years of data ended December 31, 1977. An estimated growth rate of 1 percent per year was used, based on actual growth trends during this period. The model takes the current profile and applies the various rates and probabilities, producing the forecasted profile at the yearend. This process is repeated for each year, so that the profile at the end of the forecast period reflects the cumulative effect of current personnel policies and practices. (See app. I for a detailed explanation of the model.)

BASED ON PAST PRACTICES, SIGNIFICANT CHANGES IN DEPARTMENT EEO PROFILE ARE UNLIKELY

The Department's EEO profile projected for the next 5 years will gradually change. The organization will remain predominantly male, with white females making gradual increases, while minority gains will be negligible. The Department's overall female profile will increase from 35 percent in 1977 to 39 percent in 1982, while the minority profile will increase to 21 percent. The following chart shows the changes in the EEO profile from 1977 to 1982.

JUSTICE EEO PROFILE 5-YEAR FORECAST (1982)



The increase over the 5-year period will be primarily related to white females and minority males. Even when the projections for total minorities are carried to an extreme of 20 years, only minor changes are projected in their EEO profile. The following schedule shows the percentage of employees by EEO categories as forecast.

Sex and Race Categories as a Percent
of Total Department Staff

| | <u>1977</u> (Base year) | <u>1978</u> | <u>1979</u> | <u>1980</u> | <u>1981</u> | <u>1982</u> | <u>1997</u> |
|------------------|----------------------------|-------------|--------------|---------------|--------------|---------------|-------------|
| Male: | | | | | | | |
| White | 55 | 55 | 54 | 53 | 52 | 51 | 45 |
| Minority | <u>9</u> | <u>9</u> | <u>10</u> | <u>10</u> | <u>10</u> | <u>10</u> | <u>11</u> |
| Total | <u>64</u> | <u>64</u> | a/ <u>63</u> | <u>63</u> | <u>62</u> | <u>61</u> | <u>56</u> |
| Female: | | | | | | | |
| White | 24 | 25 | 26 | 27 | 27 | 28 | 33 |
| Minority | <u>11</u> | <u>11</u> | <u>11</u> | <u>11</u> | <u>11</u> | <u>11</u> | <u>11</u> |
| Total | <u>35</u> | <u>36</u> | <u>37</u> | <u>38</u> | <u>38</u> | <u>39</u> | <u>44</u> |
| Total | b/ <u>100</u> | <u>100</u> | <u>100</u> | b/ <u>100</u> | <u>100</u> | <u>100</u> | <u>100</u> |
| Minorities: | | | | | | | |
| Black | 14 | 14 | 14 | 14 | 14 | 14 | 15 |
| Hispanic | 5 | 5 | 5 | 5 | 5 | 6 | 6 |
| Asian | | | | | | | |
| American | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Native | | | | | | | |
| American | (c) | (c) | (c) | (c) | (c) | (c) | (c) |
| Total minorities | <u>20</u> | <u>20</u> | <u>20</u> | <u>20</u> | <u>20</u> | <u>21</u> | <u>22</u> |
| Total white | <u>80</u> | <u>80</u> | <u>80</u> | <u>80</u> | a/ <u>80</u> | <u>79</u> | <u>78</u> |
| Total | <u>100</u> | <u>100</u> | <u>100</u> | <u>100</u> | <u>100</u> | b/ <u>100</u> | <u>100</u> |

a/Total has been rounded.

b/May not equal 100 percent due to rounding.

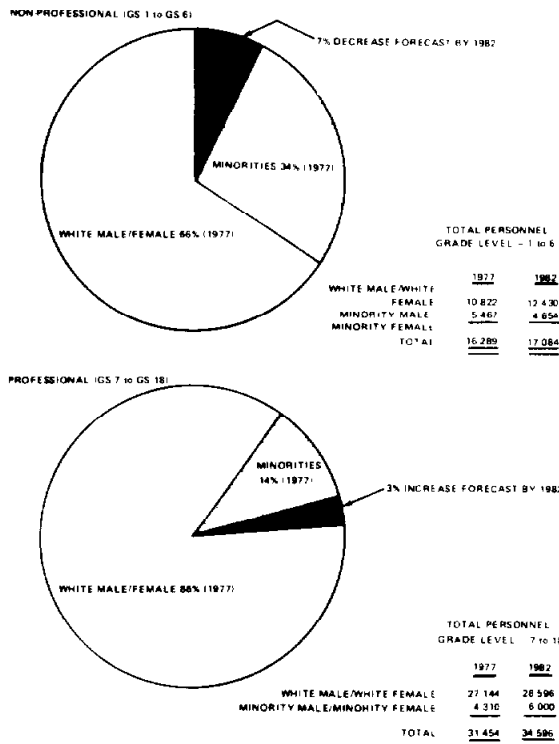
c/Negligible.

The 4-percent gain forecast for white females by 1982 resulted from recent hiring patterns of the Department. The analysis of personnel data for the July 1974 to December 1977 period revealed that the Department was hiring between 33 and 37 percent white females. When the model applied the historic hiring practice to future periods, it resulted in a favorable impact on the total staff balance of white females which, at the beginning of the forecast period, represented 24 percent of all Department staff. The actual number of white females hired was determined on the basis of their hiring percent as applied against net openings in each grade level after promotions, attritions, and allowable growth are forecast.

GAINS IN PROFESSIONAL LEVELS
FORECASTED FOR MINORITIES

Minorities overall will show some gains in the Department's professional work force during the next 5 years. However, their total representation will remain relatively stable due to the forecasted decrease in minority representation at the nonprofessional levels. The following chart shows the disparity between minority representation at the professional and nonprofessional grade levels.

JUSTICE'S EEO PROFILE BY PROFESSIONAL-NON-PROFESSIONAL 5 YEAR FORECAST (1982)



The progress into the professional grade levels predicted for minorities during the next 5 years will gradually increase when carried out to an extreme of 20 years. Specifically, the model forecasts an additional gain of 3 percent in minority representation at the professional level from 1982 to 1997.

The following schedule shows the movement of minorities in the professional category by 1982.

Percent of Minority Representation
in Each Professional Grade Level

| | <u>1977</u> | <u>1982</u> | <u>Percent of increase</u> |
|-------|-------------|-------------|--------------------------------|
| GS-7 | 26 | 28 | 2 |
| GS-8 | 20 | 27 | 7 |
| GS-9 | 19 | 25 | 6 |
| GS-10 | 11 | 20 | 9 |
| GS-11 | 13 | 17 | 4 |
| GS-12 | 10 | 13 | 3 |
| GS-13 | 5 | 10 | 5 |
| GS-14 | 5 | 7 | 2 |
| GS-15 | 5 | 5 | 0 |
| GS-16 | 4 | 4 | 0 |
| GS-17 | 4 | 4 | 0 |
| GS-18 | 0 | 0 | 0 |

The reason for this slow profile change at the upper levels of professional grades can be attributed to many historical factors, some of which are the limited number of openings at these levels due to the high retention rate of personnel and limited outside hiring to fill the open positions. For example, the 1978-82 forecast projected a total of only 6 outside hires for the grade levels GS-13 through GS-18, grades which had an average balance of 10,000 staff positions a year. The average retention rate during July 1974 to December 1977 for these grade levels was 75 percent a year, versus 64 percent for grade levels GS-7 through GS-12. The limited number of outside hires and the higher retention rates in the upper grade levels restrict the opportunity of increasing the percentage of minorities.

TOTAL FEMALE REPRESENTATION
WILL CONTINUE STEADY GROWTH

The model forecasts an increase in the Department's female representation in the next 5 years. Females will gain 4 percent--from 35 percent in 1977 to 39 percent of the total work force in 1982, as shown.

| | <u>1977</u> <u>Percent</u> | <u>1982</u> <u>Percent</u> | Percentage of increase or <u>decrease</u> (-) |
|------------------------------------|-------------------------------|-------------------------------|---|
| Professional (GS-7 to GS-18): | | | |
| Females | 11 | 18 | 7 |
| Males | 55 | 49 | -6 |
| Nonprofessional (GS-1 to GS-6): | | | |
| Females | 24 | 21 | -3 |
| Males | 10 | 12 | 2 |
| Total: | | | |
| Females | 35 | 39 | 4 |
| Males | 65 | 61 | -4 |

In the professional grades, females are projected to experience a 7-percent increase in their total representation, while a 3-percent decrease is projected in the non-professional grades.

FBI'S LIMITED ACCOMPLISHMENTS
REDUCE JUSTICE'S PROGRAM RESULTS

The Department-wide EEO profile can be greatly affected by the limited accomplishment of the FBI. We found that, by eliminating FBI statistics from the analysis, Justice's EEO profile improved by 2 to 3 percent. The following table shows the effect a single bureau can have on the overall results. This type of analysis can be used by Justice to identify bureaus that require more management attention to improve their EEO posture.

| | 1977 percent | | 1982 percent | |
|----------------|--------------------------|-----------------------------|--------------------------|-----------------------------|
| | <u>Justice total</u> | <u>Justice less FBI</u> | <u>Justice total</u> | <u>Justice less FBI</u> |
| Male: | | | | |
| White | 55 | 54 | 51 | 51 |
| Minority | 9 | 12 | 10 | 13 |
| Female: | | | | |
| White | 24 | 23 | 28 | 26 |
| Minority | <u>11</u> | <u>11</u> | <u>11</u> | <u>10</u> |
| Total (note a) | <u>100</u> | <u>100</u> | <u>100</u> | <u>100</u> |
| Total minority | <u>20</u> | <u>23</u> | <u>21</u> | <u>23</u> |
| Total white | <u>b/80</u> | <u>77</u> | <u>79</u> | <u>77</u> |
| Total | <u>100</u> | <u>100</u> | <u>100</u> | <u>100</u> |

a/Total may not equal 100 due to rounding.

b/Total has been rounded.

To further illustrate the situation, we looked at the EEO profile by professional and nonprofessional categories as follows:

| | 1977 percent | | 1982 percent | |
|-----------------------------------|--------------------------|-----------------------------|--------------------------|-----------------------------|
| | <u>Justice total</u> | <u>Justice less FBI</u> | <u>Justice total</u> | <u>Justice less FBI</u> |
| Professional: | | | | |
| White male/ white female | 57 | 59 | 55 | 59 |
| Minority male/ minority female | 9 | 13 | 12 | 15 |
| Nonprofessional: | | | | |
| White male/ white female | 23 | 17 | 24 | 18 |
| Minority male/ minority female | <u>12</u> | <u>11</u> | <u>9</u> | <u>8</u> |
| Total (note a) | <u>100</u> | <u>100</u> | <u>100</u> | <u>100</u> |

a/Total may not equal 100 due to rounding.

The shift shown above in the Justice profile after excluding FBI statistics resulted from the high concentration of minorities and women in the FBI nonprofessional grade levels. As of December 31, 1977, females and minorities represented 73 percent of all nonprofessional staff, while their representation in the professional category was 17 percent.

CONCLUSION

It was necessary to make certain assumptions in making our analysis. The projections in our model assumed that the hiring and promotion practices experienced in the 3-1/2-year base period would be held constant throughout the forecast process. We recognize that personnel practices may not have remained static during the entire period, and any changes which may have occurred should be considered by the Department in using modeling techniques to assist in the management decisionmaking process. Also, other assumptions could be made which were not included in our modeling illustration.

Forecasting techniques, such as the one we used, are useful management tools for determining what decisions need to be made to achieve a desired personnel profile. The forecast model and the Department's statistics we used showed that, unless specific actions were taken to change past personnel practices, there would be little chance that great changes would occur in the Department's EEO profile over the next several years.

CHAPTER 5

DEPARTMENT-WIDE IMPROVEMENTS NEEDED IN EEO PROGRAM

In reviewing EEO affirmative action programs at Department bureaus, we identified a number of problems requiring corrective action. The problems within the bureaus' EEO programs indicate the need for improved guidance and management of bureau programs from the Department level. (See app. III for digests of four previously issued reports discussing these matters.) We found, for example, that

- affirmative action plans were developed without sufficient assessments of bureau programs and without management involvement;
- action items in the bureaus' national plans were not monitored to ensure implementation;
- comprehensive evaluation and followup of bureaus' EEO programs were not conducted periodically;
- sufficient personnel resources were not allocated for all bureau programs;
- recruiting objectives to reach qualified minority and female applicants for the key professional occupations were not developed;
- sufficient data to monitor training and promotions for EEO purposes did not exist;
- administrative problems at the bureau level hampered the effective management of their EEO programs;
- the total cost of the EEO programs was not known because program cost estimates were not uniformly developed or totally reported by the bureaus;
- certain bureaus had not defined the extent of their upward mobility problem or taken a skills survey for use in developing a useful program; and
- numerous problems noted in bureau EEO complaint systems (see ch. 6) need priority attention from the Department level.

These problems raise questions about the degree of top management's commitment to the EEO program, both at the Department level and at the bureau level. Unless there is

full commitment to the program, problems which are observed sometimes go uncorrected. Such Department-wide problems which we observed include

- employees' lack of awareness of bureau EEO programs;
- absence of guidelines for assessing program results, preparatory to developing affirmative action plans;
- limited management involvement in plan development;
- action items not monitored for accomplishment;
- lack of comprehensive program evaluation and followup;
- program cost estimates not uniformly developed; and
- two special emphasis programs lack guidance.

Additionally, we found that the EEO Director's time allocated to EEO was too limited, considering his responsibility for overall program administration and the management problems being experienced in the bureau and Department-level programs.

FULL-TIME EEO DIRECTOR NEEDED

For improved program management and credibility, the EEO Director should be full time and should continue to report directly to the Attorney General.

The Assistant Attorney General for Administration, serves part time as Justice's Director of EEO. Although the Attorney General retains the ultimate responsibility for establishing the Department's EEO policy, the Director of EEO is responsible for enforcing and administering this policy and for guiding the EEO program throughout the Department. In addition, the Director is responsible for assuring that sufficient resources are allocated to support the Department's EEO program.

Bureau directors are responsible for bureau EEO programs, and the head of each major organizational element is responsible for implementing EEO policy and for assuring that sufficient staff in their element is provided to implement the EEO program.

Before the fiscal year 1978 affirmative action plan, the Assistant Attorney General for Administration reportedly

spent 1 percent of his time as the Director of EEO. According to the 1978 plan, 3 percent of his time was allocated to EEO matters. In view of the EEO program management problems which we observed at the Department and bureau levels, the amount of time given to EEO matters by the program Director is insufficient.

The Department administers an EEO program for about 54,000 employees. With the authority for EEO programs delegated to the bureau directors and the heads of major organizational units, bureau programs operate independently of the Department-level EEO staff. The extent of bureau program effectiveness is determined more by the commitment to EEO of bureau directors than by Department-level goals. This decentralization of the Department's EEO program has resulted in varying degrees of program effectiveness among the bureaus and has limited the exchange of information between bureaus. Organizationally, for EEO matters, bureau heads reported to the EEO Director, who served as liaison between the Attorney General and the bureaus.

The EEO Director is supported by an Equal Opportunity Program staff of seven people; however, this Department-level group has no authority to direct bureau EEO programs. The staff's major function is to provide support to the EEO Director and to assist bureau EEO staff in an advisory capacity.

To improve management and to unify the Department-wide EEO program, a full-time EEO director, with direct access to the Attorney General, is needed. This appointment, in our opinion, would improve channels for communicating the EEO concerns of bureau directors and the heads of major organizational units.

LACK OF AWARENESS OF EEO PROGRAMS

Our questionnaire contained several questions on dissemination of EEO program information. Respondents' knowledge of their bureaus' program was somewhat limited. Not all respondents had been made aware of the EEO program in their bureaus, either during initial orientation or later.

About 33 percent of the respondents indicated that they had received an orientation to the EEO program in their bureau: 17 percent indicated that they had been given a 1-hour course; 11 percent, a 2- to 4-hour course; and about 5 percent, a course lasting 5 hours or more.

Responses indicated that the portions of the EEO program covered by the orientation varied. About 23 percent of the respondents said the course covered the EEO complaint system, 21 percent said the orientation covered the counselor's role in EEO, 15 percent said the course had covered the manager's role in EEO, and 2 percent said other EEO topics had been covered. Opinions on the adequacy of the orientation varied somewhat. Of those responding, 25 percent found the programs to be somewhat adequate to very adequate, and another 6 percent of the respondents described the programs as neither adequate nor inadequate.

Our questionnaire also asked employees about their bureaus' affirmative action plans. About 46 percent of the respondents had knowledge of the plans, and about 28 percent of these said that the plan was posted on their units' bulletin boards.

The questionnaire contained several questions dealing with whether respondents had received in-house supervisory, management, or executive development training which included EEO. A total of 87 percent of the respondents indicated that they had not participated in an in-house training program within the previous 12 months. About 10 percent of the respondents said that they had participated in in-house training, but only about 55 percent of these said that EEO had been part of that training. Therefore, based on the questionnaire responses, only a little over 5 percent of the respondents had received in-house training which included EEO.

The Department's EEO Director should ensure that the bureaus make their employees aware of the EEO program.

IMPROVEMENTS NEEDED IN DEVELOPING AND MONITORING AFFIRMATIVE ACTION PLANS

To improve the development of affirmative action plans, the EEO Director needs to ensure Department-wide that

- assessment reports are developed in accordance with CSC regulations;
- managers are involved in plan development; and
- emphasis is given to monitoring, for accomplishment, the action items in the field offices', bureaus', and Department's plans.

A key function of any EEO program involves developing and implementing national and regional affirmative action plans. The Equal Employment Opportunity Act of 1972 required Federal agencies to submit these plans to CSC for review and approval. (Under the provisions of Reorganization Plan No. 1, of 1978, EEOC now has this function.)

In FPM Letter 713-35, dated April 30, 1976, 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 stated in FPM Letter 713-40, dated August 17, 1977, that, in preparing its plan, an agency must draw upon the results of personnel management and EEO program evaluations conducted by CSC or the agency's internal evaluation unit.

CSC, in implementing the Equal Employment Opportunity Act of 1972, required Justice to submit a national EEO plan for review and approval. Beginning with fiscal year 1977, DEA, FPS, INS, and the FBI were also required to submit their national plans to CSC. To implement this requirement, Justice requires each of its bureaus to develop a national EEO plan. In addition, major bureau field offices were required to submit their plans to CSC regional offices.

Lack of assessment guidelines

Improved assessment of the Department-wide program is needed for Justice to develop meaningful affirmative action plans which can be used as management tools. In view of the importance of program assessment in developing meaningful EEO plans, CSC, in FPM Letter 713-35, required agencies to submit assessment reports as part of their annual EEO plan. These reports should briefly summarize the agency's analysis of its EEO situation, preparatory to developing the plan. The assessment reports must identify EEO problems requiring priority attention and solution. The assessment process is intended to produce data and statements of problems which will allow an agency and EEOC to prepare EEO profiles and gauge the progress of solutions. In FPM Letter 713-40, CSC gave agencies guidance for assessing their programs.

Assessment reports for inclusion in Justice's national plans were prepared without the benefit of properly con-

assessments. Before the 1978 plan, Justice's
before the development of the bureaus'
Analyses of bureau EEO problems were
in the Department's assessment report.

Justice provided guidance for assessing EEO
problems and emphasized that the guidance provided repre-
sented a minimum effort. Assessment guidelines should be
developed, outlining at least the minimal efforts
required by all bureaus in their evaluations
of developing affirmative action plans. Each
bureau should add additional elements to evaluate the
effectiveness of its own program. As part of Justice's
reports from the bureaus could then be
used to give a more reliable picture of the EEO
problems bureau-wide. Additionally, these evaluations
should identify common program problems which may require
action from the Department level.

Participation needed

Participation in affirmative action plan
development, or in some instances could not
be achieved because of the lack of documentation.

Reports state that, when an agency's EEO plan
lacks the capability for carrying out action items
through managers and supervisors, and when most
of the work is assigned to EEO and personnel
staff, plans probably been prepared without the
necessary coordination with, operating officials
and, if any, of the real EEO problems of
the agency. Because implementation of affirmative
action plans rely on top-line managers, they should
play a key role in developing EEO plans.

In bureaus where managers are involved in the devel-
opment of plans, the Department should require the
bureaus to coordinate their plans with bureau managers re-
lated to their operations.

Programs need improvement

Some of the tasks which should be undertaken to
improve affirmative action programs. They are included in affirmative

Justice Order 1713.4, dated November 6,
which stresses monitoring affirmative action items

and objectives. Department-wide, this omission has resulted in little emphasis being placed on managing the implementation of action items. In FPM Letter 713-35, CSC said that target dates should be set for action items and that an identified official should be assigned for each action item. This action would ensure that one person would be accountable for the accomplishment or nonaccomplishment of each action item and objective.

Repeatedly, action items have appeared in the bureau national EEO plans without any reason given for previous nonaccomplishment. Action items have also been dropped without any reason being given. The latter problem is especially true of action items in the Department's 1977 and 1978 national plans.

Monitoring the implementation of action items throughout the Department is underemphasized. The most effectively developed and results-oriented corrective action items mean nothing unless they are implemented. The lack of controls to monitor and emphasize action item implementation creates a low priority for addressing action items and objectives among operational managers who are pressured for the completion of higher priority work.

LACK OF COMPREHENSIVE PROGRAM EVALUATION AND FOLLOWUP

The Code of Federal Regulations, title 5, section 713.204, provides that, in implementing its EEO program, an agency shall assign to the EEO Director the function of evaluating from time to time the sufficiency of the total agency program and reporting thereon to the head of the agency the recommendations for any needed improvements, including remedial or disciplinary action with respect to managerial or supervisory employees who may have failed in their EEO responsibilities.

Further, EEOC requires that each agency periodically evaluate the effectiveness of its EEO program. The method for performing this evaluation is left to the agency's discretion, but it must be of sufficient depth and detail to ensure management that all program areas have been examined.

The Department of Justice has not conducted a comprehensive evaluation of its total EEO program to identify program problems and determine management effectiveness. The Department has recently created an eight-member task

force--the Employment Review Committee--"to help insure that the Department meets its obligations under the law to provide equal employment opportunities," but the Committee's mission was limited to the attorney occupation. The Committee reviewed personnel files of all minority and female attorneys who had been in their present grade longer than 2 years, to determine if discrimination was a factor in decisions not to promote these individuals.

The Committee was later asked to review and approve attorney promotions and hiring actions dealing with GS-13s and above, except for actions in which the Associate Attorney General would make the final decision. The Committee reported that, of 818 attorneys hired, 251 were females and 161 were minorities. This representation of minorities and females is an improvement over past Department hiring practices.

While the committee action was good, it was limited because it dealt only with attorney positions. A similar action for all occupations and a comprehensive evaluation of the EEO program are necessary, if program problems are to be corrected. Because comprehensive evaluations are necessary for effective management, Department-wide, as well as bureauwide, evaluations of the EEO program should be conducted periodically, as required. Comprehensive evaluations would not only measure EEO program progress Department-wide but also identify problems requiring corrective actions to increase program effectiveness.

In our opinion, most of the problems discussed in our previous reports on bureau programs would have been identified in a comprehensive evaluation of the Department's EEO programs. For example, in our report on OBD, ^{1/} we said that an organizational problem had limited OBD's EEO effort. OBD's fragmentation had created conflicting lines of authority within its EEO program. For EEO purposes, Presidential appointees, who normally report to higher level officials in Justice, had been asked to report to the Assistant Attorney General for Administration. Because a central authority for EEO was lacking, an effective EEO program had not been implemented in OBD.

^{1/}"The Affirmative Action Programs in Three Bureaus of the Department of Justice Should Be Improved," FPCD-78-53, July 5, 1978.

OBD's function falls naturally into three components-- administrative divisions, legal divisions, and offices of the U.S. Attorneys. Each component differs markedly in its functions, and, therefore, each should have an EEO program tailored to its own function. Such tailoring would allow each EEO officer to evaluate the individual program and develop plans specifically for each component.

PROGRAM COST ESTIMATES NOT UNIFORMLY DEVELOPED

Estimates of EEO program costs were developed using various methods throughout the bureaus. For example, the FBI did not include complaint processing costs in its estimates of total allocation of EEO program resources. As a result of this omission, the total cost of the FBI's program was not known.

CSC revised the format for the cost reporting section (allocation of personnel and resources) of the EEO plan in FPM letter 713-35, dated April 30, 1976; however, these guidelines were not specific on how some costs should be developed. We have recommended in our reports on the bureaus that, for consistency of bureaus' report estimates and to ensure that the most reliable estimates are developed at the bureau and field office levels, Justice should develop guidelines explaining specifically those cost factors which need to be considered in developing estimates. Reliable and consistent estimates are needed, not only for management purposes at the bureau level, but also for management of the Department-wide program. Cost-effectiveness evaluations, as well as budgetary and financial management controls, depend on such data.

TWO SPECIAL EMPHASIS PROGRAMS NEED GUIDANCE

Black Affairs Program

The Black Affairs Program (BAP) was instituted in Justice in 1974. Unlike the Federal Women's Program (FWP) and Hispanic Employment Program (HEP) there is no Executive order or OPM guidance for establishing and regulating BAP. Rather, this program was established at the Department's own initiative.

The purpose of BAP at Justice is to provide management and employees with information about the concerns of Blacks in the organization, to identify job vacancies, and to establish hiring objectives for qualified Blacks. A full-

time coordinator is responsible for developing, carrying out, and evaluating the Department's program. The coordinator also establishes goals to include Black employees in various training programs, such as upward mobility, internships, and mid-management and executive training programs.

There is one BAP coordinator on the staff of the Justice Equal Opportunity Program Office who told us that he spent 70 percent of his time as program manager. Justice officials advised us that there is a full-time coordinator each for FBI, INS, and DEA, and a vacant full-time position at LEAA. Each of the other bureaus, OBD, USMS, and FPS, has a part-time headquarters coordinator. Additionally, there are 32 part-time coordinators located throughout the bureaus' major operating components. There is no guidance detailing the responsibilities and duties for the part-time coordinators; however, Justice has drafted regulations, outlining these duties and responsibilities. However, the draft regulations do not provide guidance on the amount of time which should be allocated for part-time coordinators. If the regulations are adopted without major modifications (except for providing guidance on time allocations), the Black Affairs Program at Justice will have the credibility and recognition it needs to function properly.

OPM may wish to consider developing guidance for agencies to use in establishing and regulating their own Black Affairs Program. Since Blacks account for the largest group of minority employees in the Federal sector, this program has potential for strengthening EEO programs in agencies where total EEO programs do not fully address concerns of Blacks.

Hispanic Employment Program

The Hispanic Employment Program needs additional guidance from Justice.

The program was established in 1970 to call attention to the needs of Hispanic employees in the Federal sector. In its guidebook for program coordinators, CSC states that coordinators serve as the focal point within an agency for implementing the program. HEP coordinators are to assist their agencies in preparing and implementing EEO affirmative action plans and to identify problem areas affecting Hispanic employees. CSC also stated that coordinators need the solid backing of management and full cooperation

from employees, supervisors, and managers. In addition, program coordinators should be free from restraints, coercion, discrimination, or reprisal.

Justice has reported that it has one full-time Hispanic Employment Program coordinator at headquarters, one full-time coordinator in each of two bureaus (FPS and USMS), and 145 part-time coordinators throughout the Department. Hispanic Employment Program coordinators were concurrently responsible for other EEO duties.

The current Department of Justice regulations do not address the Hispanic Employment Program, but the Department's draft regulations contain guidance for the program. The programs in many of the bureaus were staffed but were not active. These proposed regulations do not contain guidance on the amount of time which should be allocated for part-time coordinators. The Department needs to specify the minimum amount of time to be allocated for each part-time coordinator for carrying out their duties.

CHAPTER 6

IMPROVEMENTS NEEDED IN

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 wish to resolve the matter--are required to discuss the problem with an EEO counselor. This counseling is informal, and the complainant has a right to remain anonymous. If the counselor is unable to resolve the matter informally, the complainant may file a complaint with the agency. The complainant also has the right to request a hearing before a complaints examiner, to appeal agency decisions to CSC's Appeals Review Board, 1/ and to file a civil action in a U.S. District Court.

Our questionnaire asked Justice employees about their experience with the EEO complaint system. We also examined the EEO discrimination complaint process in all Justice bureaus, except for the U.S. Marshals Service. Our analysis of the questionnaire responses and the examination results lead us to believe that Justice's EEO discrimination complaint system can be improved by insuring that

- complainants and their EEO counselors, investigators, and witnesses are free from reprisal and interference;
- complainants are advised of their rights; and
- complaints are processed within the required 180-day time limit.

We believe that these improvements would instill more employee confidence in the complaint system.

RESPONSES TO QUESTIONNAIRES REFLECT PROBLEMS WITH COMPLAINT SYSTEM

About 21 percent of all employees believed that they had been discriminated against (because of race, sex, age,

1/This procedure changed on January 1, 1979, when Reorganization Plans Nos. 1 and 2 of 1978 became effective. At that time the Equal Employment Opportunity Commission began handling appeals of agencies' decisions.

religion, marital status, physical handicap, or politics) at one time or another. However, only 15 percent of those who felt discriminated against ever talked to a counselor. Of those who did talk with a counselor, only about one in five were able to settle their complaint at this stage. The majority of those who talked with a counselor but were unable to resolve their complaint also did not file a formal complaint. The employees who avoided a formal complaint indicated that they did so for the following reasons:

| <u>Percent</u> | <u>Reasons</u> |
|----------------|------------------|
| 34 | Fear of reprisal |
| 21 | Process too long |
| 7 | Personal |
| 28 | Other |

The responses to our questionnaire indicate that many Justice employees did not have confidence in the EEO discrimination complaint system.

Need to emphasize freedom from reprisal and interferences

CSC regulations provide that EEO counselors, complainants, and their representatives and witnesses shall be free from reprisal and interferences during the processing of complaints. We interviewed numerous EEO personnel and other employees who told us that reprisals against EEO counselors, investigators, and complainants may be occurring, or that at least there was a perceived fear of reprisals by some counselors and complainants. They also told us that some employees feared that reprisal actions might be taken against them.

Responses by Justice employees to our questionnaire tended to confirm these concerns. Forty-four percent of the Justice employees who believed that they had been discriminated against but did not talk to a counselor cited fear of reprisal as the reason. In addition, of the employees who did discuss their complaints with a counselor

--35 percent said they had been harassed by a supervisor/manager during the counseling stage and

--17 percent said they were harassed by co-workers.

Of those employees filing formal complaints, about 12 percent said they had been harassed by co-workers, and about 19 percent said they were harassed by a supervisor/manager during the complaint process.

Complainants should be informed of all rights

CSC regulations provide that complainants be apprised of and afforded their rights during both the informal and formal complaint stage. It appears that generally complainants were informed of their rights during the formal stage. However, many complainants, primarily those complaining informally, stated they were not made aware of all rights to which they are entitled under the complaint process.

CSC regulations required that during the informal counseling stage complainants be

- advised of their right to confidentiality; that is, their right not to be named when counselors gather information relative to complaint issues;
- advised of their right to have a representative with them; and
- notified in writing of their right to file a formal complaint if not satisfied with the informal resolution or if counseling has not been completed in 21 days.

Responses to our questionnaire showed that

- 47 percent of those employees who had talked to a counselor had not been advised of their rights to remain anonymous during the informal attempt to solve their problem;
- 43 percent were not advised of their right to be represented at all stages of the complaint process; and
- about 24 percent were not advised of their right to file a formal complaint.

Justice does have a program to provide volunteer representatives for individuals who have filed or are contemplating filing complaints. These volunteers represent complainants, both in the formal and informal stages, and a complainant may request such representation at any stage in the complaint process.

ABSENCE OF ANALYSIS OF EEO COMPLAINTS

In each of the bureaus, we examined complaint statistics showing the bases and causes of complaints. Although the greatest number of complaints concerned promotions, a thorough analysis had not been made to identify trends, or to determine the existence of management deficiencies or systemic discriminatory practices.

CSC guidance for investigating individual complaint cases discusses, but does not emphasize, surveying the general environment for detecting agencies' patterns or practices which may lead to discrimination. In addition, agencies are authorized to correct personnel management deficiencies which allow discrimination to occur. A Justice-wide analysis of the bases and causes of complaints would give the Department an indication of where problems exist in the bureaus and in the Department.

180-DAY TIME LIMIT NOT MET

The EEO Act of 1972 states that a complainant may file a civil action after 180 calendar days from the date of 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. 1/

The Justice bureaus generally exceeded the 180-day limit in processing their complaints.

According to Justice's 1978 affirmative action plan, during the period July 1969 through June 1977, 578 formal discrimination complaints had been filed. As of June 30, 1977, 241 were still pending and 337 had been closed (including 44 rejections, 15 terminations, and 125 withdrawals. (In most cases, withdrawals occurred because management had taken corrective action to resolve the matter as a result of information obtained during the investigation.)).

At the time of our review, the Department said it was averaging approximately 533 days in processing complaints, greatly exceeding the 180-day limitation established by law.

Our questionnaire results showed that of the employees who believed they had been discriminated against, about 21 percent said they had not filed a complaint because the process takes too long.

1/EEOC now handles such cases.

Our review of the bureaus' complaint systems showed that delays were occurring throughout the complaint processing stage. These delays could be perceived by employees as an attempt by management to discourage them from filing a complaint. At the time of our review, Justice had not done an analysis to determine where and why delays were occurring.

Many delays were occurring at the complaint adjudication stage. After a complaint has been investigated by the bureau, the file is forwarded to Justice's Complaint Adjudication Officer for a final determination. Complaints were backlogged at this final stage, possibly because of a lack of sufficient personnel to handle all of the cases in the backlog. The Complaint Adjudication Officer, who acts in this capacity part-time, was assisted by three full-time and four part-time staff members. We believe sufficient staff should be provided to eliminate the backlog.

Justice has included several action items in its 1978 affirmative action plan to improve the quality and timeliness of the Department's discrimination complaint process. For example:

- Assure that EEO counselors and investigators receive basic and refresher training to have a better understanding of their roles and responsibilities in complaint processing.
- Determine the feasibility of appointing a full-time Complaint Adjudication Officer.
- Determine the feasibility of establishing a pool of centrally located EEO investigators.

However, no evaluations of the complaint system were scheduled. We believe all phases of the complaint system should be evaluated to pinpoint where and why delays are occurring, and that corrective action should be taken.

CHAPTER 7

OVERALL CONCLUSIONS AND RECOMMENDATIONS

CONCLUSIONS

In August 1977, the Attorney General reemphasized the Department's commitment to EEO and outlined the following three broad program goals.

- Appointments and promotions are to be based on merit.
- Discrimination complaints are to be processed in a timely manner.
- EEO officials and specialists are to be selected, trained, and supported throughout the Department to ensure vigorous and effective EEO programs.

By setting these goals, the Attorney General recognized that the Department's EEO program had not been fully effective with regard to appointments and promotions, discrimination complaints, and program staffing. He also recognized that to have a successful program, management at all levels must be dedicated to the idea of EEO.

Our reviews at the Department and the bureaus indicated a need to exert more leadership and commitment to accelerating the accomplishment of EEO objectives. In response to our questionnaire, only about 25 percent of the women and about one-third of the minority men said that they believed that top management in the office where they worked was firmly committed to EEO. As with most questionnaires, ours did not ask questions concerning why employees have certain perceptions or what specific actions management officials could take to demonstrate their commitment to the program. Nevertheless, we believe the questionnaire responses provide useful insights into Department and bureau EEO problems, and also provide a baseline against which progress can be measured.

The economic theory of discrimination begins with the assumption that different groups would earn the same amount if they were equal in ability to produce and were given the same opportunities for employment, training, and promotion. Among the variables economists typically use to estimate whether or not groups are equal in ability are education, seniority, and occupation. Our analysis of the effect on

salaries of these and other variables shows that the concentration of both minorities and women--but especially women--in lower-paid occupations has had a substantial, depressing effect on their salaries. In nearly every occupation, white men were paid more than women and minority men after adjusting for worker characteristics traditionally related to differences in salary (supervisory status, office location, and education). More importantly, in some occupations there was still a difference in salaries paid to women, compared to those paid to white men, even after adjusting for average differences in seniority among the two groups.

Salary analysis is a useful tool for management to use in measuring EEO progress and in pinpointing program problems.

We previously reported that minorities and women were concentrated in lower grades and in "other occupations" (primarily clerical, technical, and administrative). However, our forecasting model indicates some changes for the future, such as the Department's profile is expected to achieve minor advances during the next 5 years, based on past personnel policies and practices. The model indicates that some gains will be made by women and minorities, especially in the professional grade levels. Minorities will achieve a 1-percent increase in overall employment; however, most will remain at the nonprofessional grade levels and in the lower grades of the professional levels of the organization. The limited progress at the FBI in recruiting and hiring minorities and women as Special Agents has affected the overall Justice Department EEO profile.

The forecasting model we used is one of several techniques available to the Department for use as a tool in determining what actions should be taken to bring about a desired result. We believe that the Department should develop its own forecasting techniques which would enable it to (1) determine what is likely to be accomplished by its current personnel policies and practices, (2) identify which bureaus need specific Departmental attention, (3) set realistic EEO goals, taking into account the total employment picture, (4) monitor and measure the effects of changes in personnel practices and policies, and (5) make EEO program results more visible to employees.

The evidence presented in this report on employees' attitudes and perceptions represents crude indicators for

a subtle and complex phenomenon. However, it does provide some indication of the "psychological" climate in the Department of Justice at a point in time. Such a climate is important because it can hinder or facilitate attainment of officially-stated EEO objectives. We believe the information presented in this report, gained by responses to our questionnaire, should be used by the Department to (1) identify areas where EEO affirmative action items ought to be developed and (2) measure progress from the baseline of data in this report.

During the period March through July 1978, we issued five reports on the EEO affirmative action programs in the seven bureaus--including OBD--which comprise the Justice Department. These reports identified numerous program problems which severely diminished program effectiveness. For example:

- Affirmative action plans were prepared without sufficient assessments of the bureaus' programs and management involvement, and action items were not monitored to insure that they were implemented.
- Comprehensive, periodic evaluations of the bureaus' EEO programs were not made.
- Organizational fragmentation of OBD limited its EEO effort.
- Sufficient personnel resources were not allocated for all programs.
- Recruiting objectives were not established to reach qualified minority and female applicants for key professional occupations.
- Data necessary for monitoring training and promotions for EEO purposes did not exist.
- Certain bureaus had not defined the extent of their upward mobility problem as a first step in the planning process or taken a skills survey for use in developing a useful program.
- Total EEO program cost estimates were not developed uniformly and were not fully reported by the bureaus.

We recommended over 90 specific actions which we believed would measurably improve the programs in the bureaus and the Department. The Department and the bureaus agreed with the general thrust of our recommendations, and told us that many actions had been or were being taken to remedy the program problems we observed. For example, the Department is developing regulations which will provide for (1) evaluating each Departmental EEO program, (2) assessing the adequacy of resources devoted to EEO activities, (3) quarterly reporting EEO progress to the Department, and (4) guidance for special emphasis programs. According to the Department, managers and supervisors were more involved in developing the 1978 and 1979 Affirmative Action Plan; significant progress has been made in reducing the discrimination complaint processing backlog; and the Special Emphasis Programs have become more active.

Since we began our review, the Department has taken action to correct EEO problems. However, more needs to be done to improve the EEO program. The Department and bureau heads need to systematically monitor progress in accomplishing EEO program action items; discrimination complaints should be analyzed to identify specific patterns or practices of discrimination in specific organizational units; and Departmental guidance is still needed with respect to defining the upward mobility problems and performing skills surveys for use in program development.

While salary disparity between white men, women, and minorities is a product of historical patterns and practices, the Department should continually monitor this situation in an effort to reduce the disparity.

We believe that to accomplish these tasks, a full-time EEO Director with direct access to the Attorney General is needed. This would eliminate any perceived or potential conflict of interest between EEO concerns and other responsibilities of the part-time director.

RECOMMENDATIONS

We agree with the Attorney General that:

"The Justice Department must take a lead among Federal agencies in the area of equal employment opportunity. The public has every right to expect that the internal personnel practices of the nation's chief law enforcement agency will be fair and applied without regard to race,

color, religion, sex, national origin, age, or, to the degree possible, physical limitation."

To help achieve this objective, we recommend that the Attorney General:

- Appoint a full-time EEO Director with direct access to the Attorney General to give full attention to EEO problems and concerns and to monitor actions taken to implement the recommendations contained in this report as well as in our five previous reports on the bureaus' EEO programs.
- Sample Justice employees' attitudes and perceptions, analyze responses, identify areas where EEO affirmative action items need to be developed, and measure progress using our data as a baseline.
- Use salary analysis and statistical modeling techniques to (1) help identify realistic EEO goals, (2) measure and monitor EEO progress, and (3) allow for periodic modification of EEO policies and practices.
- Examine the feasibility of instituting three EEO programs for OBD--a program for the administrative divisions, one for the legal divisions, and one for the Offices of the U.S. Attorneys.
- Insure that regulations are adopted to provide needed guidance for the Black Affairs and Hispanic Employment Programs. The regulations should also specify the minimum amount of time to be allocated for part-time coordinators to carry out their duties.
- Insure that the entire discrimination complaint process is evaluated to determine the existence of management deficiencies or systemic discriminatory practices; that problems causing delays in processing complaints are pinpointed and corrected; and that emphasis is placed on keeping complainants, counselors, investigators, and witnesses free from reprisal and interference during the complaint process.

AGENCY COMMENTS AND OUR EVALUATION

In commenting on our draft report, the Department of Justice generally agreed with the thrust of our recommendations. Although the Department agreed with the intent of

our recommendation to appoint a full-time EEO Director with direct access to the Attorney General, it is studying the advisability of having the Director report to the Assistant Attorney General for Administration. Justice officials feel that perhaps the Attorney General has less time to devote to EEO matters than does the Assistant Attorney General for Administration.

Since Justice is assessing the placement of the EEO Director within the organization, we strongly urge that the Director have access to the Attorney General, if needed, to provide sufficient visibility and authority for resolving EEO problems and concerns.

Justice also commented that the projections in the preliminary report (chapter 4) did not present an accurate picture of Justice's growth in minority employment. However, we have revised our preliminary report to more clearly state that our statistical projections represent a predictive model for GS employees only. We did not use these forecasting methods for Justice employees in other wage systems.

Although this report does not contain a recommendation to develop guidelines for maintaining total EEO program costs, Justice said it plans to issue such guidelines. This recommendation was contained in our bureau reports.

EEO FORECAST MODEL

The use of a statistical model is one approach that proved useful to several private industry companies trying to cope with the requirements of EEO affirmative action. Using this approach, management has been able to develop a planning and control model which facilitates the development of feasible EEO programs, and monitors annual progress in implementing such programs.

The EEO model used in this report was designed using a mathematical flow concept and programmed in the FORTRAN computer language. The model forecast the yearly movement or "flow" of personnel by GS-level, race, and sex for a specified period of years.

DATA SOURCE

The data used as input to the model was obtained from the Justice Uniform Personnel System (JUNIPER) which is a computerized personnel information system. All the data acquired was for a 42-month period: July 1, 1974 through December 31, 1977. Justice supplied the information on a total department basis as well as for individual bureaus and offices.

The data was reported by grade, sex, and ethnic category for all employees classified as permanent or indefinite. The specific categories of personnel actions included the number of accessions (hires), the number of attritions, and the number of promotions occurring during the periods July 1, 1974 to June 30, 1975; July 1, 1975 to June 30, 1976; July 1, 1976 to December 31, 1976; and January 1, 1977 to December 31, 1977. The staff balances were also obtained for employees as of June 30, 1974, 1975, 1976, and December 31, 1976 and 1977.

The number of staff promoted during a time period was obtained from JUNIPER using two different parameters to enable the identification of promotions involving a one- or two-level increase. First, all promotions to a grade level were extracted from the personnel files. Next, all promotions from a grade level were extracted from the personnel files. These two promotion extracts enabled all "two-level" promotions, such as GS-5 to GS-7, to be identified and used in calculating promotion probabilities of this type.

Data validity

We did not attempt to verify the accuracy of the JUNIPER data by direct audit. However, we satisfied ourselves that for forecasting purposes, the data was accurate within reasonable limits by

- comparing information provided to us with Justice's published information to assure that the data we obtained was complete,
- reconciling the ending balances to determine if summary figures were accurate, and
- discussing with Justice officials factors which could affect the accuracy of the data.

Assumptions

The following assumptions were made in developing the model and preparing the data for input.

- The three rates for determining promotion, attrition, and hiring probabilities are held constant throughout the forecast process.
- The Department of Justice will continue hiring personnel from ethnic/sex groups according to its recent historical hiring rates.
- Each employee in a given grade level at the beginning of a period has an equal probability of quitting or of being promoted. 1/

DATA PREPARATION

The data obtained from Justice was used to calculate personnel action probabilities and growth rates. Once the probabilities and rates were calculated, they were used as input for the EEO model. The following describes the data preparation process.

1/The promotion rate has not been equal for nonminority males, minority males, and females; therefore, the predictions of the model regarding advancement will be optimistic.

Hiring probability

The hiring probability for each ethnic and sex category for GS-1 to GS-18 was calculated for each period by dividing the hires for each ethnic/sex category by the total hires in that grade level. An average was then developed for the 3-1/2 year period. To illustrate, if an average of 1,000 staff were hired at the GS-5 level over the 3-1/2 year period and 100 of those were Black males, the probability for a Black male to be hired in the future, all things remaining equal, was .10 (100/1000).

Promotion probability

Promotion probability was calculated for each period by dividing the promotions in each grade level during the period by the staff balance for that grade level at the beginning of the period. A weighted average was then developed for the 3-1/2 year period. In the case of promotions involving a two-level increase, GS-5 to GS-7, probabilities were calculated for promotions to GS-6 and GS-7. The promotions between the two grade levels were determined by taking the total promotions reported from GS-5 and deducting the promotions reported to GS-6, the remainder being promotions to GS-7.

Attrition probability

Attrition probability was calculated for each period by dividing the attrition in each grade level during the period by the total number of people in the grade level at the beginning of the period. A weighted average was also developed for the attrition probability.

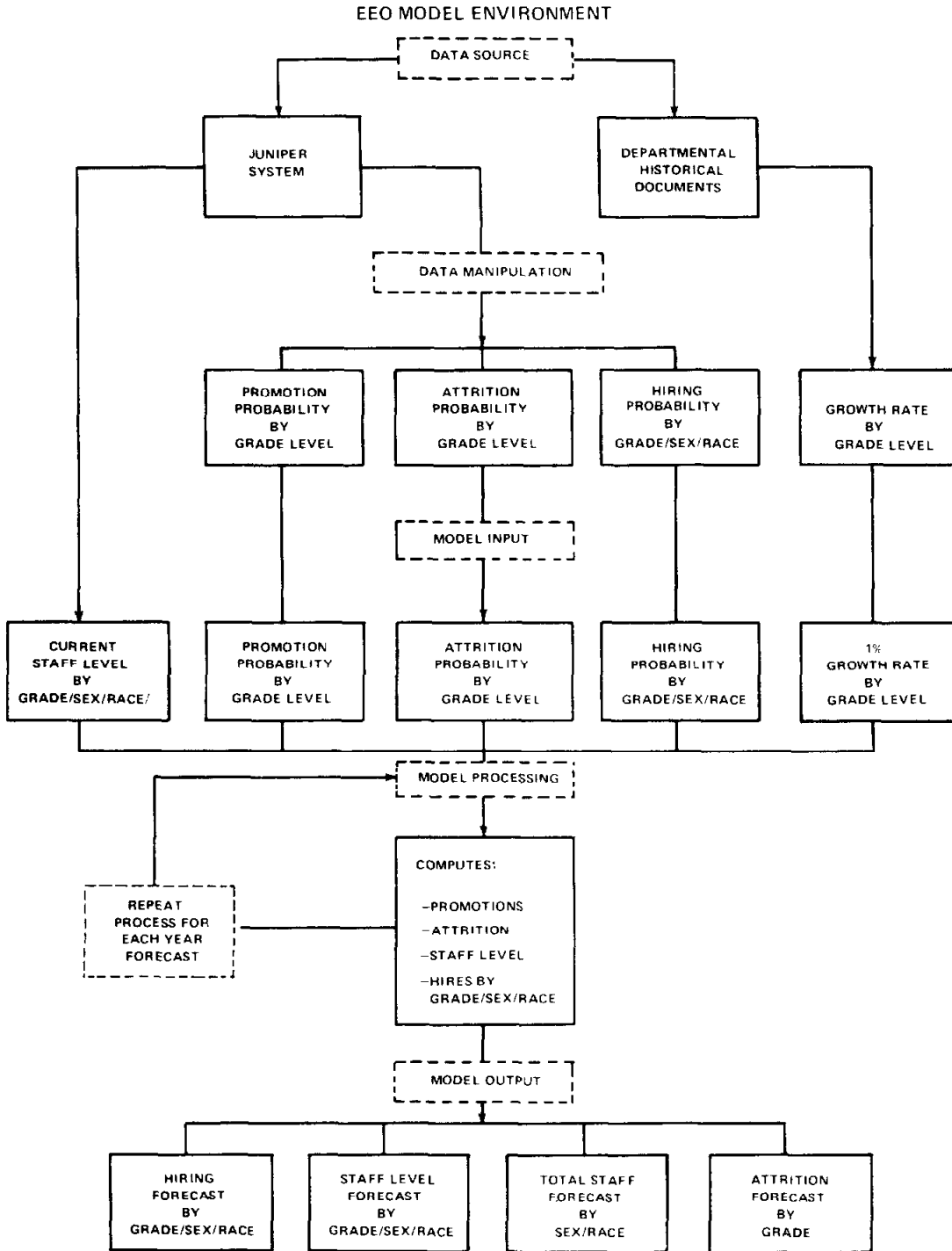
Growth rate

A growth rate of 1 percent was used after analyzing actual Department growth, from 45,022 staff in July 1974 to 47,743 staff in December 1977, reflecting a 1- to 2-percent growth rate per year.

MODEL OPERATIONS

Specifically, the model begins the forecasting process using the following data as input: Current staff level (base year), attrition probability, promotion probability to the next grade level, promotion probability for a two-level increase (GS-5 to GS-7, GS-7 to GS-9, GS-9 to GS-11), growth rate, hiring probability, and number of years to be forecast.

The model then uses a series of algorithms to forecast the yearend staff profile for the Department of Justice by grade level, sex, and race. The following general flow chart describes the function of the model's process.



During the process the following sequence of algorithms is repeated for each of the years to be forecast.

1. The retention probability for each grade level is determined by deducting from one the probability of attrition, promotion, and, when applicable, multiple promotion. The remainder is the probability that that portion of the grade level will be retained for the period.
2. The total number of hired staff for each grade level is forecast by calculating the staff growth (current staff balance multiplied by growth rate) and deducting the staff to be retained in that grade level. Promotions from the prior grade level are added to this figure. The model does not permit any hiring at a grade level where the staff balance forecast for a period exceeds the allowable growth.
3. The hiring ratio by race and sex is calculated by taking the total staff to be hired from each grade level and factoring it against the hiring probabilities established for each grade level. The probabilities are broken down for male and female by the following ethnic categories: white, Black, Hispanic, oriental, and North American Indian.
4. The staff balances at yearend are calculated by grade level, race, and sex by accumulating those staff retained, promoted, and hired for each grade level. The results of this calculation are then adjusted for promotions of two grade levels (GS-5/7, GS-7/9, GS-9/11).
5. The final series of algorithms calculates Justice totals for attrition by grade level, total staff by race and sex, and their percent to total staff.

SURVEY DESIGN

Data for the analyses of salary differentials, personnel attitudes and perceptions, and experiences with the discrimination complaint system were collected in the summer of 1977 by means of a questionnaire sent to a randomly selected sample of Justice Department employees. The sample was designed to permit statistical control of those factors which had been identified in past economic and social-psychological research as being related to salaries and attitudes. Thus, we expected a large part of the differences in salaries between minorities and whites to be due to their tendency--for whatever reason--to be in different occupations. In addition, we expected some differences in salaries due to such things as length of time employed by the Department, whether or not the individual was a supervisor or worked in Metropolitan Washington, and his or her level of education. Some of these same factors, along with a person's bureau, were expected to be associated with responses about attitudes and experiences with the discrimination complaint system.

Our sample was therefore structured into 39 cells--one for females, one for minority males, and one for white males in the 12 largest occupations in the Department and in a 13th classification of miscellaneous occupations. The 12 occupations accounted for 78 percent of the Department employees at the time of the survey. The 12 included the 6 which have historically been the most segregated. For each cell containing 100 or fewer individuals, we sampled all of the employees for our survey. If a cell contained more than 100 employees, we sampled a fractional number sufficient to result in about 100 participants from the cell. In those cells where sampling was required, selection was randomly done on social security numbers until the quota of 100 participants was reached.

RETURN RATE

The questionnaire was mailed in late June and early July 1977 to 3,574 employees who were selected for our survey. A total of 372 questionnaires were returned as nondeliverable because the addressee no longer worked for the Department or could not be located (e.g., due to turnover, transfer, or death). Removing these nondeliverables left a sample population of 3,202, of whom 2,511, or about 78 percent, returned questionnaires to us. However, not all of the returned questionnaires were usable. For example, to protect the anonymity of respondents, there were no

identifying marks on the questionnaires. Thus, the only available method of assigning respondents to proper sampling cells was to examine their answers to three questions: What is your sex? Are you a member of a minority group? What is your occupation? Respondents who failed to answer any one of the three questions could not be assigned to a sampling cell and therefore were not included in a number of analyses reported here.

Table 1 on the following page shows the population in each of the 39 sampling cells and the number of respondents in each one. As can be seen in the lower right of the table, 2,357 respondents could be classified as belonging in one of the 39 cells. The majority of those who could not be classified did not respond to the question about occupation.

In reviewing table 1, it should be remembered that an attempt was made to obtain 100 participants in each cell (except for the miscellaneous occupation where an attempt was made to obtain 200 participants). The return rate is therefore approximately interpretable as a percent in all those cases where the cell population exceeded 100.

Careful examination of table 1 shows that the return rate for minority males and females was lower than the return rate for white males. However, based on comparisons (presented in the following paragraphs) of our responses with Justice figures, there are few if any biases as a result of nonresponse. Therefore, the results reported in the rest of the study have been weighted so that they are proportional to the Department as a whole.

The cell populations on the data tapes provided by the Department from which the sampling was performed, totaled 49,964 with 64-percent males and 36-percent females. The Department of Justice Employment Factbook for the period January 1 to June 30, 1977, against whose figures we compared our returns, showed 53,131 total employees, with 67-percent males and 33-percent females. Since we weighted our sample to reflect the 49,964 figure, our averages and counts will vary somewhat from those representative of the 53,131 figure.

The number of employees according to the Factbook was 51,688, while the number of permanent Justice employees according to the figures we were provided was 49,964. The 53,131 shown in some charts would thus seem to include nonpermanent employees. When comparing our projections of permanent employees with Factbook figures on all employees, counts from the latter source for occupations which

TABLE I

SAMPLE CELL FREQUENCIES AND RESPONSE RATES

| Occupation | FEMALES | | WHITE MALES | | MINORITY MALES | |
|-------------------------------------|-----------------|---------------------|-----------------|---------------------|-----------------|---------------------|
| | Cell population | Number of responses | Cell population | Number of responses | Cell population | Number of responses |
| Clerk-typist | 978 | 89 | 40 | 31 | 24 | 16 |
| Clerk-steno reporter | 2,030 | 60 | 7 | 4 | 2 | 1 |
| Secretary | 1,866 | 99 | 12 | 8 | 1 | 1 |
| Mail/File | 2,167 | 41 | 693 | 50 | 373 | 30 |
| General clerical and administration | 3,123 | 80 | 2,015 | 95 | 511 | 40 |
| Correctional officer | 320 | 56 | 3,110 | 78 | 810 | 56 |
| Boarder patrol agent | 9 | 6 | 1,564 | 83 | 339 | 64 |
| Immigration inspection | 367 | 51 | 1,340 | 71 | 220 | 56 |
| Criminal investigation | 165 | 55 | 10,668 | 84 | 755 | 70 |
| Fingerprint identification | 668 | 55 | 630 | 80 | 152 | 56 |
| U.S. Marshal | 39 | 22 | 1,357 | 74 | 329 | 70 |
| General Attorney | 273 | 65 | 1,643 | 82 | 71 | 36 |
| Miscellaneous occupation | 5,590 | 129 | 4,865 | 186 | 838 | 127 |

TOTALS: Cell Population - 49,964
 Number of Responses - 2,357

have many nonpermanent employees should be higher than ours due to the larger universe, but average grades may be higher for our figures if nonpermanent employees tend to have lower grades. Some Justice employees may be hired as permanent but carried as nonpermanent, such as attorneys before they pass their bar exams.

Chart 1 depicts average female pay grade by bureau. Our averages are higher than those of the Factbook in all but INS. This difference may have resulted from a larger proportion of nonresponses from the lower grades than from the higher ones.

CHART 1
 FEMALES – AVERAGE GRADE AND PERCENT BY BUREAU

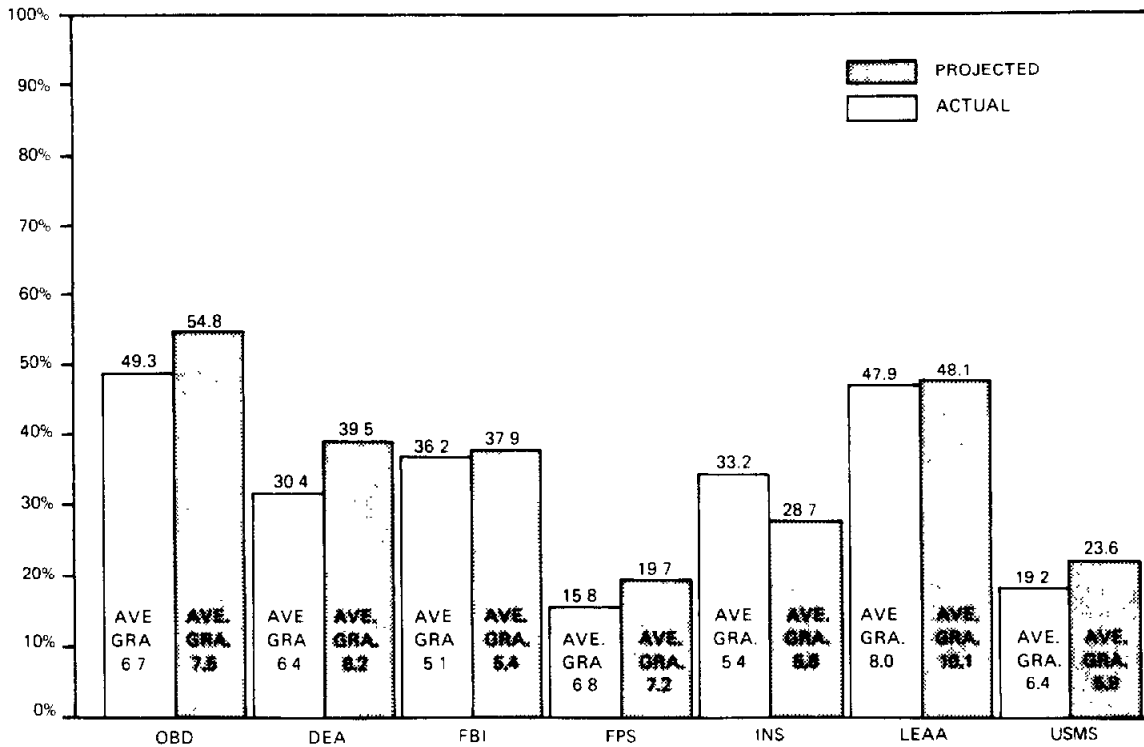
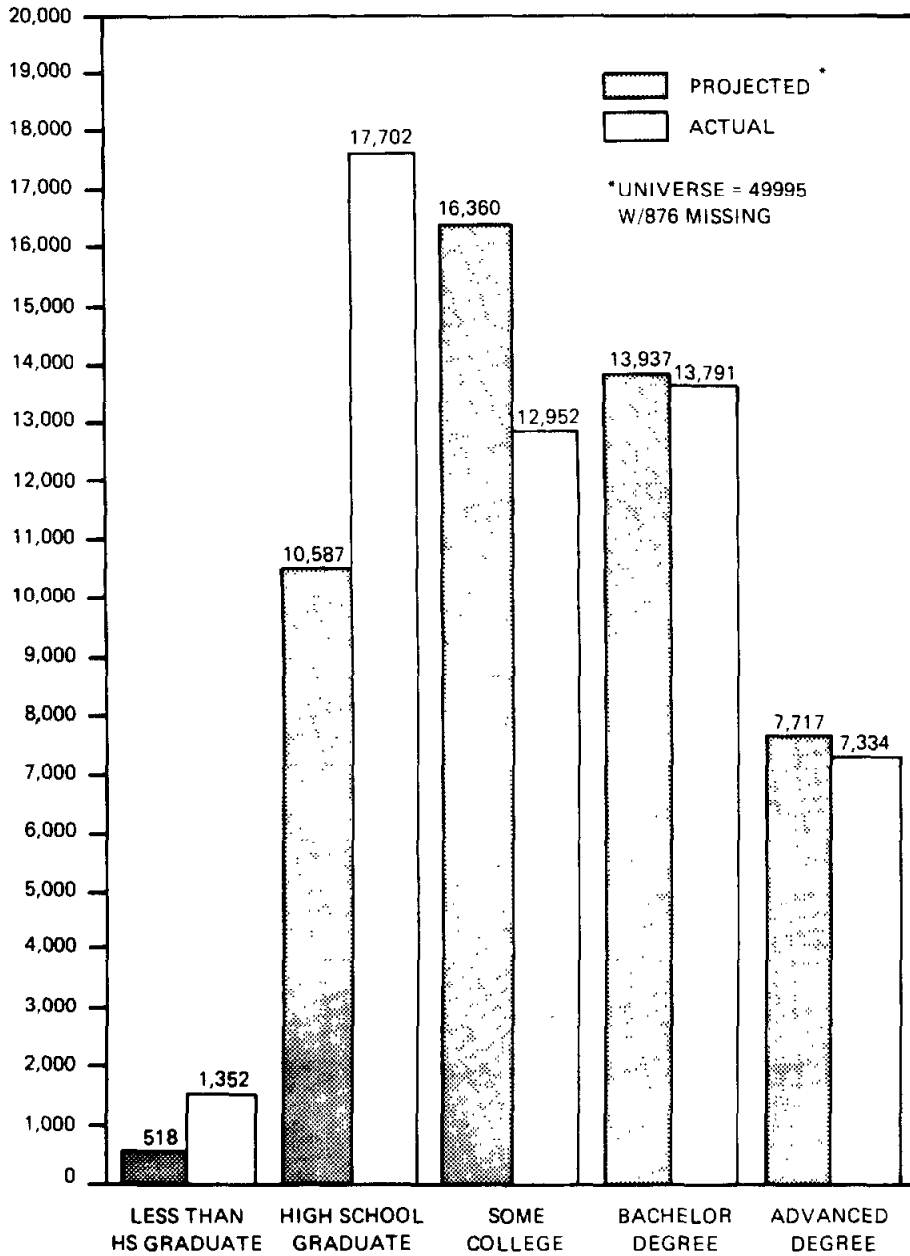


Chart 2 below depicts employment by highest education level. The Factbook figures shown are much higher than our projections in the "Less Than High School Graduate" and "High School Graduate" categories. Conversely, the Factbook figures for "Some College" is much lower than our projection.

CHART 2
EMPLOYMENT BY HIGHEST EDUCATION LEVEL ATTAINED



Our estimate of the number of minorities agrees quite well with the Factbook figures on employment in key occupations, as can be seen in chart 3. The difference in estimates of the number of attorneys results mainly from exclusion of ungraded U.S. attorneys from our General Attorney sampling frame.

CHART 3
MINORITY EMPLOYMENT IN KEY OCCUPATIONS

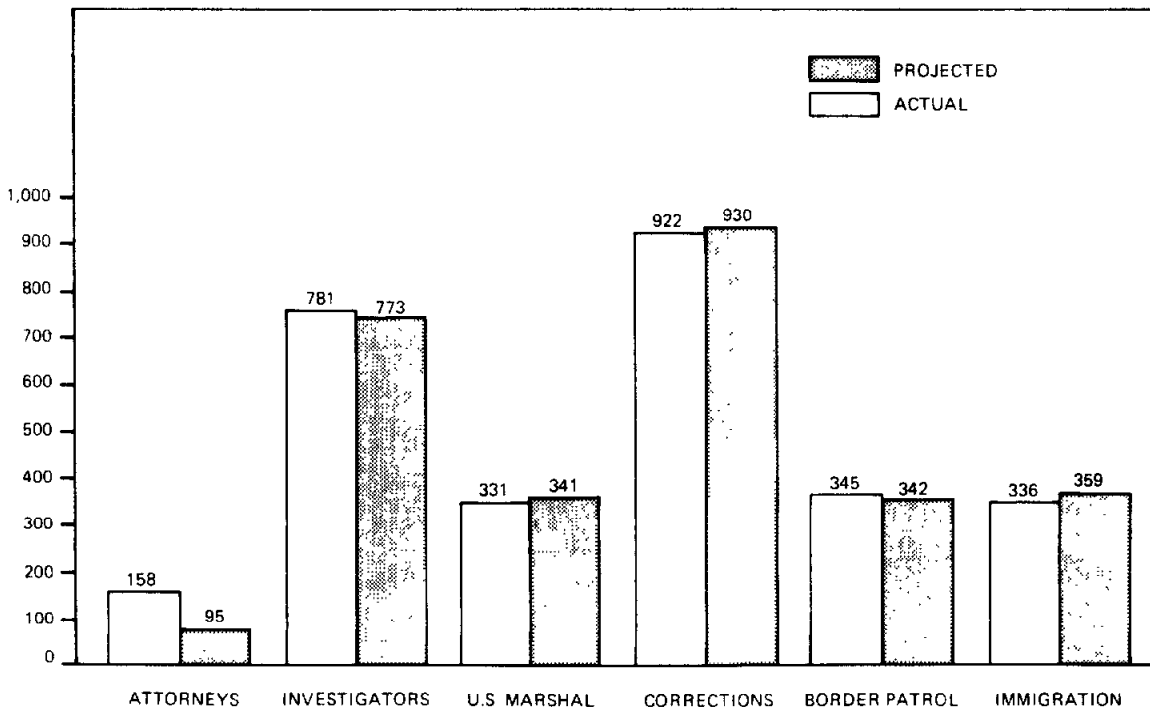
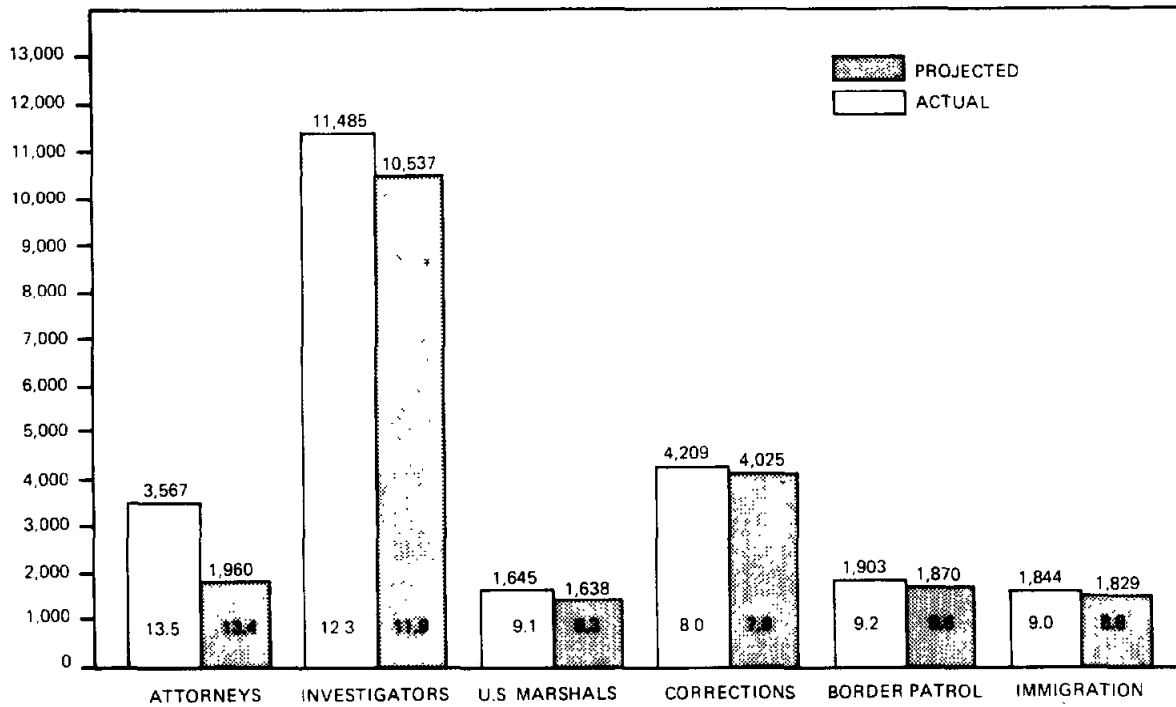


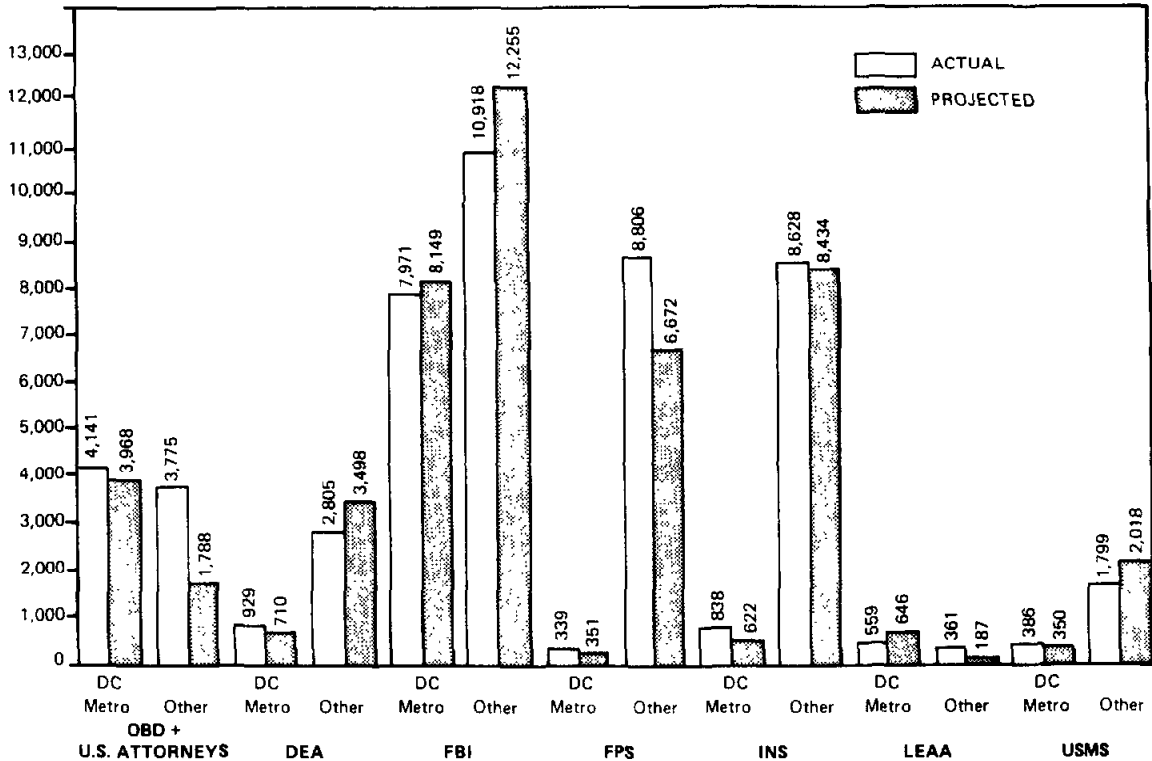
Chart 4 shows employment and average grade in key occupations. The few differences are again attributable to differing universe size, treatment of missing data and exclusion of ungraded U.S. attorneys. It should be noted that although we have a lower count of attorneys, the average grade for our projections is close to that in the Factbook.

CHART 4
EMPLOYMENT AND AVERAGE GRADE IN KEY OCCUPATIONS



Finally, on chart 5, depicting employment by geographic area, most of the differences are small and can be explained primarily by the difference in universe sizes, the treatment of missing data, and the Department of Justice Factbook's inclusion of nonpermanent employees.

CHART 5
EMPLOYMENT BY GEOGRAPHIC AREA



STATISTICAL ANALYSIS OF
SALARY DIFFERENTIALS

The major part of our analysis of salary differentials reported in chapter 3 was accomplished using the multiple regression analysis algorithm in version H7 of the Statistical Package for the Social Sciences. This algorithm was applied to an analysis file whose cell frequencies had been made proportional to their occurrence in the universe while simultaneously maintaining the same overall number of cases in the file as there were respondents to our questionnaire.

Separate analyses for (1) white males and women and (2) white and minority males were done within each of the 13 major occupational groupings formed for our study. A hierarchical model was used in testing the sums of squares and developing the salary residual. It consisted of entering the sex or race variable into a prediction equation which already included variables measuring supervisory status, office location, educational achievement, and, in one series of equations, seniority. The net effect of this procedure was to provide an estimate of how much sex or race uniquely contributed to improving the accuracy of the prediction equation. The results of these analyses, in terms of the size of the unstandardized regression coefficients for the race and sex variables (i.e., the residual salaries) are shown in the table on page 17.



OFFICIAL GOVERNMENT BUSINESS

U.S. GENERAL ACCOUNTING OFFICE

DUAL EMPLOYMENT OPPORTUNITY PROGRAMS
IN DEPARTMENT OF JUSTICE

result in concrete Justice employees. The views of departmental review.

ur sections. It asks you and your job. ION efforts, about respect to women EXPERIENCE with the information will be used analysis purposes only. to identify individuals.

this questionnaire will s. To allow for unique re a system of branches or example, if you ng program in the ed around questions ill be accomplished ng which Question

term "Bureau" is sions, as well as the NS, BOP/FPI, and

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< you.

BACKGROUND

1. What is your current grade and step? (for example, GS-7 Step 5)

Grade: _____

Step: _____

2. What is your highest level of education? (Check only one.)

- 1 Less than high school graduate
- 2 High school graduate (including GED diploma)
- 3 Attended college, technical, vocational, or business school
- 4 Bachelors Degree
- 5 Graduate study but no advanced degree
- 6 Advanced Degree (including LLB)

3. How old are you?

- 1 Less than 21 years 2 21 to 30 years
- 3 31 to 40 years 4 41 to 50 years
- 5 51 years or above

4. What is your sex?

- 1 Male 2 Female

5. Are you a member of a minority racial group (That is, Black, Hispanic, American Indian, Oriental, or Other)?

- 2 Yes 1 No

6. With which major functional area of the Department do you work?

- 1 Office of the Attorney General
- 2 Other Offices or Boards or Divisions
- 3 FBI 4 LEAA
- 5 DEA 6 INS
- 7 BOP/FPI 8 USMS

| | |
|--|--|
| <p>7. In what type of Office do you work?</p> <p><input type="checkbox"/> 1 National Headquarters</p> <p><input type="checkbox"/> 2 Region</p> <p><input type="checkbox"/> 3 District</p> <p><input type="checkbox"/> 4 Sector</p> <p><input type="checkbox"/> 5 Institution</p> <p><input type="checkbox"/> 6 Other. (Please specify.) _____</p> <hr/> <p>8. Where is this Office located?</p> <p><input type="checkbox"/> 1 Metropolitan Washington, D.C. (including suburban Maryland and Virginia)</p> <p><input type="checkbox"/> 2 NORTHEAST (Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware)</p> <p><input type="checkbox"/> 3 SOUTH (Maryland, Virginia, West Virginia, Kentucky, Tennessee, Arkansas, Louisiana, Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina)</p> <p><input type="checkbox"/> 4 NORTH CENTRAL (Ohio, Indiana, Illinois, Missouri, Iowa, Minnesota, Wisconsin, Michigan)</p> <p><input type="checkbox"/> 5 PLAINS and NORTHWEST (Kansas, Nebraska, South Dakota, North Dakota, Colorado, Wyoming, Montana, Utah, Idaho, Nevada, Oregon, Washington)</p> <p><input type="checkbox"/> 6 SOUTHWEST (California, Arizona, New Mexico, Texas, Oklahoma)</p> <p><input type="checkbox"/> 7 ALASKA, Hawaii, territories or foreign countries</p> <p>9. Are you an EEO officer, counselor, or investigator?</p> <p><input type="checkbox"/> 2 Yes <input type="checkbox"/> 1 No</p> | <p>10. Which of the following best describes your occupation? (Civil service occupational codes are given to help you check the one that best applies.)</p> <p><input type="checkbox"/> 01 Clerk typist (GS-322)</p> <p><input type="checkbox"/> 02 Clerk-Steno and Reporter (GS-312)</p> <p><input type="checkbox"/> 03 Secretary (GS-318)</p> <p><input type="checkbox"/> 04 Mail and File (GS-305)</p> <p><input type="checkbox"/> 05 General clerical and administrative (GS-301)</p> <p><input type="checkbox"/> 06 Correctional officer (GS-007).</p> <p><input type="checkbox"/> 07 Border Patrol Agent (GS-1896)</p> <p><input type="checkbox"/> 08 Immigration Inspection (GS-1816)</p> <p><input type="checkbox"/> 09 Criminal Investigating (GS-1811)</p> <p><input type="checkbox"/> 10 Fingerprint Identification (GS-072)</p> <p><input type="checkbox"/> 11 U.S. Marshal (GS-082)</p> <p><input type="checkbox"/> 12 General Attorney (GS-905)</p> <p><input type="checkbox"/> 13 Other, not listed. (Please specify.) _____</p> <hr/> <p>11. About how many years in total have you been in this occupation?</p> <p>_____ years.</p> <p>12. How long have you been employed by the Department of Justice?</p> <p>_____ years.</p> <p>PROGRAM DISSEMINATION</p> <p>13. Have you ever seen or been told about your Bureau's Affirmative Action Plan or do you have knowledge about such a Plan?</p> <p><input type="checkbox"/> 1 No (GO TO QUESTION 14.)</p> <p><input type="checkbox"/> 2 Yes (CONTINUE)</p> <p>Does your unit's employee bulletin board have a copy of your Bureau's Affirmative Action Plan?</p> <p><input type="checkbox"/> 2 Yes <input type="checkbox"/> 1 No <input type="checkbox"/> 9 Don't know</p> <p>Would you know how to go about obtaining a copy of the Plan if you wanted it?</p> <p><input type="checkbox"/> 2 Yes <input type="checkbox"/> 1 No <input type="checkbox"/> 8 I already have a copy</p> <p>Have you ever been asked for comments or suggestions on Affirmative Action plans for the Bureau?</p> <p><input type="checkbox"/> 2 Yes <input type="checkbox"/> 1 No</p> |
|--|--|

14. Have you ever seen or been told about EEO counselors or do you generally know what they are?

- No (GO TO QUESTION 15.)
- Yes (CONTINUE)

Does your unit's employee bulletin board have something identifying the EEO counselors?

- Yes
- No
- Don't know

Would you know how to go about identifying EEO counselors in your Bureau?

- Yes
- No
- I already know or have a list of this Bureau's EEO counselors

15. Have you received an orientation to the EEO program in your Bureau or in the Department of Justice?

- No (GO TO QUESTION 16.)
- Yes (CONTINUE)

Which of the following did that orientation cover? (Check each that applies.)

- The EEO complaint system
- The role of managers and supervisors in EEO
- The role of EEO counselors
- Other. (Please specify.) _____

About how long did the orientation last?

- 1 hour
- 2-3 days
- 2-4 hours
- 4-5 days
- 5-8 hours
- more than 5 days

How adequate was that orientation in informing you about what the EEO program is all about?

- Very adequate
- Somewhat adequate
- Neither adequate nor inadequate
- Somewhat inadequate
- Very inadequate

16. Have you participated in an in-house Supervisory, Management, or Executive Development training program in the past 12 months?

- No (GO TO QUESTION 17.)
- Yes (CONTINUE)

Was EEO or affirmative action covered as a topic during that training program?

- No (GO TO QUESTION 17.)
- Yes (CONTINUE)

Was the EEO part of that training the same orientation to the EEO program you described in Question 13?

- Yes
- No

Compared with other topics covered in that training program, the time spent on EEO and affirmative action was:

- Very much below average
- Slightly below average
- About average
- Slightly above average
- Very much above average

In your best judgement, the time spent on EEO and affirmative action was:

- Much too long
- A little too long
- About right
- A little too short
- Much too short

Which of the following training methods was used to present the EEO/affirmative action part of the program? (Check each that applies.)

- Lecture
- Class discussion only
- Class discussion with printed cases
- Role playing
- Audio-visual aids (slides, film, tape, etc.)
- Other. (Please specify.) _____

On the whole, what would you say were the objectives of the EEO/affirmative action part of the program? (Check each that applies.)

- Present a positive image of women and minorities as managers
- Increase awareness of social and legal ramifications of discrimination
- Satisfy a Civil Service Commission requirement for this type of training
- Change the behavior of supervisors and managers toward women and minorities
- Other. (Please specify.) _____

17. Do you receive any Bureau publications or information concerned with EEO and affirmative action (e.g., newsletters, leaflets, training program announcements)?

- 2 Yes
- 1 No

18. Have you and your supervisor discussed any of the following during the last 12 months? (Check each that applies.)

- 1 Your job performance (other than during your annual performance evaluation)
- 1 Opportunities for promotion
- 1 Equal Employment Opportunity
- 1 Your training needs
- 1 Redesign of your job
- 1 Effective utilization of your skills
- 1 None of the above

19. Have you ever received copies of "Women in Justice" or "Equal Times"? (Check only one.)

- 1 No, and I've never heard of these publications.
- 2 No, but I've heard about one or the other of them.
- 3 Yes, both.
- 4 Yes, "Women in Justice".
- 5 Yes, "Equal Times".

ATTITUDES AND PRACTICES

20. Are you a supervisor or manager of 3 or more people?

- 1 No (GO TO QUESTION 21.)
- 2 Yes (CONTINUE)

If a white male who worked for you was continuing to perform unsatisfactorily despite repeated efforts by you and others to improve his performance, would you initiate actions to demote or dismiss him?

- 2 Yes
- 1 No

If the male described above was a member of a minority racial group, would you initiate actions to demote or dismiss him?

- 2 Yes
- 1 No

If the person described above was a female, would you initiate actions to demote or dismiss her?

- 2 Yes
- 1 No

21. Below are a series of descriptive terms which might be used to characterize people in general. Please use this list to tell us what you think women in general are like. Please rate each word or phrase in terms of how likely it is to be characteristic of women in general.

| | Very likely | Somewhat likely | Neither likely nor unlikely | Somewhat unlikely | Very unlikely |
|--------------|-------------|-----------------|-----------------------------|-------------------|---------------|
| Aggressive | 5 | 4 | 3 | 2 | 1 |
| Indecisive | 5 | 4 | 3 | 2 | 1 |
| Self-reliant | 5 | 4 | 3 | 2 | 1 |
| Moody | 5 | 4 | 3 | 2 | 1 |
| Industrious | 5 | 4 | 3 | 2 | 1 |
| Sensitive | 5 | 4 | 3 | 2 | 1 |
| Competitive | 5 | 4 | 3 | 2 | 1 |
| Dependable | 5 | 4 | 3 | 2 | 1 |
| Intelligent | 5 | 4 | 3 | 2 | 1 |
| Disciplined | 5 | 4 | 3 | 2 | 1 |

22. Do you believe your Bureau is more selective in HIRING minority and female employees than white males?

- 2 Yes (CONTINUE)
- 1 No (CONTINUE)

Regardless of your response, which of the following describes the reason(s) you believe this. (Check each that applies.)

- 1 Everyone is hired on an equal basis.
- 1 I know of qualified and deserving minorities or women who were not hired while others who were less qualified and deserving were hired over them.
- 1 The Bureau has been bending over backwards to hire enough minorities and females to fill quotas.
- 1 Women and minorities are screened much more carefully.
- 1 The Bureau does not want to do a disservice to these groups by hiring people into jobs they cannot handle for physical or other reasons.
- 1 No specific reason; just a feeling.
- 1 Other. (Please check the box and specify.) _____

23. Do you believe your Bureau is more selective in PROMOTING minority and female employees than white males?

Yes (CONTINUE)

No (CONTINUE)

Regardless of your response, which of the following describes the reason(s) you believe this. (Check each that applies.)

Everyone is promoted on an equal basis.

I know of qualified and deserving minorities or women who were not promoted while others who were less qualified and deserving were promoted over them.

The Bureau has been bending over backwards to promote enough minorities and females to fill quotas.

Women and minorities are screened much more carefully.

The Bureau does not want to do a disservice to these groups by promoting people into jobs they cannot handle for physical or other reasons.

No specific reason; just a feeling.

Other. (Please check the box and specify.) _____

24. Is your immediate supervisor a male?

Yes

No

25. Is your immediate supervisor a member of a minority racial group (i.e., Black, Hispanic, American Indian, Oriental, or other)?

Yes

No

Note: For Questions 26-30, "co-workers" are those Justice Department personnel at your level or below it and with whom you work on a fairly regular basis.

26. Females represent about what percentage of your co-workers?

None

Less than half

About half

More than half

All

27. About what percentage of your co-workers are members of minority racial groups?

None

Less than half

About half

More than half

All

28. How often have you discussed work or your career development over a luncheon or after business hours with your immediate supervisor and your co-workers? (Check one from each column.)

| | Supervisor | Co-workers |
|------------------------|-------------------------------------|--------------------------|
| Everyday | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| A few times each week | <input type="checkbox"/> | <input type="checkbox"/> |
| About once a week | <input type="checkbox"/> | <input type="checkbox"/> |
| Once or twice a month | <input type="checkbox"/> | <input type="checkbox"/> |
| Less than once a month | <input type="checkbox"/> | <input type="checkbox"/> |
| Never | <input type="checkbox"/> | <input type="checkbox"/> |

29. Have you ever traveled out of town on an overnight business trip?

1 No (GO TO QUESTION 30.)

2 Yes (CONTINUE)

How often have you made these trips with your immediate supervisor and one of your co-workers? (Check one from each column.)

| | Supervisor | Co-workers |
|-----------|----------------------------|----------------------------|
| Often | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Sometimes | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 |
| Rarely | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 |
| Never | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 |

30. Please indicate the extent to which each statement below is true of your immediate supervisor and co-workers in your unit.

| | Very great extent | Great extent | Some extent | Little extent | Very little extent |
|---|----------------------------|----------------------------|----------------------------|----------------------------|----------------------------|
| IMMEDIATE SUPERVISOR | | | | | |
| Maintained high standards of performance | <input type="checkbox"/> 5 | <input type="checkbox"/> 4 | <input type="checkbox"/> 3 | <input type="checkbox"/> 2 | <input type="checkbox"/> 1 |
| Encouraged unit to give its best effort | <input type="checkbox"/> 5 | <input type="checkbox"/> 4 | <input type="checkbox"/> 3 | <input type="checkbox"/> 2 | <input type="checkbox"/> 1 |
| Listened to my problems | <input type="checkbox"/> 5 | <input type="checkbox"/> 4 | <input type="checkbox"/> 3 | <input type="checkbox"/> 2 | <input type="checkbox"/> 1 |
| Had confidence and trust in me | <input type="checkbox"/> 5 | <input type="checkbox"/> 4 | <input type="checkbox"/> 3 | <input type="checkbox"/> 2 | <input type="checkbox"/> 1 |
| CO-WORKERS | | | | | |
| Maintained high standards of performance | <input type="checkbox"/> 5 | <input type="checkbox"/> 4 | <input type="checkbox"/> 3 | <input type="checkbox"/> 2 | <input type="checkbox"/> 1 |
| Encouraged each other to give best effort | <input type="checkbox"/> 5 | <input type="checkbox"/> 4 | <input type="checkbox"/> 3 | <input type="checkbox"/> 2 | <input type="checkbox"/> 1 |
| Listened to what I said | <input type="checkbox"/> 5 | <input type="checkbox"/> 4 | <input type="checkbox"/> 3 | <input type="checkbox"/> 2 | <input type="checkbox"/> 1 |
| Merited my confidence and trust | <input type="checkbox"/> 5 | <input type="checkbox"/> 4 | <input type="checkbox"/> 3 | <input type="checkbox"/> 2 | <input type="checkbox"/> 1 |

31. Please use the list below to tell us what you think minority males in general are like. Rate each term below as to how likely it is characteristic of minority males in general.

| | Very likely | Somewhat likely | Neither likely nor unlikely | Somewhat unlikely | Very unlikely |
|--------------|----------------------------|----------------------------|-----------------------------|----------------------------|----------------------------|
| Aggressive | <input type="checkbox"/> 5 | <input type="checkbox"/> 4 | <input type="checkbox"/> 3 | <input type="checkbox"/> 2 | <input type="checkbox"/> 1 |
| Indecisive | <input type="checkbox"/> 5 | <input type="checkbox"/> 4 | <input type="checkbox"/> 3 | <input type="checkbox"/> 2 | <input type="checkbox"/> 1 |
| Self-reliant | <input type="checkbox"/> 5 | <input type="checkbox"/> 4 | <input type="checkbox"/> 3 | <input type="checkbox"/> 2 | <input type="checkbox"/> 1 |
| Moody | <input type="checkbox"/> 5 | <input type="checkbox"/> 4 | <input type="checkbox"/> 3 | <input type="checkbox"/> 2 | <input type="checkbox"/> 1 |
| Industrious | <input type="checkbox"/> 5 | <input type="checkbox"/> 4 | <input type="checkbox"/> 3 | <input type="checkbox"/> 2 | <input type="checkbox"/> 1 |
| Sensitive | <input type="checkbox"/> 5 | <input type="checkbox"/> 4 | <input type="checkbox"/> 3 | <input type="checkbox"/> 2 | <input type="checkbox"/> 1 |
| Competitive | <input type="checkbox"/> 5 | <input type="checkbox"/> 4 | <input type="checkbox"/> 3 | <input type="checkbox"/> 2 | <input type="checkbox"/> 1 |
| Dependable | <input type="checkbox"/> 5 | <input type="checkbox"/> 4 | <input type="checkbox"/> 3 | <input type="checkbox"/> 2 | <input type="checkbox"/> 1 |
| Intelligent | <input type="checkbox"/> 5 | <input type="checkbox"/> 4 | <input type="checkbox"/> 3 | <input type="checkbox"/> 2 | <input type="checkbox"/> 1 |
| Disciplined | <input type="checkbox"/> 5 | <input type="checkbox"/> 4 | <input type="checkbox"/> 3 | <input type="checkbox"/> 2 | <input type="checkbox"/> 1 |

32. All of us are occasionally bothered by certain kinds of things in our work. Please indicate how often you feel bothered by each of the following things.

| | Almost never | Rarely | Some times | Rather often | Nearly all the time |
|--|----------------------------|----------------------------|----------------------------|----------------------------|----------------------------|
| Not knowing what opportunities for advancement exist for you. | <input type="checkbox"/> 1 | <input type="checkbox"/> 2 | <input type="checkbox"/> 3 | <input type="checkbox"/> 4 | <input type="checkbox"/> 5 |
| Feeling that you're not fully qualified to handle your job. | <input type="checkbox"/> 1 | <input type="checkbox"/> 2 | <input type="checkbox"/> 3 | <input type="checkbox"/> 4 | <input type="checkbox"/> 5 |
| Not knowing just what the people you work with expect of you. | <input type="checkbox"/> 1 | <input type="checkbox"/> 2 | <input type="checkbox"/> 3 | <input type="checkbox"/> 4 | <input type="checkbox"/> 5 |
| Feeling that your grade, step, or salary increases are not what they could or should be. | <input type="checkbox"/> 1 | <input type="checkbox"/> 2 | <input type="checkbox"/> 3 | <input type="checkbox"/> 4 | <input type="checkbox"/> 5 |
| Feeling that your job tends to interfere with your family or home life. | <input type="checkbox"/> 1 | <input type="checkbox"/> 2 | <input type="checkbox"/> 3 | <input type="checkbox"/> 4 | <input type="checkbox"/> 5 |

33. Compared with others doing similar type work, how have you been treated with respect to the following?

| | Much better | Better | About the same | Worse | Much worse |
|---|-------------|--------|----------------|-------|------------|
| Responsibilities given to you | 5 | 4 | 3 | 2 | 1 |
| Promotions | 5 | 4 | 3 | 2 | 1 |
| Training | 5 | 4 | 3 | 2 | 1 |
| Awards | 5 | 4 | 3 | 2 | 1 |
| Job Assignments | 5 | 4 | 3 | 2 | 1 |
| Discipline | 5 | 4 | 3 | 2 | 1 |
| Utilization of your skills | 5 | 4 | 3 | 2 | 1 |

34. Please indicate the extent of your agreement with each of the following statements.

| | Strongly agree | Moderately agree | Neither agree nor disagree | Moderately disagree | Strongly disagree |
|--|----------------|------------------|----------------------------|---------------------|-------------------|
| Top management in the office where you work is firmly committed to EEO. | 5 | 4 | 3 | 2 | 1 |
| My Bureau is doing too much in the way of EEO. | 5 | 4 | 3 | 2 | 1 |
| EEO/affirmative action programs in my Bureau have been helpful to groups other than minorities or women. | 5 | 4 | 3 | 2 | 1 |
| A woman with adequate training and experience can perform any job in my Bureau. | 5 | 4 | 3 | 2 | 1 |
| A minority male with adequate training and experience can perform any job in my Bureau. | 5 | 4 | 3 | 2 | 1 |
| Women are usually less reliable on the job than men. | 5 | 4 | 3 | 2 | 1 |
| White males tend to get away with lower performance in my Bureau than minorities or females. | 5 | 4 | 3 | 2 | 1 |

35. Please use the list below to tell what you think about successful people in your line of work. Please rate each word or phrase in terms of how likely it is to be characteristic of successful people in your occupation.

| | Very likely | Somewhat likely | Neither likely nor unlikely | Somewhat unlikely | Very unlikely |
|--------------|-------------|-----------------|-----------------------------|-------------------|---------------|
| Aggressive | 5 | 4 | 3 | 2 | 1 |
| Indecisive | 5 | 4 | 3 | 2 | 1 |
| Self-reliant | 5 | 4 | 3 | 2 | 1 |
| Moody | 5 | 4 | 3 | 2 | 1 |
| Industrious | 5 | 4 | 3 | 2 | 1 |
| Sensitive | 5 | 4 | 3 | 2 | 1 |
| Competitive | 5 | 4 | 3 | 2 | 1 |
| Dependable | 5 | 4 | 3 | 2 | 1 |
| Intelligent | 5 | 4 | 3 | 2 | 1 |
| Disciplined | 5 | 4 | 3 | 2 | 1 |

| EXPERIENCE WITH EEO COMPLAINT SYSTEM | |
|--|--|
| <p>36. While an employee of the Department of Justice have you ever been discriminated against?</p> <p><input type="checkbox"/> No (GO TO QUESTION 39.)</p> <p><input type="checkbox"/> Yes (CONTINUE)</p> <p>For what reason do you believe this discrimination occurred? (Check each that applies.)</p> <p><input type="checkbox"/> Race</p> <p><input type="checkbox"/> Sex</p> <p><input type="checkbox"/> Age</p> <p><input type="checkbox"/> Religious beliefs</p> <p><input type="checkbox"/> Marital status</p> <p><input type="checkbox"/> Physical handicap</p> <p><input type="checkbox"/> Politics</p> <p><input type="checkbox"/> Other. (Please specify.) _____</p> <p>_____</p> | <p>Were you subjected to restraint, interference, coercion, or reprisal by a supervisor or manager during the counseling stage of complaint processing?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> |
| <p>37. Did you contact an EEO counselor to discuss the action you thought was discriminatory against you?</p> <p><input type="checkbox"/> No (GO TO QUESTION 40.)</p> <p><input type="checkbox"/> Yes (CONTINUE)</p> | <p>Were you subjected to restraint, interference, coercion, or reprisal by members of your workgroup during the counseling stage of complaint processing?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> |
| <p>Were you advised that your identity need not be disclosed during the counselor's attempt to resolve the matter informally?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> | <p>Was your complaint resolved in the informal counseling stage?</p> <p><input type="checkbox"/> Yes (STOP. You have completed the questionnaire)</p> <p><input type="checkbox"/> No (CONTINUE)</p> |
| <p>Were you advised that you have a right to file a formal complaint if counseling was not completed in 21 days or the complaint was not resolved to your satisfaction?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> | <p>Did the counselor attempt in any way to restrain you from filing a formal complaint of discrimination?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> |
| <p>Did the counselor inform you of your right to have a representative of your choice at all stages of the complaint process?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> | <p>Did you file a formal complaint?</p> <p><input type="checkbox"/> No (GO TO QUESTION 38.)</p> <p><input type="checkbox"/> Yes (CONTINUE)</p> |
| | <p>Were you subjected to restraint, interference, coercion, or reprisal by members of your workgroup during the formal stage of complaint processing?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> |
| | <p>Were you subjected to restraint, interference, coercion, or reprisal by a supervisor or manager during the formal stage of complaint processing?</p> <p><input type="checkbox"/> No (STOP. You have completed the questionnaire.)</p> <p><input type="checkbox"/> Yes (STOP. You have completed the questionnaire.)</p> |
| | <p>38. Please use the list below to describe the reason(s) you did not file a formal complaint and then STOP - you have completed the questionnaire.</p> <p><input type="checkbox"/> Personal or family reasons</p> <p><input type="checkbox"/> Fear of reprisals</p> <p><input type="checkbox"/> Complaint processing too long</p> <p><input type="checkbox"/> Other. (Please specify.) _____</p> <p>_____</p> <p>_____</p> |

| | |
|---|--|
| <p>39. Would you start an EEO complaint if you felt you had been discriminated against?</p> <p><input checked="" type="checkbox"/> 2 Yes <i>(STOP. You have completed the questionnaire.)</i></p> <p><input type="checkbox"/> 1 No</p> <p><input type="checkbox"/> 9 Don't know</p> <p>40. Which of the following describes the reason(s) why you are uncertain or would not file a complaint? <i>(Check each that applies.)</i></p> <p><input type="checkbox"/> 1 I don't know what is involved in starting a complaint</p> <p><input type="checkbox"/> 1 I am not a member of a minority group or a female, so I don't feel as if the EEO complaint system was designed for me</p> <p><input type="checkbox"/> 1 I do not believe those who decide on complaints are capable of being impartial</p> <p><input type="checkbox"/> 1 I believe that others might take reprisals if I did file a complaint.</p> <p><input type="checkbox"/> 1 I feel it would take too long to have my complaint processed.</p> <p><input type="checkbox"/> 1 I believe it would be too difficult to prove my claim because discrimination is too subtle.</p> <p><input type="checkbox"/> 1 I am a supervisor or a manager and don't feel as if the EEO complaint system was designed for me</p> <p><input type="checkbox"/> 1 Other. <i>(Please specify)</i> _____ _____ _____</p> | <p>Thank you for your cooperation. By completing and returning this questionnaire you have made a major contribution to the study of EEO programs in the Department of Justice</p> |
|---|--|

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

AFFIRMATIVE ACTION PROGRAM
OF THE IMMIGRATION AND
NATURALIZATION SERVICE
SHOULD BE IMPROVED

D I G E S T

At the request of the Chairman, Subcommittee on Civil and Constitutional Rights, House Committee on the Judiciary, GAO reviewed the equal employment opportunity program of the Immigration and Naturalization Service, a component of the Department of Justice.

GAO's analysis showed that for the period July 1, 1974, through December 31, 1976:

- The number of women employed by the Service on a permanent basis increased from 2,370 to 2,963, and their percentage of the agency's permanent work force increased from 30.7 to 32.
- The number of minority persons 1/ employed by the agency on a permanent basis increased from 1,767 to 2,517, and their percentage of the permanent work force increased from 22.9 to 27.3.

At December 31, 1976, the permanent work force of the Service totaled 9,254. Of this total, 4,879 employees were in the key professional occupations of attorney, investigator, border patrol agent, and immigration inspector. The remaining 4,375 were in the "other occupation" category (including administrative, clerical, and blue-collar positions).

1/For the purpose of this report, minority persons are defined as Blacks, Hispanics, Asian Americans, and Native Americans.

At December 31, 1976, women accounted for 7.7 percent, and minorities 15.9 percent, of all employees in key professional occupations. Women accounted for 11.6 percent of all permanent employees in GS-7 or above (or equivalent) positions, and minorities 17.1 percent. As these statistics indicate, a number of improvements should be made in the Service's affirmative action program.

NEED FOR MORE SYSTEMATIC
PROGRAM PLANNING AND MANAGEMENT

To improve planning and implementation of its affirmative action program, the Service should determine where its equal employment opportunity program should be placed in the organization and what the structure of the program should be, provide the program with adequate staff resources, and determine the amount of money being spent on the program. The Service should also evaluate how well the program is being implemented. (See ch. 3.)

IMPROVEMENTS NEEDED IN THE SERVICE'S
EQUAL EMPLOYMENT OPPORTUNITY PLANS

The Service should involve its managers and supervisors in developing improved equal employment opportunity plans. The Service also needs to coordinate the plans with other Justice bureaus, and to evaluate the plans to help insure that "action items" are implemented. (See ch. 4.)

NEED TO IMPROVE MINORITY AND
FEMALE RECRUITING EFFORTS

The Service has recognized that there are low percentages of minorities and females in certain occupations; no specific recruiting goals have been established to help remedy this situation. The Service should develop specific recruiting goals for females and minorities and monitor subsequent recruiting

efforts to determine whether established goals are being achieved. A formal minority and female recruiting program needs to be established. (See ch. 5.)

NEED TO HELP INSURE EQUAL OPPORTUNITY
IN TRAINING AND PROMOTIONS

The Service needs to maintain and analyze training and promotion statistics to help insure that equal opportunity in training and promotions is afforded to all employees. The analyses should include (1) time-in-grade comparison studies of promotions for minorities and women versus promotions for nonminorities and men and (2) studies of discrimination complaints concerning promotions to identify potential management deficiencies, equal employment opportunity problems, and discriminating practices. (See ch. 6.)

IMPROVEMENTS NEEDED IN THE SERVICE'S
DISCRIMINATION COMPLAINT SYSTEM

The Service can take a number of actions to improve its discrimination complaint system. For example, the Service needs to help insure that data on counseling activities is complete and accurate and to better organize the formal complaint files. (See ch. 7.)

AGENCY COMMENTS

Although the Commissioner of the Service was not given the opportunity to submit formal comments on this report, in January 1978 the findings and recommendations were discussed with Service officials responsible for the equal employment opportunity program.

These officials provided GAO with updated data and mentioned actions taken in implementing GAO's recommendations, including the following:

- The equal employment opportunity affirmative action programs have been removed from the staffing function and are now a separate branch in the personnel division.
- The merit staffing plan II, an appraisal system implemented in 1977, contains a rating element to measure supervisors' equal employment opportunity performance. A Justice Department annual performance appraisal system will be implemented in the Service in 1978 and will provide for appraisal of equal employment opportunity responsibilities.
- Recruiting goals for minorities and women have been established nationwide for fiscal year 1978, and a 5-year plan is being developed.
- Counselor reporting requirements were expanded in 1977 to include the collection and review of all monthly reports by the regional equal employment opportunity specialist, in addition to expanding the required information of the forms themselves. (See pp. 37 and 38.)

RECOMMENDATIONS

GAO's recommendations for improvements in the Service's affirmative action program are on pp. 19, 22, 24, 27, and 36.

REPORT BY THE
COMPTROLLER GENERAL

THE DRUG ENFORCEMENT
ADMINISTRATION'S AFFIRMATIVE
ACTION PROGRAM SHOULD BE
IMPROVED

D I G E S T

What progress has been made toward increasing the representation and improving the distribution of women and minorities in the Drug Enforcement Administration's work force?

From July 1, 1974, through December 31, 1976, the total number of women employed on a permanent basis increased from 1,117 to 1,184. The total number of minorities it employed on a permanent basis increased from 434 to 823.

At December 31, 1976, women accounted for 2.8 percent and minorities for 15.6 percent of the total number of investigators employed. Among its 17 attorneys there were no women or minorities. In grades GS-7 or above, women accounted for 12.7 percent of permanent employees and minorities for 16.3 percent.

The equal employment opportunity program should be evaluated and a realistic estimate made of its staff to accomplish its desired objectives. All managers and supervisors should comply with procedures for equal employment opportunity program evaluation and followup.

In addition to hiring goals, recruiting goals should be established. This would further improve minority representation as investigators and female and minority representation in other occupations.

Some progress has been made toward equalizing the employment situation. However, more can be done. GAO recommends several improvements to the equal employment opportunity affirmative action program in the areas of program implementation; development and evaluation of

affirmative action program plans; recruiting; training, promotions, and upward mobility; and the discrimination complaint system. (See pp. 12, 16, 26, 31, and 39.)

AGENCY COMMENTS

Although the Administrator was not given the opportunity to submit formal comments on this report in order to issue it in time for scheduled hearings, the findings and recommendations were discussed with officials responsible for the equal employment opportunity program.

Agency officials provided GAO with the following information, which represents updated data, as well as actions taken in response to GAO's recommendations.

The Drug Enforcement Administration is currently undergoing a reorganization.

One regional equal employment opportunity coordinator now serves up to three domestic regional offices. But the Agency emphasized that the problem of too few coordinators will be resolved when reorganization of the Agency's domestic offices becomes effective on October 1, 1978. The reorganization plan provides for one coordinator for each of the five domestic regions.

Also, managers and supervisors are now involved in the development of equal employment opportunity plans.

The Advisory Council has been abolished and will be replaced by a committee composed of representatives from each of the equal employment opportunity special emphasis groups (Federal Women's Program, Spanish Speaking Program, and Black Affairs Program).

The Agency's position descriptions have been modified to include descriptions of collateral equal employment opportunity duties.

Regarding delays in complaint processing, the Agency said problems occur at the complaint adjudication officer level in the Department of Justice.

In fiscal year 1977 the Agency issued an employee's handbook outlining the complaints processing procedure.

Not all functions mentioned in this report are the responsibility of the equal employment opportunity office. The upward mobility program is under the direction of the Personnel Office, and career development programs are divided among several functions-- Office of Personnel, Office of Training, and Office of Administrative Management. The Executive Development Program is operated by the Training Office.

Recruiting is not a function of the Equal Employment Opportunity Office but a function of the Personnel Office; however, minority and female recruiting goals are being set for the special agent class. Seventy percent of the next class will be composed of minorities and females.

As of June 1977 the Agency had the highest average general schedule (GS) grade level (GS-8.8) for minorities in the Department of Justice and employed approximately one-half of all of the Department's minority criminal investigators. The Agency also has the highest number of minority personnel in grades GS-12 through GS-15.

At December 31, 1977, the Agency had 4,105 permanent employees. Of these, 1,310 or 31.9 percent, were females. A total of 426 females were in grades GS-7 and above, while 2,649 males were in these grades. At December 31, 1977, of the 4,105 employees in the Agency, 959, or 23.3 percent were minorities. Of these, 540 were in grades GS-7 and above.

The table on page 41 reflects the Agency's current statistics on the representation of special agents.

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

THE AFFIRMATIVE ACTION PRO-
GRAMS 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.

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

THE FEDERAL BUREAU OF
INVESTIGATION NEEDS
BETTER REPRESENTATION OF
WOMEN AND MINORITIES

D I G E S T

Nonminority males continue to dominate key professional occupations at the Federal Bureau of Investigation (FBI) despite efforts to equalize the job distribution among its total work force. Several improvements are needed to promote a more effective affirmative action program.

From June 30, 1974, through December 31, 1976, the FBI's minority ^{1/} employment increased from 2,277 to 2,914, 11.6 to 14.5 percent of the permanent work force. The number of women employed on a permanent basis increased from 7,082 to 7,420, 36.2 to 37 percent.

As of December 31, 1976, the FBI's permanent work force totaled 20,062. Of this total, approximately 43 percent were in the key professional occupation of special agent. The remaining employees were in the "other occupations" category (technical, clerical, and blue-collar positions).

Although minorities represented 14.5 percent of the work force, 88.5 percent were employed in the other occupations category. Women represented 37 percent of the FBI's work force; however, 99.1 percent were employed in the other occupations category.

As of December 31, 1976, minorities and women remained employed in the GS-2 through GS-7 grade range.

^{1/}Minority persons are defined in this report as Blacks, Hispanics, Asian Americans, and Native Americans.

--Of the total 2,914 minority employees, 2,485, or 85.3 percent, were in grades GS-2 through GS-7. In comparison 43.2 percent of the total nonminorities were also in this grade range.

--Of the 7,420 women employed, approximately 92 percent were in this grade range.

As of March 31, 1978, the FBI's work force totaled 18,967. Of this total, 7,804 were special agents. Although minorities represented 16.4 percent of the work force, 88.7 percent of them were employed in other occupations. Women represented 38.4 percent of the work force; however, 98.8 percent were employed in the other occupations category. Of the 3,125 minorities employed by the FBI as of March 31, 1978, 2,659, or 85 percent, were in grades GS-2 through GS-7. Of the 7,282 women employed, 6,593, or 90.5 percent, were in these grades.

SELECTION PROCESS SHOULD BE MONITORED
FOR SYSTEMIC DISCRIMINATORY PRACTICES

In an effort to determine if selection practices may be having an adverse effect on the hiring of minority and female agents, the Office of Equal Employment Opportunity Affairs should monitor the selection process--waiver of qualification requirements, written examinations, and background investigations.

PROGRAM ADMINISTRATION
PROBLEMS SHOULD BE RESOLVED

To improve planning and carrying out of the affirmative action program, the FBI should

- locate the discrimination complaint system outside of all major operating divisions and offices,
- provide for more permanent staffing of the equal employment opportunity officer position,

- periodically evaluate the EEO program, and
- determine the total reliable cost for operating the equal employment opportunity program.

IMPROVEMENTS NEEDED
IN DEVELOPING EEO PLANS

To develop meaningful EEO plans, the FBI should periodically evaluate its EEO program and document all input from and coordination with management.

NEED TO MODIFY
COUNSELING PROGRAM

The EEO discrimination complaint counseling program should be modified.

- The disproportionate use of assistant special agents in charge and inspectors-deputy assistant directors as EEO counselors should be discontinued.
- The race, color, sex, and grade representation of counselors should be improved to reflect the work force.
- The duties of collaterally assigned counselors should be defined and included in their position descriptions.
- Counselor reporting requirements should be emphasized and monitored.

AGENCY COMMENTS

Agency comments on our recommendations were received too late to fully evaluate; however, the comments reaffirmed Director William H. Webster's commitment to improving the representation of minorities and females in the special agent occupation. This commitment was emphasized by the FBI's comment:

"As indicated in your report, the representation of females and minorities in the higher level positions in the FBI is inadequate. This paucity is a direct result of their under-representation in our Special Agent position, the FBI's key professional occupation, which has the highest grade levels and affords the greatest promotional opportunities. The need for drastic improvement in the representation of women and minorities within the Special Agent position is well recognized by FBI management and highly concerted efforts are currently being undertaken to insure measurable gains will be achieved in this area in as short a time as possible."



UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Address Reply to the
Division Indicated
and Refer to Initials and Number

DEC 1 1978

Mr. Allen R. Voss
Director
General Government Division
United States General Accounting Office
Washington, D.C. 20548

Dear Mr. Voss:

This letter is in response to your request to the Attorney General for comments on your draft report entitled "The Department of Justice Should Improve Its Equal Employment Opportunity Programs."

We have reviewed the GAO report and generally agree with the thrust of the recommendations. The following paragraphs provide specific comments on each of the recommendations as they appear in the report.

Recommendation

Appoint a full-time equal employment opportunity (EEO) Director with direct access to the Attorney General to give full attention to EEO problems and concerns and to monitor actions taken to implement the recommendations contained in our five reports on the bureaus' EEO program.

Although we agree with the intent of the recommendation, we are not convinced that the appointment of an EEO Director who reports directly to the Attorney General is the answer to the problem. It may be advisable for the Director to report to the Assistant Attorney General for Administration (AAG/A). The GAO report notes that one of the major problems currently is the fact that the AAG/A does not have sufficient time to devote to EEO matters. While we agree that EEO programs need more visibility and more attention, we are not certain that reporting directly to the Attorney General



will enable the programs to receive more attention at a higher Departmental policy level. In general, the Attorney General, who has a much broader span of control, has far less time to devote to such matters than the AAG/A. In addition, the AAG/A is responsible for personnel-related matters. In the interest of consistent programming, it may be desirable to have Department personnel activities reporting under the same policy official. Inasmuch as there are several options, we are continuing to assess the feasibility of establishing a full-time EEO Director's position and the organizational placement of the function.

Recommendation

Use the GAO-developed questionnaire to sample Justice employees' attitudes and perceptions, and analyze responses, using our data as a baseline.

The Department plans to utilize the GAO-developed questionnaire on differing occasions to assess program effectiveness and awareness. The Department recognized the value of utilizing the questionnaire to sample employees' attitudes and perception during a recent personnel management evaluation of the U.S. Marshals Service Central Office. While an analysis of the responses has not been completed, there is every indication that employees preferred the questionnaire method of expressing their attitudes and concerns regarding EEO matters over the oral interview. The experience gained from usage of the questionnaire at the U.S. Marshals Service will assist in developing a better instrument for Department of Justice EEO program evaluation.

Recommendation

Use statistical modeling techniques to identify, measure, and monitor EEO progress to allow for periodic modification of EEO policies and practices.

The Equal Opportunity Programs Staff will, with additional guidance, attempt to apply the GAO statistical modeling techniques in identifying, monitoring, and measuring progress of the Department's EEO programs.

Recommendation

Examine the feasibility of instituting three EEO programs for OBD--one program for the administrative divisions, one for the legal divisions, and one for the Executive Office for U.S. Attorneys.

Implementation of this recommendation is currently under study. The Equal Opportunity Programs Staff has met with officials of the Executive Office for U.S. Attorneys to discuss the feasibility of instituting an EEO program within the offices of the U.S. attorneys. In general, this recommendation appears to have greater applicability to the U.S. attorneys offices since a large number of individuals are performing similar functions. The Equal Opportunity Programs Staff has agreed to present a formal written proposal to the Executive Office for U.S. Attorneys by January 15, 1979, regarding this matter.

Recommendation

Insure that the proposed regulations are adopted without major changes in the guidance for the Black Affairs and Hispanic Employment Programs.

It is anticipated that very few changes will be made in the proposed regulations which will in any way affect program guidance for the two special emphasis programs. GAO will be provided copies of the final regulations once officially adopted.

In addition, the proposed regulations will include a chapter on the Federal Women's Program (FWP). Although no recommendations with respect to the FWP were made in the draft report, the Department believes that explanatory background material concerning this special emphasis program should be included. Total exclusion of this program in a report which covers minorities and women throughout the Department appears difficult to justify. Accordingly, we recommend that the following information be included in the final report:

The Federal Women's Program (FWP) was established governmentwide in 1967. However, the first Department of Justice program was established in 1970 with the creation of a Federal Women's Program

Committee. The purpose of the FWP is to provide equality of opportunity for all women through the development of affirmative action plans and the monitoring of EEO complaints alleging sex discrimination.

Coordinators have been designated in all the bureaus, except the OBDs, although FWP coordinators in the Law Enforcement Assistance Administration, Immigration and Naturalization Service (INS), Drug Enforcement Administration (DEA), and U.S. Marshals Service (USMS) currently spend less than 50 percent of their time on the FWP. In addition, 178 part-time collateral duty FWP coordinators have been designated throughout each bureaus' major operating components in both the field and headquarters units. There are 21 part-time FWP managers in DEA, 31 in Federal Prison System, 13 in the Federal Bureau of Investigation, 40 in INS, 3 in USMS, and 70 in the OBDs and U.S. attorneys offices.

Recommendation

Insure that the entire discrimination complaint process is evaluated, and that problems causing delays be pinpointed and corrected.

As required by the Department's fiscal year 1979 EEO Plan, the Equal Opportunity Programs Staff has initiated several actions relative to the complaints program, including actions to ensure the timely processing of complaints. These include:

- Developing regulations which provide guidance to bureau EEO officers on specific complaint procedures that have been identified as areas where delays normally occur.
- Providing on-site assistance to EEO officers on complaints procedures.
- Automating complaint records and reports to assure timeliness and efficiency.
- Providing same-day response by the Department to bureau EEO officers' requests, and directing bureau EEO officers to provide same day responses to complainants, EEO counselors, and investigators.

- Placing greater emphasis on evaluation of the EEO complaint process by reviewing monthly pre-complaint counseling reports, discrimination complaint processing reports, and other relevant material.

[See GAO note, p. 95.]

Statistical Data in Report Should be Updated

To update and improve the accuracy of the statistics in the final report, we recommend that the following recent employment data be incorporated in the report:

As of September 30, 1978, the Department of Justice had 56,580 people on its rolls, distributed as follows:

| | |
|--|---------------|
| Federal Bureau of Investigation | 19,347 |
| Immigration and Naturalization Service | 11,744 |
| Federal Prison System | 9,423 |
| Offices, Boards and Divisions and Offices of U.S. Attorneys | 8,738 |
| Drug Enforcement Administration | 4,061 |
| U.S. Marshals Service | 2,370 |
| Law Enforcement Assistance Administration | <u>897</u> |
| Department Total | <u>56,580</u> |

The Department's six key professional occupations--attorneys, criminal investigators, deputy U.S. marshals, correctional officers, border patrol agents, and immigration inspectors--accounted for 44 percent

of the Department's employees as of September 30, 1978. At the end of September 1978, there were 24,899 persons employed in the six key occupations of whom 1,829 or 7.3 percent were women and 3,393 or 13.6 percent were minorities.

In terms of minority and women employees as of September 30, 1978, the Department employed 12,403 or 21.9 percent minorities and 20,382 or 36.0 percent women, including 6,759 or 11.9 percent minority women out of a total workforce of 56,580.

There are two significant reasons why we are recommending that the above current employment data be included in the final report. First, the statistical projections in the GAO report do not present an accurate picture of the Department's growth in minority employment. For example, page 42 of the draft report projects that minority employment within the Department will not reach 22 percent of total employment until 1997, i.e., 11 percent minority men and 11 percent minority women. As a matter of fact, the Department employed 21.9 percent minorities as of September 30, 1978. Department employment figures show that 10 percent of all employees were minority men (5,640 out of 56,580) and 11.9 percent were minority women (6,759 out of 56,580). Furthermore, the 11.9 percent minority women noted above already exceeds the maximum projection of 11 percent, which contradicts the projection made by GAO regarding possible increases in minority employment at the Department of Justice. Second, the GAO report can be cited to substantiate charges of discrimination in civil actions and in-house discrimination complaints. Inaccurate data will tend to confuse and delay the already complex procedures governing complaint adjudication and litigation.

Development of Guidelines for Reporting EEO Costs

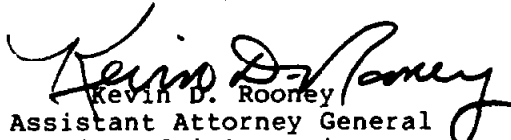
Although the report does not include a recommendation to develop guidelines for maintaining total EEO program costs, the Department plans to issue supplemental guidance on the development of actual EEO cost data. We recognize that cost-effectiveness evaluations, as well as budgetary and financial management controls, depend on such data.

Comments on Appendix III

Appendix III (a), with respect to INS, notes that: "A formal minority and female recruiting program needs to be established." Appendix III (b), with respect to DEA, merely mentions needed improvements in recruiting. It is ironic that INS should be singled out as needing a formal minority and female recruiting program inasmuch as INS has probably made one of the most concerted efforts to improve the hiring of minorities and women. Using Civil Service Commission (CSC) guidelines, the Department has worked closely with INS to explore possibilities of improving its recruitment program--but without much success. The fact is that the hiring process is largely CSC controlled, and there is very little that INS can do to affect the results of it. "Recruitment" for almost all major occupations must be carried out in terms of increasing the number of applicants for CSC exams--an exercise which appears futile, especially since the Department is not aware of any deficiency in the number of female or minority applicants. The major occupations--border patrol agents, criminal investigators, immigration inspectors, and deportation officers--are subject to either of two CSC exams; i.e., PACE and Border Patrol Agent. Much the same is true of DEA, except to the extent that a little leeway is provided by Schedule A authority to hire a small number of intelligence analysts and undercover agents. Again, ironically, the CSC complained 2 years ago that this authority was being abused by giving minorities preference.

We appreciate the opportunity to comment on the report. Should you desire any additional information, please feel free to contact us.

Sincerely,


Kevin D. Rooney
Assistant Attorney General
for Administration

GAO note: The deleted comments relate to matters which were discussed in the draft report but omitted from this final report.

NINETY-FOURTH CONGRESS

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Goodyear
(PC-4083)

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

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July 29, 1976

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,

A handwritten signature in cursive script that reads "Don Edwards".

Don Edwards
Chairman
Subcommittee on Civil
and Constitutional Rights

DE:vs

PREVIOUSLY ISSUED REPORTSRELATING TO AFFIRMATIVE ACTION PROGRAMS

Report to the Congress entitled "System for Processing Individual Equal Employment Discrimination Complaints: Improvements Needed," FPCD-76-77, February 8, 1977.

Report to the Congress entitled "Problems in the Federal Employee Equal Opportunity Program Need to be Resolved," FPCD-76-87, September 9, 1977.

Report to the Congress entitled "Problems with Federal Equal Employment Guidelines on Employee Selection Procedures Need to be Resolved," FPCD-77-54, February 2, 1978.

Report to the Congress entitled "The Immigration and Naturalization Service's Affirmative Action Program Should be Improved," FPCD-78-18, March 28, 1978.

Report to the Congress entitled "The Drug Enforcement Administration's Affirmative Action Program Should be Improved," FPCD-78-31, March 30, 1978.

Report to the Congress entitled "The Affirmative Action Programs in Three Bureaus of the Department of Justice Should be Improved," FPCD-78-53, July 5, 1978.

Report to the Congress entitled "The Federal Bureau of Investigation Needs Better Representation of Women and Minorities," FPCD-78-58, July 10, 1978.

Letter report to the Attorney General regarding the EEO program at the U.S. Marshals Service, FPCD-78-24, March 6, 1978.

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