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UNITES STATES GENERAL ACCOUNTING OFFICE  
WASHINGTON, D.C. 20548

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STATEMENT OF CLIFFORD I. GOULD, DEPUTY DIRECTOR  
FEDERAL PERSONNEL AND COMPENSATION DIVISION  
BEFORE THE SUBCOMMITTEE ON  
CIVIL AND CONSTITUTIONAL RIGHTS  
HOUSE COMMITTEE ON THE JUDICIARY

HSE 00502



ON

EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS  
IN THE

DEPARTMENT OF JUSTICE ] AGC 00037

Mr. Chairman and Members of the Subcommittee:

We appreciate your invitation to appear here today, Mr. Chairman, to discuss our sixth and final Department of Justice report prepared at your request. This report, an overview of the equal employment opportunity (EEO) affirmative action programs in the Department, calls for greater efforts by Justice to bring minorities and women into the work force. Representation of minorities and women at higher levels, in more responsible jobs, and in certain occupational groups remains low.

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Just

During the period March through July 1978, we issued five reports on the EEO affirmative action programs in the Department's seven bureaus. These reports disclosed numerous program problems which severely diminished affirmative action effectiveness. We recommended over 90 specific actions which we believe would measurably improve overall program effectiveness. The Department and the bureaus have agreed in general with our recommendations, and have told us that steps have been or were being taken to remedy the problems we observed. We also testified on these reports before this Subcommittee on April 12, 1978, and on July 12, 1978.

Our overall study strategy at the Department has involved three approaches--(1) a review of EEO programs at the Department level, at the bureau level, and at field offices in Texas, California, and New York; (2) an analysis of responses to our Department-wide questionnaire, which gave us information on salary levels for various groups, personnel attitudes and perceptions held by and about these same groups, and their experiences with the discrimination complaint systems; and (3) an assessment of the Department's EEO profile over a period of time by using a GAO-developed statistical forecasting model.

In reviewing EEO affirmative action programs at Department bureaus, we found that

- affirmative action plans were developed without sufficient assessments of bureau programs and without management's 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 needed priority attention from the Department level.

These problems raised questions about the degree of top management's commitment to the EEO program, both at the Department level and at the bureau level. Such Department-wide problems which we observed included

- 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 follow-up;
- program cost estimates not uniformly developed; and
- two special emphasis programs lacked guidance.

Additionally, we found that the EEO Director's time allocated to EEO was too limited. The present EEO Director, also the Assistant Attorney General for Administration, spends about 3 percent of his time on EEO matters.

Our questionnaire was designed to obtain a Department-wide perspective on how employees view the EEO climate in their organizations. It gave us insight into (1) employee perceptions about management's commitment to EEO and (2) whether employees believe they were being fairly treated, relative to others, in such areas as promotions, job assignment, and training.

We realize that employee perceptions by themselves do not translate into factual evidence of management commitment. Nevertheless, based on the evidence presented in our bureau reports and overview report, we believe that the employees' perceptions indicated by our questionnaire responses are a fairly accurate reflection of the level of commitment which existed at the time the questionnaire was administered in the summer of 1977.

Management at all levels must become more fully committed to EEO goals, and must monitor, evaluate, enforce-- and be held accountable for achieving--EEO objectives. Without such a commitment, the EEO programs lack badly-needed leadership. Responses to our questionnaire showed that only 25 percent of Justice's female employees and about one-third of the minority employees said that they believed top management in the office where they worked was firmly committed to EEO. Further, minorities and women perceived themselves as being unfairly treated on the job. For example, 30 percent of the women and 24 percent of the minority men believed they had been treated worse or much worse than others in the area of promotions.

As a step toward solving these problems, GAO recommended that the Attorney General appoint a full-time EEO Director who would have direct access to the Attorney General when necessary. This appointment, in our opinion, would improve channels for communicating the EEO concerns of bureau directors and heads of major organizational units and help unify the Department-wide EEO programs.

We examined the complaint process in all Justice bureaus, except for the U.S. Marshals Service. Our questionnaire asked Justice employees about their experience with the EEO complaint system. We found that:

--Not all complainants and their EEO counselors, investigators, and witnesses were free from reprisal and interference.

--Not all complainants were advised of their rights.

--Not all complaints were processed within the required 180-day time limit.

About 21 percent of all Justice employees said they had been discriminated against. However, 85 percent of these employees did not talk to a counselor. Of those who did not talk to a counselor, 44 percent cited fear of reprisal as the reason. In addition, of the employees who did discuss their complaints with a counselor (15 percent *these who said they had been discriminated against*) of ~~Justice employees~~

--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.

About 1 percent of Justice's employees said they filed a formal complaint. Of these 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.

Many complainants, primarily those complaining informally, stated they were not made aware of all rights to which they are entitled under the complaint process. Responses showed that

--47 percent of those employees who had talked to a counselor had not been advised of their right 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.

Our review of the 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.

Although the law provides that a complainant may file a civil action after 180 calendar days from the date of filing a complaint with his agency, Justice said it was averaging about 533 days in processing complaints. Employees' attitudes have been affected by the delays. 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. Attention must be given to rectifying such problems to improve the EEO program.

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, sex, race, and location of work. Our analysis showed that

before any adjustments were made for education level, seniority, occupational classification, supervisory status, and location of work, white men were paid an average of \$8,100 more a year than women, and \$5,000 more a year than minority men. Over half of these differences are attributable to occupational classification.

For some reason, women, minority men, and white men are in different occupations in Justice. When adjustments were made for occupational differences between women and white men, the salary differential was cut to about \$3,800 on average, and between white and minority men it was cut to about \$2,100. The average differential in these occupations was about 10 percent in favor of white men. Similar analyses in the private sector have found this differential to be about 12 percent.

The effect of the adjustment for occupational classification differences occurs because fewer women and minority men were in higher paid occupations. In fact, 61 percent of all white men in Justice were employed in the three highest paid occupational groupings in our study--which had an average salary of \$24,500. In contrast, 63 percent of all women were employed in the six lowest paid occupations, which had an average salary of \$11,600. The salary difference between minority and white men was also due in



part to differences in their occupational distribution, particularly in the criminal investigator career field, and to a lesser degree in the corrections, general clerical, and mail and file occupations. Although 38 percent of the white men were investigators (the second highest paid occupation in Justice, with an average salary of \$24,800), 17 percent of the minority men were in that occupation.

Salary analysis such as we did at Justice is a useful management tool to identify and measure discrimination and to monitor EEO progress. While salary analysis is only an approximate and indirect measure of possible discrimination, our analysis indicated the possibility of a problem. 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.

Work force profiles and statistical techniques are also useful management tools in planning and evaluating an organization's EEO program. We developed a statistical model which was used to project the results of personnel practices as they affect the race and sex balances within Justice. By using the model and Justice's figures on GS employees reflecting the Department's past personnel practices, it appears that Justice 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.

If the data provided us was an accurate reflection of personnel practices in effect during the 3-1/2-year period ended December 31, 1977, the following would result:

- Justice's EEO profile would remain relatively unchanged for minorities, with white women making gradual advances during the next 5-year period.
- The proportion of minorities would increase slightly, primarily in the lower grades of professionals.
- The proportion of women 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 would significantly affect the Department's overall profile.

We have offered to work with Justice's staff members to help them develop capability to use the model periodically as an integral part of the Department's program evaluation. Using a statistical model, management can assess 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 (for example, hiring rate, promotion rate, and attrition rate) in the model to see the

effect caused by the changes. Then, after carefully considering the forecasting results, tempered with practical judgment, management can design a course of action to get the desired result. Further, the actual effects of any changes can be measured and compared against the forecasting information, and additional management action can be taken as needed.

Our recommendations have generally dealt with the following problem areas

- program evaluations,
- complaint systems,
- affirmative actions plans,
- recruiting,
- training, and
- promotion policies.

We believe the Department needs to aggressively implement all of our recommendations. With respect to requiring the bureaus to develop guidelines for comprehensive internal EEO evaluations, including procedures for followup, the Department said that it was currently developing regulations for evaluating each bureau's EEO program. However, these regulations had not yet been approved as of mid-March.

The Department told us that regulations will be developed to provide guidance to bureau EEO officers on specific complaint procedures which have been identified as areas where delays normally occur. They have identified these areas as (1) the assignment of an EEO investigator, (2) the

investigation, and (3) the rendering of a final decision by the Department. The Department also told us that the proposed EEO regulations will set specific time requirements for these three areas, and the Department-level Equal Opportunity Program Staff is in the process of developing a system to monitor the complaint process for each cc with particular attention to the three "trouble spots.

We have also been told that the Drug Enforcement Administration has expanded its hiring goals, originally set only for criminal investigators, to include all occupational series. And FBI managers "are now fully cognizant of the need to accentuate its affirmative action program and achieve greater representation of women and minorities within the special agent position category." In keeping with this policy, we noted that the FBI recently announced the appointment of a black man as Special Agent-in-Charge of the Milwaukee office. This appointment marks the first time a black has headed an FBI field office. FBI statistics indicate that it now has 24 black supervisors and 188 black agents. Even though that figure represents only 2 percent of the FBI agents, it indicates that progress has been made.

We recognize that vast improvements cannot happen overnight, and that the problems discussed in our reports will not be solved in a few short weeks. We are pleased with

UNITED STATES DEPARTMENT OF JUSTICE

ATTACHMENT I

WASHINGTON, D.C. 20530

ATTACHMENT I

Address Reply to the  
Division Indicated  
refer to Initials and Number

JUL 19 1978

Honorable Abraham Ribicoff  
Chairman  
Committee on Governmental Affairs  
United States Senate  
Washington, D.C. 20510

Dear Mr. Chairman:

In compliance with Section 236 of the Legislative Reorganization Act of 1970, the following comments are provided to your Committee in response to the Comptroller General's letter report dated March 6, 1978, to the Attorney General summarizing their review of the EEO Affirmative Action Program of the United States Marshals Service (FPCD-78-24).

We generally agree with the GAO report that the U.S. Marshals Service (USMS) EEO Affirmative Action Program should be evaluated at the headquarters and district levels and improvements made based on any deficiencies noted. We believe it is important to point out, however, that many of the problems identified in the Department of Justice interdepartmental report relating to the District of Columbia Marshals Office are not common to all districts. A number of the problems being identified are found to be unique to certain districts or areas. For example approximately 38 of the USMS 94 districts employ no minorities or women as Deputy U.S. Marshals.

The ensuing paragraphs describe the actions which are being taken by the USMS for improving its EEO Affirmative Action Program.

EEO PROCEDURES

Since the very establishment of the USMS EEO Program in 1973, continuous reviews were made with the knowledge that improvements were needed. In this regard, a Department of Justice intradepartmental committee report was issued in January 1977, indicating that the USMS needed to reevaluate its program using the experience of the last 3 years as a means of identifying needs and taking corrective action. Although the committee recognized that USMS EEO procedures have been effective and responsive in producing significant changes in several key areas, including promotions and job assignments, it noted that the untimely processing of complaints and other problems in the EEO process have resulted in a general distrust and lack of confidence in the EEO system. Accordingly, the USMS has recognized a special need to emphasize a Service-wide sensitivity to minority interests in effectively responding to its labor-management responsibilities.

In June 1976, a Special Assistant to the Director of the USMS was appointed with the express responsibility, among others, of assuring prompt management response to minority interests and needs at a high policy-making level. This responsibility included overall supervision and administration of the USMS EEO Program. Accordingly, when the Special Assistant assumed his present position, he undertook a comprehensive review and re-evaluation of the EEO Program, including affirmative action efforts. Moreover, the Special Assistant has been and remains available to all USMS employees in an ombudsman capacity to see that problems and complaints from the field are given consideration at higher management levels. This "immediate access" procedure has been acknowledged and extensively utilized by USMS personnel and there is clear evidence through employee and supervisory feedback that this policy has had a steady and effective impact in fostering sound labor-management relations.

Specifically, under the auspices of the Special Assistant, the USMS submitted its Affirmative Action Plan for fiscal year 1977 and 1978, adopting in substance the recommendations

of the intradepartmental committee to strengthen the USMS EEO Program. Most importantly, the plan addresses the issue of EEO investigators and counselors and prescribes a broader Service-wide commitment specifically providing for an adequate number of both EEO investigators and counselors to service all of the 94 district offices.

#### DISCRIMINATION COMPLAINT PROCESS

In order to improve the quality and timeliness of the process, the EEO Office, as specified in the Affirmative Action Plan for fiscal year 1978, has undertaken to designate additional counselors, provide necessary training to counselors and investigators, designate an assistant to the EEO Officer, establish a system to monitor the program, and conduct self-evaluations of the process. The commitment to improving EEO investigations was confirmed in the plan through specific objectives to:

- facilitate recruitment and selection of additional part-time investigators;
- provide training to insure greater applicability of Civil Service Commission investigative techniques to internal operating practices; and
- evaluate work products to insure quality investigations.

All phases of this program have been initiated. It has been determined that full implementation of a program of part-time investigators will more effectively serve the needs of the USMS in providing timely and quality investigations.

#### SUPERVISORY AND MANAGEMENT COMMITMENT

To assure greater supervisory and managerial input into EEO affairs, the Affirmative Action Plan identifies actions to:

- 4 -

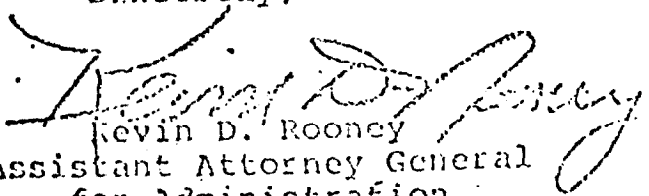
- establish an Affirmative Action Advisory Committee to include managers, supervisors, and employees;
- conduct an EEO training conference to acquaint supervisory/managerial personnel with the EEO process and its workings;
- develop an EEO awards program; and
- establish criteria to evaluate supervisory and managerial performance in the area of EEO.

As a means of stressing the importance of an effective and viable EEO system, the USMS training program now includes a presentation on the EEO/Affirmative Action Programs. This presentation provides EEO officials the opportunity to state the program's objectives and explain the degree of participation expected of new managers in meeting USMS EEO responsibilities. The Marshal of the District of Columbia Office, in conjunction with the USMS EEO Affirmative Action Section, will be developing an Affirmative Action Plan for the District. The remaining 93 United States Marshals will each prepare a modified plan for their districts in accordance with Civil Service Commission guidelines.

In addition to the actions being taken by the USMS, the Equal Opportunity Programs Staff of the Department of Justice is currently developing a set of Departmental guidelines for use in evaluating EEO programs. These guidelines will be made available to all Departmental units, including the USMS, as a basis for improving their EEO programs.

We appreciate the opportunity given us to comment on the report. If you have any additional questions, please feel free to contact us.

Sincerely,

  
Kevin D. Rooney  
Assistant Attorney General  
for Administration



## UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530



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

AUG 16 1978

Honorable Abraham Ribicoff  
Chairman  
Committee on Governmental Affairs  
United States Senate  
Washington, D.C. 20510

Dear Mr. Chairman:

In compliance with Section 236 of the Legislative Reorganization Act of 1970, the following comments are provided to your Committee in response to the Comptroller General's report dated March 28, 1978, entitled "The Immigration and Naturalization Service's Affirmative Action Program Should Be Improved" (FPCD 78-18).

The report presents a fairly thorough analysis of the Immigration and Naturalization Service's (INS) Affirmative Action Program, addressing the entire range of policies, procedures, and practices governing the program. It also contains several recommendations to the Attorney General towards improving the effectiveness of the program.

Due to the General Accounting Office's (GAO) time constraints in getting the report issued, we were not able to respond formally to the issues raised in the draft report. However, INS officials did provide GAO with informal comments which have been incorporated into Chapter 8 of the report.

The following paragraphs provide specific comments on each of GAO's recommendations and are keyed to each recommendation as it appears in the report.

In Chapter 3, GAO recommends that the Attorney General provide guidance to INS and Justice's other component organizations on how to develop EEO cost data. GAO also recommends that the Attorney General direct the INS Commissioner to:

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- Provide adequate resources for processing complaints of discrimination.
- Provide timely and continuous in-house training for EEO personnel.
- Evaluate INS' bureauwide EEO program on an annual basis.
- Provide EEO training for all managers and supervisors.
- Evaluate supervisors on their EEO responsibilities.
- Resolve the confusion over the EEO director position.

The Department is currently developing regulations which will provide for evaluating each Departmental EEO program and assessing the resources devoted to EEO activities. The proposed regulations will provide for quarterly progress reports which will aid the Department in monitoring the activities of each organization. The Department is also developing additional guidelines for organizations to use in determining their actual EEO costs.

In mid-1977, the INS Commissioner requested that the budget unit develop procedures for determining the financial resources expended in INS's EEO activities. The Commissioner also requested that procedures be developed to project the financial resources needed to expand a more complex EEO program. The effort is being computerized and a Service-wide Financial Management Information System (FMIS) is expected to be operational in fiscal year 1979. Meanwhile, manual tracking and accounting procedures are in effect, and reports indicate that the Service expended approximately \$628,200 in fiscal year 1977 for its EEO activities. Projections show that the Service will expend about \$930,300 for EEO activities in fiscal year 1978. This is an increase of approximately 49 percent and is attributable to the priority which has been placed on EEO by INS.

The INS has raised the level of its EEO office within its organization and has hired a supervisory EEO Specialist, an EEO Program Assistant, and an EEO Specialist at the headquarters level. In addition, two additional positions have

been created in regional offices. One has been filled, and the other is in the process of being filled. All of INS's EEO personnel have or will receive training through the Civil Service Commission's EEO Training Institute. All have received some form of informal training. Since 1976 INS increased its expenditures for EEO training by more than 300 percent, and expects to spend \$100,000 for EEO training in 1978.

Reports for the first two quarters of fiscal year 1978 indicate that 246 INS managers and supervisors have received training in their EEO responsibilities. Of these, 200 have also received basic EEO training. By the end of fiscal year 1979, it is estimated that all INS managers and supervisors will have completed at least 16 hours of training. In order to evaluate the managers and supervisors in their EEO responsibilities, INS has incorporated equal opportunity responsibilities into position descriptions and has revised performance appraisal forms to include EEO activities. In regard to the recommendation to resolve confusion over the EEO director position, the revised Departmental regulations on EEO will resolve the conflict by defining the duties and responsibilities of EEO officials of subordinate organizations as compared to the duties and responsibilities of the Department.

In Chapter 4, GAO recommends that the Attorney General direct INS to:

- Emphasize the importance of involving managers and supervisors in the development of the EEO plan and require that this be done annually.
- Establish a system for monitoring and reporting on the implementation of the EEO plan, including reasons why action has not been taken.
- Use CSC guidance in developing and preparing EEO plans.

INS managers and supervisors were involved in the development and implementation of the 1978 Affirmative Action Plan. Using Civil Service Commission guidelines, they were also involved in developing the 1979 plan. Each District Director and Section Chief is required to develop and implement an EEO plan for his jurisdiction in consonance with the national objectives. The plans' implementation will be monitored through the medium of quarterly progress reports.

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In Chapter 5, GAO recommends that the Attorney General require INS to:

- Develop specific recruiting goals based on the extent of problems, so that "benchmarks" can be established for program evaluation.
- Establish a formalized minority and female recruiting program with concentrated efforts at meeting established goals. Minority and female recruiting goals and efforts should be based on anticipated vacancies to the extent practical, and efforts should be coordinated among headquarters, regional, district, and sector personnel.
- Monitor and evaluate minority and female recruiting efforts to determine whether established goals are being achieved, and if not, determine why not.

INS recruiting goals for women and minorities were established for key occupations and were part of the Service's fiscal year 1978 Affirmative Action Plan. Although the Service did not have a formal recruiting program, it formalized many objectives, or benchmarks, for recruiting minorities and females. These benchmarks included:

- The revision of INS's recruiting literature to portray EEO priorities and to illustrate in written text and pictures sensitivity towards minorities and women.
- The use of minority media, newspaper, radio, etc., as part of the recruiting process.
- The use of recruiting contacts for on-site visits to minority and female organizations, colleges, and universities.
- The use of English and Spanish language for primary recruiting literature.
- The establishment of a part-time recruiting coordinator position whose efforts could be funnelled to specific employees in order to provide a community contact with persons who seek positions with the Service.

- 5 -

--The establishment of an index for interested applicants who could be contacted for specific types of vacancies.

As a result of the referral index, mentioned above, over 50 individuals, including females, Blacks, Hispanics, Chinese and Samoans, were specifically contacted for positions in the Border Patrol. In addition, this index produced numerous individual contacts with minority and female persons who were interested in investigator, inspector, and attorney positions.

In Chapter 6, GAO recommends that the Attorney General direct the INS Commissioner to maintain and analyze training and promotion statistics as part of INS's overall EEO effort.

The Department's fiscal year 1979 Affirmative Action Plan requires each bureau to make an assessment of training, promotion, awards, and discipline by race and sex, to identify actions which seem to exclude minorities and women. The Department urges such analyses and will provide additional guidance and technical assistance to insure they are carried out. In October 1976, the Department of Justice began implementation of an Automated Data Processing System to capture employee training data. This system, known as the Justice Education and Training System (JETPS), became fully operational in 1977. To date, the Service does not have sufficient data in the system to make an adequate and accurate analysis or evaluation. It is expected that manually collected training data will be computerized in the near future in order to facilitate the formulation of affirmative EEO action planning.

Recently the INS has begun a time-in-grade study of Black employees. Preliminary findings indicate that some improvements have been made in the last 3 years, however, the study also indicates that some EEO problems may still exist. Since 1975, the average grade levels of minorities in the Service has increased from GS-5.1 to 5.8 while the non-minority grade level remained at GS-9.4. In the key law enforcement occupations of Immigration Inspector, Criminal Investigator and Border Patrol Agent, 81 percent of the Blacks have been competitively promoted at the the GS-11 and GS-12 level, indicating improvement. However, at the lower grade levels of GS-5 and GS-7, 4.7 percent of the Blacks have remained at that level for more than 20 months while virtually none of their White cohorts had to remain

in grade for that length of time. The study is not complete because INS has found it necessary to expand data requirements relating to optional in-service training, external training, performance ratings, and other factors affecting promotability.

Although this study is presently focusing on a promotion comparison analysis of Black employees, it is intended that the format developed as a result of this comparative study will be useable, with minimum variations, for other minority and female employee analyses. The INS will continue its analytical study of promotion comparisons and take corrective action as appropriate. Also, with the designed analysis format, the Service will study promotion comparisons for each ethnic group and females.

In Chapter 7, GAO recommends that the Attorney General direct the INS Commissioner to:

- Institute a monitoring system for counselors' activities to help insure that all required reports are submitted and substantiated and help insure that maximum effort is made to resolve complaints on an informal basis.
- Help insure that the logging system for formal complaint files is continuously maintained.
- Reemphasize its obligation to see that persons who have initiated or are involved in the processing of EEO complaints are not subjected to reprisal.
- Make a determination of the extent of actual or perceived reprisal and take action to correct any such problem found.
- Institute and implement a systematic approach for monitoring and evaluating employees performing EEO functions on a collateral duty basis.
- Analyze EEO complaints to identify trends, potential personnel management problems, and systematic discriminatory practices.

- Help insure that when discrimination is found, disciplinary action is taken if warranted and reasons for not taking disciplinary action are documented.
- Review its complaint system to determine if every effort is being made to avoid unnecessary delays and to process complaints in a timely manner.

As indicated in the GAO report, the INS did have a reporting system to monitor pre-complaint counseling activities, counselor time and travel, and financial expenditure data. However, the problem identified in the GAO report states that the monitoring or reporting system was not collecting the data requested. In order to obtain more control over this reporting system, authority has been delegated to Regional EEO Specialists to process, compile, and require a more accurate accounting of time, expenditures and activities of each counseling session. Also, responsibility for first level technical assistance was assigned to Regional EEO Specialists. Each of these actions distributes the first level reporting of counselor data to four Service officials instead of one official. This provides for increased control over the 15 to 20 counselors in each region by a regional official with responsibility for improvement of this reporting system.

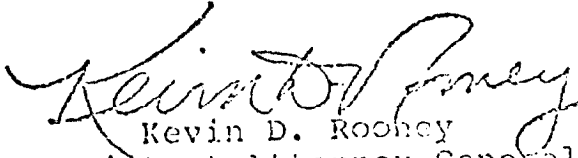
In 1976, a logging system was devised so that the current status of each complaint could be accurately shown on the front cover of each complaint file. Additional improvements were made to this logging system during the GAO review and it is expected that the present system, called the "Complaint Chronology and Status Sheet" will accurately log all complaint documents and actions in chronological order.

The INS is well aware of the detrimental effect which deliberate reprisal actions can produce in the EEO area. Detailed memoranda prohibiting reprisals have been written to various officials of the Service. Officials must notify all employees under their jurisdiction of the rights of an affected employee, especially when the employee feels reprisal action has been taken against him. To date only five complaints of reprisal have been filed in INS since 1976.

The Department and INS concur with all of the remaining recommendations and will take action to insure full compliance with existing CSC guidelines relating to EEO personnel with collateral assignments. The affirmative action plans will be closely monitored to assure that they are effectively and efficiently implemented and free of discriminatory practices.

We appreciate the opportunity to comment on the report. Should you have any further questions, please feel free to contact us.

Sincerely,

  
Kevin D. Rooney  
Assistant Attorney General  
for Administration



ATTACHMENT III

Address Reply to the  
Division Indicated  
Refer to Initials and Number

JUL 19 1978

Honorable Abraham Ribicoff  
Chairman  
Committee on Governmental Affairs  
United States Senate  
Washington, D.C. 20510

Dear Mr. Chairman:

In compliance with Section 236 of the Legislative Reorganization Act of 1970, the following comments are provided to your Committee in response to the Comptroller General's report dated March 30, 1978, entitled "The Drug Enforcement Administration's Affirmative Action Program Should Be Improved" (FPCD-78-31).

The report is a fairly thorough critique of the Drug Enforcement Administration's (DEA) Affirmative Action Program and contains several appropriate recommendations to the Attorney General toward improving its effectiveness.

Due to GAO's time constraints in getting the report issued, we were not able to respond formally to the issues raised in the draft report. However, we did provide GAO with informal comments which have been incorporated into Chapter 8 of the report. The report still contains some minor errors which should be corrected.

Chapter 1 contains a statement that DEA's key professional occupations consist of investigators and attorneys. Attorneys are not a key profession in DEA. While these are two of the Department's key professional occupations, the key professional occupations for DEA are criminal investigators, compliance investigators, intelligence research analysts, and forensic chemists. DEA has only 18 attorneys.



The statistics on page 41 of the report reflect only special agents hired under the provisions of "Schedule A" and could be misleading. Scheduled below are revised statistics for all special agents as of March 31, 1978.

	<u>Total</u>	<u>Percentage</u>	<u>Male</u>	<u>Female</u>
Special Agents	<u>1,957</u>	<u>100.0</u>	<u>1,934</u>	<u>23</u>
Non-Minority	1,632	83.4	1,614	18
Minority	<u>325</u>	<u>16.6</u>	<u>320</u>	<u>5</u>
Blacks	130	6.6	126	4
Hispanic	162	8.3	161	1
Native American	9	.5	9	0
Asian American	24	1.2	24	0

In the ensuing paragraphs our comments are keyed to each GAO recommendation as it appears in the report.

On page 12, GAO recommends that the Attorney General direct the DEA Administrator to:

- Evaluate DEA's EEO program and make a realistic estimate of resources needed to accomplish desired objectives.
- Discontinue the use of the title of "EEO Director" for its EEO officer.
- Establish a system for internal EEO evaluations including procedures for followup to insure that corrective actions are taken on recommendations.

The Department is currently developing regulations which will provide for evaluating each Departmental EEO program and assessing the resources devoted to EEO activities. The proposed regulations will provide for quarterly progress reports which will aid the Department in monitoring the activities of each bureau. As you are aware DEA is undergoing a reorganization. Full-time EEO coordinators will be assigned to each of the five domestic regions. DEA headquarters staff will continue to include a Director of EEO, a Deputy Director, a National Hispanic Employment Program Coordinator, a National Federal Women's Program Manager, a National Black Affairs Program Coordinator and three administrative support and clerical staff. The "Director of EEO" has already discontinued the use of that title and in the future will use the title "EEO Officer." The DEA Administrator has directed a full evaluation of present EEO programs to be made by DEA's Office of Field Evaluation. In addition, DEA will follow the Civil Service guidelines and within 60 days take action on all recommendations made by the Office of Field Evaluation pertaining to domestic, foreign, and headquarters EEO programs.

On page 16, GAO recommends that the Attorney General direct the Department's EEO Director to submit Justice-wide EEO plans to DEA in a timely manner so that DEA can benefit from the plans; and that he require the DEA Administrator to:

- submit DEA's EEO plans to other Justice bureaus, as required,
- establish a system for coordinating the development of its EEO plans to insure that action items are realistic,
- insure that managers and supervisors are involved in the development and implementation of EEO plans,
- require the EEO officer to meet with DEA's EEO Advisory Council on a periodic basis to assess the progress and problems encountered in achieving action items, and
- submit periodic progress reports to Justice on DEA's progress and problems in trying to implement its EEO plans.

The Department's Equal Opportunity Programs Staff (EOPS) will make every effort to publish the 1979 EEO plan on time in order to provide DEA and the other bureaus with needed guidance. As a matter of practice, future bureau plans, including DEA's, will be distributed to all bureaus. Departmental regulations and DEA manuals are being updated to comply fully with FPM Letter 713-40 and GAO recommendations which stress the development of plans, the importance of coordination, the involvement of all levels of management and the need for continued scrutiny by top level executives. DEA's EEO Officer and Advisory Council will meet quarterly with the Administrator to assess the progress of DEA's Affirmative Action Plan. Any problems encountered in implementing DEA's EEO programs will be reported to the Department through the medium of a quarterly progress report.

On page 26, GAO recommends that the Attorney General direct the DEA Administrator to:

- Use recruiting and hiring goals, utilizing CSC's guidelines.
- Require DEA's regions to document the race and sex of participants in the cooperative education program and insure that minorities, women, and nonminority men are given the opportunity to participate in the programs.
- Revise and utilize its "Monthly EEO Employment and Recruitment Report" to determine the extent minorities and females are represented among existing applicants and to determine if and where there is a need to improve recruiting efforts.
- Fully document the coordination of the selection of basic agent classes between headquarters and the regions to insure that minorities and females are given equal consideration, and that candidates are not screened out on the basis of race, color, religion, sex, national origin, or age.

- Monitor the regions' selection process to insure that the total process is free from discriminatory practices.

Upon implementation of a full-time EEO program in 1974, DEA established hiring goals for criminal investigators. Since that time, they have expanded hiring goals to all occupational series. The Office of Personnel is responsible for all recruiting activities within DEA and is in the process of developing recruiting goals using CSC guidelines. Responsibility for development of DEA's personnel-management action plan for 1979 has already been assigned. It will incorporate a reporting system which will include data on race and sex. The selection of candidates for basic agent classes and other cooperative education programs will be closely coordinated, fully documented, and monitored to insure that minorities participate in the training programs and that selections are free of discriminatory practices. For the 1978 Basic Agent Training Classes more than 50 percent of the candidates represent the minority faction. With regard to GAO's recommendation to revise the "Monthly EEO Employment and Recruitment Report," DEA is redesigning the report so that it will disclose the extent of minorities and females represented among existing job applicants.

On page 31, GAO recommends that the Attorney General direct the DEA Administrator to:

- Analyze training statistics and related factors to insure that equal opportunity for training is provided for all employees.
- Perform jointly with the Department of Justice, a time-in-grade study of promotions for minorities and women, compared to promotions for nonminorities and men.
- Analyze EEO complaints of discrimination in promotions to identify possible EEO problems and discriminatory practices.

Beginning with the fiscal year 1979 Affirmative Action Plan, DEA will include an action item in each yearly plan to analyze training statistics to insure that equal opportunity exists for all employees. The Administrator has

assigned this responsibility to the Director of Training. DEA has recently completed a time-in-grade study of Black promotions and will expand this study to all minorities in the 1979 Affirmative Action Plan.

The Administrator has directed the EEO Field Supervisor to analyze all EEO complaints of discrimination in promotions for the purpose of identifying potential EEO problems and discriminatory practices. This analysis has a scheduled completion date of July 28, 1978. DEA initiated an upward mobility program in 1976, and detailed guidance has been published. To date DEA has 21 active positions filled and 18 positions in the process of being filled.

On page 39, GAO recommends that the Attorney General direct the DEA Administrator to:

- Insure that counselors document their EEO counseling activities as required.
- Reemphasize the obligation to see that persons who have initiated or are involved in the processing of EEO complaints are not subjected to reprisals.
- Provide a coordinated system for determining what advanced training is needed for EEO counselors and investigators and see that it is provided.
- Take measures to properly inform all employees and applicants for employment of the discrimination complaint system.
- Institute and implement a systematic approach for monitoring and evaluating employees performing EEO functions on a collateral duty basis.

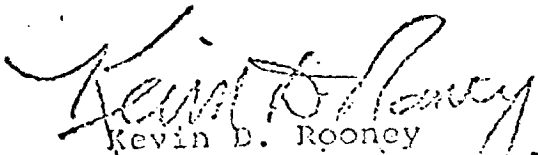
DEA has always required a case counselor to submit a fully documented detailed report and checklist to both the complainant and the EEO Office before an allegation of discrimination can be accepted or rejected. We believe that GAO did not fully understand the purpose of the EEO Contact Sheet which they describe in their report. The Contact Sheet was designed for the purpose of recording the number

- 7 -

of hours spent in general EEO counseling, whether a formal complaint is or is not filed. It was not designed to analyze complaint issues or document instances giving rise to complaints. DEA has always emphasized and will continue to reemphasize the need to advise all employees that acts of reprisal should be brought to the attention of the Administrator as quickly as possible. In 1977, DEA developed and disseminated to all employees an "Employee Orientation Handbook" which contained an explanation of the EEO complaint procedure. Likewise, special EEO posters explaining the EEO process on a step-by-step basis have been distributed to all DEA field offices to be conspicuously displayed. In regard to training, more than 90 percent of the 80 counselors have received basic CSC training in EEO counseling, and all of the six investigators have received additional courses in "Report Writing" and "Personnel Management for EEO Staffs." Relating to collateral assignments of EEO counselors and investigators, DEA fully intends to comply with CSC Regulation 713-37 in implementing GAO's recommendation.

We appreciate the opportunity to comment on the report. Should you have any further questions, please feel free to contact us.

Sincerely,

  
Kevin D. Rooney  
Assistant Attorney General  
for Administration

UNITED STATES DEPARTMENT OF JUSTICE

ATTACHMENT IV

WASHINGTON, D.C. 20530

ATTACHMENT IV

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

FEB 12 1979

Honorable Abraham Ribicoff  
Chairman  
Committee on Governmental Affairs  
United States Senate  
Washington, D.C. 20510

Dear Mr. Chairman:

In compliance with Section 236 of the Legislative Reorganization Act of 1970, the following comments are provided to your Committee in response to the Comptroller General's report dated July 5, 1978, entitled "The Affirmative Action Programs in Three Bureaus of the Department of Justice Should Be Improved" (PPCD-78-53).

The report presents a fairly thorough critique of the Affirmative Action Programs in the Federal Prison System (FPS), the Law Enforcement Assistance Administration (LEAA), and Justice's Offices, Boards, and Divisions (OBD) and contains several constructive recommendations to the Attorney General toward improving the effectiveness of these programs. Due to the General Accounting Office's (GAO) time constraints in issuing the draft report, we were not able to respond formally to the issues raised in that report, however, Justice officials did provide GAO with informal comments which were incorporated into Chapter 7 of the final report.

The following paragraphs provide specific comments on each of GAO's recommendations and are keyed to each recommendation as it appears in the report.

In Chapter 2, GAO recommends that the Attorney General require:

- The three organizations to develop guidelines for comprehensive internal EEO evaluations, including procedures for followup, to insure that corrective actions are taken on recommendations made, and develop a system for maintaining total program costs.





--OBD to review the organizational location of its EEO program and establish a central authority for EEO matters to insure that the program is in the best position for obtaining the authority required to implement it effectively, and evaluate and rate supervisors on their EEO responsibilities.

--LEAA to provide EEO training to all managers and supervisors and avoid administrative confusion by not referring to its EEO officer as "EEO Director."

The Department is currently developing regulations for evaluating each bureau's EEO program and assessing the resources devoted to EEO activities. The proposed regulations will require quarterly progress reports which will aid the Department and the bureaus in monitoring the EEO activities at the bureau, regional and field installation level, as well as the EEO Advisory Committees at each organizational level. As a part of the monitoring format, follow-up procedures will be included to insure that corrective actions are taken on recommendations made.

With respect to maintaining total EEO program costs, the Department has required the bureaus to follow the guidance provided in Civil Service Commission (CSC) issuance FPM 713-40. In addition, the bureaus are required to submit EEO cost data annually to the Office of Management and Budget (OMB) in response to OMB Circular A-11. During fiscal year 1979, the Department will issue supplemental guidance on the development of actual EEO cost data.

Regarding GAO's recommendation to review the organizational location of the OBD EEO program, this program has been transferred to the Equal Opportunity Programs Staff, Office of Management and Finance, and has Department-wide responsibility for EEO matters.

The recommendation that OBD supervisors be evaluated and rated in their EEO responsibilities has been implemented. Such evaluations are being made on Form DOJ-376, which is used to provide performance ratings for all employees in OBD. Item 6 of this form, entitled "Affirmative Action for Equal Employment Opportunity," is used to rate a supervisor's ability to identify, utilize, and/or recommend the

highest talents of all employees without regard to race, color, religion, sex, national origin, age, or physical handicap. DOJ Order 1430.2 provides detailed guidance to be used in rating supervisors in the application of equal employment opportunity principles.

With respect to the training of managers and supervisors in LEAA, four sessions of 2-day EEO training were given to 73 supervisors and managers during May and June 1978. Two make-up courses with 29 participants each have been scheduled for the early part of fiscal year 1979. Also, to avoid administrative confusion with respect to EEO titles, the revised Departmental regulation on EEO will clarify the duties and responsibilities of EEO officials at LEAA and other subordinate organizations and distinguish between EEO officers and the Director of EEO.

In Chapter 3, GAO recommends that the Attorney General direct:

- The EEO Director to establish a system for monitoring the implementation of EEO plans.
- The three organizations to submit their EEO plans to other Justice bureaus.
- OBD to complete its national EEO plans.
- FPS to insure that all managers and supervisors are requested to contribute to the development and implementation of EEO plans.

As stated earlier, the regulations currently being revised by the Department will include a mechanism for each Departmental organization to submit quarterly progress reports. These reports will aid the Department in monitoring the activities of each organization. The proposed regulation will also include an evaluation system which will provide guidance and a format on how to review, evaluate and monitor EEO plans. These same regulations will reiterate the requirement that EEO plans be circulated among all other Departmental organizations.

Priority will be given to the development of a final EEO plan for the OBD. The plan will identify EEO problems, assign objectives, and develop action items designed to overcome the problems.

Regarding the FPS, managers and supervisors are now being included in the development of EEO plans. To emphasize the importance of their responsibilities, a training course has been initiated which is designed to point out the significance of the role of all managers and supervisors in developing and implementing the EEO program.

In Chapter 4, GAO recommended that the Attorney General:

- Insure that adequate statistics are kept on female and minority interviewees and those offered jobs in Justice's Honor Law Graduate Program in order to reflect more fully the efforts made to recruit women and minorities.
- Attempt to recruit larger numbers of qualified females and minorities into the program.
- Direct LEAA to make every effort to include minorities in its cooperative education program.

Adequate statistics are now being maintained on female and minority applicants and jobs offered in the Honor Law Graduate Program. The results of several affirmative action steps taken to recruit females and minorities for the 1977-78 Honor Program are reflected in the statistics below.

	<u>1977</u>	<u>1978</u>
Total applicants	2,201	3,112
Offers accepted	92	100
Female applicants	484	971
Females accepting positions	35	40
Minority applicants	137	331
Minorities accepting positions	9	22

Based on the above statistics, women (including minority women) represented 31.2 percent of the total applicants and 40 percent of the total hired. Minorities (13 Blacks, 4 Hispanics, 3 Asian Americans, 1 American Indian) comprised 10.6 percent of the total applicants and 22 percent of the total hired.

The Department has also made significant progress in hiring minorities as experienced attorneys. In May 1977, the Associate Attorney General established an Employment Review Committee, co-chaired by the Assistant Attorneys General in charge of the Civil and Civil Rights Divisions, to help insure that the Department meets its obligation under the law to provide equal employment opportunity. Specifically, the Committee's primary function is to address the problem of lack of female and minority attorneys, particularly in the upper management levels. The Employment Review Committee monitors all attorney hiring outside the Honor Program and all promotions of attorneys at the GS-13 level and above to assure that there is no discrimination. Since this Committee has been in effect, women have comprised 31 percent and minorities 20 percent of all new attorneys hired nationwide.

With regard to LEAA, the major roadblock to expanding the Cooperative Education Program is the position ceiling allocations. However, for the co-op period July through December 1978, LEAA had a total of 5 co-ops--2 Black females, 2 White females, and 1 White male. Continued emphasis is being given to attracting minority candidates to the program. LEAA is still pursuing the feasibility of establishing a Cooperative Education Program Agreement with Shaw University.

In Chapter 5, GAO recommends that the Attorney General require:

- The three bureaus to analyze training statistics and related factors to insure that equal opportunity for career-development training is provided for all employees.
- The three bureaus, jointly, with the Department of Justice, to perform a time-in-grade study of promotion for minority persons and women, compared to promotions for nonminority persons and men, to identify possible EEO problems and discriminatory practices.
- LEAA and OBD to issue definitive policies, procedures, and guidelines on the use of skills surveys in upward mobility programs.

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

--FPS to establish an upward mobility program.

To insure that equal opportunity for career development training is provided for all employees, the Department's fiscal year 1979 EEO plan will require each bureau to assess such factors as training, promotion, awards, and discipline, by race and sex, to identify actions which appear to exclude minorities and women. The Department's proposed regulations on evaluating EEO will also include provisions for monitoring and reviewing these assessments. Recent reviews of Sex and Minority Classification Training Reports have already prompted several positive affirmative action training responses, such as lowering the participant grade level requirements on Department-sponsored executive development seminars in order to include women and minority participants. FPS has organized a Career Development Task Force to study the development of its employees and assure equal opportunity for career development training.

With respect to the GAO recommendation that a time-in-grade study be made of promotions for minorities and women, the Department's fiscal year 1979 EEO plan provides for the development of monthly reports by each bureau on the number of promotions by sex and minority group. In addition, monthly reports will be required on the number of minorities and women promoted along with their time-in-grade. These reports will be analyzed and compared to promotions for non-minority employees and men to identify possible EEO problems and discriminatory practices.

Action is now being taken within OBD to develop a more effective upward mobility program and perform skills surveys to determine employees' abilities. A memorandum to the Head of each OBD has been drafted for the Attorney General's signature. This memorandum will require each OBD to undertake a concerted effort to fully implement the upward mobility program. In addition, each OBD will be encouraged to conduct a work force analysis in the process of identify-

ing specific upward mobility target positions based on current and anticipated manpower needs and program objectives. To assist in this effort, each OBD will be provided a copy of the CSC publication (Personnel Management Series No. 29) "The Skills Survey, What It Is and How It Works," and FPM Letter 713-27, "Upward Mobility for Lower Level Employees."

In LEAA, the upward mobility program is the responsibility of the Personnel Office. At this time, that office is in the process of putting together a workable upward mobility program which will include the use of skills surveys. Guidance on skills surveys and upward mobility will include the CSC Personnel Management Series No. 29, "The Skills Survey, What it is and How it Works" and FPM Letter 713-27, "Upward Mobility for Lower Level Employees." In terms of affirmative action, it is worthy to note that all current participants in LEAA's upward mobility program are minority or female employees.

The FPS did not have a formal upward mobility program and was unable to implement one while tied up in union negotiations. An upward mobility program has now been agreed to by management and the union and should be implemented sometime this year. Several meetings have been held on ways to implement the program. During implementation of the program, a skills survey will be conducted. The FPS has a system whereby information on skills, education and other factors is kept on all employees and updated annually. Also, a newly organized Career Development Task Force has been appointed to study the development of all employees.

In Chapter 6, GAO recommends that the Attorney General require:

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

- OBD and FPS to institute a system for determining the training needed for EEO counselors and insure that such training is provided; and insure that EEO counselors submit required reports on their counseling activities.
- OBD and FPS to analyze their EEO complaints, to identify trends, possible management deficiencies, and possible systemic discriminatory practices.
- OBD to provide sufficient EEO counselors nationwide to afford all employees access to the EEO complaint system.
- OBD to provide the means by which all employees and applicants for employment will be made aware of the discrimination complaint process.
- OBD to keep a record of the disciplinary actions taken against discriminating officials, as required by CSC.
- LEAA eliminate the "staff mechanism" procedure and follow the procedure established by CSC and Justice in processing complaints of discrimination.

The proposed Departmental EEO Regulations, drawing upon CSC FPM 713-37 guidance, will address the evaluation of employees performing EEO functions on a collateral duty basis. The regulations will require a memorandum of understanding outlining the EEO duties to be performed, the projected amount of time necessary to perform those duties and the EEO official responsible for monitoring the EEO duties. The memorandum of understanding will be signed by the employee, the employee's supervisor and the appropriate EEO official. In addition, the EEO function will be written into the employee's official position description. Finally, an evaluation of the employee's EEO functions will be made by the appropriate EEO official and provided to the employee's supervisor prior to the employee's annual evaluation.

Action will be taken to improve the EEO administrative complaint process. According to a Departmental survey, the assignment of an EEO investigator, the investigation,

and the rendering of a final decision by the Department are the major "trouble spots" which hamper completion of the administrative process within 180 days. The proposed Departmental EEO regulations will set specific time requirements for these three areas. In addition, the Equal Opportunity Programs Staff is developing a system to monitor the complaint process for each complaint with particular attention to the three "trouble spots."

In regard to counselor training, the FPS has initiated the EEO Counselor Update System, a systematic recordkeeping system on the activities of each counselor. The system updates each counselor's training record on a monthly basis as to the type, date, and source of training received. Most EEO counselors, other than those newly appointed, have received the basic FPS training for counselors, and others have received CSC training. A number of the EEO counselors are taking EEO and personnel correspondence courses. Several FPS institutions are sending counselors to Advanced EEO Counselor Workshops. In the OBD, 15 employees were designated as EEO counselors and received training during June 1978. As new counselors are designated, similar training will be given to assure their effectiveness as counselors.

With respect to the submission of required EEO activity reports by the EEO counselors, the OBD and FPS counselors are now required to submit counselor activity reports to their respective EEO sections monthly. FPS activity reports are being recorded in each EEO counselor's EEO Counselor Update file.

To strengthen procedures for analyzing EEO complaints, the Department will provide a summary of final dispositions on all complaints by each bureau to assist the bureaus in making their EEO complaint analysis. This analysis will focus on the identification of trends or patterns of discriminatory practices as a routine approach in the development of annual EEO plans.

The report recommends that OBD provide sufficient counselors nationwide to afford all employees access to the discrimination complaint process. OBD does not have EEO counselors in each region or each U.S. attorney's



office because there is no advantage in having so many counselors. OBD can borrow counselors from other bureaus as needed. Where OBD has counselors in a U.S. attorney's office, the counselor generally cannot handle a case in the office because the counselor and complainant work for the same official. It is less costly and more effective to use bureau counselors in the field.

The "staff mechanism" referred to in the GAO report relating to LEAA was discontinued when the present EEO officer came aboard in August 1977. CSC and Justice regulations are now being followed in LEAA in the processing of discrimination complaints.

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

UNITED STATES DEPARTMENT OF JUSTICE

ATTACHMENT V

ATTACHMENT V

WASHINGTON, D.C. 20530

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

DEC 7 1978

Honorable Abraham Ribicoff  
Chairman  
Committee on Governmental Affairs  
United States Senate  
Washington, D.C. 20510

Dear Mr. Chairman:

In compliance with Section 236 of the Legislative Reorganization Act of 1970, the following comments are provided to your Committee in response to the Comptroller General's report dated July 10, 1978, entitled "The Federal Bureau of Investigation Needs Better Representation of Women and Minorities" (FPCD 78-58).

As indicated in our response to the draft report, Federal Bureau of Investigation (FBI) managers are now fully cognizant of the need to accentuate the Affirmative Action Program and achieve greater representation of women and minorities within the special agent position category. Also, our response to the draft report, shown as Appendix V in the final report, indicated the steps taken or planned to be taken to improve the FBI's Affirmative Action Program. Other actions taken or contemplated are addressed below.

In line with GAO's recommendation on page 20, as of July 24, 1978, the FBI Office of Equal Employment Opportunity (EEO) Affairs has been transferred from the Personnel Section to a staff function of the Assistant Director's Office of the Administrative Services Division. This transfer is in line with the Department's EEO organizational structure.

Concerning GAO's recommendation that the FBI discontinue the disproportionate use of top management personnel as EEO counselors, the FBI now plans to select additional counselors who are neither managers nor supervisors. However, the involvement of managers as EEO counselors has proved to be another way to sensitize and involve management and supervisors in the EEO program. It is through the positive action



ATTACHMENT V

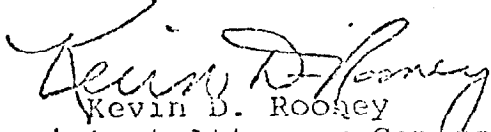
ATTACHMENT V

of those in supervisory positions that the concepts of a continuing affirmative action program are put in motion and translated into reality. For this reason, some managers will continue to be assigned EEO counseling responsibilities.

The Department is currently developing regulations which will provide for monitoring the effectiveness of each Departmental EEO program and assessing the resources devoted to EEO activities. Departmental guidance will also provide for an interchange of EEO plans among the bureaus to improve Justice-wide coordination efforts as well as instructions to EEO counselors on maintaining records and processing reports. The Department and the FBI are fully committed to positive application of the principles of equal employment opportunity, and we believe the actions outlined in our response to the draft and final reports give evidence of a more aggressive and responsive affirmative action program in the future.

We appreciate the opportunity given us 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