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CITY AND COUNTY OF SAN FRANCISCO

M E M O R A N D U M

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558-4901To: HRC Employment Committee Members
HRC Commissioners

Date: August 22, 1983

From: Frank Anderson
Coordinator/ORS

5/5

Sharing Compliance Agreement...Status Report



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analyze the implementation of the Compliance Agreement
Revenue Sharing and The City and County of San Francisco.
The report to the HRC covers the period since the last report of
contained in this report covers the official reporting
to June 30, 1983 in the City's semi-annual report to
bring, in satisfaction of paragraph #10 of the Compliance

REFERENCE BOOK

taken from the Library

Affirmative Action, a San Francisco based group filed an
lawsuit against the City and County of San Francisco with the
Revenue Sharing, a division of the U.S. Department of the
Compliance with the Local Fiscal Assistance Act of 1972.
The group had been attempting to increase the participation
in the workforce, which, at approximately 30,000 is the largest
workforce in the City. Federal investigators found the City in non-
compliance in several areas: unvalidated selection devices; inadequate recruit-
ment of minorities, a closed promotive system; discriminatory inquires on appli-
cation forms; gender-linked job titles; a concentration of minorities in tem-
porary and CETA positions, severe under-representation of Hispanics in all levels
and throughout the workforce; and absence of internal discrimination complaint
procedures; and inadequate bilingual services.

A Compliance Agreement was signed between ORS and the City in June of 1979.
The City agreed to a massive review and revamping of its selection and promotion
procedures; it agreed to conduct intensified recruitment aimed at the Hispanic
and other minority communities, and it agreed to make a concerted effort to
increase the numbers of Hispanics and other minorities in the City's workforce
during the four (4) years of the Agreement.

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1095 Market Street - #501
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To: HRC Employment Committee Members
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Date: August 22, 1983

From: Frank Anderson
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Re: Office of Revenue Sharing Compliance Agreement...Status Report

Introduction

This report examines and analyze the implementation of the Compliance Agreement between the Office of Revenue Sharing and The City and County of San Francisco. The scope of this report to the HRC covers the period since the last report of Fall 1982. The data contained in this report covers the official reporting period of January 1, 1983 to June 30, 1983 in the City's semi-annual report to the Office of Revenue Sharing, in satisfaction of paragraph #10 of the Compliance Agreement.

Background

In 1978, Latinos for Affirmative Action, a San Francisco based group filed an administrative complaint against the City and County of San Francisco with the federal Office of Revenue Sharing, a division of the U.S. Department of the Treasury, charging noncompliance with the Local Fiscal Assistance Act of 1972. Latinos for Affirmative Action had been attempting to increase the participation of Hispanics in the City workforce, which, at approximately 30,000 is the largest source of employment in the City. Federal investigators found the City in non-compliance in several areas: unvalidated selection devices; inadequate recruitment of minorities, a closed promotive system; discriminatory inquires on application forms; gender-linked job titles; a concentration of minorities in temporary and CETA positions, severe under-representation of Hispanics in all levels and throughout the workforce; and absence of internal discrimination complaint procedures; and inadequate bilingual services.

A Compliance Agreement was signed between ORS and the City in June of 1979. The City agreed to a massive review and revamping of its selection and promotion procedures; it agreed to conduct intensified recruitment aimed at the Hispanic and other minority communities, and it agreed to make a concerted effort to increase the numbers of Hispanics and other minorities in the City's workforce during the four (4) years of the Agreement.

Human Rights Commission's Role

As a condition of the ORS Agreement, the Board of Supervisors enacted City Ordinance 455-79, which required each City and County department to develop an Affirmative Action Plan. The HRC role is mandated in this ordinance to provide: (1) technical assistance to each City department required to develop and implement its own affirmative action employment program; (2) certify each departmental plan in accordance to the ordinance and ORS Agreement; and (3) evaluate each plan in regards to affirmative action performance.

Technical assistance in affirmative action plan development was provided to each City department collectively and individually by the HRC. Forty-two City department affirmative action plans were certified in this process. The first performance evaluation of departmental plans has been done. The city-wide affirmative action plan of the Civil Service Commission as well as each City department's plan will be updated to reflect their current status and the data base of the 1980 U.S. Census. The HRC will assist in these efforts.

Pursuant to the ORS Agreement, the City via the Civil Service Commission was required to develop an internal procedure for discriminatory complaints. The HRC is designated as a member of a three member Employment Discrimination Hearing Board, in association with the Mayor's Office and the Civil Service Commission.

The HRC's role and activities in the ORS project continues to include the following:

- Liaison activities with community groups, Office of the City Attorney, Office of the Mayor, Civil Service Commission, designed to encourage communication and information flow and program implementation.
- Technical assistance to City departments and officials on affirmative action and equal employment opportunity matters.
- Advice on policy matters relating to the ORS Agreement.
- Provide a counsel in dispute resolution.

Appointments

In this period, there were a total of 355 non-Civil Service appointments made to positions in specifically targeted classes (designated as significant classifications). The total number of hires were up by approximately 12% from the prior reporting period, but down significantly from this same period one year ago. Of these, 355 appointments approximately 83% involved minority candidates, of which 27.1% were Hispanics. These statistics indicate a 3% increase for minority hiring overall. The most active employment transactions were reflected in the Clerk, Account Clerk, Transit Operator, and Custodian classifications. Hispanics experienced the highest placement rates in the Clerk, Account Clerk, and Custodian classifications.

In the total group of non-Civil Service appointments, minorities comprised 61.6% of all candidates, including 18.4% Hispanics. These statistics are similar to the prior reporting period. However, the overall hiring rate in this category increased to 2,012 from 1,615 in the prior period. Hispanic candidates were most frequently appointed to Office/Clerical, Service/Maintenance, professional, and paraprofessional job classifications.

In the Limited Tenure category, 1,045 appointments were made. This is down slightly from the prior reporting period. Of this group, approximately 57% were racial and ethnic minorities, of which over 14% were Hispanic. These statistics are both down marginally from the prior reporting period. Hispanics achieved notable statistics in the Officials and Administrators' group, constituting 14% of these appointments. Significant rates of Hispanic employment were also realized in the Office/Clerical category, where nearly 20% of hires involved Hispanic candidates.

In the category Temporary Appointments from Eligible Lists, 374 employments were recorded. This figure is up substantially from 194 hires in the prior period. In this category, minorities comprised more than 66% of the candidates, including 13.4% Hispanics. Both of these statistics are up moderately from the prior period. The greatest rate of Hispanic hiring, on a relative basis, is evidenced in the Technician and Office/Clerical job groups.

Finally, in this reporting period, 1,627 permanent appointments were recorded. This category has increased by more than 50% from the prior reporting period, and along with Temporary Appointments from lists, reflects the end product of major productivity increases in the examination program. Minorities constituted 61.4% of these appointments, including 10.4% Hispanics. Although, the Hispanic hiring percentage is down slightly from the prior period, the actual number of Hispanics is up from 140 to 169 persons. Hispanics experienced the greatest rate of employment activity in the Service/Maintenance, Protective Service, and Office/Clerical occupational groups.

In summary, for this reporting period a total of 5,058 employment transactions were reported including 2,012 non-Civil Service, 1,045 Limited Tenure, 374 Certified Temporary, and 1,627 Permanent. Overall, that sum reflects a 25% increase in personnel transactions compared to the prior period, with most increase evidenced in non-Civil Service and Permanent employment categories. By category, minorities comprise 3,080 of all transactions, including 738 Hispanics. Generally, these statistics indicate the City's continued maintenance of effort in regard to the achievement of a fully integrated workforce, reflective of the local labor market.

Transitions

Of 1,627 permanent appointments made in this period 82.2% involved persons already employed by City government. A total of 730 appointments to permanent positions involved the transition of current non-permanent employees. In effect, nearly one out of every two permanent appointments made in this period went to transition a current temporary City worker. Again, this statistic is viewed as strong evidence of the City's continuing commitment to the goals of the Compliance Agreement. Specifically, of these 730 transitional appointments, 478 involved minority candidates, including 89 Hispanics. It is fully expected that this statistic will rise in the next reporting period due to the effects of the Accelerated Testing Program.

Accelerated Testing Program

Pursuant to the Letter of Agreement between the City and County of San Francisco and signatory employee organizations, a special program was established to increase the speed of Civil Service testing. Specifically, the City agreed to administer an examination program for the purpose of providing long term temporary employees in the affected classifications the opportunity to participate in competitive examinations for the classifications in which they are employed. These examinations consisted of oral, written or performance examinations or evaluations of job-related experience, education and/or skills. Thousands of temporary City employees will be affected by this program, as well as new job seekers.

Separations

In this semi-annual period, a total of 2,309 separations were reported. Based on the data analyzed above (i.e. transitions) it appears that a substantial number of these separations, especially in the permanent employee category, reflect movement from one permanent appointment to another. Of the total separations reported, all but 175 involve satisfactory services. In the satisfactory service group, of 2,134 separations, 1,189 involved minorities, including 251 Hispanics. In fact, these statistics are similar to the last report. In the unsatisfactory separations category, 130 of the 175 actions involved minorities, including 18 Hispanics. Although, the overall unsatisfactory service separation rate is high for minorities as a whole, most of the activity appeared to involve Black employees, concentrated in Service/Maintenance and Office/Clerical occupations. The Civil Service staff is unable to provide any special insight into this issue at this time.

SUMMARY OF APPOINTMENTS AND SEPARATIONS: 1/1/82 to 6/30/82 and 1/1/83 to 6/30/83

APPOINTMENTS

		<u>White</u>	<u>Black</u>	<u>Hispanic</u>	<u>Asian</u>	<u>Filipino</u>	<u>Am.Ind.</u>	<u>TOTAL</u>
Permanent	(82)	608 48.8%	210 16.9%	90 7.2%	174 14.0%	162 13.0%	2 0.2%	1246
	(83)	628 38.6%	386 16.5%	195 12%	173 10.6%	205 12.6%	0 0	1627
Temporary (TCS)	(82)	112 35.1%	75 23.5%	32 10.0%	47 14.7%	52 16.3%	1 0.3%	319
	(83)	125 33.5%	92 24.6%	50 13.4%	58 15.5%	49 13.1%	0 0	374
Limited Tenure	(82)	525 37.9%	288 20.8%	207 14.9%	222 16.0%	142 10.2%	2 0.1%	1386
	(83)	453 43.3%	211 20.2%	149 14.3%	134 12.8%	96 9.2%	2 0.2%	1045
Non-Civil Service	(82)	682 37.5%	392 21.5%	315 17.3%	288 15.8%	138 7.6%	8 0.4%	1823
	(83)	772 38.4%	451 22.4%	370 13.4%	248 12.4%	160 8%	11 0.5%	2012
All Appoint- ments	(82)	1927 40.4%	965 20.2%	644 13.5%	731 15.3%	494 10.3%	13 0.3%	4774
	(83)	1978 39.1%	1140 22.5%	764 15.1%	613 12.1%	510 10.1%	13 0.3%	5058

SEPARATIONS

Permanent- Satisfactory	(82)	441 53.6%	152 18.5%	46 5.6%	110 13.4%	71 8.6%	3 0.4%	823
	(83)	404 52.8	140 10.5%	48 6.3%	97 12.7%	72 9.4%	3 0.4%	764
Permanent- Unsatisfactory	(82)	39 41.1%	33 40.0%	7 7.4%	9 9.5%	2 2.1%	0 0.0%	95
	(83)	30 28.3%	58 54.7%	6 5.6%	8 7.5%	3 2.8%	1 0.9%	106
Temporary- Satisfactory	(82)	486 38.2%	263 20.7%	199 15.6%	199 15.6%	121 9.5%	4 0.4%	1272
	(83)	541 39.4%	279 20.3%	203 14.8%	190 13.8%	146 10.6%	11 0.8%	1370

SEPARATIONS (Cont'd)

	<u>White</u>	<u>Black</u>	<u>Hispanic</u>	<u>Asian</u>	<u>Filipino</u>	<u>Am. Ind.</u>	<u>TOTAL</u>
Temporary (82)	20	37	12	5	5	2	81
Unsatisfactory	24.7%	45.7%	14.8%	6.2%	6.2%	2.5%	
(83)	15	36	12	3	2	1	69
	21.7%	52.2%	17.3%	4.3%	2.8%	1.4%	
All (82)	986	490	264	323	199	9	2271
Separations	43.4%	21.6%	11.6%	14.2%	8.8%	0.4%	
(83)	990	513	269	298	223	16	2309
	42.9%	22.2%	11.7%	12.9%	9.7%	0.7%	

Data base for updating city-wide affirmative action plan

Background

Pursuant to Civil Service Commission Rule 1.03 and the Office of Revenue Sharing Compliance Agreement, the Civil Service Commission adopted an updated Annual Supplementary Affirmative Action Plan for Equal Opportunities in October 1979. The Plan included a Utilization Analysis which compared the Civil Service workforce to the San Francisco labor market (1970 Census). Affirmative action goals were established where significant underutilization was present.

The Utilization Analysis was updated in 1981. A two year review showed gains in some occupations, but also revealed areas that require continued efforts. (See Table 1.)

Analysis

The 1980 U.S. Census data on labor force availability has finally been released. A 1983 Annual Supplementary Affirmative Action Plan will be prepared by the staff of the Civil Service EEO Unit in the near future. In addition, the Human Rights Commission and the Civil Service Commission staffs will coordinate and assist City departments in updating departmental affirmative action plans. The Civil Service Commission at its meeting of March 21, 1983 adopted this updated plan. This plan will include the following:

- a Review of progress since 1981;
- a Utilization Analysis based on 1980 Census data for the San Francisco available labor market, which is reported to be:

White	Black	Hispanic	Asian	Filipino	AmInd	Male	Female
57.5%	9.9%	11.2%	- 20.7% -		0.4%	54.8%	45.2%

Classifications will be reviewed by permanent and temporary employments whenever there are at least 20 positions in the class and by similar classes when there are fewer than 20 positions.

For Civil Service classifications with externally established licensing requirements, (e.g. Registered Nurse, Civil Engineer) the workforce composition of those classes will be compared to the qualified labor group based on the Special Occupation Tabulation of the 1980 Census. (See Table 2.)

- Affirmative action goals will be updated based on the Utilization Analysis; City departments will be requested to compare the current composition of each ethnic and sex group in each occupational category with the percentage of the group in the San Francisco labor force (1980 Census). To compute the utilization for a particular group, divide the current composition percentage by the labor force percentage. Underrepresentation is present when utilization for any group is less than 80%. Where there are too few positions involved to be statistically

significant, departments were allowed to analyze the composition of the department as a whole.

In some cases, current composition cannot be compared to labor force data because of special licensing requirements that are externally set (e.g. Engineer, Registered Nurse, etc.) A note will be made when licensed positions are present in a particular occupational group.

- Identification of problem areas and remedial actions.

Table 1.

Civil Service Workforce Composition

<u>Date/Total</u>	<u>White</u>	<u>Black</u>	<u>Hispanic</u>	<u>Asian</u>	<u>Filipino</u>	<u>AmInd</u>	<u>Male</u>	<u>Female</u>
6-30-79 (26065)	53.9%	23.5%	6.1%	9.8%	6.3%	0.3%	65.4%	34.6%
6-30-80 (25398)	52.5%	23.4%	6.7%	10.4%	6.7%	0.3%	65.0%	35.0%
6-30-81 (24654)	51.5%	22.6%	7.3%	10.7%	7.1%	0.4%	66.1%	33.9%
6-30-82 (25663)	50.3%	22.3%	8.4%	11.2%	7.6%	0.3%	66.0%	34.0%

U.S. Census Labor Market Availability

<u>Date/City</u>	<u>White</u>	<u>Black</u>	<u>Hispanic</u>	<u>Asian</u>	<u>Filipino</u>	<u>AmInd</u>	<u>Male</u>	<u>Female</u>
1970 SF	60.9%	11.6%	12.8%	10.6%	3.8%	0.3%	55.7%	44.3%
1980 SF	57.5%	9.9%	11.2%	- 20.7% *	-	0.4%	54.8%	45.2%

* California State Personnel Board, Merit System Services, reports that the U.S. Census figure for Asian, 20.7%, further breaks down to: 15.3% Asian (not including Filipino), and 5.4% Filipino.

Table 2a

Special Occupation Tabulation, 1980 U.S. Census *

<u>Occupational Code/Title</u>	<u>White</u>	<u>Black</u>	<u>Hispanic</u>	<u>Asian & Filipino</u>	<u>Amer Ind</u>	<u>Male</u>	<u>Female</u>
SOT Code 044-059 Engineers	73.0%	2.6%	3.7%	20.2%	0.3%	94.3%	5.7%
SOT Code 078 Biological and Life Scientists	78.8%	2.8%	2.2%	14.5%	0.0%	60.8%	39.2%
SOT Code 084 Physicians	86.3%	3.5%	2.7%	7.3%	0.0%	82.4%	17.6%
SOT Code 085 Dentists	73.9%	1.6%	2.5%	21.4%	0.5%	90.2%	9.8%
SOT Code 095 Registered Nurses	75.5%	7.1%	4.9%	11.7%	0.5%	7.1%	92.9%
SOT Code 096 Pharmacists	53.0%	2.4%	4.1%	40.3%	0.1%	70.9%	29.1%
SOT Code 098-105 Therapists	78.8%	7.9%	3.7%	8.9%	0.7%	28.9%	71.1%
SOT Code 178 Lawyers	90.1%	3.2%	2.8%	3.5%	0.2%	79.2%	20/8%
SOT Code 203 Clinical Lab Techs	58.5%	8.4%	6.4%	25.5%	1.0%	29.7%	70.3%
SOT Code 205-208 Health Techs	59.1%	16.4%	7.2%	16.2%	0.6%	24.3%	75.7%
SOT Code 205 Health Record Techs	43.5%	5.6%	27.1%	23.8%	0.0%	10.0%	90.0%
Sot Code 206 Radiologic Techs	64.0%	9.4%	7.2%	19.3%	0.2%	35.4%	64.6%
SOT Code 207 Licensed Practical Nurse	49.1%	31.2%	8.2%	9.6%	0.6%	9.0%	91.0%
SOT Code 227 Broadcast Equipment Operators	81.2%	8.6%	7.7%	2.1%	0.0%	58.9%	41.1%

* Labor market area is weighted San Francisco and San Francisco/Oakland SMSA

Discrimination Complaints filed under Civil Service Rule 1.03F.

Any employee or applicant may file a complaint alleging that he or she has been discriminated against on the basis of race, religion, sex, national origin, ethnicity, age, physical handicap, political affiliation, sexual orientation, ancestry, marital status, color or medial condition as a result of any employment decision made by any agency, department or commission of the City and County of San Francisco. The sole purpose of proceedings under this Section is to provide a mechanism for the investigation and resolution of such charges of discrimination and to provide an appropriate remedy for the complainant where a determination is made that discrimination prohibited by this Rule has occurred.

The following is a breakdown, by fiscal year, of complaints filed under Civil Service Rule 1.03F. The fiscal year ending June 30, 1983 reflects a sizable growth in the number of complaints filed with Civil Service. The forty complaints received during FY 1982-1983 is an increase of thirteen over the previous year.

COMPLAINTS FILED UNDER CIVIL
SERVICE RULE 1.03F

I) Complaints by Fiscal Year

12/24/80 - 06/30/81	8
07/01/81 - 06/30/82	27
07/01/82 - 06/30/83	<u>40</u>
TOTAL	75

II) Type of Complaints

	<u>80-81</u>	<u>81-82</u>	<u>82-83</u>
Race	3	17	27
Sex	2	7	8
National Origin	2	3	3
Sexual Orientation	2	4	1
Retaliation	0	0	2
Physical Handicap	0	0	1
Age	3	2	0
Religion	0	2	0
TOTAL	12	35	42

* These totals exceed the number of Complaints for each fiscal year due to allegations of discrimination filed on more than one basis.

III) Disposition of Complaints

	<u>80-81</u>	<u>81-82</u>	<u>82-83</u>
Negotiated Resolution	0	6	6
Complaint Withdrawn	2	4	1
No Response from Complainant	0	5	1
No Jurisdiction	0	3	6
Administrative Closure	0	0	1
Heard by CSC Only	1	0	1
Heard by Panel:	-	-	-
Insufficient Evidence	5	7	3
Found Discrimination	0	2	0
Pending	<u>0</u>	<u>0</u>	<u>21</u>
TOTAL	8	27	40

Summary/Conclusions

Based on the comparisons of all personnel transactions reported herein, it appears that the City has made some gradual but significant progress towards achieving overall affirmative action objectives. However, this progress should be viewed cautiously since there still exist some severe underrepresentation in numerous classifications and several city departments. Continued efforts are needed in the form of remedial programs, and adequate deployment of resources to achieve affirmative action goals. The reaffirmation of the principles of affirmative action is needed in conjunction with the continuation of the scope of the ORS Agreement.

Index to available ORS data

January 1, 1983 - June 30, 1983

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2. Non-Civil Service Oral Authorization Survey of SIGNIFICANT Classes
3. Non-Civil Service Oral Authorization Appointment SIGNIFICANT Classes by Race/Ethnicity/Sex
4. Non-Civil Service Oral Authorization by Dept/Class/Sex/Race
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8. Limited Tenure Appointment [Non-Ceta] by Race/Ethnicity/Sex
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Temporary: Service Deemed Unsatisfactory



