

Participation of Minorities in the Developmental Disabilities Movement in the Twin Cities Metropolitan Area

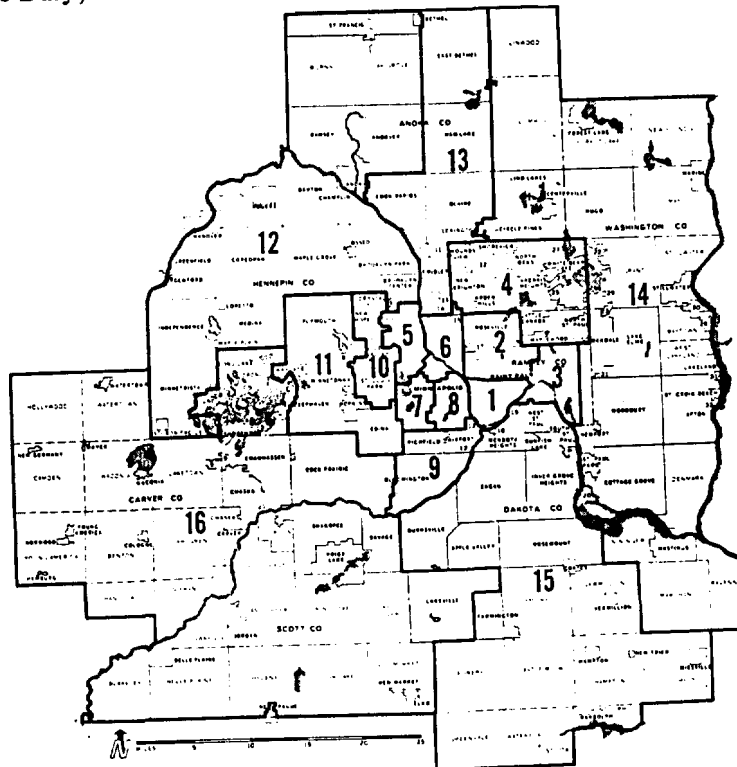
An Assessment



Metropolitan Council
Metropolitan Health Board
February 1979

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**Developmental Disabilities Task Force
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PREFACE

This report was prepared by the Committee on Minority Participation of the Developmental Disabilities Task Force of the Metropolitan Health Board/Metropolitan Council. It deals with the important issue of involvement of minorities in agencies whose activities have an impact on the lives of people who have developmental disabilities. The developmentally disabled are people who are substantially handicapped by conditions such as mental retardation, cerebral palsy, epilepsy and autism.

The Committee on Minority Participation was made up of Task Force members and other Metropolitan Area residents who are concerned with affirmative action, especially as it relates to racial and ethnic minorities. The following individuals served on this committee during 1978: Dr. George Ayers, Don Bartlette, Teddy Bell, Alice Bloedoorn, Kathy Capra, Pam Franklin, John Gemperle, Mary Hinze, Lon Miller, Don O'Neal and Neil Tift. Staff who worked with the committee were Joe Banda and Toni Lippert.

Special thanks are due to the many individuals who have helped in preparing this report for publication. On behalf of the Task Force, I would like to extend my appreciation to all the agencies who responded to the survey and data collection effort involved in this study.

Questions regarding the substance of this report should be directed to Joe Banda, Metropolitan Council, telephone 612/291-6365.

Regis Barber, Chairman
Developmental Disabilities Task Force

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I. SUMMARY AND RECOMMENDATIONS

STUDY PURPOSE

This special study was conducted by the Committee on Minority Participation of the Metropolitan Health Board's Developmental Disabilities Task Force during 1978. The study had two main purposes. The first was to assess the level of minority employment and participation on boards and advisory committees in the developmental disabilities (DD) movement in the Metropolitan Region. The second was to suggest ways for initiating and/or increasing the quantity and quality of minority participation in the DD movement.

Developmental disabilities are substantial handicaps resulting from mental retardation, cerebral palsy, epilepsy, autism and dyslexia. In this study, the term "minorities" was restricted to racial and ethnic groups as defined by the Equal Employment Opportunity Commission (see Chapter III).

The Committee on Minority Participation and staff of the Metropolitan Health Board concentrated their efforts on determining whether state and local agencies which provide services to developmentally disabled people had affirmative action policies, and if so, what process they used in following them. Affirmative action data and information were gathered by a survey and analyzed for four state and 56 local agencies. Additionally, recent affirmative action reports of the Metropolitan Council were reviewed.

SIGNIFICANT FINDINGS

Significant findings and conclusions from the study follow.

- * Research shows that perhaps the most significant indicators of mental retardation are socio-economic status and race, which are highly correlated in the United States. This hypothesis can be extended to cerebral palsy and epilepsy, since risk factors for all three disabilities are greater at the lower socio-economic levels. The literature indicates that a child from a low-income family is 15 times more likely to be diagnosed as mentally retarded than a child from a higher-income family.
- * Meaningful involvement of minorities in the DD movement is the key to the delivery of adequate and appropriate services to minority clients who are developmentally disabled and their families, and to ensuring increased access to services by these segments of the population.
- * Many Metropolitan Area state and local agencies which provide services to people with developmental disabilities and their families indicated that they do not know how best to recruit, hire, retain and involve qualified minority people in their agencies and that they could use some assistance in these areas of concern.
- * There is a lack of data on affirmative action practices for programs that provide direct services to people with developmental disabilities. The Equal Employment Opportunity (EEO) enforcement agencies appear to have concentrated their efforts on the larger, more visible state and regional agencies. The state agencies have, in general, not monitored most of the programs they fund, administer or contract with, for compliance with affirmative action laws.
- * The state and local agencies in the study employ a little over 6,000 people; of these, about 300 or five percent are minorities.
- * Of all employees of the four state agencies surveyed, 5.26 percent are minorities. For the Metropolitan Council the percentage was 8.4 percent (at this writing it is 7.7 percent). The 56 direct care agencies employ 4.07 percent minorities. In general, it appears that the state agencies are on schedule in meeting their affirmative action goals.

However, the state agencies, taken together, are deficient in minority representation in management, supervisory, technical and service occupational categories. The direct care agencies, taken together, are deficient in the management, supervisory, professional and support categories.

- * Slightly more female than male minority people are employees in the state and local agencies surveyed. The figures are 99 males and 116 females for state agencies, and 36 males and 40 females for the direct care agencies.
- * A significant proportion of the direct service agencies do not have established procedures for recruiting, screening and selecting employees or board members. Of the 56 agencies which operate the 106 programs that responded to the survey, 23 said that they do not have established procedures for screening; 14 don't have established procedures for recruiting; and 17 don't have established procedures for selecting.
- * Nineteen of the 106 direct care programs have one minority person as a member of their policy-making board. With 19 minorities of 690 board members identified, the minority representation on these boards is about 2.75 percent.

TASK FORCE RECOMMENDATIONS

Based on these findings, the Task Force made nine recommendations, which follow.

1. State, regional and local agencies providing direct and indirect services to developmentally disabled people should examine their policies and practices and eliminate or modify those which act as barriers to minority involvement. The following actions are suggested for these agencies:
 - * Analyze the existing work force to identify jobs and departments where minorities are underutilized;
 - * Establish numerical goals and timetables for training, hiring and promotion in each area of underutilization;
 - * Eliminate testing requirements for hiring and promotion criteria where such tests are not job related;
 - * Establish community contacts from which referrals may be made for minority job applicants;
 - * Establish an internal audit and reporting system to measure progress regularly and adjust existing goals and timetables when appropriate;
 - * Designate an equal employment opportunity officer who will be directly responsible to the agency for implementation of the program;
 - * Provide the designated officer with sufficient resources to accomplish tasks;
 - * Instruct supervisory and management personnel in the affirmative action policy and charge each with responsibility for assisting in implementation of the program.
 - * Provide resources for recruitment of minority board and advisory committee members.
2. Professional associations, such as the Association of Residences for Retarded in Minnesota, Minnesota Day Activity Association and Minnesota Association of Rehabilitation Facilities, should develop the capacity to provide technical assistance to member agencies or organizations wishing to increase minority participation in the DD movement

and should become models for such participation.

3. State and local DD consumer organizations, such as Minnesota Association for Retarded Citizens, United Cerebral Palsy, National Society for Autistic Children, Minnesota Association for Children with Learning Disabilities, St. Paul Association for Retarded Citizens, and Minneapolis Association for Retarded Citizens, should actively seek minority membership and participation in their activities and functions.
4. State agencies which administer or fund programs serving people who have developmental disabilities, such as the Department of Public Welfare, the Department of Education and the Department of Economic Security, should provide sufficient personnel and other resources for monitoring affirmative action practices in the programs with which they deal. Additionally, these agencies should offer technical assistance in affirmative action and become models for such action.
5. State and local colleges and universities should encourage minority students to take courses that deal with the problems and needs of handicapped people.
6. The Metropolitan Council should provide leadership by actively continuing to seek increased minority participation on its committees and staff.
7. The Metropolitan Health Board should continue to seek minority participation on its advisory committees.
8. The Developmental Disabilities Task Force should alert the Governor's Planning Council on Developmental Disabilities (GPCDD) to the problem of inadequate minority participation on the GPCDD and in the DD movement at the state level.
9. The Developmental Disabilities Task Force should explore the feasibility of conducting a workshop to inform minorities in the Metropolitan Area about developmental disabilities. The workshop would stress the need for minorities to get involved to ensure that other minorities with DD handicaps receive adequate and appropriate services.

II. INTRODUCTION

BACKGROUND

In recent years, there has been a great deal of concern both nationally and regionally about the quality and quantity of minority participation in the developmental disabilities (DD) movement.

In 1973, the National Association for Retarded Citizens (NARC) formed a Poverty and Mental Retardation Committee. The charge to this committee was to develop workable guidelines which would lead to increased participation of minority and low-income people within the Association for Retarded Citizens (ARC).

In 1977, the Developmental Disabilities Office of the Office of Human Development, Department of Health, Education and Welfare (HEW) funded a nationwide study to address this problem. Before the DD Office issued the criteria upon which the study was to be based, it noted that participation of minorities as consumers of services, as staff in agencies, as members of boards, councils or committees in the area of developmental disabilities appeared to be lacking.

In the Twin Cities Metropolitan Area, this concern surfaced in the Developmental Disabilities Task Force (DDTF), in part because of the nationwide study. The Task Force is a committee of the Metropolitan Health Board and the Metropolitan Council. It was formed several years ago by the Governor's Council on Developmental Disabilities and the Metropolitan

Council in response to federal legislation, Public Law 91-517: The DD Services and Facilities Construction Act of 1970. Since 1970 this law has been revised twice: once in 1975 when it became known as the DD Assistance and Bill of Rights Act (P.L. 94-103) and again in 1978 when further amendments were made. The principal function of the Task Force is to prepare and implement a comprehensive plan that ensures that services and programs needed by people with developmental disabilities are maintained and developed. People with developmental disabilities are those who are substantially handicapped by mental retardation, cerebral palsy, epilepsy, autism and other handicapping conditions occurring before age 21.

In January 1978, the Task Force formed a committee to study the quality and quantity of minority participation in planning and direct service delivery as they relate to developmental disabilities.

For purposes of the study, the Task Force restricted the meaning of the term "minorities" to racial/ethnic groups. Focus on "handicapped" people was waived until later, although it was generally felt that these people should also be included in the concept of "protected classes" where affirmation action and equal employment are concerned.

THE PROBLEM

Historically, the minority consumer has had difficulty in obtaining DD services. Direct and indirect providers often indicate their unfamiliarity with the task of reaching minority populations by asking, "How can we best reach minorities?" "How can we tell when we have adequately met the needs of minorities?" "How important is it to have a minority person on the staff?" "How many minority people are employed by agencies which serve the developmentally disabled and in what capacities?" "What is the level of minority involvement on agency boards and advisory committees?" These and many other questions have not been answered for the DD service delivery system.

There are several aspects to involvement of minority populations in the DD movement. One concerns delivery of services to minorities with DD handicaps. A second aspect relates to meaningful involvement of minorities in organizations which advocate DD services. Examples are United Cerebral Palsy (UCP), Minnesota Epilepsy League (MEL), National Society for Autistic Children (NSAC) and Minnesota Association for Children with Learning Disabilities (MACLD). A third important aspect is recruiting and hiring minorities for jobs in direct and indirect DD service delivery and including minorities on policy-making boards and advisory committees of relevant agencies.

The issue of involving minorities in every component of the developmental disabilities service delivery system – which the Task Force advocates in this report – should be considered against the following background.

Research indicates that perhaps the most significant indicators of mental retardation at any level of severity are socio-economic status and race, which are highly correlated in the United States. This hypothesis can be extended to cerebral palsy and epilepsy, since risk factors such as lack of prenatal care for all three disabilities are greater at the lower socio-economic levels. Thus, as the NARC Poverty and Mental Retardation Committee has indicated, "There is a disproportionately high incidence of mental retardation among low-income groups. A child from a low-income family is 15 times more likely to be diagnosed as retarded than a child from a higher-income family."¹

At the national level, public laws stipulate the racial equal employment opportunity responsibilities with which any agency or firm must be concerned. The primary laws are: Title VI of the Civil Rights Act of 1964, as amended, and Presidential Executive Orders 11246 and 11375.

¹ *Plan for Everyone: Involvement of Low Income and Minority Members*. National Association for Retarded Citizens, Arlington, Texas. 1973

In Minnesota, Executive Order No. 168, signed by the Governor on February 28, 1978, established the state's affirmative action program and delineated responsibilities under the program. Executive Order No. 168 replaced earlier order Nos. 76 and 76A. The new order is much stronger than the previous ones and clearly demonstrated the governor's commitment to affirmative action. Under this directive, the State Commissioner of Personnel is responsible for the overall administration of the state affirmative action program. The commissioner appoints a State Director of Equal Employment Opportunity to monitor the program. The commissioner of each state agency is responsible to the governor through the Commissioner of Personnel on matters relating to affirmative action. The increased commitment to affirmative action demonstrated by the executive orders resulted in passage of a 1978 state law mandating affirmative action. The new law, MS 43.15, replaced the executive orders. It adds the force of law to affirmative action and equal employment opportunity in the state of Minnesota.

APPROACH TO THE PROBLEM

Any service delivery system must be assessed by asking some crucial questions. One of these is, are minority populations getting adequate and appropriate services? One way to discern and meet the service needs of minority people who are developmentally disabled is to involve minorities in a meaningful way in planning and delivering DD services.

Because of limitations in time and resources available, the Developmental Disabilities Task Force (DDTF) chose to focus its study on determining minority employment and representation on advisory committees and policy-making boards in agencies and programs which plan for and deliver services to developmentally disabled people. In January 1978, the Task Force formed a special committee made up of Task Force members and other residents of the Metropolitan Area concerned with affirmative action and equal employment opportunity. These two terms are defined in Appendix C of this report.

The charge to the DD Committee on Minority Participation follows:

1. To determine the proportion of developmental disabilities program and agency staff who are minorities.
2. To assess the level of minority participation on decision-making boards and advisory committees of these organizations.
3. To find out if these organizations have affirmative action policies.
4. To find out if the agencies are (in the aggregate) in compliance with state and federal affirmative action regulations.
5. To discern what practices they use in recruiting membership on policy-making or advisory bodies or for employment.
6. To suggest strategies for initiating and/or increasing the quality and quantity of minority participation in agencies and programs serving people with developmental disabilities in the Metropolitan Area.
7. To identify resources that can be used by the agencies to further this cause in the Metropolitan Area.

The DD Committee on Minority Participation has operated as a working committee. After studying the charge and its implications, the committee sought data and information to assess the participation of minorities in DD programs. The search failed to turn up most of the information needed. Particularly, information was lacking on affirmative action in direct service agencies. So the committee designed a survey to obtain the information from direct service agencies. These agencies include individual school districts, residential

programs, day activity centers and sheltered workshops.

The survey was administered both by phone and, in some cases, by mail to the agencies. Committee members and staff carried out this task. In most cases, program administrators or directors were the respondents.

Affirmative action data also was obtained from such sources as the director of the Affirmative Action Division of the State Department of Public Welfare, staff of the State Department of Personnel, and the affirmative action officer of the Metropolitan Council.

The response rate for 127 community agencies surveyed directly was more than 80 percent. However, among the non-respondents was at least one large agency providing direct service to developmentally disabled people. This means that some percentages reported in the study probably are slightly higher than would be the case if all agencies had responded, because at least one of these agencies does not have minorities on its staff or board.

III. MINORITY RESIDENTS OF THE TWIN CITIES METROPOLITAN AREA

According to the 1970 census reports, the Twin Cities Metropolitan Area had a population of 1,874,612 in 1970. Of this number, about 67,000 people or 3.6 percent were minorities. For purposes of this study, the term "minorities" refers to the following racial or ethnic categories: (1) Black people, not of Hispanic origin; (2) Hispanic people; (3) Native Americans: American Indians and Alaskan Natives; and (4) Asians or Pacific Islanders: Oriental people. Appendix A contains specific definitions of these categories as defined by the Equal Employment Opportunity Commission (EEOC) in April 1977.

Table 1 gives population figures for people in the minority categories who lived in the Metropolitan Area in 1970. In this table, Oriental people are accounted for under "Other Minorities".

Although these are official figures published by the U.S. Census Bureau, they have often been challenged by minority groups. These groups have alleged that the figures substantially underestimate minorities in all sub-categories.

TABLE 1.
1970 MINORITY GROUP POPULATION FIGURES FOR THE
SEVEN COUNTIES IN THE TWIN CITIES METROPOLITAN AREA¹

1970 Census Figures ²											
COUNTY	1970 Population	Black		Native American ³		Spanish Speaking ⁴		Other Minorities ⁵		Total Minorities	
		#	% ⁶	#	%	#	%	#	%	#	%
Anoka	154,712	178	0.12	509	0.33	644	0.42	449	0.29	1,780	1.15
Carver	28,331	7	0.02	25	0.09	0	—	36	0.13	68	0.24
Dakota	139,808	182	0.13	277	0.20	1,162	0.83	311	0.22	1,932	1.38
Hennepin	960,080	20,044	2.09	6,722	0.70	6,595	0.69	4,806	0.50	38,167	3.98
Ramsey	476,255	11,525	2.42	2,146	0.45	7,433	1.56	2,130	0.45	23,234	4.88
Scott	32,423	15	0.05	81	0.25	199	0.61	25	0.08	320	0.99
Washington	83,003	189	0.23	198	0.24	850	1.02	211	0.25	1,448	1.74
Metro Area	1,874,612	32,140	1.71	9,958	0.53	16,883	0.90	7,968	0.43	66,949	3.57

¹ Figures taken from July, 1973, Metropolitan Council map, "Population Distribution of Minorities."

² Data on Black, Native American, and "Other Minority" people came from 100% survey questions from the 1970 Census First Count. Data on Spanish Speaking people was drawn from the 1970 Census Fourth Count and is based on a 15% sample survey by the Census.

³ American Indian.

⁴ Includes those who reported Spanish as their mother tongue, as well as people in families where the head or wife reported Spanish as his or her mother tongue.

⁵ Includes those who indicated their race as Japanese, Chinese, Filipino, Hawaiian, Korean or other race not included in the other categories.

⁶ Percentage figures refer to percent of total 1970 population in the governmental unit.

IV. THE "QUANTITY AND QUALITY" OF MINORITY PARTICIPATION IN SELECTED STATE AGENCIES

The responsibility for managing and planning programs that serve people with developmental disabilities is spread out among a large number of agencies in the Metropolitan Area. At the state level, the Departments of Health, Public Welfare, Education and Economic Security are among them. In addition, the State Planning Agency, in which the Governor's Planning Council on Developmental Disabilities is based, has significant planning responsibilities in the area of DD.

The Committee on Minority Participation and its staff obtained data on affirmative action practices in four of these agencies, the State Planning Agency, and the Departments of Education, Economic Security and Public Welfare. This information is presented in the succeeding pages.

QUANTITY OF MINORITY PARTICIPATION

A total of 4,094 state employees work in the central offices of the four agencies surveyed. Of this number, 215 or 5.26 percent are minorities. Minority representation varies somewhat from agency to agency. Minority percentages range from 4.64 percent for the Department of Public Welfare to 7.25 percent for the State Planning Agency. Table 2 illustrates the ranges.

TABLE 2.
PERCENT MINORITY EMPLOYEES IN SELECTED STATE AGENCIES, 1978

Agency	Minorities	Total	% Minorities
State Planning Agency	15	207	7.25
State Department of Education	46	736	6.25
State Department of Economic Security	121	2440	4.95
Department of Public Welfare	33	711	4.64
Totals	215	4094	5.26

QUALITY OF MINORITY PARTICIPATION

When the minority distribution for the various occupational categories (as defined in Appendix B) is considered for all four agencies, the percent of minorities varies from 2.58 percent for service positions to about seven percent for professional positions. This situation is summarized in Table 3.

TABLE 3.
NUMBER AND PERCENT OF MINORITY EMPLOYEES BY POSITION CATEGORIES
IN FOUR STATE AGENCIES, 1978

Position	Minorities	Total for Positions	% Minority/Positions
Management	6	90	6.67
Supervisory	18	583	3.09
Professional	115	1633	7.04
Technical	9	277	3.25
Office/clerical	57	1211	4.71
Service	6	233	2.58
Other*	4	67	5.97
Totals	215	4094	5.26

*"Other" includes the crafts, operative, laborer and trainee categories

Table 3 indicates that, in general, in the management, professional, office/clerical, and "other" occupational categories at least four percent of the employees are minorities in the state agencies considered. However, in the supervisory, technical and service categories, the level of involvement is less than four percent.

The level of minority involvement for each job category varies among the individual state agencies. The Affirmative Action Profiles in Appendix D show which job categories have more and which have less than four percent minority employees in each agency. A summary of the information is presented in Table 4.

TABLE 4.
AREAS OF MINORITY INVOLVEMENT AND LACK OF MINORITY INVOLVEMENT
IN STATE AGENCIES, 1978

Agency	More than 4%	Less than 4%
State Planning Agency	Management Supervisory Professional Office Other	Technical
State Department of Education	Management Supervisory Professional Office	Technical Service Other
Department of Economic Security	Management Professional Service/Other	Supervisory Technical
Department of Public Welfare	Technical Professional	Management Supervisory Office Other

MINORITY MALES AND FEMALES IN STATE AGENCIES' WORK FORCE

The study showed that there are slightly more minority female employees than minority male employees in the four state agencies. There are 116 females and 99 males.

GOVERNOR'S PLANNING COUNCIL ON DEVELOPMENTAL DISABILITIES

The State Developmental Disabilities Planning Program in Minnesota is based in the State Planning Agency. The Governor's Planning Council on Developmental Disabilities is charged with the responsibility for developing and adopting the state DD plan. This study found that although the Council has had minority members before, there are no minority members on the Council at this time. In this connection, attention must be drawn to Section 133 of H.R. 12467 – the DD Amendments of 1978 – which states that the state DD plan must provide assurances that the state has undertaken affirmative steps to assure the participation in programs under this title of individuals generally representative of the population of the state, with particular attention to the participation of members of minority groups.

V. AFFIRMATIVE ACTION EFFORTS AND PROBLEMS IN SELECTED STATE AGENCIES

AFFIRMATIVE ACTION REPORTS

To assess the progress currently being made in affirmative action by state agencies and to examine any problems or contingencies in this area, the latest reports on this issue from the four state agencies in this study were examined. These reports are prepared quarterly and submitted to the State Department of Personnel's Equal Opportunity Division. The most recent reports available to the Committee on Minority Participation cover the last quarter of 1977 for the Department of Public Welfare and the first and second quarters of 1978 for the other three agencies. These reports are the basis of the following discussion.

AFFIRMATIVE ACTION PLAN OBJECTIVES

All four state agencies have some affirmative action plan objectives, although the level of specificity with which these were outlined differs substantially between the agencies. Two examples of agency objectives are: (1) "continued efforts to recruit one or more minority staff members to the technical and professional levels" (State Planning Agency); and (2) "assist in recruitment activities" (Department of Public Welfare).

RECRUITMENT ACTIVITIES

To recruit employees, one agency indicated that it advertises position openings at all local colleges and universities and contacts agencies such as Economic Security, the Urban League and similar organizations in efforts to obtain minority applicants. Another agency mentioned the use of its resumé bank, advertisements in minority newspapers and mailings to at least 60 other agencies, including some minority agencies, as methods of recruitment. A third agency indicated that its recruiting efforts for rehabilitation counselor positions recently identified some qualified minority people and, as a result, four minorities made the certified list.

PROGRESS TOWARD MEETING AFFIRMATIVE ACTION GOALS

In general, it appears that the agencies are on schedule in meeting their affirmative action goals. However, one agency indicated that although it had achieved an overall four percent minority employment percentage, it is deficient by one minority employee each in the management, supervisory, clerical and service occupation categories. Another agency reported that although it has more than four percent minorities, the clerical, technical and supervisory categories have less than four percent.

SOME PROBLEMS

All four agencies in the study listed some problems which they were experiencing in meeting their affirmative action goals and objectives. Some of these problems are presented below.

- * "We have difficulty locating minority staff for most technical and professional openings."
- * "Poor recruitment response from mailings. Present job market tends to screen out applicants with minimal qualifications. Minorities are often not on certified lists."
- * A directive to reduce by two percent the number of full-time positions was anticipated to have a negative impact on hiring, and difficulties in securing clerical and other staff for the affirmative action office were being experienced in one agency.

- * "The filling of the affirmative action director and officer positions (for this department) have been delayed due to budget restrictions. The affirmative action unit is partially established with an affirmative action officer, a stenographer and a CETA employee."

SOME FUTURE AFFIRMATIVE ACTION OBJECTIVES

Each of the state agencies studied some future objectives in the area of affirmative action, although the level of specificity differed. Among the more specific objectives stated were the following: to update the resumé bank; to distribute the affirmative action plan; and to maintain present minority staff and expand contacts with organizations through which qualified minority candidates may be located and recruited for future openings.

VI. INVOLVEMENT OF MINORITIES IN SELECTED DEVELOPMENTAL DISABILITIES DIRECT CARE AGENCIES

A wide range of programs provide direct services to handicapped people, including people with developmental disabilities. The types of programs include: residential facilities (large and small), developmental achievement centers (DAC's), sheltered workshops, special education programs, diagnostic centers and recreational programs.

DIRECT CARE AGENCIES SURVEYED

This survey was directed toward these types of programs. The survey was necessary because affirmative action data on such programs was lacking in the files of several of the state agencies which fund, administer or regulate them. Because of time and resource constraints, the Committee chose to administer the survey to residential programs, day activity centers and sheltered workshops.

Table 5 shows results of the survey of direct service programs. Of the 127 programs surveyed, 106 responded. These programs are operated by 56 separate agencies. Survey results showed that only four percent of the employees and 2.75 percent of board and advisory committee members of these agencies are minority people.

TABLE 5.
SURVEY RESULTS FOR DEVELOPMENTAL ACHIEVEMENT CENTERS,
RESIDENTIAL PROGRAMS AND SHELTERED WORKSHOPS, 1978

1.	Total number of programs surveyed:	127		
	Total number responding:	106		
	Number of agencies represented in (responding) sample:	56		
2.	Total number of minority employees identified:	76		
	Total number of employees (all groups):	1868		
	Percent minorities in DD program work force:	4.07%		
3.	Total minority membership on boards and advisory committees:	19		
	Total members on boards and advisory committees:	690		
	Percent minority representation on boards and advisory committees:	2.75%		
4.	Number and percent minority employees by position type:			
	Position	Minorities	Total for Position	% Minorities for each position
	Management/Supervisory	4	199	2.01
	Professional	11	403	2.73
	Direct Care	40	676	5.92
	Support	15	535	2.80
	Other	6	55	10.90
	Totals	76	1868	4.07
5.	Total number of minority male employees:	36		
	Total number of minority female employees:	40		
	Minority representation by position,category and sex.			
	Position	Male	Female	
	Management	1	3	
	Professional	7	4	
	Direct Care	21	19	
	Support	3	12	
	Other	4	2	
	Total	36	40	

AFFIRMATIVE ACTION EFFORTS AND PROBLEMS IN DIRECT CARE AGENCIES

The survey attempted to determine how many agencies have established procedures for recruiting, screening and selecting prospective employees as well as board and advisory committee members. The survey also elicited information on procedures used for these purposes. Summarized below are the results of this inquiry for residential programs, day activity programs and sheltered workshops.

Established Procedures for Recruiting, Screening and Selecting

A significant proportion of the direct service agencies in question indicated that they do not have established procedures for recruiting, screening and selecting employees or board members. Of the 56 agencies which operate the 106 programs responding, 23 said they did not have established procedures for screening; 14 didn't have procedures for recruiting; and 17 didn't have selection procedures.

Procedures Used in Recruiting

By far the most commonly used method for recruiting was advertising in local newspapers and major Twin City Area newspapers. Other methods mentioned were: advertise at local colleges and universities (student employment and job placement services); advertise through the State Employment Service; review resumes on file; advertise in minority newspapers; mailings to minority agencies; file vacancies with affirmative action groups or agencies in the neighborhood; advertise in developmental disabilities newsletters; seek referrals through current employees; recruit through Lutheran Social Service; use relatives; seek out interested neighbors; place advertisements with employment agencies; list jobs with job banks, such as CETA, Work Incentive Programs, Division for Vocational Rehabilitation and the Urban League.

Screening and Selecting

The responses to the question about screening and selecting practices can be grouped under two headings: (1) methods, instruments or criteria used, and (2) who makes the decisions?

Methods, instruments and criteria used were described as follows: applications and resumes are reviewed; interviews are conducted; written personnel practices are followed; references are checked closely; job descriptions and requirements are matched against qualifications; written affirmative action policies are followed; college training in social science, psychology or special education preferred; age 18, high school diploma or license required; tour of facility is conducted and applicant's observations noted; financial people or clergy only selected for board; no tests given, applicant's background reviewed; education, experience, personality and reliability are the criteria used; the applicant's interest, availability and experience; civil service procedures followed; and candidate must work with the clients for awhile and then decision is made.

Who makes the decisions? Respondents said that: director interviews candidates and makes decision; a review committee made up of one-third parents, one-third community people and one-third professionals screens and selects; the director in consultation with the personnel committee of the Board screens and selects; a majority vote of the board is required; done by the County Personnel Department (Anoka and Scott); personnel department screens, the department head interviews and both decide on whether or not to hire the candidate; screening is done by nominating committee of board and then final decision made by majority vote of board.

Some Problems Relating to Hiring Minorities

Many of the direct care agencies surveyed indicated that they do not know the best ways to reach qualified minorities for jobs in their programs and that they need assistance. Several stated that they had never had any minority applicants for positions in their agencies. Some respondents said the location of their programs in outlying or rural areas of the Metropolitan Area hinders involvement of minorities. They said that most minorities live close to the Minneapolis and St. Paul downtown areas and the time and expense it would take for them to commute prohibits them from seeking jobs in their programs.

One residential program director stated that she has occasionally had minority applicants but they did not like the type of work and hours offered. "Although we offer training for those who are new to the field of developmental disabilities, some applicants find the field too confining and those with college training can get better paying jobs and hours that suit them," she said.

Another program administrator said, "We have had many minority people on our staff in the past. Like all other employees, some have been excellent, others average, etc. We deal with much turn-over in our business. At present, we do not have a minority person working for us. I simply have not had many people with a minority background apply recently. I guess we do not deal with people on a race or color basis, but simply on a basis of their qualifications and experience. If you have people that have training in Nursing, Psychology, Social Welfare, Special Education, Physical Therapy, Occupational Therapy or a related field, we would be more than happy to interview them as our job positions open. If you have listings of minority people with these qualifications or know of a referral service that I might use, it would be helpful to me as an employer. We need good qualified people when we have openings, and we would welcome your suggestions."

VII. PARTICIPATION OF MINORITIES IN METROPOLITAN COUNCIL ACTIVITIES

THE METROPOLITAN COUNCIL AND AFFILIATED AGENCIES

Since this study originated with the developmental disabilities program of the Metropolitan Council and Metropolitan Health Board, the Committee decided to review the affirmative action program of the Metropolitan Council.

The Metropolitan Council is comprised of 17 members who are appointed by the governor with the advice and consent of the Minnesota Senate. Sixteen of the members are appointed to four-year terms from districts of equal population size within the Seven-County Metropolitan Area. The Council chairman, the 17th member, represents the Region as a whole and serves at the pleasure of the governor. The Council was established by the State Legislature in 1967, and is accountable, in law, to the Legislature.

The Council was created to guide and coordinate the development of human, physical and economic resources of the Twin Cities Metropolitan Region (Minnesota's Region XI). It is actively involved in health, housing, aging, law and justice, transportation, solid waste disposal, water resources management and aviation.

Funds to support the Council come from the federal and state governments, the regional commissions and from a property tax levy (.23 mill) collected in the Twin Cities Seven-County Metropolitan Area.

COMPLIANCE WITH LAWS AND REGULATIONS

The Metropolitan Council has affirmative action obligations in three areas under its adopted program and applicable federal and state regulations. These are (1) equal employment op-

portunity, (2) citizen participation and effective representation on policy-making and advisory bodies, and (3) minority/female business enterprise.

The Metropolitan Council is subject to the regulations and guidelines of its funding sources. Federal agencies that grant financial assistance and other agencies that oversee compliance continue to broaden and refine the scope of these regulations and guidelines.

The Council's legal staff has assisted in compiling and interpreting the growing body of pronouncements that pertain to non-discrimination and affirmative action. These pronouncements, in part, form the basis for policies and practices followed by the Metropolitan Council regarding affirmative action goals and equal employment opportunity.

The data and information presented in the succeeding pages was abstracted from the Council's *Annual Affirmative Action Report for Year Ending December 31, 1977*, which was issued in April, 1978.

AFFIRMATIVE ACTION PROGRAM

Policies, principles and implementation methods adopted by the Council in 1974 are the continuing basis for affirmative action. During 1977, a reorganized program was drafted and discussed with department directors and staff.

Major emphasis in 1978 is being placed on completion, adoption and implementation of a comprehensive program which meets the needs of the Council and the standards of the regulatory agencies. In the process, efforts are underway to define and clarify issues and to address concerns related to affirmative action and equal opportunity.

REPORTS

To meet requirements of the Department of Housing and Urban Development (HUD), one of the Council's federal funding sources, the Council's affirmative action report for 1976 and responses to specific questions in the HUD grant application were sent to HUD. Other reports to federal or state agencies which fund Council programs have been provided as requested.

The Council applied for a Certificate of Compliance from the State Human Rights Department in 1977, and was notified that it is in compliance with the requirements of state law, until May 1, 1978.

The Council affirmative action reports to the Personnel and Work Program Committee and to management and staff were made informally and infrequently during 1977. In 1978, communications and dissemination of information have been improved, and written reports have been circulated to staff.

STAFF COMPOSITION, MINORITY/FEMALE REPRESENTATION

Tabulations for 1977 incorporate all permanent Council employees, full time and part time. For comparison with previous time periods, when only full-time staff was tabulated, two sets of totals are given in Table 6.

Fourth quarter data, unless otherwise noted, includes people who terminated at the end of 1977, but were on staff on the last working day of the year (December 30).

Race/ethnic data reflect the changed definitions announced by EEOC (see Appendix A). One staff member, formerly counted as nonminority, is included in the minority group in 1977.

TABLE 6.
METROPOLITAN COUNCIL PERMANENT STAFF BY SEX, RACE/ETHNIC AND
JOB CATEGORY, DECEMBER 30, 1977

Job Category	Male					Female				
	W	B	H	A	AI	W	B	H	A	AI
Official	13	0	0	0	0	2	0	0	0	0
Professional	71	5	1	1	0	39	1	1	0	0
Paraprofessional	1	0	0	0	0	10	0	0	0	0
Technical	5	1	1	2	0	10	0	0	0	0
Clerical	3	0	0	0	0	32	4	0	0	0
Total	93	6	2	3	0	93	5	1	0	0

Abbreviations: W – White, not of Hispanic origin
 B – Black, not of Hispanic origin
 H – Hispanic/Chicano/Latino
 A – Asian or Pacific Islander
 AI – American Indian or Alaskan Native

Full-time Permanent Staff

From the end of 1976 to the end of 1977, full-time permanent staff increased 18.2 percent, to 203 employees. Changes brought about by the new hires, terminations, leaves of absence and other personnel actions resulted in an increase of only 3.1 percent for all males compared with an increase of 40.3 percent for all females. Minority representation increased 21.4 percent in 1977 (see Table 7).

In the professional category, there was a 16.7 percent increase in employees. Female representation increased 52 percent with a net gain of 13 women in professional jobs. For males, terminations offset hires and there was no change. Minority representation increased by 12.5 percent.

Combining paraprofessional, technical and clerical jobs, there was a 37.5 percent increase in employees. Male representation increased by 50 percent; female representation increased by 35 percent. There was a 33.3 percent increase in minority representation.

The changes reflect greater sex integration in both groups. The concentration of females in the lower grade levels was reduced somewhat by the addition of more males. The underrepresentation of females in higher level jobs was alleviated, as well, although the sex integration is most evident in the entry levels.

Among minority group members, Chicanos are underrepresented, and no Native Americans are on the Council's staff.

Part-time Employment

Throughout 1976, all part-time permanent employees were female. In 1977, part-time positions increased in number, and both males and females took advantage of flexibility in work scheduling to combine work with activities such as child care and educational pursuits. To date, all part-time employees have been nonminorities. In most instances, the part-time work arrangements have been at the request of the employee, although several new positions were advertised and filled on a part-time basis.

At the end of 1977, part-time employees were 3.9 percent of all permanent staff.

TABLE 7.
COMPOSITION OF METROPOLITAN COUNCIL STAFF,
BY JOB CATEGORY, DECEMBER 30, 1977

JOB CATEGORY	ALL STAFF		MALE		FEMALE		ALL MINORITY		ALL FEMALE	
	F-T	P-T	Non-Min.	Min.	Non-Min.	Min.	#	%	#	%
Official	15	0	13	0	2	0	0	0.0	2	13.3
Professional*	114	5	71(2)	7	39(3)	2	9	7.6	41	34.5
Paraprofessional	11	0	1	0	10	0	0	0.0	10	90.9
Technical*	17	2	5(1)	4	10(1)	0	4	21.1	10	52.6
Clerical*	38	1	3	0	32(1)	4	4	10.3	36	92.3
Totals: Full-time	195		90	11	88	6	17	8.7	94	48.2
Part-time		8	3	0	5	0	0	0.0	5	62.5
All Staff	203		93	11	93	6	17	8.4	99	48.8

*Numbers in parentheses indicate part-time employees

Affirmative Action in 1978

More recent figures for Metropolitan Council staff composition were released in the summer of 1978. These figures, presented in Table 8, indicate that the percentage of minority employees (part time and full time) has dropped slightly to 7.7 percent while the total number of employees has increased by five people.

TABLE 8.
COMPOSITION OF METROPOLITAN COUNCIL STAFF,
BY JOB CATEGORY (1978) JUNE 30, 1978

JOB CATEGORY	ALL STAFF		MALE		FEMALE		ALL MINORITY		ALL FEMALE	
	F-T	P-T	Non-Min.	Min.	Non-Min.	Min.	#	%	#	%
Official	15	0	13	0	2	0	0	0.0	2	13.3
Professional, Management	25	0	20	0	5	0	0	0.0	5	20.0
Professional, Non-management	91	8	52(3)*	8(1)	38(4)*	1*	9	9.1	39	39.4
Paraprofessional	13	0	0	0	13	0	0	0.0	13	100.0
Technical	15	3	5(1)*	3	10(2)*	0	3	16.7	10	55.6
Clerical	38	0	3	0	31	4	4	10.5	35	92.1
Total	208		93	11	99	5	16	7.7	104	50.0

*Part-time employees

Citizen Participation on Advisory Committees

The Metropolitan Council publicly invites applications for membership on advisory committees. During 1977, a Special Committee on Open Appointments, composed of Council members, met frequently and held several hearings to gain public comment on the appointment process and suggestions for its improvement. Among the matters considered by the Committee were affirmative action requirements and commitments.

Composition of the policy-making commissions and the major boards and committees whose members are appointed or confirmed by the Metropolitan Council are shown in Tables 9 and 10. In intermittent monitoring since 1974, an increase in overall committee membership is noted. The percentages shown reflect an upward trend for female participation and downward trend for minority participation on all committees combined.

TABLE 9.
COMPOSITION OF METROPOLITAN COUNCIL AND
AFFILIATED AGENCIES, DECEMBER 31, 1977

	Filled Positions				% Female	Minority Group Members								% Minority
	All	Male		Female		Male				Female				
		B	H			AA	AI	B	H	AA	AI			
Metropolitan Council	17	12*	5	29.4	1									5.9
Metropolitan Transit Commission	9	6*	3	33.3	1									11.1
Metropolitan Waste Control Commission	9	7*	2	22.2										0.0
Total	35	25	10	28.6	2	0	0	0	0	0	0	0	0	5.7

*Includes chair.

TABLE 10.
COMPOSITION OF ADVISORY BOARDS AND COMMITTEES
DECEMBER 31, 1977

	Filled Positions				% Female	Minority Group Members								% Minority
	All	Male	Female	Male				Female						
				B		H	AA	AI	B	H	AA	AI		
Advisory Committee on Aging	25	12	13	52.0				1		1	1			12.0
Chairman's Advisory Committee	14	13	1	7.1										0.0
Communications Advisory Committee	25	18	7	28.0				1		2				12.0
Criminal Justice Advisory Committee	30	25	5	16.7	1			1						6.7
Emergency Medical Service Advisory Committee	21	12	9	42.9										0.0
Land Use Advisory Committee	18	14	4	22.2										0.0
Metropolitan Health Board	30	14	16	53.3			2		2		2		1	16.7
Metro HRA	9	5	4	44.4	2									22.2
Metropolitan Parks and Open Space	9	7	2	22.2										0.0
Regional Arts Advisory Committee	25	11	14	56.0	1			1						8.0
Solid and Hazardous Waste Advisory Committee	19	16	3	15.8										0.0
Transportation Advisory Board	30	23	7	23.3				1						3.3
Transportation Technical Advisory Committee	25	25	0	0.0										0.0
Waste Management Advisory Committee	25	21	4	16.0										0.0
Total	305	216	89	29.2	4	0	4	3		5	1	0	1	5.9

Over time, new committees are formed and others are disbanded as their duties are completed. For boards and committees in effect in each time period surveyed since 1974, current tabulations were compared with earlier data. During the three-year period, there has been a steady increase in appointments of women, with a fairly stable representation of minorities in these boards and committees.

Committees oriented to human resource areas have greater participation of minorities and women than do committees associated with physical planning. Seven human resource committees, with a total membership of 165, included 68 (41.2 percent) women and 17 (10.3 percent) minorities. Six physical resource committees included 20 (15.9 percent) women and one (0.8 percent) minority person among 126 members.

The Council also has a number of standing and ad hoc task forces and subcommittees which offer opportunities for participation. Complete tabulations were not made of all of these groups, which are appointed by the major advisory boards. As an illustration, however, the composition of committees of the Developmental Disabilities Task Force, which is part of the Metropolitan Health Board structure, is shown in Table 11.

TABLE 11.
COMPOSITION OF TASK FORCES AND SUBCOMMITTEES OF THE
METROPOLITAN HEALTH BOARD, DECEMBER 31, 1977

	Filled Positions			% Female	Minority Group Members								% Minority	
	All	Male	Female		Male				Female					
					B	H	AA	AI	B	H	AA	AI		
Community Health Services	16	10	6	37.5						1				6.3
CT Scanning	10	7	3	30.0				1						10.0
Long Term Care	16	9	7	43.8	1					1				12.5
Mental Health	16	7	9	56.3						1				6.3
Viable Hospital	14	10	4	28.6										0.0
*Developmental Dis. Task Force														
Executive Committee	24	8	16	66.7						1				4.2
Information Systems	7	2	5	71.4										0.0
Membership	15	6	9	60.0										0.0
Minorities	8	1	7	87.5						1				12.5
Proposal Review	7	4	3	42.9	2				1	1				42.9
	10	5	5	50.0						1				10.0
Total	143	69	74	51.7	3	0	1	1		4	0	0	0	7.7

*The Task Force had one minority member in 1977-78, and thus the same member is counted in each of the committees listed in this table.

VIII. CONCLUDING REMARKS

Perhaps one central conclusion to be drawn from this study is that there is a lack of meaningful involvement of minorities in decision-making, planning, and direct service delivery in the developmental disabilities service delivery system both at the state and local levels. This report and the literature suggest that there is a correlation between inappropriateness of some available DD services and the tendency of service providers to dismiss the needs of minority persons as being the same as those of the majority.

Respondents were asked what they thought the DD Task Force could do to assist them in involving more minorities in their programs. The responses were various. A large number of the agencies stated that they were not sure what the role of the Task Force might be. Some simply stated that any assistance in this area would be welcome. Others were more specific: among these there were numerous suggestions to the effect that the DD Task Force should assist agencies in the area of minority recruitment and in giving agencies some direction on where to reach prospective minority applicants. Some suggested ways to do this were: (1) to continue to allow publication of job openings in the Task Force's newsletter: *The DD Information Exchange* and (2) to conduct seminars and workshops on affirmative action for the benefit of the direct service agencies. Another way to foster the involvement of minorities in the DD movement, as suggested by one agency administrator, is to get colleges and universities to present developmental disabilities service delivery to qualified minority students as a rewarding "line of work."

There are several agencies which reported that they have successfully pursued affirmative action, particularly as it relates to minorities. Others indicated that they have tried to recruit minorities and have not been very successful so far. For example, one respondent said, "It bothers us that we do not have any minorities on our staff especially since a number of our DAC participants are black and we have to deal with their families." Finally, there are those agencies which have stated that they have never thought much about the issue of minority involvement.

Today, discrimination takes the form of unfair practices. Some are unintentional and seemingly neutral, but nonetheless they perpetuate the effects of past discrimination, or create a disparate impact on certain racial and ethnic groups. Both in the public and private sector such practices have been unlawful since the Civil Rights Act was passed in 1964.

APPENDICES
APPENDIX A
DEFINITIONS OF RACE/ETHNIC CATEGORIES

GOVERNMENT STANDARD RACE/ETHNIC CATEGORIES

Source: Federal Register, Vol. 42, No. 64 – Monday, April 4, 1977

In a memorandum from the Office of Management and Budget dated October 13, 1976, the Equal Employment Opportunity Commission was advised that OMB had changed the government standard race/ethnic categories. This revision required EEOC to change its race/ethnic categories. These definitions did not revise the underlying regulations. Accordingly, the following changes were made in the EEO-4, EEO-5 and EEO-6 survey definitions:

1. White, not of Hispanic Origin – Persons having origins in any of the original peoples of Europe, North Africa or the Middle East.
Change: Indian Subcontinent deleted.
2. American Indian or Alaskan Native – Persons having origins in any of the original peoples of North America, *and who maintain cultural identification through tribal affiliation or community recognition.*
Change: Italicized wording added.
3. Asian or Pacific Islander – Persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands and Samoa.
Change: Indian Subcontinent added.

The Equal Employment Opportunity Commission hereby gives notice that the State and Local Government Information (EEO-4) as required by 29 CFR 1602.30 for 1977 and for subsequent years will reflect five (5) revised race/ethnic categories. The same race/ethnic categories will also be reflected on the Elementary-Secondary Staff Information (EEO-5), 29 CFR 1602.39 and the Higher Education Staff Information (EEO-6) 29 CFR 1602.48 for 1977 and subsequent years. The five race/ethnic categories are defined as follows:

White, not of Hispanic Origin – Persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.

Black, not of Hispanic Origin – Persons having origins in any of the Black racial groups of Africa.

Hispanic – Persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish Culture or origin, regardless of race.

American Indian or Alaskan Native – Persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.

Asian or Pacific Islander – Persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands, and Samoa.

APPENDIX B
DEFINITION OF JOB CATEGORIES FOR REPORTING PURPOSES*

DESCRIPTION OF JOB CATEGORIES

Officials and Managers

Occupations requiring administrative personnel who set broad policies, exercise over-all responsibility for execution of these policies, and direct individual departments or special phases of a firm's operations. Includes: officials, executives, middle management, plant managers, department managers, and superintendents, salaried foremen who are members of management, purchasing agents and buyers, and kindred workers.

Professional

Occupations requiring either college graduation or experience of such kind and amount as to provide a comparable background. Includes: accountants and auditors, airplane pilots and navigators, architects, artists, chemists, designers, dietitians, editors, engineers, lawyers, librarians, mathematicians, natural scientists, registered professional nurses, personnel and labor relations workers, physical scientists, physicians, social scientists, teachers, and kindred workers.

Technicians

Occupations requiring a combination of basic scientific knowledge and manual skill which can be obtained through about 2 years of post high school education, such as is offered in many technical institutes and junior colleges, or through equivalent on-the-job training. Includes: computer programmers and operators, draftsmen, engineering aides, junior engineers, mathematical aides, licensed, practical or vocational nurses, photographers, radio operators, scientific assistants, surveyors, technical illustrators, technicians (medical, dental, electronic, physical sciences), and kindred workers.

Sales

Occupations engaging wholly or primarily in direct selling. Includes: advertising agents and salesmen, insurance agents and brokers, real estate agents and brokers, stock and bond salesmen, demonstrators, salesmen and sales clerks, grocery clerks and cashier-checkers, and kindred workers.

Office and Clerical

Includes all clerical-type work regardless of level of difficulty, where the activities are predominantly nonmanual though some manual work not directly involved with altering or transporting the products is included. Includes: bookkeepers, cashiers, collectors (bills and accounts), messengers and office boys, office machine operators, shipping and receiving clerks, stenographers, typists and secretaries, telegraph and telephone operators, and kindred workers.

*Excerpted from Standard Form 100, *Instructions for Filing Employer Information Report EEO-1*.

Craftsmen (skilled)

Manual workers of relatively high skill level having a thorough and comprehensive knowledge of the processes involved in their work. Exercise considerable independent judgment and usually receive an extensive period of training. Includes: the building trades, hourly paid foremen and leadmen who are not members of management, mechanics and repairmen, skilled machining occupations, compositors and typesetters, electricians, engravers, job setters (metal) motion picture projectionists, pattern and model makers, stationary engineers, tailors and tailoresses, and kindred workers.

Operatives (semiskilled)

Workers who operate machine or processing equipment or perform other factory-type duties of intermediate skill level which can be mastered in a few weeks and require only limited training. Includes: apprentices (auto mechanics, plumbers, bricklayers, carpenters, electricians, machinists, mechanics, building trades, metalworking trades, printing trades, etc.), operatives, attendants (auto service and parking), blasters, chauffeurs, deliverymen and routemen, dressmakers and seamstresses (except factory), dryers, furnacemen, heaters (metal), laundry and dry cleaning operatives, milliners, mine operatives and laborers, motor-men, oilers and greasers (except auto), painters (except construction and maintenance), photographic process workers, stationary firemen, truck and tractor drivers, weavers (textile), welders, and flamecutters, and kindred workers.

Laborers (unskilled)

Workers in manual occupations which generally require no special training. Perform elementary duties that may be learned in a few days and require the application of little or no independent judgment. Includes: garage laborers, car washers and greasers, gardeners (except farm) and groundskeepers, longshoremen and stevedores, lumbermen, raftsmen and wood choppers, laborers performing lifting, digging, mixing, loading and pulling operations, and kindred workers.

Service Workers

Workers in both protective and nonprotective service occupations. Includes: attendants (hospital and other institution, professional and personal service, including nurses aides, and orderlies), barbers, charwomen and cleaners, cooks (except household), counter and fountain workers, elevator operators, firemen and fire protection, guards, watchmen and doorkeepers, stewards, janitors, policemen and detectives, porters, waiters and waitresses, and kindred workers.

APPENDIX C

THE LEGAL BASIS FOR AFFIRMATIVE ACTION

DEFINITIONS

"Equal Employment Opportunity" is an employer's policy that all personnel activities will be conducted in a manner as to assure equal opportunity for all. Such activities will be based solely on individual merit and fitness of applicants and employees in relation to the specific jobs without regard to race, creed, color, sex, religion, national origin, age, marital status, reliance on public assistance, handicap, or other nonmerit factors except where age, sex, or physical or mental ability is a bona fide occupational qualification.

"Affirmative Action" is the planned, aggressive, coherent, management program designed to provide for equal employment opportunity. The Affirmative Action Plan is the written document through which management ensures that all persons have equal opportunities in recruitment, selection, appointment, promotion, training, discipline, and all other personnel activities. The plan is specifically tailored to the employer's workforce and available skills. It contains specific actions and programs, including goals, timetables, responsibilities, and resources designed to meet identified needs. Affirmative Action is a results-oriented program designed to achieve equal employment opportunity rather than simply a policy to assure non-discrimination. As an ongoing management program, it requires periodic evaluation.

THE HISTORY OF EQUAL EMPLOYMENT OPPORTUNITY

The courts have ruled that employment discrimination has been prohibited by law as far back as the Civil Rights Acts of 1866 and 1870. In some cases, the Equal Protection Clause of the 14th Amendment to the United States Constitution has also been interpreted as prohibiting employment discrimination. In more recent years, the U.S. Congress has enacted very specific legislation prohibiting employment discrimination and detailing the methods through which equal employment opportunity may be achieved. The most comprehensive of these methods is the requirement for affirmative action and the creation of planned Affirmative Action Programs. The State of Minnesota is subject to this requirement and in order to comply with it and other federal regulations, the Minnesota Human Rights Act and Executive Order Number 37 and its successors were enacted.

Executive Order Number 168 mandated the establishment of a Statewide Affirmative Action Program and created the Governor's Affirmative Action Office to administer and implement the statewide program. Eventually, to conform with the direction of current thought, the Governor's Affirmative Action Office was replaced by the Equal Opportunity Division of the Department of Personnel under the leadership of the Director of Equal Opportunity. The concept behind this move is that affirmative action should be an integral part of the personnel process. If the job is done properly, the need for affirmative action will eventually no longer exist as all barriers to equal employment opportunity will have been eliminated from the personnel process.

The increase in commitment to affirmative action as demonstrated by the executive orders has resulted (in 1978) in the establishment of a state law mandating affirmative action. The new law, MS 43.15, replaces the executive orders and adds the strength of law to affirmative action and equal employment opportunity in the state of Minnesota.

**TABLE C-1.
LAWS AND ORDERS REQUIRING EQUAL EMPLOYMENT OPPORTUNITY
AND AFFIRMATIVE ACTION**

	Institutions Covered	Prohibits	Enforcing Agency	Filing the Complaint	Who Can Complain	Time Limit	Sanctions/Penalties
GOVERNOR'S EXECUTIVE ORDER	All State Departments of the Executive Branch.	Establishes an Affirmative Action Program.	Equal Opportunity Division; Department of Personnel.	See Appendix A	See Appendix A	See Appendix A	Placement of an agency in noncompliance status. Legal action under applicable state and federal statutes.
MINNESOTA HUMAN RIGHTS ACT	All institutions, including labor organizations.	Discrimination in employment, on the basis of race, color, creed, religion, age, national origin, sex, marital status, disability and reliance on public assistance.	Minnesota Department of Human Rights.	By a sworn complaint form obtainable from the Department of Human Rights.	An individual and/or organization on own behalf or on behalf of aggrieved parties.	6 months	Injunction, back wages, attorney's fees and costs, etc. Violation of this law is a misdemeanor.
TITLE VI, CIVIL RIGHTS ACT OF 1964	All institutions receiving Federal financial assistance.	Discrimination in, exclusion from participation in, or denial of any program or activity receiving Federal financial assistance.	Each Federal agency which administers grants, loans, or contracts is responsible for the programs or activities funded through its assistance.	By letter to the Chief Official of the administering agency.	Any individual and/or organization on own behalf or on behalf of aggrieved parties.	Each agency establishes its own time limit.	Funds may be revoked, delayed or denied. Institutions may be declared ineligible for future awards.
TITLE VII, CIVIL RIGHTS ACT OF 1964 (amended by Equal Employment Opportunity Act of 1972)	All institutions with 15 or more employees.	Discrimination in employment (all terms and conditions thereof) on the basis of race, color, religion, national origin, or sex. Also, harassment of employees who file complaints.	U.S. Equal Employment Opportunity Commission (EEOC).	By sworn complaint form available from EEOC or the Minnesota Department of Human Rights.	Any individual, organization, or member of EEOC on own behalf or on behalf of aggrieved parties.	180 days.	EEOC, U.S. Dept. of Justice can file a suit. Injunction back wages, salary increases with interest, etc.
EQUAL PAY ACT OF 1963 (amended by Title IX Education Amendments Act of 1972)	All Institutions, including labor organizations.	Discrimination in salaries (including almost all fringe benefits) on the basis of sex.	Wage and Hour Division of the Employment Standards Administration of the U.S. Department of Labor.	By letter, phone call, or in person to nearest Wage and Hour Division. Names of complainants are confidential.	Any individual and/or organization on own behalf or on behalf of aggrieved parties.	No official limit; recovery of back wages limited to 2 years for non-willful and 3 years for willful violations.	Secretary of Labor, or individuals after proper notice, may file suit. Injunction, back wages, salary increases with interest, etc.
AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1964 (amended in 1974)	All institutions, including labor organizations.	Discrimination in compensation, terms, conditions and privileges of employment, and status as employee on the basis of age. (Covers ages 40-65)	Wage and Hour Division of the Employment Standards Administration of the U.S. Department of Labor.	By letter, phone call, or in person to nearest Wage and Hour Division.	Any individual and/or organization on own behalf or on behalf of aggrieved parties.	180 days	Secretary of Labor, or individuals after proper notice, may file suit. Injunctive relief, unpaid minimum wages or unpaid over-time compensation.
EXECUTIVE ORDER #11246 (amended by Executive Order #11375)	All institutions with federal contracts in excess of \$10,000.	Discrimination in employment (all terms and conditions thereof) on the basis of race, color, religion, national origin, or sex.	Office of Federal Contract Compliance Programs (OFCCP) of the U.S. Dept. of Labor, or the HEW Office for Civil Rights for educational institutions.	By letter to OFCCP or to the Secretary of HEW.	Any individual and/or organization on own behalf or on behalf of aggrieved parties.	180 days	Normally, no private right of suit. Affirmative Action plans with numerical goals and timetables are required. Contracts may be delayed or revoked. Back pay is awarded if necessary.
TITLE IX, EDUCATION AMENDMENTS OF 1972 (Higher Education Act)	All educational institutions receiving federal funds through grants, loans, or contracts.	Discrimination against students and employees on the basis of sex.	HEW Office for Civil Rights, Higher Education Division.	By letter to the Secretary of HEW.	Any individual and/or organization on own behalf or on behalf of aggrieved parties.	180 days	HEW may authorize Justice Dept. to bring suit. Awards may be delayed or revoked. Institutions may be declared ineligible for future awards.
REHABILITATION ACT OF 1973, Section 504.	All institutions receiving federal financial assistance from HEW.	Discrimination in employment and in the operation of programs and activities receiving assistance on the basis of handicap.	HEW Office for Civil Rights.	By letter to the Secretary of HEW.	Any individual and/or organization on own behalf or on behalf of aggrieved parties.	180 days	Normally, no private right of suit. Financial assistance may be delayed or revoked or institutions may be declared ineligible for future assistance.

**APPENDIX D
AFFIRMATIVE ACTION PROFILES**

**TABLE D-1
STATE DEPARTMENT OF PUBLIC WELFARE CENTRAL OFFICE
AFFIRMATIVE ACTION PROFILE, 1977**

1.	Total number of minority employees:	33	
	Total number of employees (all groups):	711	
	% minorities in DPW central office:	4.64%	
2.	Number and % of minority employees by position:		
	Position	Minorities	Total for Position
	Management	1	30
	Supervisory	3	113
	Professional	19	273
	Technical	3	66
	Clerical/Office	7	214
	Other	0	15
			% Minorities for Position
			3.33
			2.65
			6.96
			4.55
			3.27
			0.00
3.	Total number minority male employees:	11	
	Total number minority female employees:	22	
4.	Minority representation by position category and sex:		
	Position	Male	Female
	Management	1	0
	Supervisory	0	3
	Professional	9	10
	Technical	0	3
	Clerical/Office	1	6
	Other	0	0
5.	Racial/ethnic distribution (all positions):		
	Race/Ethnic Identity	Number	%
	White	678	95.36
	Black	20	2.81
	Oriental	8	1.13
	Hispanic	3	0.42
	Native American	2	0.28
		711	100

TABLE D-2
STATE DEPARTMENT OF EDUCATION
AFFIRMATIVE ACTION PROFILE, 1978

1.	Total number of minority employees:	46		
	Total number of employees (all groups):	736		
	% minorities in State Department of Education:	6.11		
2.	Number and % of minority employees by position category:			
	Position	Minorities	Total for Position	% Minorities/Position
	Management	1	19	5.26
	Supervisory	4	90	4.44
	Professional	25	271	9.23
	Technical	0	23	0
	Crafts	0	14	0
	Office	16	205	7.80
	Laborer	0	1	0
	Service	0	113	0
	Totals	46	736	6.25
3.	Total number minority male employees:	18		
	Total number minority female employees:	28		
4.	Minority representation by position category and sex:			
	Position	Male	Female	
	Management	1	0	
	Supervisory	2	2	
	Professional	14	10	
	Technical	0	0	
	Crafts	0	0	
	Office	1	15	
	Laborer	0	0	
	Service	0	1	
	Totals	18	28	
5.	Racial/ethnic distribution (all positions):			
	Race/Ethnic Identity	Number	Percent	
	White	690	93.75	
	Black	19	2.58	
	Oriental	3	0.41	
	Hispanic	12	1.63	
	Native American	12	1.63	
	Totals	736	100.0	

**TABLE D-3
STATE PLANNING AGENCY
AFFIRMATIVE ACTION PROFILE, 1978**

1.	Total number of minority employees:	15	
	Total number of employees (all groups):	207	
	% minorities in State Planning Agency:	7.25	
2.	Number and % of minority employees by position:		
	Position	Minorities	Total for Position
	Management	1	8
	Supervisory	2	49
	Professional	3	62
	Technical	0	26
	Office	6	36
	Laborer	0	1
	Service	0	0
	Trainees	3	25
	Totals	15	207
			% Minorities for Position
			12.50
			4.08
			4.84
			0
			16.67
			0
			0
			12.00
			100
3.	Total number of minority male employees:	7	
	Total number of minority female employees:	8	
4.	Minority representation by position type and sex:		
	Position	Male	Female
	Management	1	0
	Supervisory	0	2
	Professional	3	0
	Technical	0	0
	Office	0	6
	Laborer	0	0
	Service	0	0
	Trainees	3	0
	Totals	7	8
5.	Racial/ethnic distribution (all positions):		
	Race/Ethnic Identity	Number	Percent
	White	192	92.75
	Black	6	2.90
	Oriental	4	1.93
	Hispanic	5	2.42
	Native American	0	0
	Totals	207	100

TABLE D-4
DEPARTMENT OF ECONOMIC SECURITY CENTRAL OFFICE
(INCLUDING DIVISION OF VOCATIONAL REHABILITATION)
AFFIRMATIVE ACTION PROFILE, 1978

1.	Total number of minority employees:	121	
	Total number of employees (all groups):	2440	
	% minorities in Economic Security central office:	4.95	
2.	Number and % of minority employees by position:		
	Position	Minorities	Total for Position % Minorities for Position
	Management	3	33 9.09
	Supervisory	9	331 2.71
	Professional	68	1027 6.62
	Technical	6	162 3.70
	Crafts	0	2 0.00
	Office	28	756 3.70
	Operative	1	9 11.11
	Laborer	0	0 0.00
	Service	6	120 5.00
	Trainee	0	0 0.00
	Totals	121	2440 100
3.	Total number minority male employees:	63	
	Total number minority female employees:	58	
4.	Minority representation by position category and sex:		
	Position	Male	Female
	Management	2	1
	Supervisory	6	3
	Professional	47	21
	Technical	3	3
	Crafts	0	0
	Office	1	27
	Operative	1	0
	Laborer	0	0
	Service	3	3
	Trainee	0	0
	Totals	63	58
5.	Racial/ethnic distribution (all positions):		
	Race/Ethnic Identity	Number	Percent
	White	2319	95.04
	Black	62	2.54
	Oriental	29	1.19
	Hispanic	10	0.41
	Native American	20	0.82
	Totals	2440	100

**TABLE D-5
METROPOLITAN AREA RESIDENTIAL
DEVELOPMENTAL DISABILITIES PROGRAMS
AFFIRMATIVE ACTION PROFILE, 1978**

1.	Total number of facilities surveyed:	70		
	Total number responding:	57		
	Number of agencies represented in sample:	32		
2.	Total number of minority employees identified:	49		
	Total number of employees:	964		
	% of minorities in work force:	5.08		
3.	Total minority membership on boards and advisory committees:	12		
	Total membership on boards and advisory committees:	338		
	% minority representation on boards and advisory committees:	3.55		
4.	Number and % minorities in residential program work force:			
	Positions	Minorities	Total	% minority for each position category
	Management/Super- visory	2	77	2.60
	Professional	4	163	2.45
	Direct Care	26	522	4.98
	Support	12	163	7.36
	Other	5	39	12.82
5.	Total number of minority male employees:	21		
	Total number of minority female employees:	28		
	Position category minority representation by sex:			
	Positions	Male	Female	
	Management	0	2	
	Professional	2	1	
	Direct Care	15	14	
	Support	1	10	
	Other	3	1	
	Total	21	28	

TABLE D-6
SHELTERED WORKSHOPS AND DEVELOPMENTAL
ACHIEVEMENT CENTERS AFFIRMATIVE ACTION PROFILE, 1978

1.	Total number of programs surveyed:	57	
	Total number responding:	49	
	Number of agencies represented in sample:	30	
	Number of agencies responding:	24	
2.	Total number of minority employees:	27	
	Total number of employees (all groups):	904	
	% minorities in work force:	2.98%	
3.	Total minority membership on boards and advisory committees:	7	
	Total membership on boards (all groups):	352	
	% minority representation:	1.99%	
4.	Number and percent minority employees by position type:		
	Positions	Minorities	Total for Position
	Management/Super- visory	2	122
	Professional	7	240
	Direct Care	14	154
	Support	3	372
	Other	1	16
			% Minorities for each Position
			1.64
			2.92
			9.09
			0.81
			6.25
5.	Total number minority male employees:	17	
	Total number minority female employees:	10	
	Minority representation by position category and sex		
	Position	Male	Female
	Management	1	1
	Professional	5	2
	Direct Care	9	5
	Support	1	2
	Other	1	0
	Total	17	10