

**AN EXAMINATION OF THE
UNIVERSITY'S MINORITY
CLASSIFIED STAFF**



(THE MUDDY FLOOR REPORT)



**OFFICE OF EQUAL
OPPORTUNITY PROGRAMS
JUNE 1996**

TABLE OF CONTENTS

	<u>PAGE</u>
• EXECUTIVE SUMMARY	i-vi
• INTRODUCTION	1
• I. EXAMINATION OF CLASSIFIED EMPLOYEES BY RACE AND EEO CATEGORY	2
A. Workforce Analysis	4
B. Analysis of the University's Classified Staff	4
• II. EXAMINATION OF CLASSIFIED EMPLOYEES BY RACE AND GRADE	8
• III. THE MUDDY FLOOR	10
• IV. SETTING GOALS AND ANALYZING JOB TURNOVER	13
• V. HEALTH CARE PROFESSIONALS (HCPS)	20
• VI. TRAINING INITIATIVES	22
• VII. AN ANALYSIS OF THE WORK CLIMATE FOR AFRICAN AMERICANS	24
A. Performance Evaluations	24
B. Written Disciplinary Actions	27
C. Growing Dissatisfaction Among African American Employees	29
• VIII. RECOMMENDATIONS	30
• IX. CONCLUSION	33
• EXHIBIT 1	
1a. All Full-Time Salaried Classified Employees by Race and EEO Category	
1b. All Full-Time Salaried Classified Employees by Race and EEO Category	
1c. HSC Salaried Classified Employees by Race and EEO Category	
1d. Non-HSC Salaried Classified Employees by Race and EEO Category	
1e. Comparison of Percentage of White Classified Employees in Each EEO Category to Black Classified Employees in Each EEO Category	
• EXHIBIT 2	
2a. All HCPs and Full-Time Salaried Classified Employees by Race and Grade	
2b. All HCPs and Full-Time Salaried Classified Employees by Race and Grade	
2c. All HSC HCPs and Full-Time Salaried Classified Employees by Race and Grade	
2d. All Non-HSC Full-Time Salaried classified Employees by Race and Grade	
2e. Comparison of Percentage of White Classified Employees in Each Grade to Black Classified Employees in Each Grade	

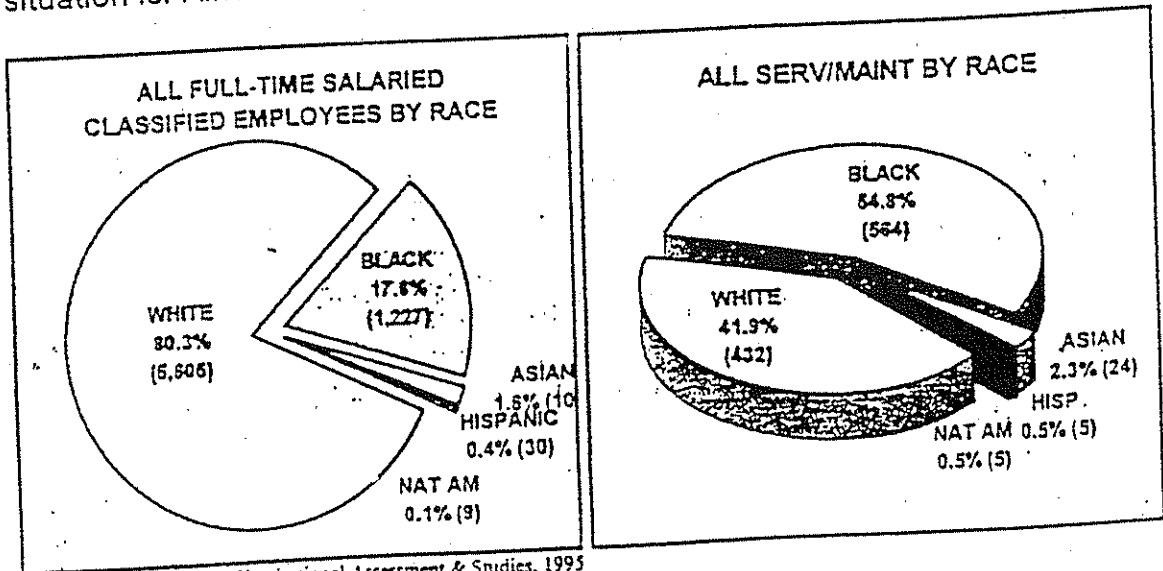
EXECUTIVE SUMMARY

AN EXAMINATION OF THE UNIVERSITY'S MINORITY CLASSIFIED STAFF

(THE MUDDY FLOOR REPORT)

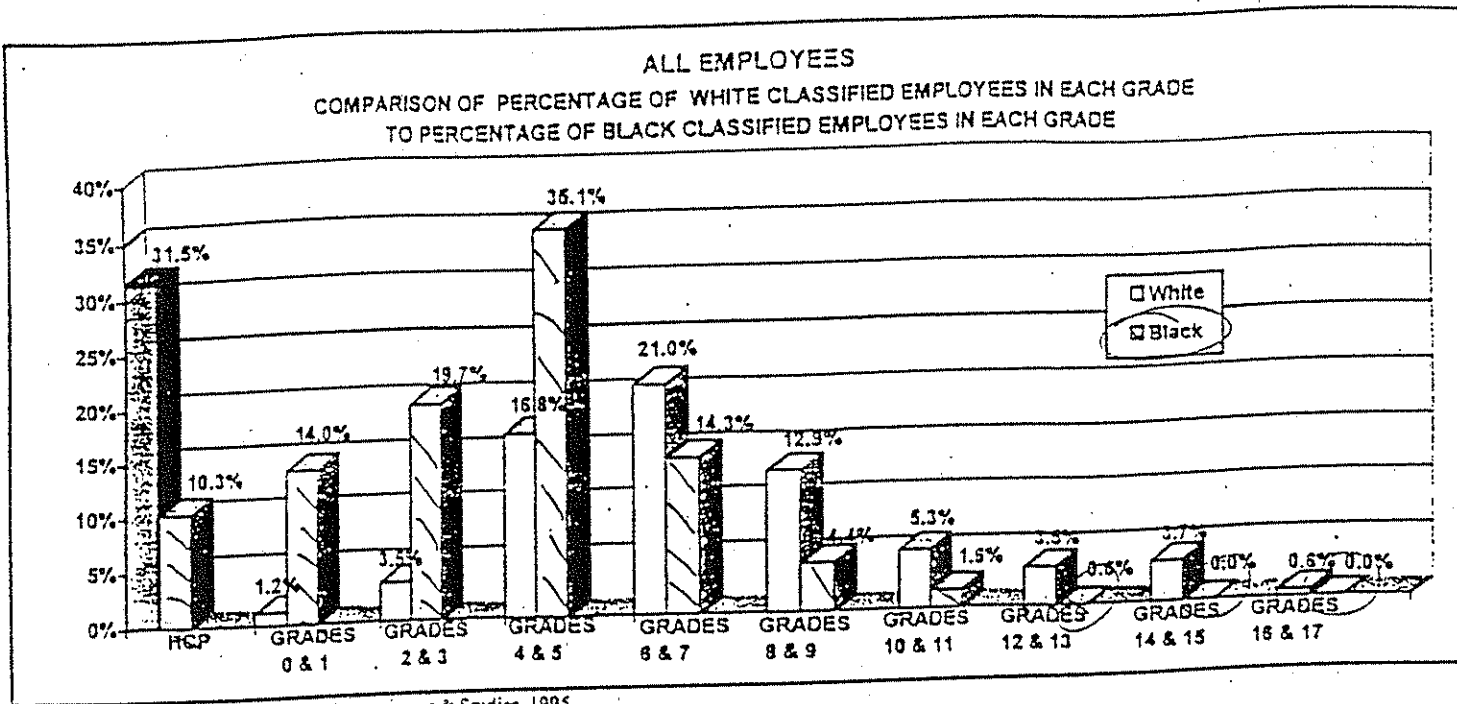
Over the past 18 months the Office of Equal Opportunity Programs (EOP) has received numerous complaints of employment discrimination and other workplace disparities with regard to race. Except for a few isolated examples, all of the complaints were from members of the University's classified staff. Because many of the complaints were anecdotal and disconnected, the Office of EOP decided to undertake an analysis of the classified work force to confirm or dispel the allegations being raised.

The initial examination analyzed the classified staff in terms of minority status. The status of women classified employees is currently being researched and a report on their employment will be issued in the near future. However, because of the glaring disparities in employment opportunities between white and African American employees, the particular focus of this report is on the situation for African American classified staff at the University.



Data provided of Office of Institutional Assessment & Studies, 1995

In addition to being grouped at the lower grades, African Americans are relegated to the lowest skilled positions in the University. The Service/Maintenance category is the only job group in which African Americans are overrepresented; whites make up 80.3% of the classified workforce but constitute only 43.2% of Service/Maintenance workers. African Americans comprise 17.6% of the entire classified workforce, yet make up a majority (54.8%) of the workers in the Service/Maintenance job category. (See charts)



Data provided by Office of Institutional Assessment & Studies, 1995

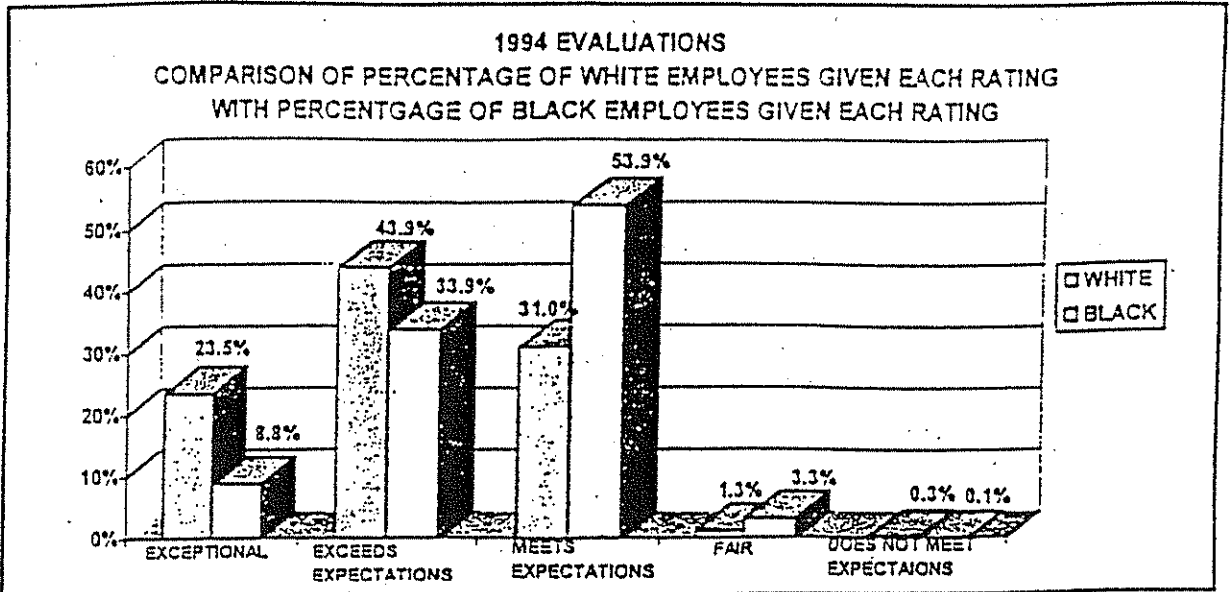
African Americans, who comprise 17.6% of the total University classified staff workforce are almost non-existent in the higher salaried classified staff positions, yet they hold the majority of the lower salaried classified staff positions. Approximately 735, or 19.2% of all white classified employees at the University are at Grade 10 or above. However, only 27, or 2.5% of African American classified employees are at Grade 10 or above. The overwhelming majority of African American classified staff is grouped at Grades 0-5 (77% of African Americans are found in Grades 0-5 compared with 31% of white employees), and African Americans comprise the majority of employees in Grades 1, 2, and 3. (See above Graph)

The trends for African Americans of underutilization, lower pay, and absence from managerial ranks are also present in the ranks of the Health Care Professionals. African Americans comprise only 6.6% of the total HCP's (126 of 1,924), indicating that they are grossly underrepresented based on their overall numbers in the classified workforce. Of a total of 90 HCP positions that are considered supervisory, only four are held by African Americans. Even more disturbing is the income disparity based on race in this employee group. 38.7% (676) of all white HCPs earn over \$40,000 per year, while only 17.2% (22) of all African American HCPs earn that much. Only one African American HCP or 0.8% of all African American HCPs earns \$45,000 - \$49,000, while 16.4% (287) of all white HCPs enjoy earnings that equal or exceed that amount. (See Table below)

HCPS BY RACE AND SALARY INTERVAL						
SALARY	RACE					
	ALL	WHITE	BLACK	ASIAN	NAT AM	HISPAN
15,000-19,999	8	0.5% (8)	—	—	—	—
20,000-24,999	96	4.6% (81)	10.9% (14)	—	—	16.7% (1)
25,000-29,999	284	13.0% (228)	39.1% (50)	20.0% (6)	—	—
30,000-34,999	434	22.6% (395)	23.4% (30)	23.3% (7)	50.0% (1)	16.7% (1)
35,000-39,999	374	20.5% (359)	9.4% (12)	3.3% (1)	0	33.3% (2)
40,000-44,999	427	22.3% (389)	16.4% (21)	46.7% (14)	50.0% (1)	33.3% (2)
45,000-49,999	155	8.7% (152)	0.8% (1)	6.7% (2)	—	—
50,000-54,999	86	4.9% (86)	—	—	—	—
55,000-59,000	33	1.9% (33)	—	—	—	—
60,000-64,999	5	0.3% (5)	—	—	—	—
65,000-69,999	1	0.1% (1)	—	—	—	—
70,000-74,999	1	0.1% (1)	—	—	—	—
75,000-79,999	4	0.2% (4)	—	—	—	—
80,000-84,999	4	0.2% (4)	—	—	—	—
85,000-90,000	1	0.1% (1)	—	—	—	—
ALL	1,913	1,747	128	30	2	6

Data provided by Office of Institutional Assessment & Studies, August 23, 1995

As was outlined in an earlier report on faculty employment, the HSC permits prospective health care enrollees to select a Primary Care Physician (PCP) and OB/GYN according to the PCP or OB/GYN's gender and age. No similar opportunity to select a PCP or OB/GYN according to his or her race is available to African Americans who make up 20-25% of the total HSC patient load. This opportunity is unavailable because of the utter lack of African American PCP's or OB/GYN's employed by the University. This fact, coupled with the meager number of African Americans in HCP patient care positions, means that our patients rarely, if ever, have interaction at a professional level with African Americans.



Data provided by Department of Human Resources, 1994

Many of the complaints received by the Office of EOP were from individuals who were concerned that African Americans were afforded unequal treatment in the workplace. Allegations of unequal treatment carry the stigma of invidious treatment and cannot be explained away by issues of qualification or availability. An analysis of performance evaluations for the years 1993-1995 reveals disturbing disparities. For example, in 1994, (a year in which merit pay increases were awarded based on job performance ratings), whites received "Exceptional" ratings 23.5% of the time, while African Americans received "Exceptional" ratings only 8.8% of the time. The trend is similar for ratings of "Exceeds Expectations"; 43.9% white to 33.9% African American, but makes a

sharp reversal in the "Meets Expectations" category with 31.0% of whites receiving this rating, and African Americans being rated "Meets Expectations" 53.9% of the time. In 1994, African Americans were almost three times more likely to receive a rating of "Fair" compared to white employees. (See above graph) Similar job performance rating disparities occurred in 1993 and 1995.

The disparities in evaluations are also manifested in the analysis of disciplinary actions. African Americans received a significantly greater percentage of the total disciplinary actions than would be expected since only 17.6% of the University classified employees are African American. However, in 1992-93, 185 Written Notices were issued, with whites getting 52% of all notices and African Americans receiving 48%. During the same period, of the 18 employees terminated under the Standards of Conduct, 12 were African American, and six were white. The trend in Written Notices moderated somewhat in 1993-94, when, out of a total of 192 Written Notices, whites were issued 62%, and African Americans were issued 38%. There was a marginal increase in the rate at which African Americans were terminated because 67% of all people terminated in 1993-94 were black. In 1995, of the 178 Written Notices

issued, whites received 58% and African Americans received 42%. The rate of termination for both white and African American employees was 50% in 1995.

Perhaps as a direct result of the statistical inequities noted above, the Office of EOP has been hearing increasingly from employees, both black and white, who are concerned about the perceived mistreatment black employees are facing in the University environment. Some of the concerns, particularly with respect to the HSC, have been exacerbated by the workforce reduction act and the voluntary elimination of some 600 full-time positions in the HSC. The complaints of hostile racial climate included claims that positions are reclassified in order to circumvent hiring rules and hire white employees and that black employees find themselves training new, less qualified white employees who are subsequently promoted over them. The Office of EOP has also heard from white employees who feel embarrassed by the transparency of the inequities and are concerned about the malaise this causes in the workplace.

This report makes a number of recommendations, several of which have been made in previous reports. The recommendations include:

- Initiating a system of pre-hire review in order to increase the numbers of African Americans in the Executive/Managerial and Professional Non-faculty job categories.
- Putting into place more effective and formalized plans for recruiting African Americans which would include a more centralized hiring system.
- Instituting a formalized mentor program for African American employees.
- Increasing substantially the number of training programs in order to increase the number of African Americans in higher level positions.
- Instituting yearly review and statistical analysis of performance reviews for each race by major business unit.
- Conducting exit interviews with all African Americans leaving HCP positions as well as with African Americans leaving any positions that fall within the Executive/Managerial or Professional Non-faculty job categories.
- Creating an ombudsman type position to handle the concerns of all employees.

The only really new recommendation is that the University consider the creation of an Ombudsman to deal with the rising concerns of all employees—black, white, faculty, and classified. All employees are increasingly concerned about the quality of life in the workplace and have questions about where they should turn to voice these concerns. The Office of EOP receives complaints from black and white employees that are not really race or sex discrimination or harassment complaints. Workplace misunderstandings, repeated over time, lead to conflicts that spill over to Human Resources (HR). HR has limited resources to deal with workplace conflict and, quite frankly, HR's principle role is to support management. The Ombudsman's function could be to safeguard the interests of employees by ensuring administration according to established University policies, discovering instances of maladministration, and eliminating defects in administration. An Ombudsman could use her or his position to limit the scope and intensity of disputes by serving as an arbiter between the employee and the responsible official. The key is that an Ombudsman would serve as a check on unbridled administrative authority and as a release valve for employees who feel they have no place to go for help.

There seems to be a lack of leadership in addressing these issues at every level. The commitments expressed at the top of the University leadership fail to trickle down the line to the director, supervisor, search committee and hiring officials.

This report raises important issues that go to the heart of what it means to have a diverse and equitable workforce. Diversity in our student body and faculty have very important educational and social ends. What does it mean and what does it say to our students, patients, and ourselves when we experience the greatest diversity, and inequality, upon the arrival of the office and dormitory cleaning workforce, when a bed pan needs to be changed, a floor mopped, or a meal served? It means that we do not practice what we preach and, it says that certain people continue to be relegated to menial and degrading work. Stereotypes are broken down when we interact with one another at levels and in roles that have some equivalency. Ultimately, we reinforce the stereotypes we assail, and thus are hypocrites.

Our students and co-workers, like our children, friends and families, pay more attention to what we do than to what we say. It is not enough to "Just Say No", while everyone can see what we are in fact doing behind the translucent wall of reality. We must take action now, because the current situation is a corrosive one that is eating away at our community, and perhaps more importantly, making a mockery of our credibility.

INTRODUCTION

This report examines the classified staff in terms of race. A particular focus is on the situation for African American classified staff at the University. African Americans comprise 17.6% of the classified staff. However, they are seriously underrepresented among the top levels of the classified staff, yet they are overrepresented among the lower classified staff positions. A lack of structured means of upward mobility or training opportunities further exacerbates the situation. There is a palpable feeling among the African American classified workforce that the University does not care about their plight.

The University is by far the largest employer in the Charlottesville Metropolitan Statistical Area (MSA).¹ The total classified workforce as of October 31, 1995 was 6,979. Of this total, 5,605 or 80.3% were white, 1,227 or 17.6% were black, 108 or 1.6% were Asian, 9 or 0.1% were Native American, and 30 or 0.4% were Hispanic.²

¹ According to employment figures from October 31, 1995, the University had 6,979 classified employees and 2,745 full-time salaried faculty and research staff for a total of 9,724 employees. In comparison, the five largest employers in Charlottesville, other than the University, include State Farm Insurance with 1,048 employees, General Electric with 1,200 employees, Comdial with 873 employees, Sperry with 750 employees, and Sprint/Centel with 456 employees. These companies were not willing to provide a breakdown of their employees by race.

COMPARISON OF THE RACIAL COMPOSITION OF CHARLOTTESVILLE MSA TO THE RACIAL COMPOSITION OF THE UNIVERSITY CLASSIFIED STAFF WORKFORCE							
	TOTAL	WHITE	BLACK	ASIAN	NAT AM	HISP	OTHER
CHARLOTTESVILLE MSA	132,491	109,049 82.3%	18,895 14.3%	2,623 2.0%	148 0.1%	1,384 1.0%	392 0.3%
UVA CLASSIFIED	6,979	5,605 80.3%	1,227 17.6%	108 1.6%	9 0.1%	30 0.4%	0 0.0%

Charlottesville MSA data based on 1990 Census data provided by Weldon Cooper Center for Public Service.
UVA Classified data based on October 31, 1995 data provided by Office of Institutional Assessment and Studies.

Attached as Exhibits to this report are graphs and charts that detail an analysis of classified staff employment with regards to race, and with particular focus on African American classified staff. Exhibit 1 presents analyses of classified employees by race and EEO category.³ Exhibit 2 presents analyses of both health care professionals by race and classified employees by race, and grade.⁴

I. EXAMINATION OF CLASSIFIED EMPLOYEES BY RACE AND EEO CATEGORY

According to the requirements of Revised Order No.4 of Executive Order 11246, as amended; and regulations issued thereunder, as a federal contractor the University is required to maintain a written affirmative action plan. Also, in accordance with state guidelines, the University maintains required state affirmative action plans. The Office of Federal Contract Compliance Programs (OFCCP) is responsible for ensuring that the University complies with Executive Order 11246, as amended.

Both the OFCCP and state agencies view goals and timetables as critical to the effectiveness of affirmative action plans. The purpose of goals and timetables is to assist

³Exhibit 1a presents a table of all full-time salaried classified employees by race and EEO category for All employees, for employees of the Health Sciences Center (HSC), and for Non-HSC employees (includes all employees that do not work for the HSC.) Exhibits 1b, 1c, and 1d present pictorial representations of this same data again broken down for All employees, HSC employees, and Non-HSC employees, respectively. Exhibit 1e shows a comparison of the percentage of white classified employees in each EEO category to the percentage of black classified employees in each EEO category. This analysis was performed by taking one hundred percent of white employees and determining the percentage of white employees in each EEO category. A similar analysis was performed for black employees and the results were placed side by side on the same graph for comparison.

⁴Exhibit 2a is a table of all full-time health care professionals (HCPs) and of salaried classified employees by race and pay grade for All employees, HSC employees, and Non-HSC employees. Exhibits 2b, 2c, and 2d are graphical representations of this statistical data. Exhibit 2e compares the percentage of white classified employees in each grade including HCPs, with black classified employees in each grade. This analysis was performed by taking one hundred percent of white employees and determining the percentage of white employees found in each pay grade. A similar analysis was performed for black employees and the results were placed side by side on the same graph for comparison.

employers in achieving representation of women and minority instructional faculty and non-instructional employees in proportions relative to their availability for such positions. Goals are determined for women, blacks and other minorities.

The analysis of the workforce is performed in three parts: a work force analysis, an availability analysis, and a utilization analysis.

- The workforce analysis is determined by analyzing the overall composition of the University workforce as well as that existing in the various divisions and functional units of the University by job title, minority group status, and sex.
- An availability analysis is performed which assesses the availability data on women, blacks, and other minorities for faculty and staff employment. An availability analysis includes various factors, e.g., the unemployment of women and blacks and other minorities in the labor area; the percentage of each group in the labor force of the area; the availability of women, blacks and other minorities seeking employment in the labor market area.
- A utilization analysis is the final step and is required to determine the level of participation of women and minorities in the workforce. This is done by comparing their representation in the current work force (the work force analysis) to their availability (the availability analysis). This comparison identifies the job groups where women, blacks and other minorities are underutilized and is the basis for establishing hiring goals. Goals are established to guide in correcting the deficiencies of each job group where underutilization exists.

The University's Affirmative Action Plan is based on data from an analysis of the University's employee work force as of October 31 of each year. The data provide for the

establishment of employment goals, where such goals are necessary to increase representation of women, black, and other minority employees.

A. Workforce Analysis

To determine whether the workforce is underutilized with respect to women, black, or other minority employment or if these groups are being concentrated in a job type, the work force analysis is refined by combining job titles into six job groups known as EEO categories. These include:

1. Executive, Administrative and Managerial employees which comprise 1.6% of the total classified workforce.
2. Professional Non-Faculty employees which comprise 33.3% of the total classified workforce.
3. Secretarial, Clerical employees which comprise 27.3% of the total classified workforce.
4. Technical, Paraprofessional employees which comprise 15.5% of the total classified workforce.
5. Skilled Crafts employees which comprise 7.3% of the total classified workforce.
6. Service Maintenance employees which comprise 14.8% of the total classified workforce.

Except for the two EEO categories, Executive/Administrative/Managerial and Professional Non-faculty, classified employees are hired predominately from the Charlottesville MSA. Employees in the Executive/Administrative/Managerial and Professional Non-faculty job group are recruited from all over the state. Educational requirements for these two categories generally include an undergraduate degree and may also require graduate education or professional certification.

B. Analysis of the University's Classified Staff

There was very little difference in the analysis of classified staff by race and EEO category when the data were examined for "All Employees" (Exhibit 1b), "HSC Employees" (Exhibit 1c), and "Non-HSC" (all employees excluding the HSC, Exhibit 1d). The trends found, which included an over-representation of African American employees among the less skilled or lower

level job groups compared to their availability and a severe under-representation of African Americans at the more skilled or higher level job categories (particularly in the Professional Non-faculty category) held true for the entire classified staff, University wide. For this reason the following discussion focuses on "All-Employees" (Exhibit 1b).

The Executive/Administrative/Managerial job group is the upper level of the EEO categories. Only a small percentage (1.6%) of classified employees hold a position in this category. The vast majority of these employees are white (93.8%). Blacks constitute 17.6% of the total classified workforce but comprise a much smaller percentage of this job category (5.3%). Asians constitute 1.6% of the total classified employees and 0.9% of the Executive/Administrative/Managerial positions are held by Asians. Hispanics constitute 0.4% of the total classified staff and Native Americans comprise 0.1% of the total classified staff. Hispanics and Native Americans are not represented in the Executive/Administrative/Managerial job group.

The Professional Non-faculty category is the job category where a majority of the classified employees are found. Out of a total of 6,979 classified employees, 2,327 or a third (33.3%) of the classified staff would be categorized as holding Professional Non-faculty positions. A majority of the employees in this category are white (92.9%). Blacks who constitute 17.6% of the total classified workforce comprise a very small percentage of this category (4.5%). Asians makeup 1.6% of the total classified employees and comprise 2.1% of the Professional Non-faculty job group and Hispanics constitute 0.4 % of the total workforce and comprise 0.5% of this job group. Native Americans comprise 0.1% of the classified staff and makeup 0.1% of the Professional Non-faculty job group.

Asians statistically make up a very small percentage of the total classified employee workforce (1.6% Asian). Asians are pretty evenly represented in all the job groups compared to their overall representation in the workforce. They are not significantly underutilized or overutilized in any particular job category, unlike African American classified employees. Asians comprise 0.9% of the Executive/Administrative/Professional job group and 2.1% of the Professional Non-Faculty job group. Hispanics and Native Americans statistically comprise an even smaller percentage of the classified work force than do Asians (0.4% and 0.1%, respectively). They are not represented at all in the Executive/Managerial/Administrative job group. Hispanic employees constitute 0.5% of the Professional Non-Faculty job group and Native Americans comprise 0.1% of this job group. With the exception of the Executive/Managerial/Administrative job group, Asians, Hispanics, and Native Americans are represented in almost all job groups in a percentage which closely parallels their overall representation in the classified workforce.

The other three job groups, Secretarial/Clerical, Technical/Para-professional, and Skilled Crafts are of note in that in these job categories, black and white employment more closely mirrors the overall representation of these groups in the total workforce. White employees comprise 82.1% of the Clerical/Secretarial job group, 85.3% of the Technical/Para-professional job group, and 78.1% of the Skilled Crafts job group. Blacks constitute 17.0% of the Clerical/Secretarial job category, 12.5% of the Technical/Para-professional job category, and 20.5% of the Skilled Crafts job category. Asians comprise 0.6% of the Clerical/Secretarial job group, 1.7% of the Technical/Para-professional job group, and 1.0% of the Skilled Crafts job group. Hispanics constitute 0.2% of the Clerical/Secretarial job category, 0.4% of the

Technical/Para-professional job category, and 0.4% of the Skilled Crafts category. Native Americans comprise 0.1% the Clerical/Secretarial job group. They are not represented in the Skilled Crafts job group, but they comprise 0.1% of the Technical/Para-professional job group.

An examination of the Service/Maintenance job group reveals disturbing disparities. This job category encompasses the least prestigious and lowest paying of all classified positions at the University. Here, blacks constitute the majority of the workers (53.2%) and whites comprise 43.2% of this category while the rest of the jobs are held by Asian workers (2.3%), Hispanic workers (0.8%) and Native American workers (0.5%). Whites constitute 83.2% of the Charlottesville MSA and 80.3% of the total classified staff at the University yet they make up only 43.2% of the lowest EEO job category; while blacks constitute 17.6% of the total classified employees and makeup 14.4% of the Charlottesville MSA³, but comprise 53.2% of this category. In other words, a majority (54.8%) of the workers in the lowest classified staff jobs are African American.

An attempt was made to more closely examine the situation for African American classified employees in Exhibit 1e. This exhibit presents a comparison of the percentage of white classified employees in each EEO category to the percentage of black classified employees in each EEO category. This comparison was performed by taking one hundred percent of the white employees and determining the percentage of white employees working in each EEO category. This same analysis was then performed for black employees and the results were placed on the same graph in order to compare the two analyses. This type of analysis eliminates statistical

³ Based on 1990 Census data provided by the Weldon Cooper Center for Public Service. See Footnote #2.

differences between white and black employment that occurs because of the greater numbers of white classified employees working at the University.

Exhibit 1e graphically underscores the situation for African American classified employees by showing that large numbers of African American employees are clustered in the lower levels and significantly absent from upper level jobs. Although only a small percentage of classified employees would fall into the Executive/Managerial/Professional job category, almost four times as many white employees as black employees would be classified as part of this job category. Four and a half times more white employees than black employees work in the Professional Non-faculty job group. For the Clerical/Secretarial, Technical/Para-Professional and Skilled Crafts job groups, white and black employees are dispersed more evenly. However the Service/Maintenance category is of particular note, since almost six times as many black employees as white employees would fall into this job group.

In conclusion, African Americans are the only race of employees that are so severely underutilized in the two top EEO categories, and most particularly in the Professional Non-faculty category; the category where the majority of classified employees work. On the other hand, African Americans are extremely concentrated and over-represented in the Service/ Maintenance job group; composing a majority of the workers in this category.

II. EXAMINATION OF CLASSIFIED EMPLOYEES BY RACE AND GRADE

Another alternative way of analyzing the classified staff at the University is shown by Exhibits 2a-e. This analysis consists of an examination of Health Care Professionals (HCPs) and classified staff employees with respect to the race and grade of the employees. HCPs have their

own pay structure which is separate from the grades established by the Department of Personnel and Training for the rest of the classified staff positions and therefore HCPs will be examined separately in another section. Again the analyses for "All Employees", "HSC Employees" and "Non-HSC Employees" is consistent so that discussion is limited to the analysis for "All Employees" (Exhibit 2b).

After examining Exhibit 2b it becomes apparent that among the four lowest classified, non-HCP grades (Grades 0, 1, 2, 3), African Americans make up the majority of the workers. Also African Americans constitute a significant percentage (30.6%) of the employees in Grades 4 and 5. The higher the grade, the less chance there is that an employee will be an African American. There are no African Americans found within the top four grades. (Grades 14, 15, 16 and 17). Asian and Hispanic workers are fairly evenly disbursed at all grade levels in comparison to their representation in the total workforce.

A more significant evaluation is presented by Exhibit 2e. This analysis was performed by taking one hundred percent of the white workers and plotting the percentage of white employees working in each grade. This same analysis was performed for the black employees and the two analyses were compared. It becomes readily apparent that almost all the black employees work in the lower grades, while white employees are more evenly dispersed, with the majority of the white employees working in jobs which fall in the middle grades.

An analysis excluding HCPs, shows that 76.7% (838 out of a total of 1092) of black employees work in the lower grades (0, 1, 2, 3, 4, and 5) compared with 31.3% (1197 out of 3823) for white workers. In the middle grades (6, 7, 8, 9, 10, and 11), the situation changes. Here are where 57.3% (2189 out of 3823) of the white workers are employed compared with

22.6% (247 out of 1092) for blacks. 11.4% (437 out of 3823) of white workers work in the upper grades (12, 13, 14, 15, 16, and 17) compared to 0.6% (7 out of 1092) of the black employees. The seven black employees found in the upper grades, work in grades 12 & 13. There are no African Americans at all in the four top grades. (Grades 14, 15, 16, and 17).

Another examination was performed by splitting the grades in half and determining the percentage of white workers employed in each half compared with the percentage of black workers employed in each half. In the lower half (grades 0, 1, 2, 3, 4, 5, 6, 7, 8, and 9), one finds 97.5% (1065 out of 1092) of black employees compared to 80.8% (3088 out of 3823) of the white workers. For black employees, only 2.5% (27 out of 1092) are employed in the upper grades (10, 11, 12, 13, 14, 15, 16, and 17), while 19.2% (735 out of 3823) of white workers work in these grades.

Regardless of the way the data is examined, it becomes apparent that significant numbers of African American classified staff employees occupy the lowest and worst paying jobs. African Americans are vastly over-represented in jobs in the lower grades and significantly absent from jobs in the upper grades.

III. THE MUDDY FLOOR

The Department of Labor undertook a national review of women and minorities in management level positions known as the "Glass Ceiling Initiative". The situation where large numbers of African Americans are working in the lower paying jobs and almost absent from higher level positions is not unique to the University. The situation is so prevalent with countless

employers throughout the nation that the phrase "muddy floor" was coined to describe organizations where this type of employment picture is present for African American employees.

On a national level, the Department of Labor determined that increasing numbers of African Americans have been hired but they have been relatively unsuccessful in gaining access to upper-level, policy-making positions in public- or private -sector organizations. Ninety-seven percent of senior executives in the biggest U.S. companies are white. White men are 47% of the work force (41% of the population). They own 64% of the nation's businesses and have most of America's high-paying jobs. White men comprise 70% of judges, 71% of air traffic controllers, 73% of lawyers, 75% of police detectives and supervisors, 84% of construction supervisors, 89% of U.S. Senators, 94% of fire company supervisors, and 95% of senior managers.⁶

The unemployment rate for African Americans was more than twice that of whites in 1995; the unemployment rate for blacks was 10.1% compared to 4.7% for whites⁷. The median income for black males working full-time, full year in 1992 was 30% less than white males. In an economic downturn, blacks are affected more than whites. In the 1981-82 recession, black employment dropped by 9.1% while white employment fell by 1.6%. Unequal access to education plays an important role in creating and perpetuating disparities. In 1993, less than 3% of college graduates were unemployed; whereas 22.6% of whites had college degrees, only 12.2% of African Americans had college degrees. Even within educational categories, the economic status of African Americans falls short. College educated black men earn 76% of what comparable whites earn. In 1992, over 50% of African American children under 6 lived under the

⁶ *White Guys Still Are Having All the Fun*, Emerge, May 1995.

⁷ *Affirmative Action, Can African-Americans Rise to the Top Without It*. Emerge, May 1995

poverty level, compared with 14.5% of white children. The overall poverty rates were 33.3 % for African Americans compared with 11.6% for whites.⁸

In a recent study by the Glass Ceiling Commission it was reported that white males continue to hold 97% of senior management positions in Fortune 1000 industrial and Fortune 500 service industries. While African Americans make up 12.7% of the private-sector work force, yet only 5% of all professionals are African American.⁹ Only 0.6% of senior management are African American compared to 11.6% for whites. African Americans hold only 2.5% of top jobs in the private sector and African American men with professional degrees earn only 79% of the amount earned by their white counterparts. Comparably situated African American women earn only 60% of the amount earned by white males.¹⁰

SHARE OF POSITIONS HELD BY AFRICAN AMERICANS	
POSITIONS	BLACK
DOCTORS	4.2%
NURSES	9.3%
TEACHERS (Colleges, Universities)	5.0%
ALL OTHER TEACHERS	8.9%
ENGINEERS	3.7%
LAWYERS	3.3%
ARCHITECTS	1.4%
NATURAL SCIENTISTS	3.6%
CLERGY	8.7%
CONSTRUCTION TRADES	6.5%
FIREFIGHTERS	9.1%
LIBRARIANS	10.5%

Blacks constitute 12.4% of U.S. adult population

Basic Data: U.S. Dept of Labor, *Affirmative Action on the Edge*. U.S. News & World Report, February 13, 1995

⁸ Statistics from *The Justification for Affirmative Action: The Continuing Need to Combat Discrimination and Promote Inclusion*.

⁹ *Race in the Workplace: Is Affirmative Action Working?*, Business Week, July 8, 1991.

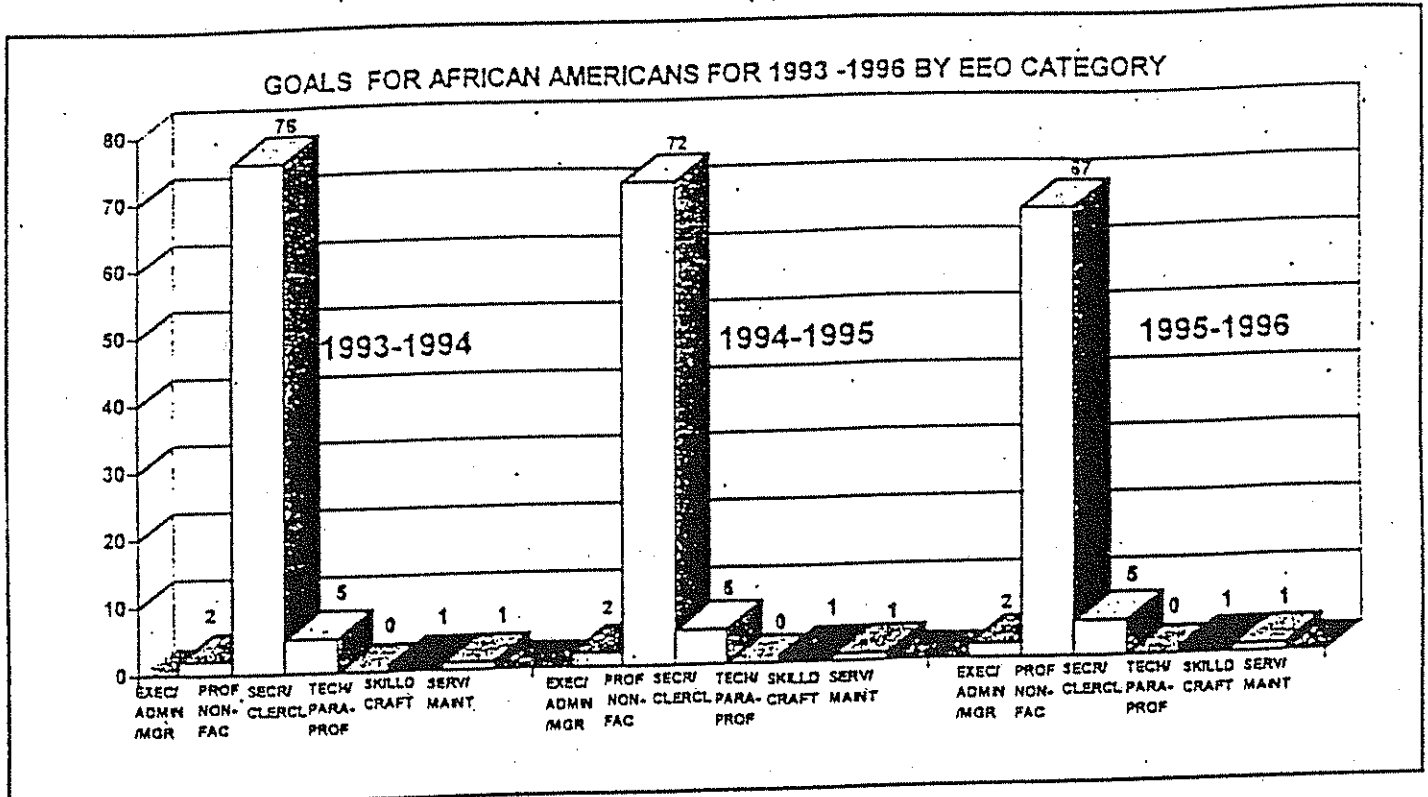
¹⁰ *Statements of Selected Witnesses in Hearing on Affirmative Action Before House Economic and Educational Opportunities Subcommittee on Employer-Employee Relations*, The Bureau of National Affairs, March 24, 1995.

The information provided by the Glass Ceiling Commission clearly shows that many different organizations across the nation have a "muddy floor" for African American employees. Thus the University is not unique and the University's statistical "muddy floor" for African American employees closely mirrors the national statistics. African American classified employees comprise 5.3% of the Executive/Managerial/Administrative job category and 4.5% of the Professional job group, yet African Americans constitute 54.8% of the positions in the Service/Maintenance job group.

IV. SETTING GOALS AND ANALYZING JOB TURNOVER

One measure of analysis used by the OFCCP is to determine whether the work force is utilized at the expected level of employment or, conversely, whether underutilization existed during a particular period. Underutilization can be corrected by additional hiring of members of the affected group in the respective job groups. Goals are established by job group to correct underutilization by increased hiring.

An examination of the goals set for additional hires of African Americans for 1992 -1995 is found below:



Data provided by Office of Institutional Planning & Assessment

The large numbers for the goals¹¹ for African Americans in the Professional Non-faculty job category occurs primarily because African Americans are severely underutilized in this job group. This is an indication that there are large numbers of African American Professional Non-faculty available in Virginia and the Charlottesville MSA but that the University is doing a poor job of recruiting and hiring these individuals.¹²

¹¹ The goals for a particular year are set by first determining the number of new hires that would be needed to alleviate underutilization in a particular job category with respect to the underutilized group. This number is then divided by three to make the goals more attainable and to also take into account a limited number of projected job openings. For example, if the University could conceivably eliminate underutilization of African American Professional Non-faculty in one year, it would have to hire three times the stated goal for that year. The actual number of additional African Americans needed in the Professional Non-faculty job category to become fully utilized for 1995-96 is 201 additional African American hires.

¹² The University is currently under an U.S. Department of Labor enforcement action targeting its hiring of African American classified staff and HCPs in particular. HCPs constitute a majority (82.7%) of the Professional Non-faculty job group.

NET HIRES* OF FULL TIME SALARIED CLASSIFIED EMPLOYEES FOR 1994 - 1995						
EEO CATEGORY	TOTAL	WHITE	BLACK	ASIAN	NAT AM	HISPANIC
HCP**	-232	-193	-14	-17	-5	-3
EXEC/ADMIN/MGRL	-10	-8	0	-1	0	-1
PROFESSIONAL	-215	-175	-9	-22	-5	-4
CLERICAL/SECRTL	-9	-7	-5	1	0	2
TECH/PARA-PROF	-5	13	-14	-4	-1	1
SKILLED CRAFTS	-9	-6	-3	0	0	0
SERVICE/MAINT	0	2	-7	1	1	3
TOTAL	-248	-181	-38	-25	-5	1

NET HIRES* OF FULL TIME SALARIED CLASSIFIED EMPLOYEES FOR 1993 - 1994						
EEO CATEGORY	TOTAL	WHITE	BLACK	ASIAN	NAT AM	HISPANIC
HCP**	-99	-94	-2	-1	0	-2
EXEC/ADMIN/MGRL	-8	-7	-1	0	0	0
PROFESSIONAL	-42	-44	-8	10	0	0
CLERICAL/SECRTL	-6	-6	0	0	-1	1
TECH/PARA-PROF	-22	-18	-6	0	2	0
SKILLED CRAFTS	7	10	-2	-1	0	0
SERVICE/MAINT	-50	-27	-27	3	0	1
TOTAL	-121	-92	-44	12	1	2

NET HIRES* OF FULL TIME SALARIED CLASSIFIED EMPLOYEES FOR 1992 - 1993						
EEO CATEGORY	TOTAL	WHITE	BLACK	ASIAN	NAT AM	HISPANIC
HCP**	11	9	3	-4	0	3
EXEC/ADMIN/MGRL	0	0	0	0	0	0
PROFESSIONAL	88	47	16	24	-1	2
CLERICAL/SECRTL	81	73	8	0	0	0
TECH/PARA-PROF	26	24	2	-1	0	1
SKILLED CRAFTS	-1	1	-2	0	0	0
SERVICE/MAINT	-19	-19	1	-2	1	0
TOTAL	175	126	25	21	0	3

NET HIRES* OF FULL TIME SALARIED CLASSIFIED EMPLOYEES FOR 1991 - 1992						
EEO CATEGORY	TOTAL	WHITE	BLACK	ASIAN	NAT AM	HISPANIC
HCP**	143	147	-5	1	0	0
EXEC/ADMIN/MGRL	-2	-1	0	0	0	-1
PROFESSIONAL	156	149	-2	9	1	-1
CLERICAL/SECRTL	78	64	14	1	0	-1
TECH/PARA-PROF	71	67	-1	4	0	1
SKILLED CRAFTS	-11	-3	-8	0	0	0
SERVICE/MAINT	72	45	27	-3	2	1
TOTAL	364	321	30	11	3	-1

*NET HIRES = Newly Hired Full Time Employees - Terminated Full Time Employees
 **Health Care Professionals are also included in the "Professional" EEO category above.
 Data provided by Office of Institutional Assessment & Studies, 1995

Recruitment and hiring of additional African Americans is not effective if the University is unable to have a net increase of hires. In other words, if the University hires additional African American classified employees (especially in areas where the University is underutilized), and current African American employees terminate their employment in numbers equal to or greater than the additional employees hired, the University remains unable to reduce the goals for African Americans or to become fully utilized.

A positive number of net hires would be needed in underutilized areas in order to reduce the goals for that area. Negative net hires indicate that the University is losing more people than it is hiring. In times of downsizing, it is to be expected that the University would have negative net hires. However, if a larger percentage of negative net hires occurs for particular races in areas where the University was already underutilized then the University is unable to reduce its goals and continues to remain underutilized in these areas.

In 1994-95, the University had a negative number of net hires (-14) of African American HCPs and a negative number of net hires (-9) of Professional Non-faculty African Americans. The goal for this period was 67 additional hires of African Americans in the Professional Non-faculty job group, 59 of which were HCPs. There was a significant reduction in the total numbers of HCPs (-232) as well as in the entire Professional Non-faculty category (-215).

For 1993-94, the University again had a negative number of net hires (-2) for African American HCPs and a negative number of net hires (-8) for Professional Non-faculty African American hires. The goal for this period was an additional hire of 76 African Americans in the Professional Non-faculty category, 66 was the goal for the Health Related sub-category. Last

year the goal for additional hires of African American Professional Non-faculty was 72, 64 were in the Health Related sub-category.

It is very difficult for the University to meet goals in underutilized areas when it is downsizing and reorganizing. However, even in years when the University was increasing its workforce it has not consistently increased the numbers of African American HCPs and Professional Non-faculty. In 1992-93 there was an overall gain (38) in the numbers of Professional Non-faculty employees and a gain (11) in the numbers of HCPs. 18% of the individuals hired in the Professional Non-faculty category and 28% of the net hires of HCPs were African American. However, African Americans remained 10.3% underutilized for Professional Non-faculty HCPs. In 1991-92, there was an overall gain (156) in the Professional Non-faculty category and a gain (143) in HCPs. During this period there was a net loss for both African American Professional Non-faculty (-2) and HCPs (-5).

Based on the utilization analysis for October 31, 1994 the University was still 10.2% underutilized with respect to African American Health Related Professional Non-faculty. In 1993, African Americans were 10.3% underutilized in the Professional Health Related Non-faculty category. Unfortunately, the University has consistently remained underutilized (10%-11%) with respect to African Americans in the Professional Non-faculty Health Related job category during times of workforce growth as well as during times of workforce reduction. The University is doing a poor job of meeting or even reducing the goals for African American Health Related Professional Non-faculty. The University has an affirmative duty to increase the numbers of African American HCPs both for the purpose of eliminating racial disparity, and for improving patient care

Found below is a table showing the percentages of African American classified employees in the Professional Non-faculty, Health Related Professional Non-faculty, and Service/Maintenance EEO categories for 1990-1994:

PERCENTAGE OF AFRICAN AMERICANS IN THE PROFESSIONAL NON-FACULTY, HEALTH RELATED PROFESSIONAL NON-FACULTY AND SERVICE/MAINTENANCE EEO CATEGORIES FOR 1990 - 1994						
YEAR	PROFESSIONAL NON-FACULTY		HEALTH RELATED PRO NON-FACULTY		SERVICE/ MAINTENANCE	
1990	4.0%	(95/2363)	4.1%	(53/1693)	55.9%	(573/1025)
1991	3.9%	94/2385	3.9%	(68/1739)	51.8%	(599/1156)
1992	4.1%	(89/2522)	3.4%	(63/1853)	51.4%	(621/1209)
1993	4.2%	(106/2603)	3.8%	(71/1867)	53.9%	(602/1117)
1994	4.5%	(104/2327)	3.9%	(68/1743)	54.8%	(563/1028)

Data provided by Office of Assessment & Studies

As can be seen from the table, the University has also done a poor job in changing the scope of the muddy floor within its workforce. Although, there has been a slight increase in the percentage of African American Professional Non-faculty (4.0% to 4.5%), there has not been a significant or consistent increase in the numbers of African American HCPs for the last five years. Furthermore, there has not been any notable change in the percentage of African Americans in the Service/Maintenance category. Goals are not quotas and therefore the OFCCP does not require the University to meet its goals every year, but the University should be able to show it has put forth "good faith" efforts towards meeting or reducing the goals. This is difficult when the University consistently remains underutilized with respect to African Americans in certain categories and overutilized in others¹³.

¹³ Numerical Goals under Executive Order 11246, U.S. Department of Labor, Employment Standards Administration, Office of Federal Contract Compliance Programs, August 2, 1995.

V. HEALTH CARE PROFESSIONALS (HCPS)

A larger percentage of the classified employee workforce is categorized in the Professional Non-faculty job category than in any other category (33.3% of the all staff employees would be classified as Professional Non-faculty). A significant majority (82.7%) of these employees are Health Care Professionals (1,924 are HCPs out of 2,327 Professional Non-faculty). HCPs comprise 27.7% of the total classified workforce and constitute 41.8% of the classified employees in the Health Sciences Center.

The vast majority of HCPs at the University are white (91.4%). Black employees make up 6.6% of this category, while 1.6% of HCPs are Asian, 0.3% are Hispanic, and 0.1% are Native American. Thus, African Americans are severely underutilized as HCPs, considering that they make up 17.6% of the total classified staff. Non-faculty¹⁴ Health Related Professional Non-faculty are essentially HCPs. This is the area where the University is the most severely underutilized. The availability data suggest that African American HCPs are available in Charlottesville and Virginia but the University is doing an extremely poor job of attracting additional numbers of these African American HCPs. The most significant gains could be made in helping to alleviate the concentration of African Americans in the lower job categories and lower paying jobs by focusing more effort on recruiting and retaining more African American HCPs.

In addition to being underutilized in general (African Americans constitute only 6.6% of the total HCPs), an examination of African American HCPs reveals that they are concentrated in the lower paying HCP positions. Out of a total of ninety HCP positions that are considered

¹⁴ A third of the actual number of additional hires needed to become fully utilized in a particular category is the method used to help set more realistic and attainable goals. For the Health Related Professional Sub-category to become fully utilized based on the availability analysis, 192 additional African American hires would be needed for 1995-96.

supervisory¹⁵, 4.4% or four of these positions are held by African Americans, while the rest 95.6% (86) are held by whites. Thus, in addition to being underutilized among HCP positions, African Americans are further underutilized with respect to HCP supervisory positions, where they make up only 4.4% of the total supervisory workforce.

Found below is a table of the salary levels of HCPs broken down by race:

HCPS BY RACE AND SALARY INTERVAL						
SALARY	RACE					
	ALL	WHITE	BLACK	ASIAN	NAT AM	HISPAN
15,000-19,999	8	0.5% (8)	—	—	—	—
20,000-24,999	96	4.6% (81)	10.9% (14)	—	—	16.7% (1)
25,000-29,999	284	13.0% (228)	39.1% (50)	20.0% (6)	—	—
30,000-34,999	434	22.6% (395)	23.4% (30)	23.3% (7)	50.0% (1)	16.7% (1)
35,000-39,999	374	20.5% (359)	9.4% (12)	3.3% (1)	0	33.3% (2)
40,000-44,999	427	22.3% (389)	16.4% (21)	46.7% (14)	50.0% (1)	33.3% (2)
45,000-49,999	155	8.7% (152)	0.8% (1)	6.7% (2)	—	—
50,000-54,999	86	4.9% (86)	—	—	—	—
55,000-59,000	33	1.9% (33)	—	—	—	—
60,000-64,999	5	0.3% (5)	—	—	—	—
65,000-69,999	1	0.1% (1)	—	—	—	—
70,000-74,999	1	0.1% (1)	—	—	—	—
75,000-79,999	4	0.2% (4)	—	—	—	—
80,000-84,999	4	0.2% (4)	—	—	—	—
85,000-90,000	1	0.1% (1)	—	—	—	—
ALL	1,913	1,747	128	30	2	6

Data provided by Office of Institutional Assessment & Studies, August 23, 1995

Almost all of the African American HCPs earn the lower paying salaries. A significant portion (39.1%) of African American HCPs earn between \$25,000-\$29,999. By comparison 13.0% of the white employees' pay falls within this pay scale while 20.0% of Asian HCPs are paid this amount. Almost three quarters (73.4%) of African American HCPs earn less than \$35,000, while 40.7% of white HCPs earn less than \$35,000, and 43.3% of Asian HCPs earn less than

¹⁵ Supervisory positions include positions with the titles of "Director, Assistant Director, Assistant Chief, Supervisor, or Manager". Data provided by Department of Classification and Compensation, July 27, 1995.

\$35,000. The numbers of Native American HCPs and Hispanic HCPs is very small. Half (50.0%) of Native American HCPs earn less than \$35,000 and 33.4% of Hispanic HCPs earn less than \$35,000. The majority (51.5%) of white HCPs earn between \$35,000-\$50,000. The percentage of African American HCPs that earn between \$35,000-\$50,000 is 26.6%. For Asians the percentage is 56.7%, for Native Americans the percentage is 50.0% and for Hispanic HCPs the percentage is 66.6%. Only white HCPs earn more than \$50,000, with 7.8% of all white HCPs earning between \$50,000-\$85,000.

In summary, an analysis of African American HCPs shows that the numbers of African American HCPs are severely underutilized. Among those African American HCPs that are employed at the University, they hold fewer supervisory or management positions than would be expected based on the percentage of HCPs that are African American, and African American HCPs are clustered among the lower paying HCP jobs. This clustering only occurs for African American HCPs, while the majority of the salaries of white, Asian, Native American, and Hispanic HCPs are dispersed among the mid level and upper level paying jobs.

VI. TRAINING INITIATIVES

One way to begin to alleviate the clustering of minorities or women in lower paying and less prestigious jobs is through training initiatives. Training initiatives can be used to increase the skills of employees in the lower jobs in order to provide them with opportunities to gain the necessary skills to move into upper level jobs. The training initiatives currently in place for classified employees include the Skilled Craft Apprenticeship Program conducted through Facilities Management, Administrative Internship Program (which was instituted in 1993), and the

Health Care Professional Scholarship Employment Program. Found below is information on the race of those individuals chosen for the Skilled Craft Apprenticeship Program and the Administrative Internship Program.

RACE OF INDIVIDUALS CHOSEN FOR ADMINISTRATIVE INTERNSHIP PROGRAM		
YEAR	WHITE	BLACK
1993 - 1994	2	1
1994 - 1995	3	----
1995- 1996	2	1

Data provided by Department of Organizational Development & Training

RACE OF INDIVIDUALS CHOSEN FOR SKILLED CRAFT APPRENTICESHIP PROGRAM			
YEAR	WHITE	BLACK	OTHER MINORITY
1989	2	3	1
1990	----	1	---
1993	3	4	---
1994	2	2	---

Data provided by Facilities Management

Last year there were three interns chosen for the Administrative Internship Program, four employees chosen for the Skilled Craft Apprenticeship Program, and fourteen employees picked for the Health Care Professional Scholarship Employment Program. All of these programs have the goal of increasing the upward mobility and promotion opportunities for both women and minorities. This means, that at the University, there are a total of 21 possible positions to help advance 3,961 white classified employees who are women, and also assist the upward mobility of 1,227 black classified employees, as well as 147 other minority employees.¹⁶

¹⁶ Data provided by Office of Institutional Assessment & Studies, 1995

VII. AN ANALYSIS OF THE WORK CLIMATE FOR AFRICAN AMERICANS

A. Performance Evaluations¹⁷

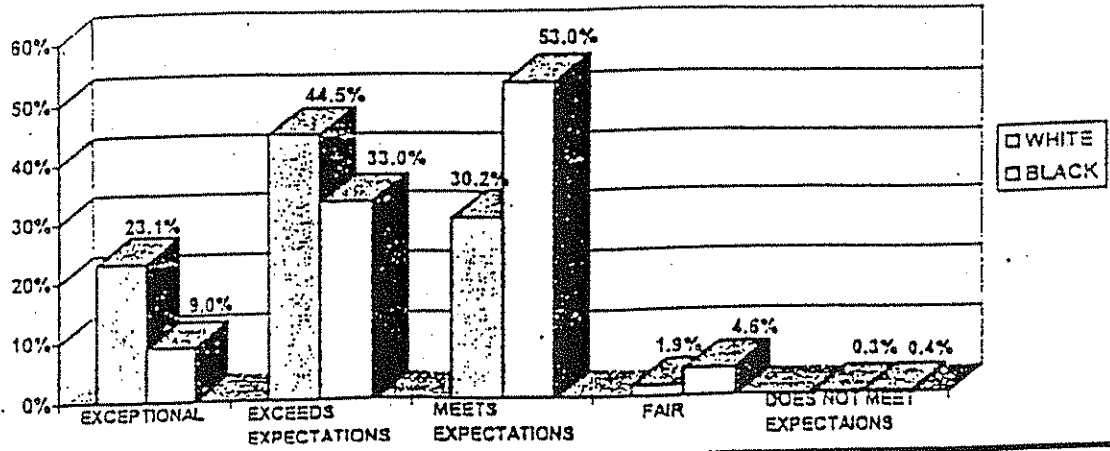
An analysis of performance evaluations for black and white employees for 1993-1995 is shown below. The analysis was performed by taking one hundred percent of the evaluations given for white employees for 1993-1995 and determining the percentage of white employees that received each of the five possible ratings. This same analysis was performed for black employees. A comparison of the results is found below and a graphical representation of this information is shown on the next page.

PERFORMANCE EVALUATIONS FOR WHITE AND BLACK CLASSIFIED EMPLOYEES FOR 1993 - 1995						
	1993 EVALUATIONS		1994 EVALUATIONS		1995 EVALUATIONS	
	WHITES	BLACKS	WHITES	BLACKS	WHITES	BLACKS
EXCEPTIONAL	23.1% (892)	9.0% (97)	23.5% (882)	8.8% (94)	11.6% (313)	7.2% (44)
EXCEEDS EXPECTATIONS	44.5% (1,712)	33.0% (356)	43.9% (1,652)	33.9% (362)	48.8% (1,315)	36.3% (221)
MEETS EXPECTATIONS	30.2% (1,162)	53.0% (571)	31.0% (1,164)	53.9% (577)	37.3% (1,004)	51.2% (311)
FAIR	1.9% (72)	4.6% (50)	1.3% (50)	3.3% (35)	2.0% (54)	4.3% (26)
DOES NOT MEET EXPECTATIONS	0.3% (12)	0.4% (4)	0.3% (12)	0.1% (1)	0.3% (7)	1.0% (6)

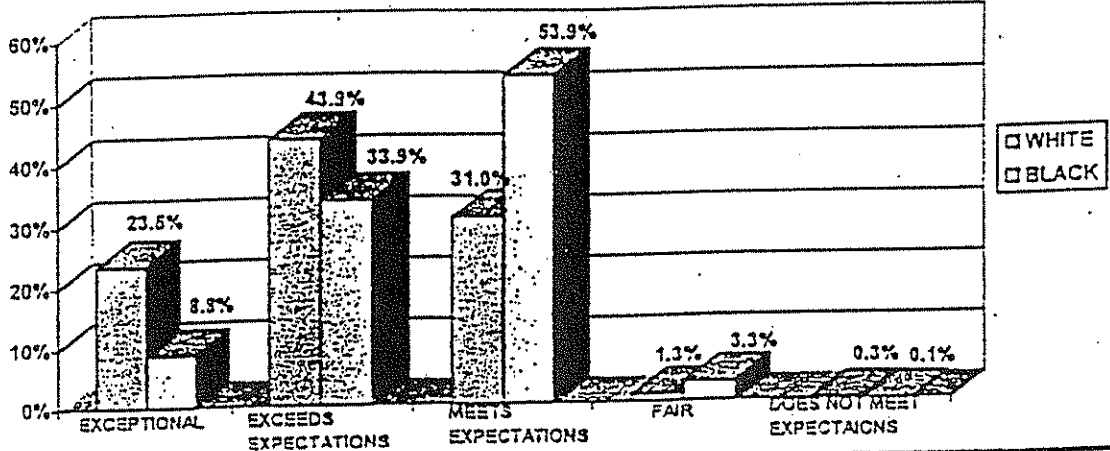
Data provided by Department of Human Resources, October 1995

¹⁷Data provided by Department of Human Resources, October 1995.

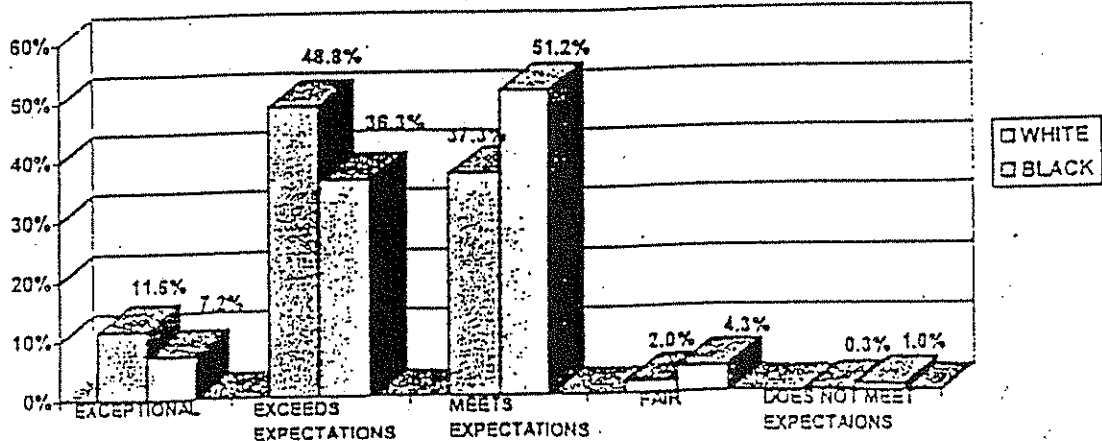
1993 EVALUATIONS
COMPARISON OF PERCENTAGE OF WHITE EMPLOYEES GIVEN EACH RATING
WITH PERCENTAGE OF BLACK EMPLOYEES GIVEN EACH RATING



1994 EVALUATIONS
COMPARISON OF PERCENTAGE OF WHITE EMPLOYEES GIVEN EACH RATING
WITH PERCENTAGE OF BLACK EMPLOYEES GIVEN EACH RATING



1995 EVALUATIONS
COMPARISON OF PERCENTAGE OF WHITE EMPLOYEES GIVEN EACH RATING
WITH PERCENTAGE OF BLACK EMPLOYEES GIVEN EACH RATING



Data provided by Department of Human Resources, October 1995

As can be seen from the table and graphs, the majority of African American classified employees received the "Meets Expectations" rating for 1993, 1994, and 1995 (53.0%, 53.9%, 51.2%; respectively), while white classified employees most frequently received "Exceeds Expectations" for 1993, 1994, and 1995 (44.5%, 43.9%, and 48.8%; respectively). A significantly greater percentage (almost a quarter) of white employees received an "Exceptional" rating for 1993 and 1994. In fact, two and half times as many white employees received this rating compared to African American employees (less than 10%) for these two years. For 1995 fewer white employees received the "Exceptional" rating (11.6%). However, the percentage of African Americans receiving the "Exceptional" rating also dropped (7.2%); still leaving a significant disparity in performance evaluations in the "Exceptional" category between white and black employees. In the "Fair" performance rating category there was also a disparity between black and white employees. For all three years, blacks were two times more likely to receive this rating than white employees. In the category of "Does Not Meet Expectations", there was little disparity between black and white employees for 1993 and 1994. However, for 1995, black employees were three times more likely to be rated as "Does Not Meet Expectations" than were white employees (0.3% of white employees received this rating, while 1.0% of black employees received this rating).

This analysis strongly suggests a lack of objectivity in conducting performance evaluations and seems to indicate that, either the performance of African Americans is significantly less exemplary than the performance of white employees, or else a different standard is being applied depending on whether an employee is black or white. The lack of objectivity is significant since performance is often taken into account when determining whether an employee should be chosen

for an advanced position or given the opportunity for supervisory training. In addition, in the years when "pay for performance" is in effect; the lack of objective standards in evaluations for white and African American employees results in differences in merit salary further exacerbates the pay differences within categories for these individuals.

B. Written Disciplinary Actions¹⁸

Found below are tables which show the numbers and percentages of written disciplinary actions and terminations taken against both white and black employees for 1992-1995.

WRITTEN DISCIPLINARY ACTIONS 1992 - 1995			
YEAR	TOTAL	WHITE	BLACK
1992 - 93	185	52% (96)	48% (89)
1993 - 94	193	62% (120)	38% (73)
1994 - 95	178	58% (103)	42% (75)

Data provided by Department of Human Resources, October 1995

STANDARDS OF CONDUCT TERMINATIONS 1992 - 1995			
YEAR	TOTAL	WHITE	BLACK
1992 - 93	18	33% (6)	67% (12)
1993 - 94	24	33% (8)	67% (16)
1994 - 95	24	50% (12)	50% (12)

Data provided by Department of Human Resources, October 1995

An examination of the written disciplinary notices given to classified employees for 1992-93 shows that 185 Written Notice actions were given. Whites received 52% of all Written Notices and Blacks received 48%. Blacks received a larger proportion of Written Notices when compared to the percentage of the classified employees that are black. Blacks constituted 17.9%

¹⁸ Data provided by Department of Human Resources, 1995.

of the classified workforce, yet they received 48% of the Written Notices. In addition, of the 18 employees that were terminated via the Standards of Conduct during 1992-93, 12 were black, and 6 were white. Blacks made up less than 20% of the classified employees, yet 66.6% of the employees that were terminated for cause were black. Eighty percent of classified employees were white, yet only 33.3% of the total employees terminated were white.

In 1993-94, a total of 193 Written Notice disciplinary actions were taken agency wide. White employees received 62% of all Written Notice actions taken, while black employees received approximately 38% of all Written Notice actions taken. While black employees received less of the total Written Notices than the previous year, they still received over twice as many written notices as would be expected based on the percentage of classified employees that were black (17.9%). In 1993-94, 24 employees were terminated for cause. Approximately 67% were black, and 33% were white. Again, the percentage of black employees terminated compared to white employees terminated was significantly greater than would be expected taking into consideration the percentage of classified employees that were black.

In 1994-95, 178 Written Notice disciplinary actions were taken across the University. White employees received 58% of all Written Notice actions taken, while black employees received 42% of all Written Notice actions taken. Again the percentage of blacks receiving written notices was significantly greater than would be expected when compared with the percentage of the classified work force that was black (17.6%). For 1994-95, of the 24 classified employees that were terminated, 50% were white and 50% were black. The percentage of black employees terminated was reduced from the two previous years when it was 67%. Still the fact

that 50% of employees terminated were black is of concern when compared to the percentage of black employees in the total classified work force.

C. Growing Dissatisfaction Among African American Employees

The Office of EOP has noticed a considerable increase in the number of African American employees that are expressing concerns with the inequities present in their working environments. Anecdotal evidence of these incidents has included concerns about ways that supervisory openings are not being posted or incorrectly posted. African American classified employees have indicated that they feel openings are filled by pre-selecting white individuals even before the positions are posted. Creative use of reclassifying positions has been used to place white individuals into positions, thus circumventing the open application process. African American wage employees have complained that they have been told that there were no open positions due to the hiring freeze, yet white employees have been hired into positions. Other concerns have been voiced about disparate treatment in evaluations and in disciplinary actions.

Other African American employees have expressed concerns about climate issues. They feel that black employees are treated with disrespect. They have said that they feel white employees are afforded training opportunities that are denied to black employees. There have also been concerns raised that black supervisors are often undermined by their fellow supervisors or by their superiors. Other issues have included concerns about favoritism for white employees in job assignments, shift assignments, flex time arrangements, and vacation schedules, and the use of sick time.

The Medical Center began a workforce freeze in October of 1993 which meant that as positions were vacated, they have been eliminated if possible. Since that time, 600 full time

positions have been eliminated in the Medical Center.¹⁹ There has also been a major reorganization of the Health Sciences Center. This has reduced available openings and has increased the workload for all classified employees. However, since African American employees were already experiencing inequitable treatment, they have most keenly been affected by these initiatives, further increasing their sense of an unfair and hostile work environment.

Plans are currently being made to further reorganize the Health Sciences Center. This is exacerbating the feelings of insecurity and inequity especially among African Americans. In addition to the state hiring freeze which reduced the number of available openings, a hiring freeze for staff and faculty was put into effect in the Health Sciences Center in the spring. All of these initiatives have increased workplace tensions for everyone and have greatly increased the concerns of African American employees.

George King, President of the local chapter of the NAACP, has indicated that he too is hearing increasing numbers of complaints from African American classified employees of the University about their growing sense of frustration over the inequitable treatment they experience in their work places. African American employees are becoming more insistent that the University acknowledge and begin to rectify these problems so that all employees truly have equal opportunities and equal treatment in their work environment.

VIII. RECOMMENDATIONS

1. In order to increase the numbers of African Americans in the Executive/Managerial and Professional Non-faculty job categories a system of pre-hire review should be instituted. Positions in these categories should be individually examined prior to hire to ensure that the

¹⁹Data provided by Medical Center Administration.

hires are performed fairly and also encourage the hiring of qualified African Americans into underutilized areas. Pre-hire review should be particularly focused on Professional Non-faculty positions since this is where a significant number of classified positions fall (33.3%), and this is also the area where African Americans are severely underutilized.

2. A more effective and formalized plan for the recruitment of African Americans should be put in place. Hiring officials often say that there is a lack of African Americans in the applicant pools for open positions. The current decentralized system of hiring only exacerbates this problem. A more centralized system that focuses on the recruitment of individuals for those areas that are severely underutilized would be more effective. This approach should focus on encouraging African Americans to apply for positions; particularly for the Professional Non-faculty jobs. The availability data suggests that significant numbers of African Americans are available to fill these positions, yet the University is doing a poor job in attracting these individuals.

3. A formalized mentor program for African American employees should be instituted to help groom the current African American supervisors for upper level management positions. The mentor program currently being used for African American students is effective at retaining and encouraging these students to continue their education. A similar system for formally encouraging and mentoring our African American employees would be beneficial in increasing the numbers of African Americans in higher level positions.

4. More extensive training programs would be helpful in grooming African Americans for more management and supervisory positions. A total of 21 possible formalized positions to help advance 3,961 white classified employees who are women, and also assist the upward mobility of 1,227 black classified employees, as well as 147 other minority employees is not going to help alleviate the problem of the lack of African American supervisors. In addition, whenever possible, African Americans should be actively encouraged to take advantage of the training and supervisory classes that are currently available.

5. Yearly review and statistical analysis of performance reviews for each race by major business unit should be instituted. The current analysis of performance reviews examines performance reviews received across the entire University, rather than examining the data separately within race and for each major business unit. The numbers seem to indicate that different standards are being applied to evaluate white and African American workers, yet it is very difficult to begin addressing this problem without a way of assessing if this problem is occurring University wide, or if particular areas are skewing the numbers for the whole University. For the same reasons that an analysis of performance evaluations are essential, a yearly review and statistical analysis of written notices and terminations for cause, with respect to race and major business unit should be undertaken. African American employees are receiving disciplinary actions proportionally in much greater numbers than they should when compared with the percentage of the workforce which is African American.

6. Follow-up review should be instituted with all African Americans leaving HCP positions, as well as with African Americans vacating any positions that fall within the Executive/Managerial or Professional Non-faculty job categories. A formalized and mandatory system of conducting exit interviews for African Americans in these positions should be developed in order to determine if turnover is occurring because of problems within particular departments. This type of system should help reduce turnover and encourage the retention of African American employees.

7. An ombudsman type position should be created. The ombudsman's responsibilities would include responding to the concerns of all employees, faculty, and staff and helping to alleviate problems within departments for all employees, including African Americans. This person could work on helping African American employees resolve conflicts that do not rise to the level of discrimination as defined by Title VII. There are many problems that do not rise to this level but that could be resolved with minimal intervention before the situation escalates or before an employee quits. An ombudsman could be actively involved in helping to address "climate issue" problems in departments and would send a message to African American employees that the University is interested in ensuring that all employees are treated in an equitable manner.

IX. CONCLUSION

Since 1981, the University has officially eliminated the vestiges of the former de jure segregated system. However, this does not mean that the vestiges of this system do not remain. Simply saying that the University supports equal opportunity for African Americans does not

eliminate all the inequities. Simply setting goals for additional hires of African Americans in order to comply with federal mandates, yet being unable to meet these goals does not eliminate these inequities. The University has made some inroads; 17.9% of the classified staff is African American. This is higher than the 14.4% of African Americans in the Charlottesville MSA²⁰.

Although African Americans seem to have gotten their foot in the door, they do not seem to be going very far. A concerted effort is necessary to help alleviate this situation. More emphasis needs to be given to recruitment of African Americans into upper level jobs and also to development of programs to provide more African Americans with the means and opportunity of achieving upward mobility in order to reduce the University's "muddy floor". Mechanisms must be put in place to resolve issues of inequitable treatment. In addition, the University must work on retaining and making African American employees feel welcome in order to reduce turnover.

Many of the problems examined are not blatant enough nor severe enough to give rise to charges of discrimination under the law, but nevertheless, these problems are insidious, subtle, and pervasive throughout the University and are contributing to an overall feeling of dissatisfaction and unrest for all employees, and for African American employees, in particular. Many of these problems are much harder to confront and dispel than blatant acts of discrimination, but it is imperative that the University begin to act in addressing the concerns of African American classified employees in a proactive and positive manner.

²⁰ According to 1990 Census data provided by the Weldon Cooper Center for Public Service.

**ALL FULL-TIME SALARIED CLASSIFIED EMPLOYEES
BY RACE AND EEO CATEGORY**

EEO CATEGORY	ALL	WHITE	BLACK	ASIAN	NAT AM	HISP
EXEC/ADMIN/ MNGRL	1.6% (114)	93.8% (107)	5.3% (6)	0.9% (1)	—	—
PROF NON-FACULTY	33.3% (2,327)	92.9% (2,161)	4.5% (104)	2.1% (48)	0.1% (2)	0.5% (12)
CLERICAL/ SECRL	27.3% (1,908)	82.1% (1,566)	17.0% (325)	0.6% (12)	0.1% (1)	0.2% (4)
TECH/ PARA-PROF	15.5% (1,084)	85.3% (925)	12.5% (136)	1.7% (18)	0.1% (1)	0.4% (4)
SKILLED CRAFTS	7.3% (511)	78.1% (399)	20.5% (105)	1.0% (5)	—	0.4% (2)
SERVICE/ MAINT	14.8% (1,035)	43.2% (447)	53.2% (551)	2.3 (24)	0.5% (5)	0.8% (3)
TOTAL	100.0% (6,979)	80.3% (5,605)	17.6% (1,227)	1.6% (108)	0.1% (9)	0.4% (30)

DATA PROVIDED BY OFFICE OF INSTITUTIONAL ASSESSMENT AND STUDIES, OCTOBER 1995

**HEALTH SCIENCES FULL-TIME SALARIED CLASSIFIED EMPLOYEES
BY RACE AND EEO CATEGORY**

EEO CATEGORY	ALL	WHITE	BLACK	ASIAN	NAT AM	HISP
EXEC/ADMIN/ MNGRL	1.5% (67)	92.5% (62)	6.0% (4)	1.5% (1)	—	—
PROF NON-FACULTY	40.8% (1,889)	93.2% (1,761)	4.2% (79)	2.1% (39)	0.1% (2)	0.4% (8)
CLERICAL/ SECRL	24.7% (1,145)	78.8% (902)	20.3% (233)	0.7% (8)	—	0.2% (2)
TECH/ PARA-PROF	16.2% (752)	82.7% (622)	14.9% (112)	1.9% (14)	0.1% (1)	0.4% (3)
SKILLED CRAFTS	2.6% (119)	71.4% (85)	26.9% (32)	0.8% (1)	—	0.3% (1)
SERVICE/ MAINT	14.2% (659)	44.3% (292)	51.3% (338)	2.9% (19)	0.4% (3)	1.1% (7)
TOTAL	100.0% (4,631)	80.4% (3724)	17.2% (798)	1.8% (82)	0.1% (6)	0.5% (21)

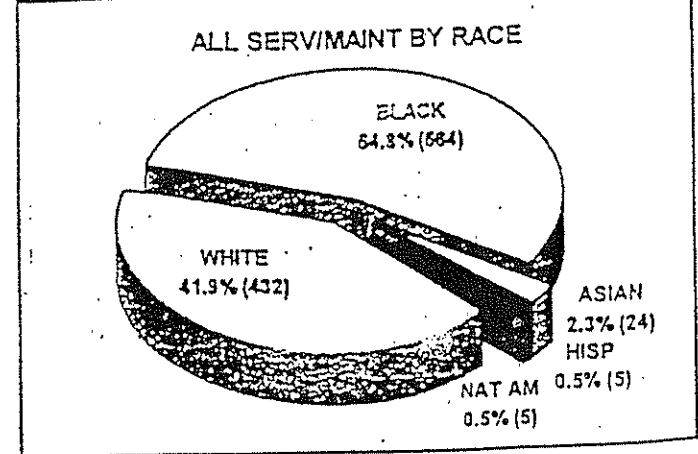
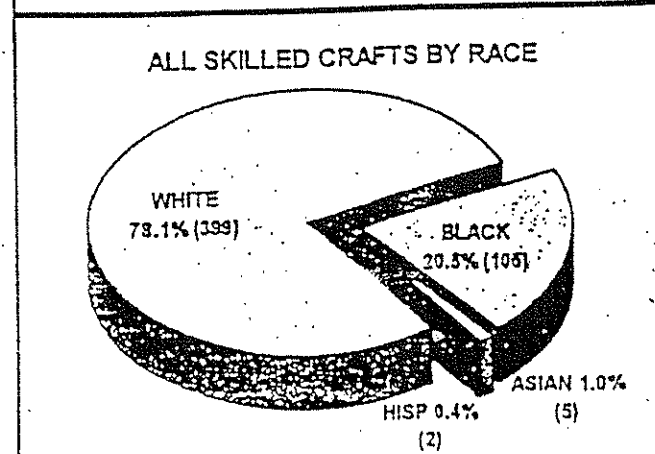
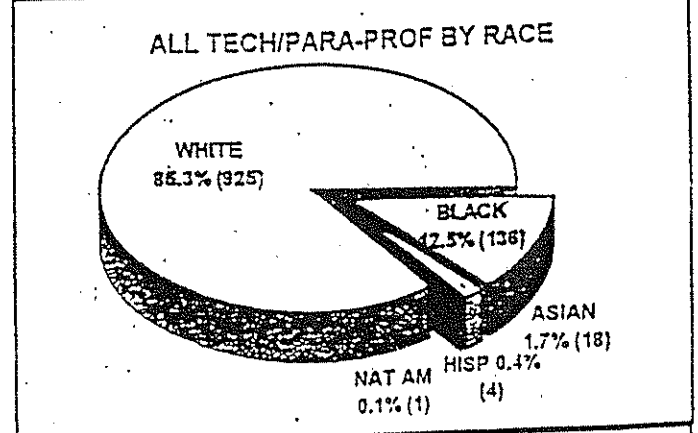
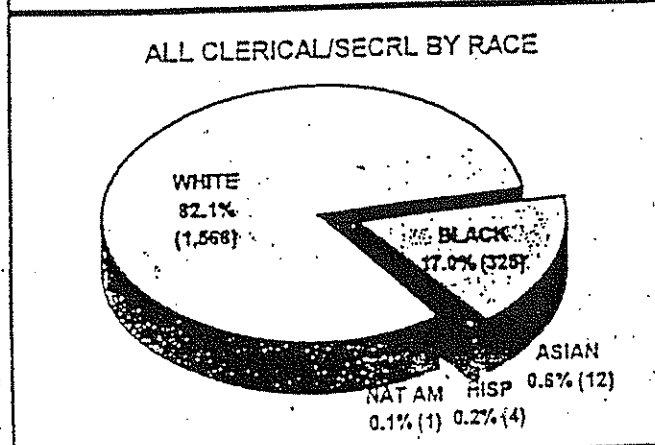
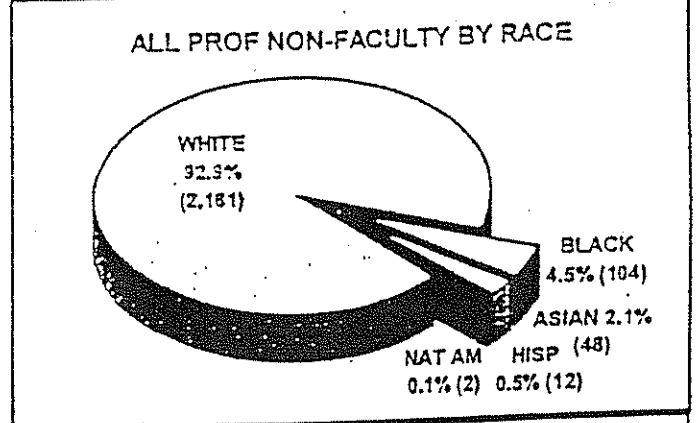
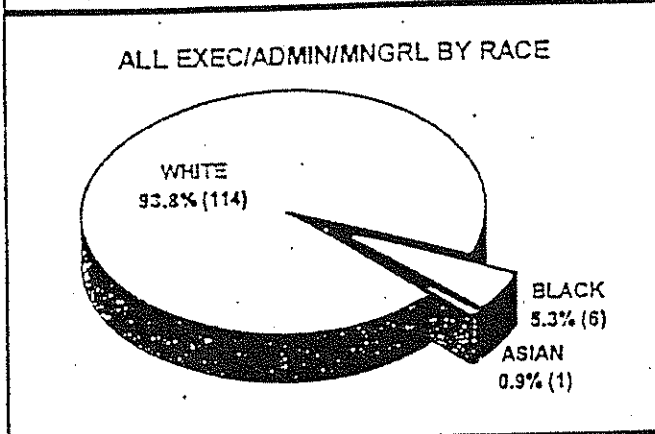
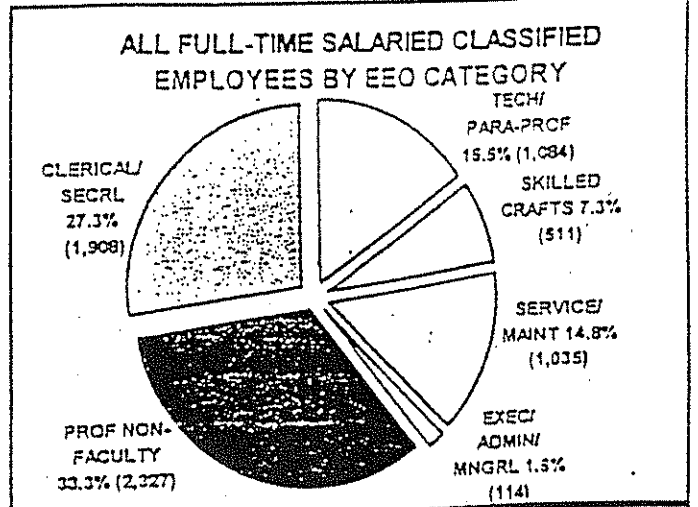
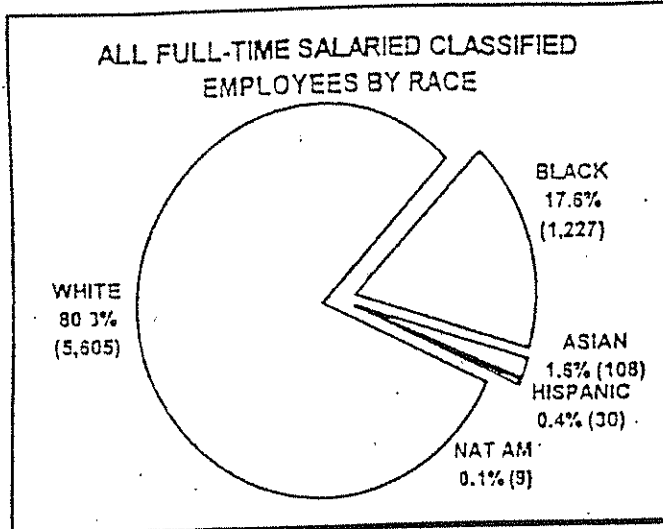
DATA PROVIDED BY OFFICE OF INSTITUTIONAL ASSESSMENT AND STUDIES, OCTOBER 1995

**NON-HSC FULL-TIME SALARIED CLASSIFIED EMPLOYEES
BY RACE AND EEO CATEGORY**

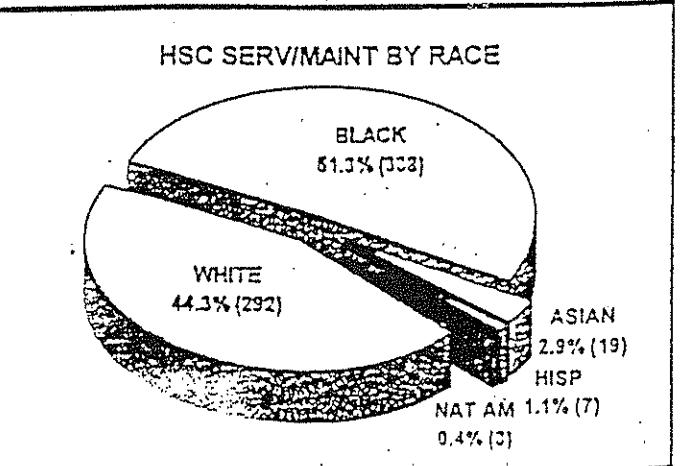
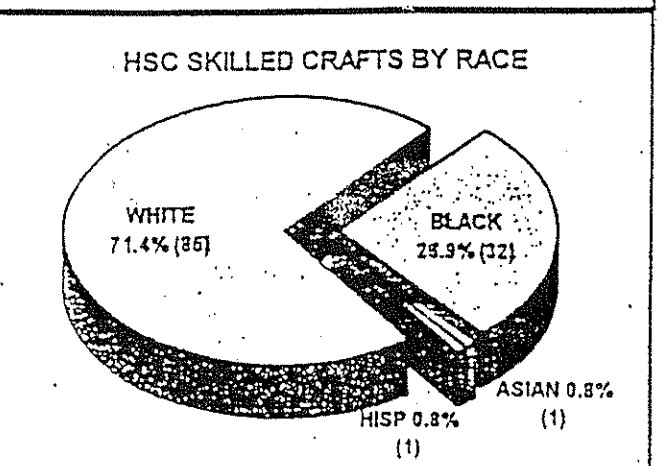
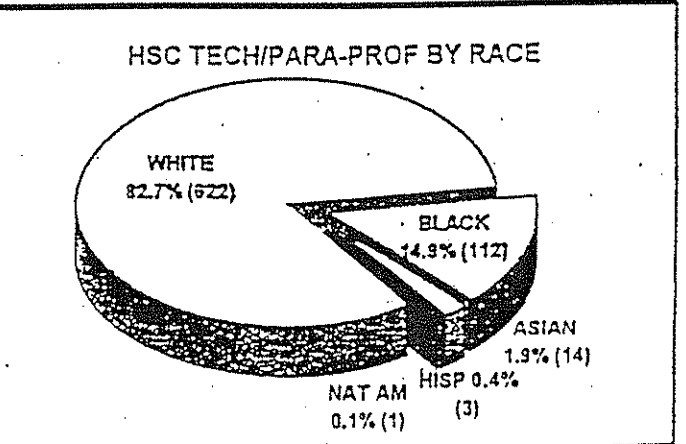
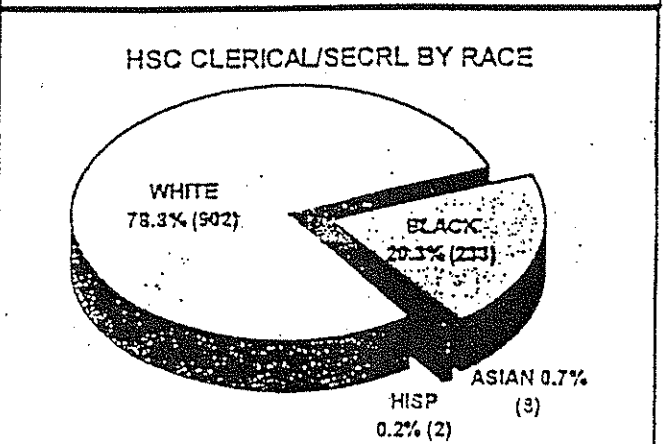
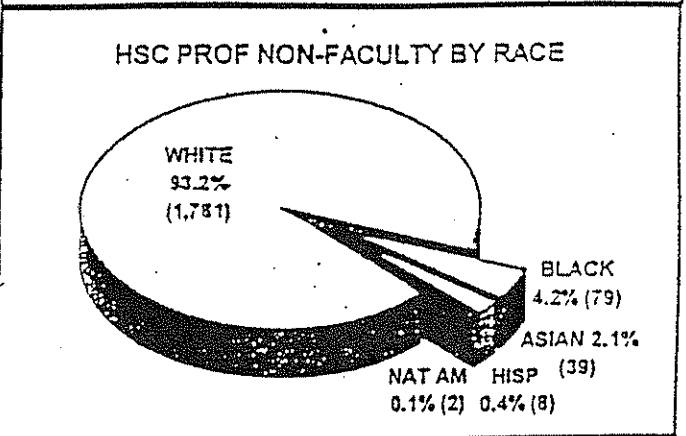
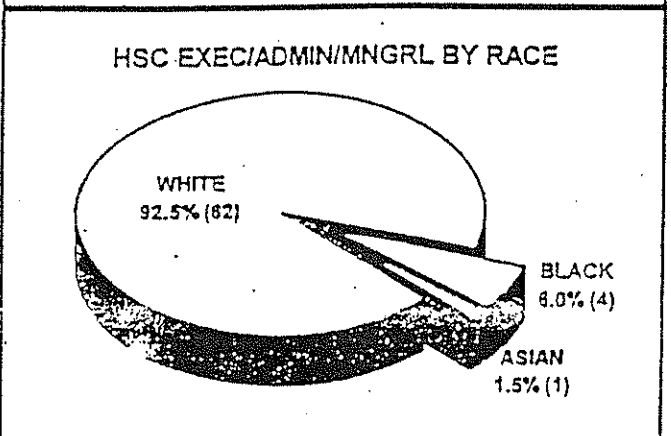
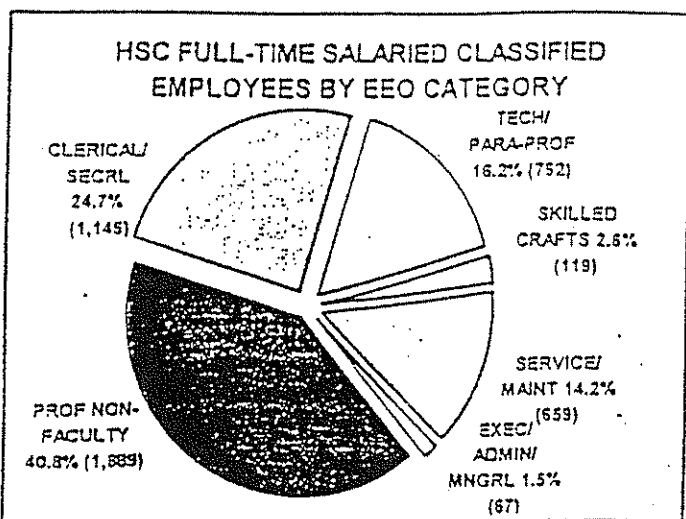
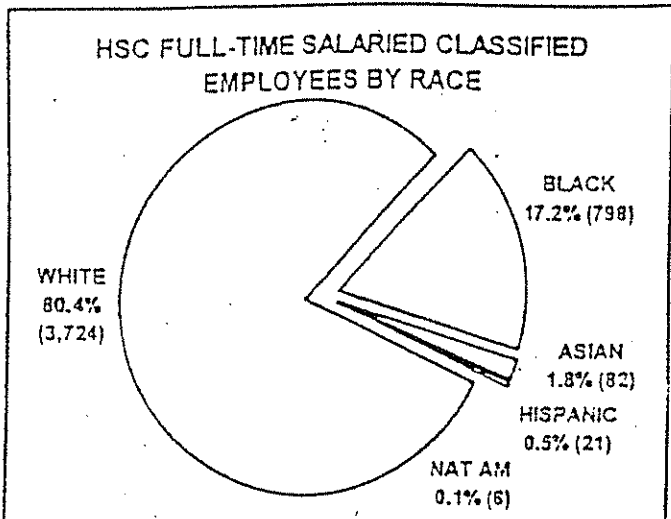
EEO CATEGORY	ALL	WHITE	BLACK	ASIAN	NAT AM	HISP
EXEC/ADMIN/ MNGRL	2.0% (47)	95.7% (45)	4.3% (2)	—	—	—
PROF NON-FACULTY	18.7% (438)	91.3% (400)	5.7% (25)	2.1% (9)	—	0.9% (4)
CLERICAL/ SECRL	32.5% (763)	87.0% (664)	12.1% (92)	0.5% (4)	0.1% (1)	0.3% (2)
TECH/ PARA-PROF	14.1% (332)	91.3% (303)	7.2% (24)	1.2% (4)	—	0.3% (1)
SKILLED CRAFTS	16.7% (392)	80.1% (314)	18.6% (73)	1.0% (4)	—	0.3% (1)
SERVICE/ MAINT	16.0% (376)	41.2% (155)	56.7% (213)	1.3% (5)	0.5% (2)	0.3% (1)
TOTAL	100.0% (2,348)	80.1% (1,881)	18.3% (429)	1.1% (26)	0.1% (3)	0.4% (9)

DATA PROVIDED BY OFFICE OF INSTITUTIONAL ASSESSMENT AND STUDIES, OCTOBER 1995

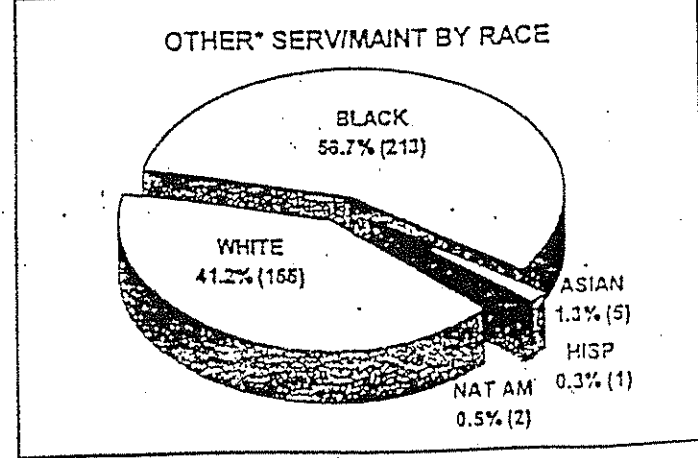
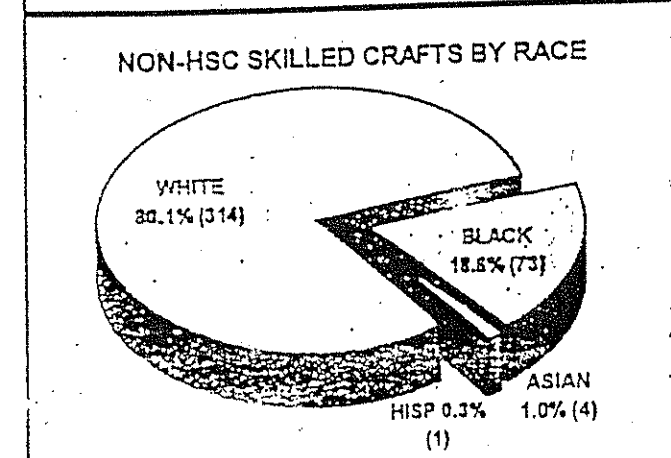
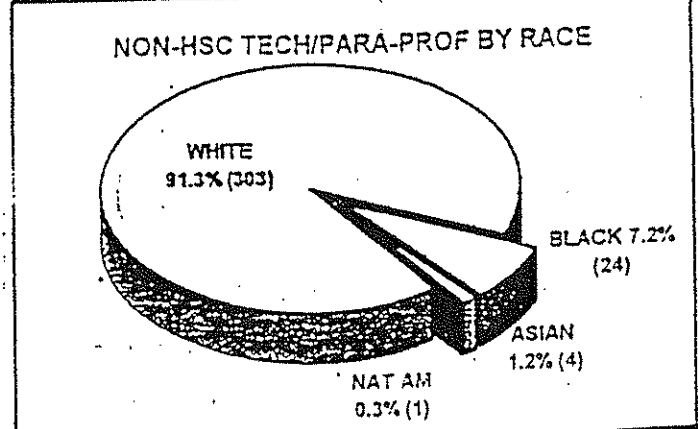
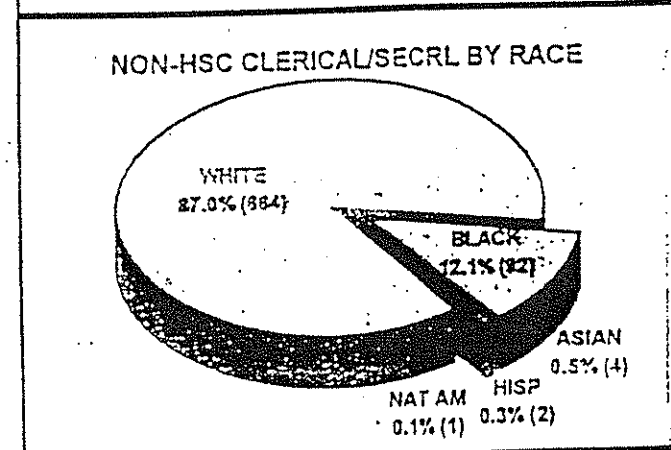
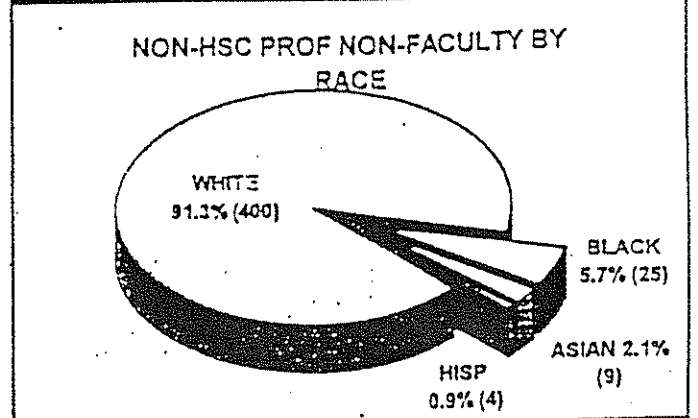
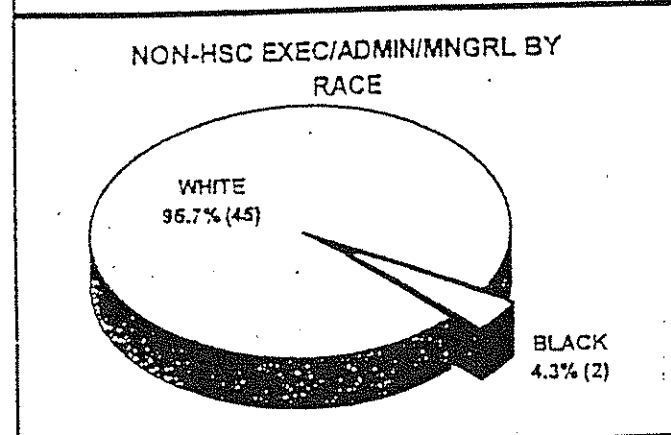
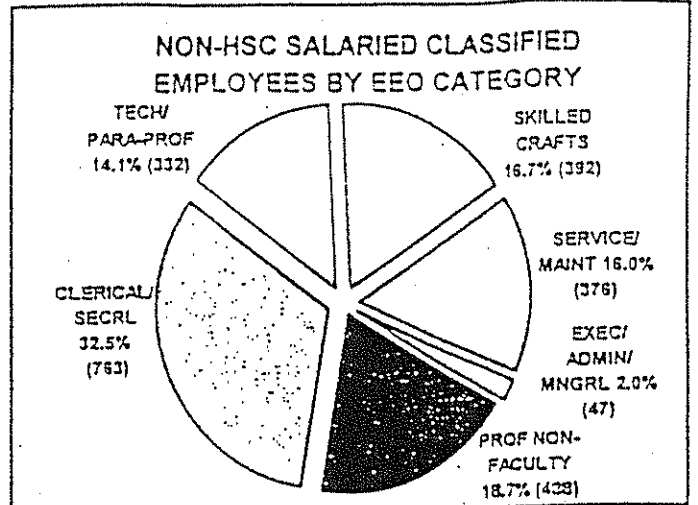
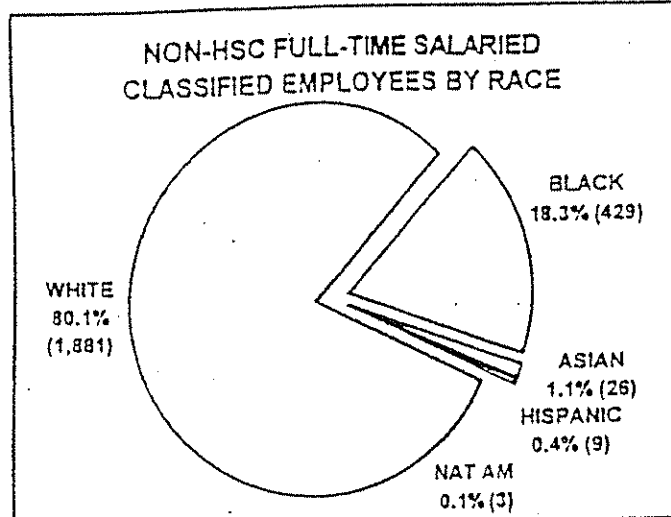
ALL FULL-TIME SALARIED CLASSIFIED EMPLOYEES BY RACE AND EEO CATEGORY



HSC SALARIED CLASSIFIED EMPLOYEES BY RACE AND EEO CATEGORY

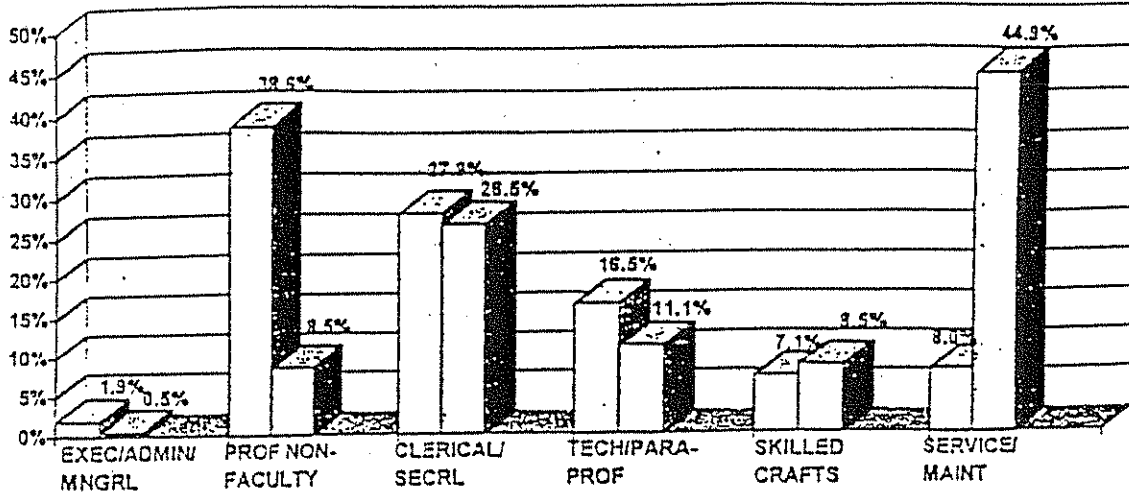


NON-HSC SALARIED CLASSIFIED EMPLOYEES
BY RACE AND EEO CATEGORY



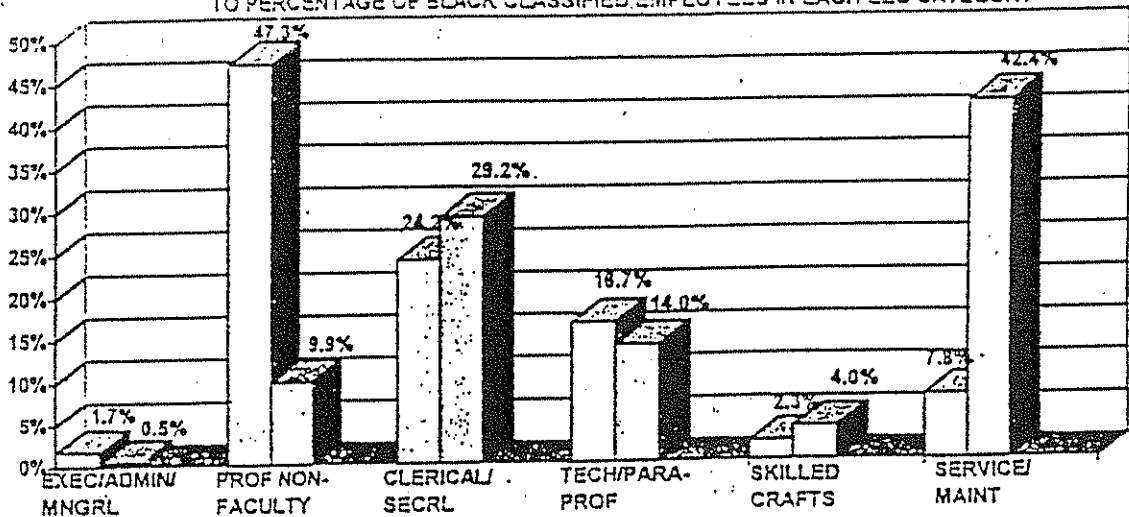
ALL EMPLOYEES

COMPARISON OF PERCENTAGE OF WHITE CLASSIFIED EMPLOYEES IN EACH EEO CATEGORY TO PERCENTAGE OF BLACK CLASSIFIED EMPLOYEES IN EACH EEO CATEGORY



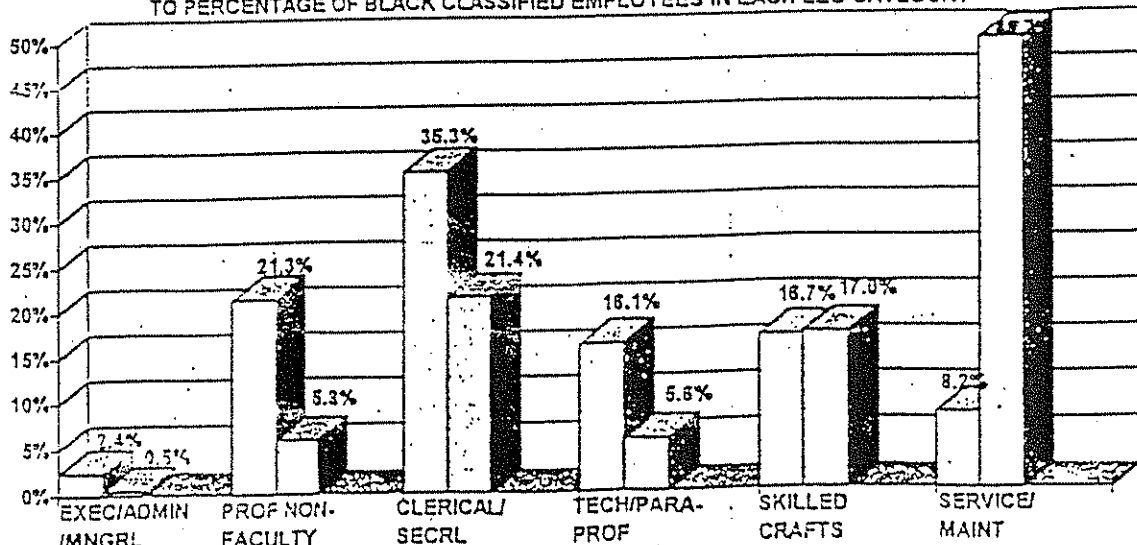
HEALTH SCIENCES

COMPARISON OF PERCENTAGE OF WHITE CLASSIFIED EMPLOYEES IN EACH EEO CATEGORY TO PERCENTAGE OF BLACK CLASSIFIED EMPLOYEES IN EACH EEO CATEGORY



NON-HSC

COMPARISON OF PERCENTAGE OF WHITE CLASSIFIED EMPLOYEES IN EACH EEO CATEGORY TO PERCENTAGE OF BLACK CLASSIFIED EMPLOYEES IN EACH EEO CATEGORY



ALL FULL-TIME SALARIED CLASSIFIED EMPLOYEES BY RACE AND GRADE

GRADE	ALL	WHITE	BLACK	ASIAN	NAT AM	HISP
HEALTH CARE PRO	27.70% (1,924)	91.4%	6.6%	1.6%	0.1%	0.3%
GRADE 0	0.01% (1)	100.0%	—	—	—	—
GRADE 1	3.50% (243)	26.3%	70.4%	2.1%	0.4%	0.8%
GRADE 2	3.01% (209)	36.4%	62.2%	0.5%	0.9%	—
GRADE 3	3.38% (235)	50.6%	46.8%	1.7%	—	0.9%
GRADE 4	8.21% (570)	56.8%	40.2%	2.1%	0.4%	0.5%
GRADE 5	11.91% (827)	74.1%	23.9%	1.7%	—	0.2%
GRADE 6	13.26% (921)	85.7%	13.2%	0.7%	—	0.4%
GRADE 7	6.32% (439)	86.8%	11.9%	0.9%	0.2%	0.2%
GRADE 8	7.17% (498)	88.8%	7.4%	3.2%	—	0.6%
GRADE 9	4.30% (299)	93.3%	5.4%	0.7%	—	0.7%
GRADE 10	2.75% (191)	92.7%	4.7%	1.6%	0.5%	0.5%
GRADE 11	1.94% (135)	89.6%	8.2%	2.2%	—	—
GRADE 12	2.26% (157)	94.9%	4.5%	—	—	0.6%
GRADE 13	0.71% (49)	98.0%	—	2.0%	—	—
GRADE 14	1.93% (134)	95.5%	—	3.0%	—	1.5%
GRADE 15	1.12% (78)	97.4%	—	2.3%	—	—
GRADE 16	0.30% (21)	100.0%	—	—	—	—
GRADE 17	0.22% (15)	100.0%	—	—	—	—

DATA PROVIDED BY OFFICE OF INSTITUTIONAL ASSESSMENT AND STUDIES, OCTOBER 1995

HSC FULL-TIME SALARIED CLASSIFIED EMPLOYEES BY RACE AND GRADE

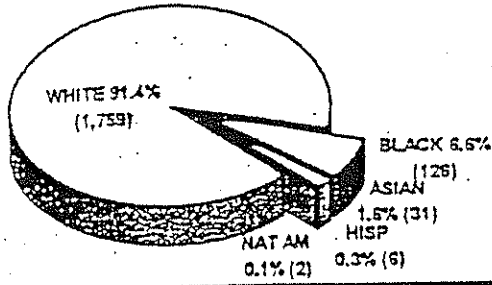
GRADE	ALL	WHITE	BLACK	ASIAN	NAT AM	HISP
HEALTH CARE PRO	41.82% (1,924)	91.4%	6.6%	1.6%	0.1%	0.3%
GRADE 0	0.02% (1)	100.0%	—	—	—	—
GRADE 1	0.98% (45)	22.2%	73.3%	2.2%	—	2.2%
GRADE 2	3.09% (142)	33.1%	66.2%	—	0.7%	—
GRADE 3	3.54% (163)	46.0%	50.3%	2.5%	—	1.2%
GRADE 4	9.63% (443)	50.8%	45.5%	2.5%	0.5%	0.7%
GRADE 5	11.69% (538)	72.1%	25.1%	2.4%	—	0.4%
GRADE 6	10.43% (480)	85.4%	13.5%	0.6%	—	0.4%
GRADE 7	4.43% (204)	86.8%	12.7%	0.5%	—	—
GRADE 8	4.48% (206)	87.9%	5.8%	4.8%	—	1.5%
GRADE 9	3.54% (163)	94.5%	3.7%	1.2%	—	0.6%
GRADE 10	1.67% (77)	92.2%	3.9%	2.6%	1.3%	—
GRADE 11	1.52% (70)	90.0%	7.1%	2.9%	—	—
GRADE 12	1.15% (53)	98.1%	1.9%	—	—	—
GRADE 13	0.35% (16)	100.0%	—	—	—	—
GRADE 14	0.76% (35)	94.3%	—	5.7%	—	—
GRADE 15	0.63% (29)	100.0%	—	—	—	—
GRADE 16	0.13% (6)	100.0%	—	—	—	—
GRADE 17	0.13% (6)	100.0%	—	—	—	—

DATA PROVIDED BY OFFICE OF INSTITUTIONAL ASSESSMENT AND STUDIES, OCTOBER 1995

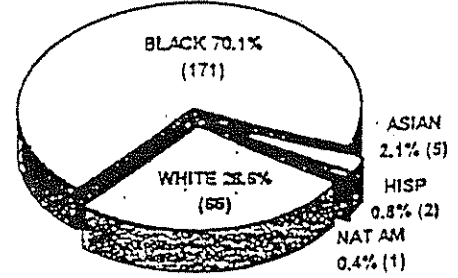
NON-HSC SALARIED CLASSIFIED EMPLOYEES BY RACE AND GRADE

GRADE	ALL	WHITE	BLACK	ASIAN	NAT AM	HISP
GRADE 1	8.44% (198)	27.3%	69.7%	2.0%	0.5%	0.5%
GRADE 2	2.86% (67)	43.3%	53.7%	1.5%	1.5%	—
GRADE 3	3.07% (72)	61.1%	38.9%	—	—	—
GRADE 4	5.42% (127)	77.9%	21.3%	0.8%	—	—
GRADE 5	12.32% (289)	77.9%	21.8%	0.3%	—	—
GRADE 6	18.81% (441)	85.9%	12.9%	0.7%	—	0.5%
GRADE 7	10.02% (235)	86.8%	11.1%	1.3%	0.4%	0.4%
GRADE 8	12.15% (292)	89.4%	8.6%	2.0%	—	—
GRADE 9	5.30% (136)	91.9%	7.4%	—	—	0.7%
GRADE 10	4.86% (114)	93.0%	5.3%	0.9%	—	0.9%
GRADE 11	2.77% (65)	89.2%	9.2%	1.5%	—	—
GRADE 12	4.43% (104)	93.3%	5.3%	—	—	1.0%
GRADE 13	1.41% (33)	97.0%	—	3.0%	—	—
GRADE 14	4.22% (99)	96.0%	—	2.0%	—	2.0%
GRADE 15	2.10% (49)	95.9%	—	4.1%	—	—
GRADE 16	0.64% (15)	100.0%	—	—	—	—

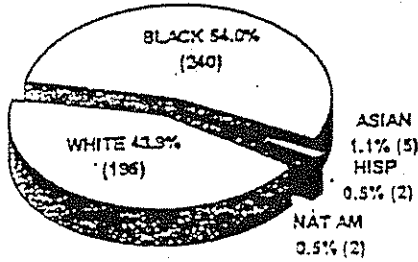
ALL HEALTH CARE PROFESSIONALS BY RACE



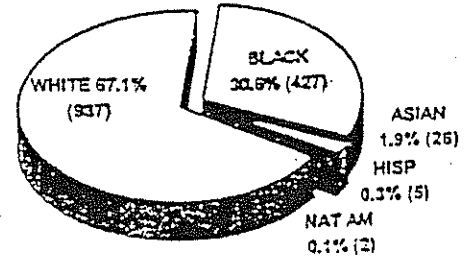
RACE OF ALL EMPLOYEES IN GRADES 0 & 1



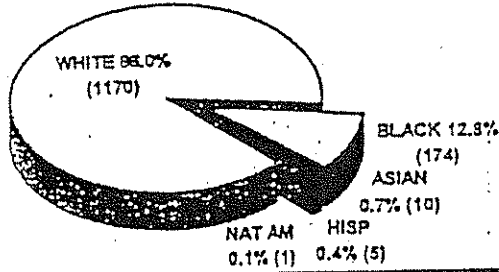
RACE OF ALL EMPLOYEES IN GRADES 2 & 3



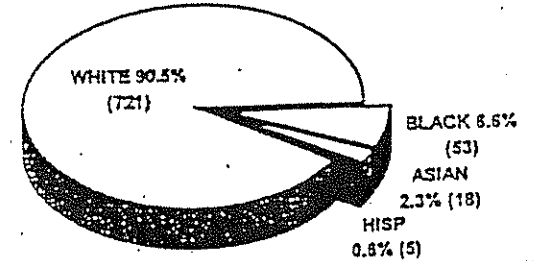
RACE OF ALL EMPLOYEES IN GRADES 4 & 5



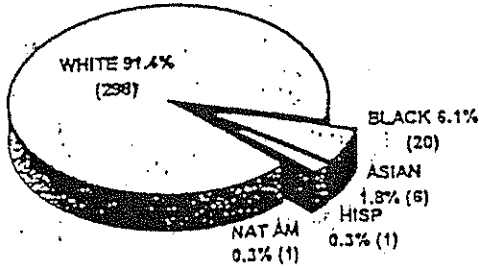
RACE OF ALL EMPLOYEES IN GRADES 6 & 7



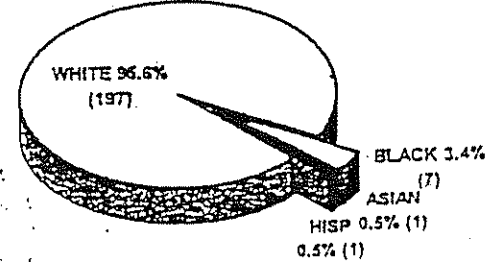
RACE OF ALL EMPLOYEES IN GRADES 8 & 9



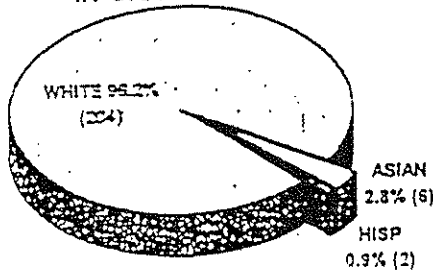
RACE OF ALL EMPLOYEES IN GRADES 10 & 11



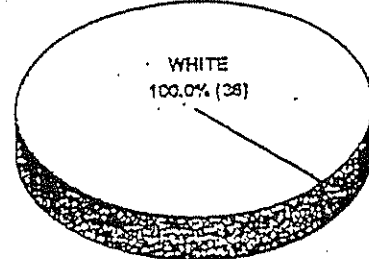
RACE OF ALL EMPLOYEES IN GRADES 12 & 13



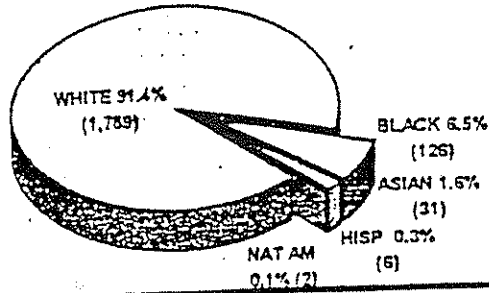
RACE OF ALL EMPLOYEES IN GRADES 14 & 15



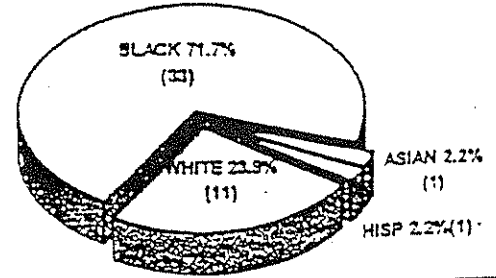
RACE OF ALL EMPLOYEES IN GRADES 16 & 17



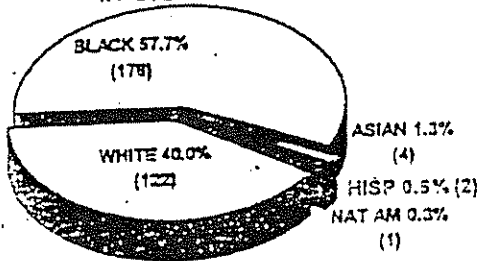
HSC HEALTH CARE PROFESSIONALS
BY RACE



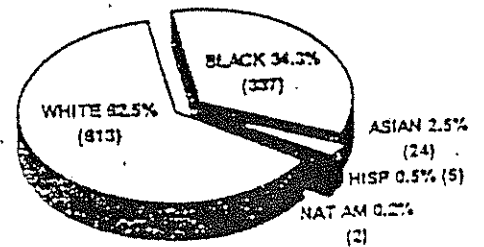
RACE OF HSC EMPLOYEES
IN GRADES 0 & 1



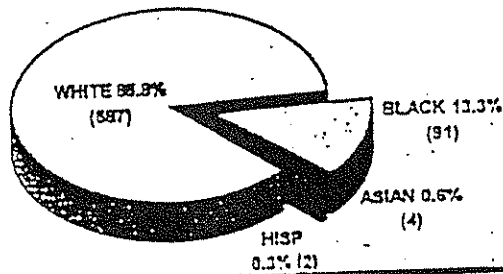
RACE OF HSC EMPLOYEES
IN GRADES 2 & 3



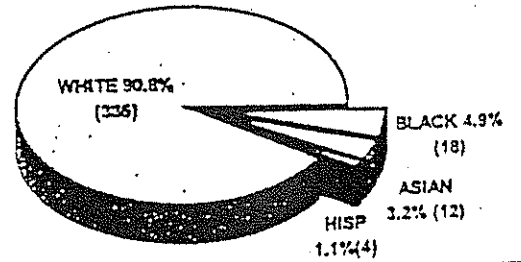
RACE OF HSC EMPLOYEES
IN GRADES 4 & 5



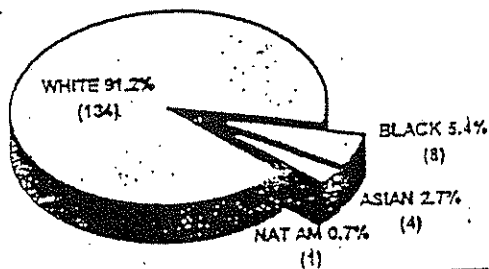
RACE OF HSC EMPLOYEES
IN GRADES 6 & 7



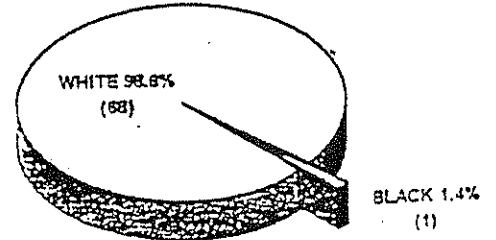
RACE OF HSC EMPLOYEES
IN GRADES 8 & 9



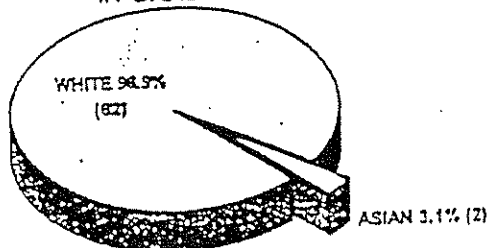
RACE OF HSC EMPLOYEES
IN GRADES 10 & 11



RACE OF HSC EMPLOYEES
IN GRADES 12 & 13



RACE OF HSC EMPLOYEES
IN GRADES 14 & 15



RACE OF HSC EMPLOYEES
IN GRADES 16 & 17

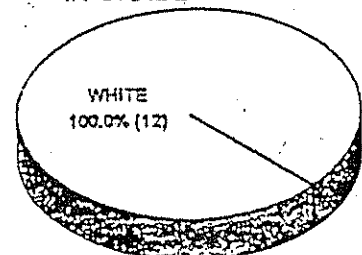
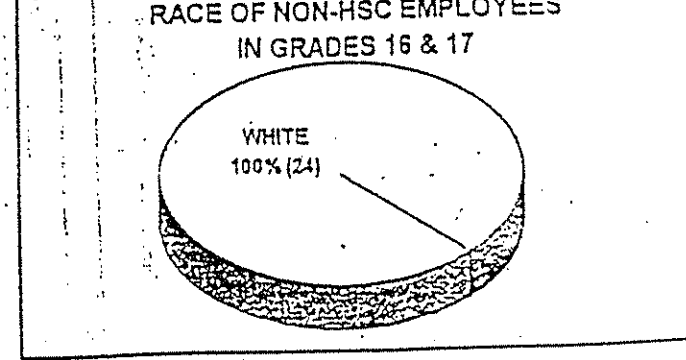
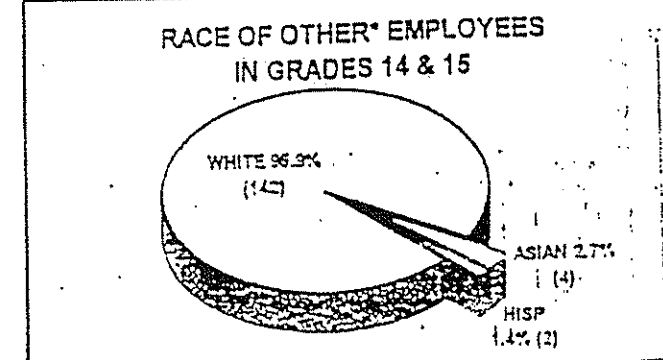
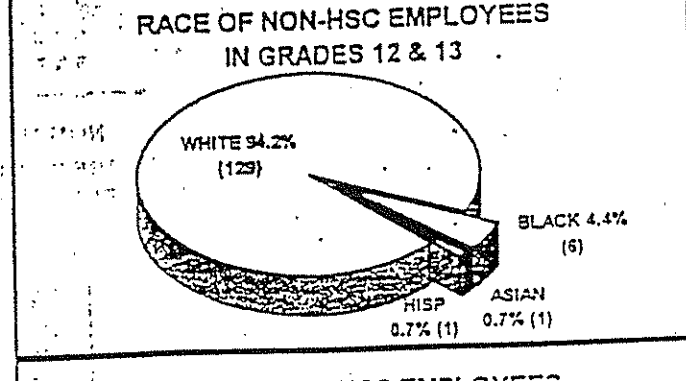
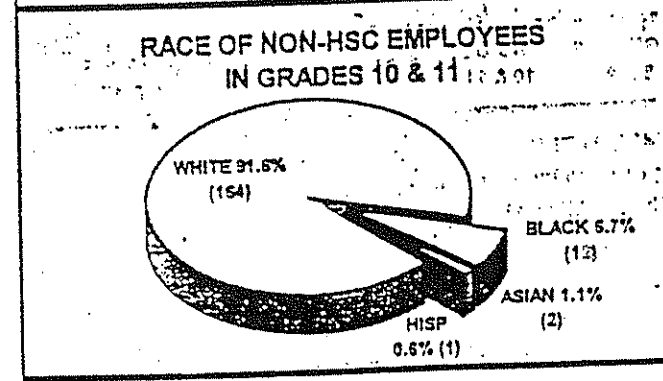
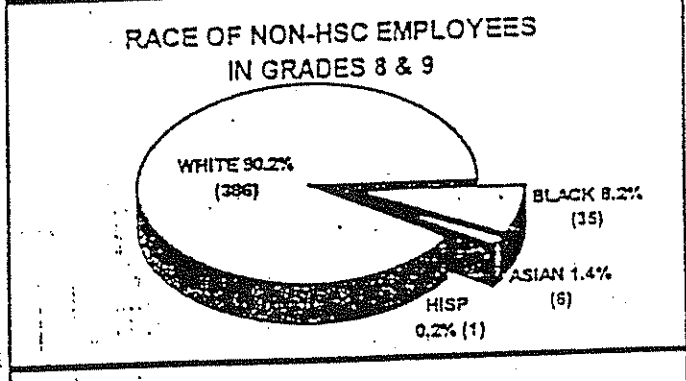
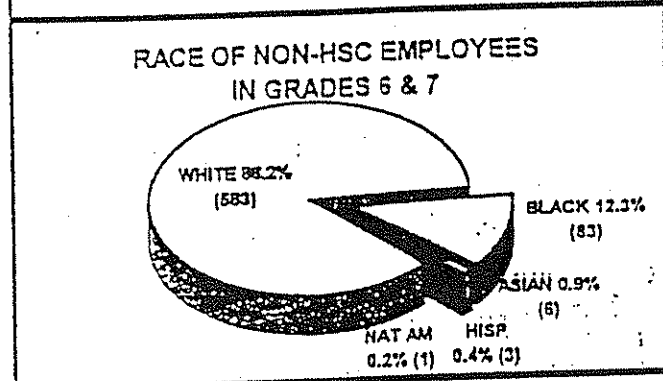
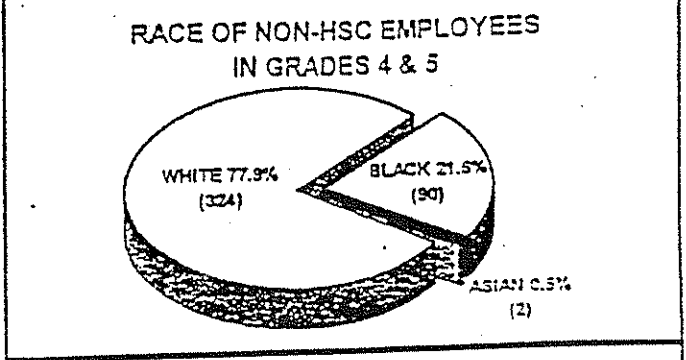
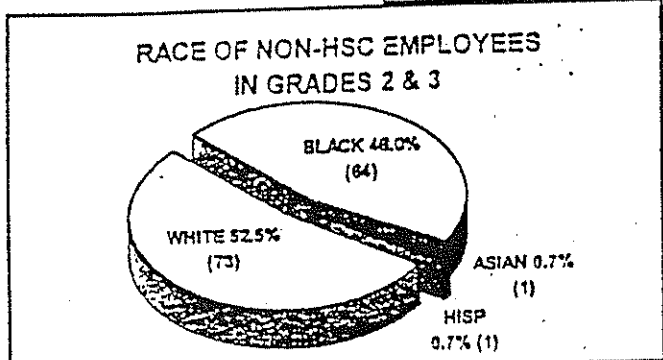
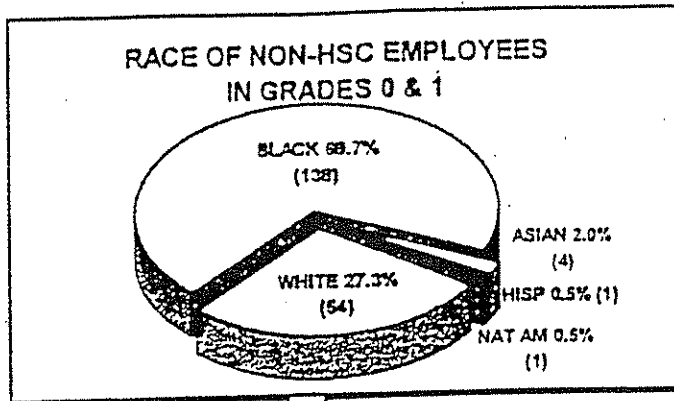
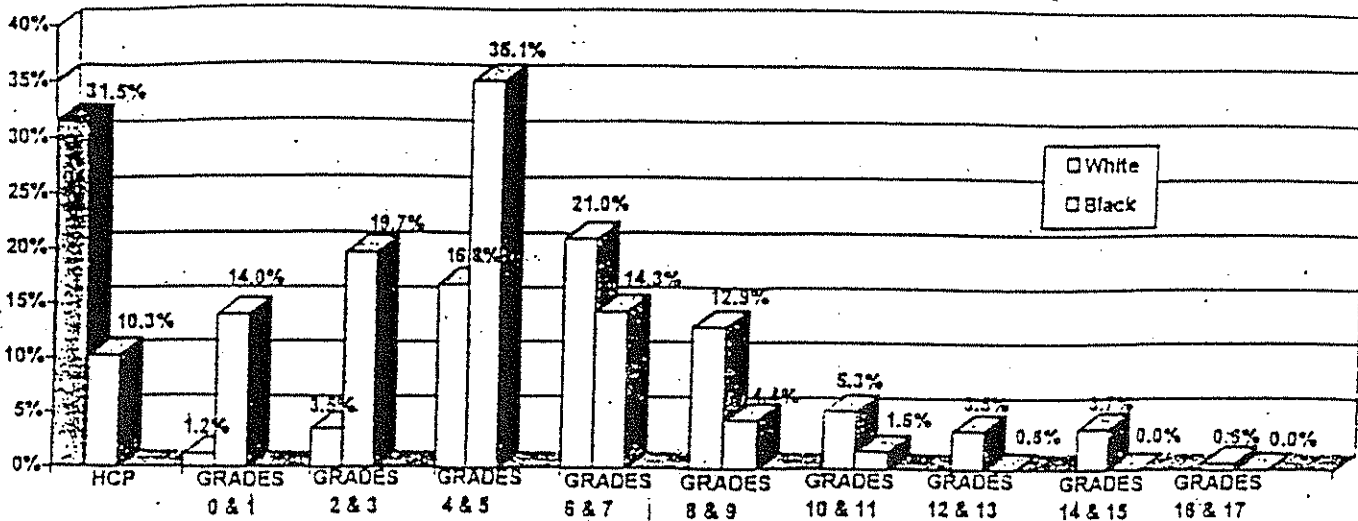


EXHIBIT 2d



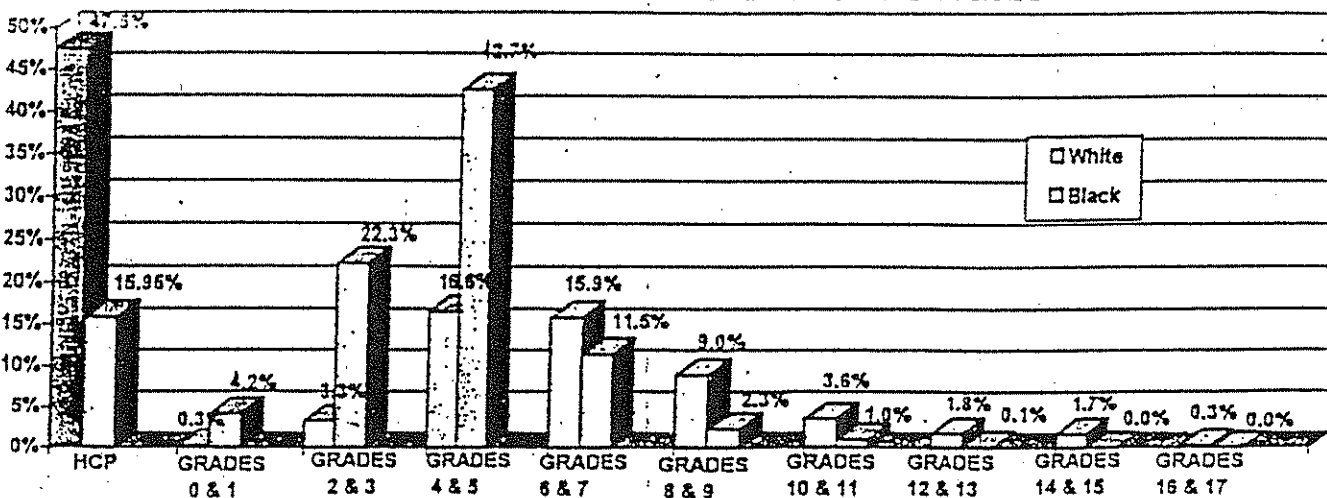
ALL EMPLOYEES

COMPARISON OF PERCENTAGE OF WHITE CLASSIFIED EMPLOYEES IN EACH GRADE TO PERCENTAGE OF BLACK CLASSIFIED EMPLOYEES IN EACH GRADE



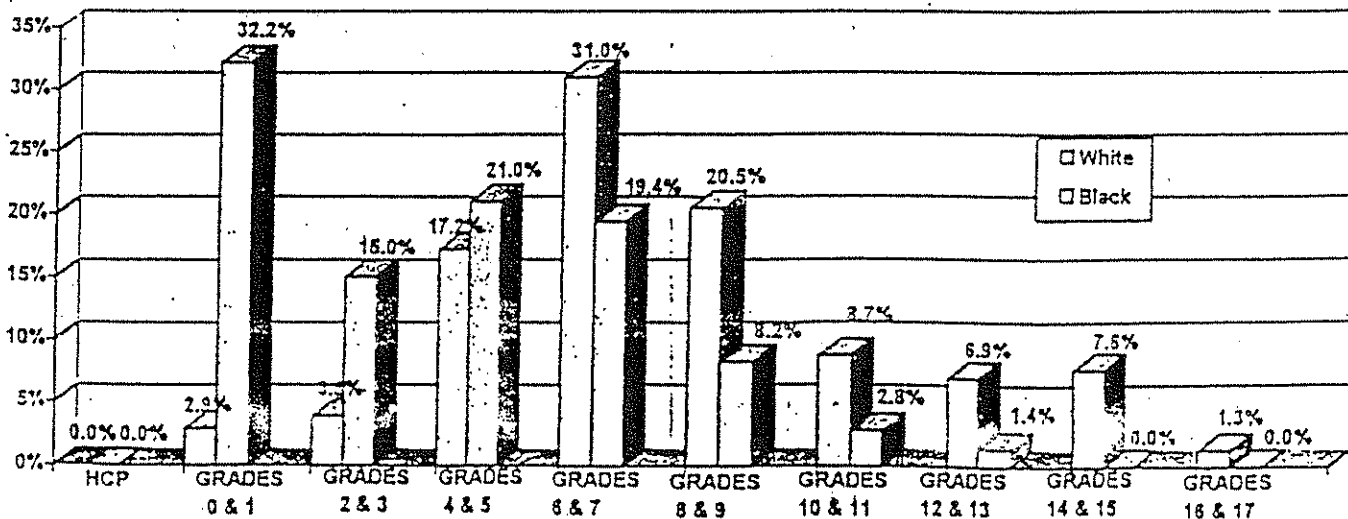
HSC EMPLOYEES

COMPARISON OF PERCENTAGE OF WHITE CLASSIFIED EMPLOYEES IN EACH GRADE TO PERCENTAGE OF BLACK CLASSIFIED EMPLOYEES IN EACH GRADE



NON-HSC EMPLOYEES

COMPARISON OF PERCENTAGE OF WHITE CLASSIFIED EMPLOYEES IN EACH GRADE TO PERCENTAGE OF BLACK CLASSIFIED EMPLOYEES IN EACH GRADE





MEMORANDUM

TO: President John T. Casteen, III
EO/AA Committee

FROM: Karen E. Holt, Director *KEH*

DATE: October 7, 1999

RE: The Muddy Floor Report - Status on Recommendations, and Future Action

This memo is issued in response to the recommendation of the 1998-1999 Staff Concerns Subcommittee of the Equal Opportunity/Affirmative Action Committee that the EOP Office prepare a report on the status of progress in addressing recommendations from the original Muddy Floor Report, as well as new initiatives, and future plans.

Background

A report entitled "An Examination of the University's Minority Classified Staff (The Muddy Floor Report)" was issued by EOP in June of 1996. That Report compiled statistics on numbers, classification, compensation, and other factors for African-American classified employees at the University, and made recommendations to address some of the problems it identified.

In March, 1997, Tom Gausvik, Chief Human Resource Officer, sent the then-Interim Director of EOP a summary of his review of the Muddy Floor Report. Mr. Gausvik has also prepared summaries of action on recommendations and other initiatives, primarily in response to inquiries by the Charlottesville Chapter of the NAACP. No formal report on progress has been issued by EOP. Since I became Director of EOP in December 1997, EOP has undertaken new duties and modified the way in which it carries out existing duties. These efforts affect how information, such as that contained in the Muddy Floor Report, is compiled, reported and addressed.

This report will summarize the actions that the University has taken in the years since the Muddy Floor Report, both those that address recommendations and those that are independent initiatives. It is hoped that with this report, the focus of the University's activities related to matters contained in the Muddy Floor Report will shift from responding to the Report to addressing matters on a regular and strategic basis.

Action on Recommendations Contained in the Muddy Floor Report

Recomm. 1. In order to increase the numbers of African-Americans in the Executive/Managerial and Professional Non-faculty job categories a system of pre-hire review should be instituted. Positions in these categories should be individually examined prior to hire to ensure that the hires are performed fairly and also encourage the hiring of qualified African-Americans into underutilized areas. Pre-hire review should be particularly focused on Professional Non-faculty positions since this is where a significant number of classified positions fall (33.3%), and this is also the area where African-Americans are severely underutilized.

Action to Date: University Human Resources developed a proposal for instituting this system, but it was not approved for funding. Efforts in this area have since turned to reviewing and revising the entire Classified Hiring System. To that end, a task force has prepared a guide to hiring classified staff that will assist hiring officials in making individual examinations of positions prior to filling them.

Additionally, the classification of positions into job groups is due to be examined in the Fall of 1999, and an updated utilization analysis will be done. Both of these steps will provide more accurate information about the level of underutilization and what areas are most affected.

Recomm. 2. A more effective and formalized plan for the recruitment of African-Americans should be put in place. A more centralized system that focuses on the recruitment of individuals for those areas that are severely underutilized would be more effective. This approach should focus on encouraging African-Americans to apply for positions; particularly for the Professional Non-faculty jobs...

Action to Date: A recruiter position was created and filled in the Spring of 1998. Since that time, resources have been identified and a strategic recruitment plan developed for assisting departments in identifying qualified minority applicants. The individual who held that position has now come to EOP to assist in faculty recruiting efforts. On October 1, 1999 the duties of the recruiter position were assigned to a staff member in University Human Resources.

Recomm. 3. A formalized mentor program for African-American employees should be instituted to help groom the current African-American supervisors for upper level management positions. The mentor program currently being used for African-American students is effective at retaining and encouraging these students to continue their education. A similar system for formally encouraging and mentoring our African-American employees would be beneficial in increasing the numbers of African-Americans in higher level positions.

Action to Date: The University has no plans to establish a formal mentoring program, and if one were to be established, it could not be limited to African-American employees. The new supervisor orientation program (discussed below) will help to provide an introductory and support network for new supervisors, and the supervisor and executive leadership networks will assist in networking opportunities.

Recomm. 4. More extensive training programs would be helpful in grooming African-Americans for more management and supervisory positions. In addition, whenever possible, African-Americans should be actively encouraged to take advantage of the training and supervisory classes that are currently available.

Action to Date: A number of new training programs, in addition to the Administrative Internship and Apprenticeship programs, have been initiated since the date of the Muddy Floor Report.

A Supervisory Leadership Program (SLP) was implemented to develop the leadership skills of first-line supervisors. Graduates of the program become members of the Supervisory Leadership Network (SLN) which provides professional development and mentoring opportunities. Members of SLN assist and work with their colleagues, members of the Executive Leadership Network (discussed below), and senior management in strategy and policy formulation and process improvement initiatives.

An Executive Leadership Program (ELP) has also been implemented. The purpose of this program is to develop the leadership skills of University officers, principally those one and two levels below the vice presidents. The graduates of the program become members of the Executive Leadership Network (ELN). The ELN is called upon in the same manner as the SLN to help shape strategy and policy development at UVA.

In addition to these mentoring and development programs, in the Fall of 1999 the Office of Organizational Development and Training (ODT) is undertaking a program of New Supervisor Orientation, which will be an introduction to University policies, procedures and resources for newly-hired or newly-promoted supervisors. ODT is also developing "Fundamentals of Supervision", which will be a core competency for all supervisors; "Diversity. . . Not Division", an elective offering for the entire University community; and "Leadership Strategies for Creating a More Inclusive Workplace."

Recomm. 5. Yearly review and statistical analysis of performance reviews for each race by major business unit should be instituted. For the same reasons that an analysis of performance evaluations are essential, a yearly review and statistical analysis of written notices and terminations for cause, with respect to race and major business unit should be undertaken... .

Action to Date: The Office of Equal Opportunity Programs will work with University Human Resources to conduct an adverse impact analysis of terminations, disciplinary actions, and performance evaluations. These results will be compiled in the annual Equal Opportunity Plan, along with the corrective action to be taken to address problem areas.

Recomm. 6. Follow-up review should be instituted with all African-Americans leaving HCP positions, as well as with African-Americans vacating any positions that fall within the Executive/Managerial or Professional Non-faculty job categories. A formalized and mandatory system of conducting exit interviews for African-Americans in these positions should be developed in order to determine if turnover is occurring because of problems within particular departments.

Action to Date: An exit survey is sent to departing employees by UHR, and a yearly summary is written on any trends or patterns. EOP will ask UHR to pass on any concerns that raise questions of possible discrimination. Additionally, departing employees are extended an invitation to have a personal interview with a UHR employee, but participation is voluntary. Exit interviews are also conducted by the Medical Center Employee Relations staff.

Recomm. 7. An ombudsman type position should be created. The ombudsman's responsibilities would include responding to the concerns of all employees, faculty, and staff and helping to alleviate problems within departments for all employees, including African-American.

Action to Date: Brad Holland assumed his responsibilities as University Ombudsman on November 21, 1997. Additionally, a Director of Employee Concerns was established for Health System employees, and that position is held by Robert Smith.

Additional Actions and Initiatives

Other actions and initiatives have been undertaken since the completion of the Muddy Floor Report. Those initiatives and their status include the following:

Initiative 1. Establish a Recruiter position to assist in developing broader applicant pools of minorities and/or women in EEO subcategories where there is underrepresentation in UVA's workforce.

Action to Date: See discussion under Recommendation 2, above.

Initiative 2. Generate demographic reports on race/gender data by vice presidential area and major budget unit (school/department).

Action to Date: UHR plans to do this on a regular basis and send the reports to the Office of Equal Opportunity Programs and vice presidents for their review and dissemination. This is also done on an annual basis and included in the EO Plan.

Initiative 3. Develop measures to educate the University community with respect to diversity (race) issues.

Action to Date: ODT has reviewed a number of pilot programs on diversity, has presented this matter to the ELN and SLN for feedback, and will be piloting a project in the next six months. The Center for Organizational Development at the Medical Center is also examining this question. Representatives from EOP and the Medical Center participated in training given to Residence Hall Coordinators by an outside consultant, and will incorporate that experience into planning. EOP has also developed a poster and brochures on related issues, and is planning to expand its outreach in the area of discriminatory harassment.

Initiative 4. Establish a notification process of sending acknowledgement letters to all staff applicants who submit an employment application to UVA.

Action to Date: The first acknowledgment letters were sent to new applicants who applied the week of December 22, 1997. Attached to each acknowledgment letter was a copy of the applicant's data sheet showing the information that was keyed into the employment system. Applicants may review their individual data sheets and notify University Human Resources of any changes or additions. These letters are sent weekly.

Initiative 5. Establish a notification process of sending applicant referral histories to staff applicants on a quarterly basis (every 90 days).

Action to Date: The first quarterly notification covering the period November through December 1997 was sent to each applicant's home address the week of December 22, 1997. Approximately 3,200 referral histories were mailed. A referral history shows an applicant each position for which his or her employment application was officially referred, the department it was referred to if self-identified, the date it was referred, and the status of the position, whether filled, vacant or canceled. The applicant referral history is sent to all staff applicants who made application to the University on a quarterly basis.

Initiative 6. Establish a system of pre-hire review.

Action to Date: Refer to Status under Recommendation 1.

Initiative 7. Require that all managers and supervisors adhere to selection/nonselection principles based on equal employment opportunity. Also, require that managers and supervisors hire in an affirmative manner consistent with the University Equal Opportunity Plan.

Action to Date: A proposal to add "compliance with principles of equal opportunity" to the performance evaluation of each hiring official is currently before the Cabinet for approval.

Other Initiatives and/or Actions

The University's Affirmative Action Plan has been expanded in scope and purpose to an Equal Opportunity Plan, which will serve as an annual compilation of the University's efforts, a recognition of positive steps, an appraisal of areas where more needs to be done, and as a resource document for strategic planning.

Each fall, vice-presidents and deans will be asked to update the efforts they are taking with respect to employee and student recruitment and retention, and their responses as well as statistical data will be included in the Plan. This will provide an annual compilation of the sort of data contained in the Muddy Floor Report, in a form readily accessible through its dissemination to all department and unit heads, as well as on the EOP website, <http://www.virginia.edu/~equal/>

The year 1999-2000 Plan will contain updated information on availability statistics, which will provide a more accurate view of whether and to what extent underutilization exists. It will also incorporate an analysis of whether women or minorities are adversely impacted by hiring and termination decisions, as well as by evaluations and disciplinary actions.

A compilation of information about University diversity-related activities and links to other diversity information is being developed by EOP and will be available from its website.

The EO/AA Committee is working on organizing and conducting a national conference devoted to diversity issues.

The University's Commitment to Diversity

The University of Virginia remains steadfast in its efforts to ensure fair employment in all parts of the University. President Casteen's statement in preface to the 1998-1999 Equal Opportunity Plan elaborates:

The University's commitment to equal opportunity does not mean simple compliance with our obligations as a recipient of federal

grants and contracts. Our diligence in providing equal opportunity must be a commitment that transcends strict legal obligations.

The University will continue to examine its practices for areas where improvement is needed, and will implement remedial efforts where called for as well as education and outreach wherever possible. The Muddy Floor Report, irrespective of critiques of its methodology or conclusions, served as a reflection of the University's culture and climate, and prodded constructive actions that are helping to alleviate some of the problems the Report addressed.

It is hoped that this report will set out the progress that has been made since the Muddy Floor Report was issued, and that the accountability made possible by the EO Plan and the oversight efforts of the EO/AA Committee will now serve as the measure of our accomplishments and areas where more attention is needed.

I look forward to receiving your feedback, and to any other suggestions for achieving the goals we share.