

MEMORANDUM

TO: The Honorable James H. Hodges The Honorable Robert L. Peeler The Honorable David H. Wilkins
 Governor of the State of South Carolina Lieutenant Governor of South Carolina Speaker of the House

FROM: _____
 Jesse Washington, Jr., Commissioner

RE: “Status of State Agencies’ Affirmative Action Plans”

DATE: February 1, 2002

Section 1-13-110 of the South Carolina Code of Laws, as amended, states that:

“Each State agency shall develop an Affirmative Action Plan to assure equitable employment for members of minorities (race and sex) and shall present such Plans to the Human Affairs Commission. On or before February 1 of each year, the Human Affairs Commission shall submit a report to the General Assembly concerning the status of the Affirmative Action Plans of all State agencies. If any Affirmative Action Plans have been disapproved, the report shall contain the reasons for such disapproval. If the General Assembly takes no action within sixty (60) days on those Plans which have been disapproved, the action of the Human Affairs Commission shall be final.”

In keeping with these requirements, it is my pleasure to present to you the 2002 Report to the General Assembly that examines the progress State government has made towards achieving the goal of Equal Employment Opportunity (EEO).

All Americans want a fair and just society. That is our goal. Affirmative Action has proved an essential and effective tool to achieve that goal in providing equal employment opportunity and eliminating discrimination throughout State Agencies.

The South Carolina Human Affairs Commission works with State Agencies to help them achieve equal employment opportunity through Affirmative Action Plans and Programs which meet all the standards established by the courts to protect the rights of both majority and minority groups. The plans analyze the demographics of agencies' current work forces and indicate proactive steps the agency might take to move toward greater equality. Such steps might be as modest as recruiting, posting vacancies broadly or training managers in EEO law. Some agencies have been successful in achieving their goals and no longer need affirmative programs. Other agencies continue their efforts to do so.

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We are proud that South Carolina State Agencies have set the standard for eradicating the effects of prior discrimination through well-designed affirmative action programs. We believe that the fine citizens of South Carolina want these efforts to continue until the facts show that equal employment opportunity is a reality throughout State government.

If you have questions about our report or need additional information, please contact me. I have also asked Mary Dunlap Snead, Director of Technical Services and Training, to assist with any questions you may have if I am not available.

Copy: Legislative Printing and Information Technology Resources
Agency and Commission Heads

ABOUT THIS REPORT

This report addresses the status of affirmative action in South Carolina state government agencies. In order to understand the report, you must understand what affirmative action is and is not, and what the Human Affairs Commission can and cannot do to implement affirmative action in state government.

What is Affirmative Action?

Affirmative action is a systematic approach that eliminates the current and lingering effects of prior discrimination. It is an effort to achieve equal employment opportunity for all race/sex groups in a workforce. Affirmative Action has been upheld by the U.S. Supreme Court as a permissible method to reach the goal of fair employment and is not a quota system. Affirmative Action is voluntary and is not required by law. What is required is that each state agency, college or university submit a written Affirmative Action Plan to the South Carolina Human Affairs Commission (SCHAC) for approval.

An Affirmative Action Plan (AAP) sets forth employment goals for minorities and women whose representation in the workforce is less than would reasonably be expected based on availability estimates of the qualified labor pool. The plan also names the positive (affirmative) steps the employer will take to recruit and employ qualified minorities and women. If followed, the Affirmative Action Plan becomes the guide for a program that should result in fair employment for all race/sex groups, including white males.

The goals component of the plan is not designed to be, nor should it be interpreted to be, permitting unlawful preferential treatment or quotas for persons of any race or sex. Rather, the goals are used as benchmarks to measure the effectiveness of affirmative action efforts to eliminate and prevent discrimination.

An AAP approved by SCHAC means only that the plan meets our standards for an acceptable planning document. If the plan is not followed, the state employer has merely met its paper compliance obligations under the SC Human Affairs Law but has failed to voluntarily implement a program.

The SCHAC mandate is to monitor recruitment, hiring and promotion practices in state agencies, not to tell state agencies whom to hire or promote. SCHAC also offers training for employers on techniques for recruiting, hiring and promoting without discriminating but cannot guarantee that employers will recruit, hire and promote without discriminating.

An affirmative action plan and program will not immunize an agency against charges of discrimination. Thus, an agency may have the very best written Affirmative Action Plan but still be susceptible to charges of discrimination. However, the procedures incorporated in AAP's encourage consistent and non-discriminatory actions.

This report shows how successful state employers have been in achieving their affirmative action goals through September 2001. The numerical and narrative evaluations prepared by SCHAC do not give reasons for the success or lack of success by employers in achieving their goals.

Exempt Agencies:

Thirteen (13) state agencies have been exempted from SCHAC's affirmative action reporting requirements. Exemptions are given to those agencies that have achieved at least 90.0 percent of availability for minorities and women at all levels of their workforces. Even though SCHAC continues to monitor these agencies, they are not required to submit written Affirmative Action Plans or progress reports at this time.

There are two benefits for agencies that have become exempt. First, reducing unnecessary paperwork requirements is in keeping with our policy at the commission. Second, an agency that has no underutilization of minorities or women has no legal basis for instituting affirmative action steps to eliminate the underutilization. Affirmative action cannot be used to maintain a racial or gender balance, but only to eliminate the imbalance.

The agencies that have been exempted from our reporting requirements are:

**Accident Fund, State
Appellate Defense, Office of
Arts Commission
Attorney General
Comptroller General
Consumer Affairs, Department of
Election Commission**

**Higher Education, Commission on
Housing Authority, State
Insurance Commission
Low Country, Technical College of the
State Board of Financial Institutions
Williamsburg Technical College**

What is an Affirmative Action Plan?

An Affirmative Action Plan (AAP) is a written document outlining the positive steps an agency will undertake to achieve equal employment opportunity for all race/sex groups in its workforce based on the availability of *qualified* individuals. Each plan approved by the Commission was constructed according to standards contained in The Blueprint, a manual developed by SHAC to guide agencies in preparing their plans.

The statistical portion of an AAP analyzes the employment patterns separately for black males, black females and white females. All other racial/ethnic groups are combined. Any race or ethnic group that exceeds two percent of the population in South Carolina will have a separate analysis.

Each plan approved by SHAC contains the following information:

- Section A—Policy Statement
- Section B—Responsibilities for Implementation
- Section C—Policy Dissemination
- Section D—Utilization and Availability Analyses
 1. Workforce Analysis
 2. Job Group Analysis
 3. Availability Analysis
 4. Underutilization Analysis
- Section E—Goals
- Section F—Identification of Problem Areas and Corrective Actions
 1. Problems Areas
 2. Corrective Actions
- Section G—Internal Audit and Reporting Systems
- Section H—Affirmative Action Plan Support Documents

Throughout the report, references will be made to the goals established in each state agency's Affirmative Action Plan. Therefore, sample charts in Section I, containing information found in the Utilization Analysis of an Affirmative Action Plan, have been included for your information. The information contained in the sample charts form the foundation of any good Affirmative Action Plan. The sample charts represent only a portion of the analyses and should not be viewed as a completed document.

Job Group Analysis

The Job Group Analysis group together positions within an agency that have similar job content, wage rates and upward mobility. This analysis is very important because it forms the foundation for the availability analysis, identification of underutilization and establishment of goals. This analysis shows the employees by race/sex and position. A sample job group analysis is shown on page 5.

Availability Analysis

The availability analysis is used to determine the percentage of minorities or women who have the skills and are qualified to perform the various jobs within each job group. The availability analysis is based on eight factors that must be considered, including both internal and external employment data. A sample availability form is shown on page 6. The most important point to remember about this analysis is that it is used to determine the qualified labor pool, not just the general population or civilian labor force.

Determining Underutilization

After the availability analysis is completed a comparison of the current workforce to the available workforce is made. When the percentage of women or minorities employed in a particular job group is less than what would reasonably be expected (adjusted availability), the agency must project a placement goal.

Goals

The agency must project goals to eliminate any underutilization. The goals should not be confused with quotas. They are not rigid and inflexible quotas, but targets that are reasonably attainable through good faith efforts. The goals are temporary and should only be used when problems exist. They do not create a floor or a ceiling for the hiring of employees.

The goals component of the plan is not designed to be, nor may it lawfully be, interpreted as permitting unlawful preferential treatment or quotas. Rather, the goals are designed as benchmarks to measure the effectiveness of the plans to eliminate and prevent discrimination. These goals are realistically established based on the availability of qualified applicants.

In seeking to achieve goals, an agency is never required to hire unqualified people, or to hire a person of a particular race or sex. The use of goals is consistent with merit selection principles.

Please refer to pages 24 - 30 for more detailed explanations of the guidelines used for this report.

STATUS OF AFFIRMATIVE ACTION PLANS

APPROVED AGENCIES

The agencies listed below have developed affirmative action plans in accordance with Section 1-13-110 of the South Code of Laws of 1997, as amended. Each plan approved by the Commission was constructed according to standards contained in The Blueprint. Agencies are annually updating their written AAP's.

Adjutant General's Office
Agriculture, Department of
Alcohol and Other Drug Abuse Services
Archives and History, Department of
Auditor's Office, State
Blind, Commission for the
Budget and Control Board
Citadel, The
Clemson University
Coastal Carolina University
College of Charleston
Commerce, Department of
Corrections, Department of
Deaf and Blind, School for the
Disabilities and Special Needs, Department of
Education, Department of
Educational Television Commission
Election Commission, State
Employment Security Commission
Executive Policy and Programs, Office of
Forestry Commission
Francis Marion University
Governor's School for Science and Mathematics
Health and Environmental Control
Health and Human Services, Department of
John de la Howe School
Juvenile Justice, Department of
Labor, Licensing and Regulation, Department of
Lander University
Law Enforcement Division, State
Library, State
Medical University
Mental Health, Department of
Museum Commission
Natural Resources, Department of

Opportunity School, Wil Lou Gray
Parks, Recreation and Tourism
Patriots Point Naval and Maritime Museum
Ports Authority, State
Probation, Parole and Pardon Services
Public Safety, Department of
Public Service Authority (Santee Cooper)
Public Service Commission
Revenue, Department of
Second Injury Fund
Secretary of State
Social Services, Department of
S.C. State University
Technical and Comprehensive Education, State Board for:

Aiken Technical College
Central Carolina Technical College
Denmark Technical College
Florence-Darlington Technical College
Greenville Technical College
Horry-Georgetown Technical College
Midlands Technical College
Northeastern Technical College
Orangeburg-Calhoun Technical College
Piedmont Technical College
Spartanburg Technical College
Tri-County Technical College
Trident Technical College
York Technical College

Transportation, Department of
Treasurer's Office, State
University of South Carolina
Vocational Rehabilitation, Department of
Winthrop University
Workers' Compensation Commission

STATUS OF AFFIRMATIVE ACTION PROGRAMS

Level of Goal Attainment

The charts on pages 10 through 16 show the level of goal attainment achieved by non-exempt agencies.

Chart A: Percentage Level of Goal Attainment Ranked from Highest to Lowest

Chart B: Percentage Level of Goal Attainment Ranked by Alphabetical Order

Chart C: Percentage Level of Goal Attainment Ranked by Agency Size (15 - 100)

Chart D: Percentage Level of Goal Attainment Ranked by Agency Size (101 - 500)

Chart E: Percentage Level of Goal Attainment Ranked by Agency Size (501 and 1000)

Chart F: Percentage Level of Goal Attainment Ranked by Agency Size (1001 and up)

Chart G: Percentage Level of Goal Attainment Ranked from Highest to Lowest among Colleges and Universities

Chart H: Percentage Level of Goal Attainment Ranked from Highest to Lowest among Technical Colleges

Additionally, the levels of goal attainment have been noted on the bottom of each agency's chart in Section VI.

LEVEL OF GOAL ATTAINMENT: This was calculated by adding the percent of goal achieved and dividing by the total number of goals established. If a "YES" is indicated, 100 percent is added in the calculations. Wherever a 0* was indicated, that particular goal was not calculated for, nor against the agency and is not included in the calculation

Summary of the Status of the State Government Workforce

Table I reflects the range of salary possible within each salary band effective June 2, 2001.

Table II reflects the composition of the State's workforce by number, percentage, race, sex, and salary band as of November 1, 2001.

Table III reflects the number and percent change within salary bands by race and sex between September 2000 and September 2001.

Table IV reflects the composition of the State's workforce by number, percentage, race, sex and salary in \$1,000 increments effective November 1, 2001.

The pie charts included in the next Section of this report depict the race/gender and average salary of state employees within their employment categories. A description of those categories is included on pages 24 – 28.

1. State government decreased in size by 2,631 employees between September 30, 2000 and November 1, 2001. Over 57 percent of state employees were employed within pay bands 03, 04 and 05 (38,249 employees). Sixty-five percent of white females employed in state government were paid within these three bands; 66 percent of black females; 62 percent of black males; and, 44 percent of white males.
2. Pay band "00" is comprised of unclassified employees and was dominated by white males.
3. Black employees, especially black females tended to be concentrated in the lower pay bands (01 – 03); white females concentrated in pay band 05 and white males concentrated in the top pay bands (07-10).

Understanding the Report

Pages 53 through 298 provide an evaluation of each agency's progress towards meeting its goals over a one-year period (October 1, 2000 through September 30, 2001). We have provided an explanation of the numbers appearing on each chart and an explanation for all abbreviations used in the report. For additional information, contact the Technical Services and Training Division at 737-7800.

Section One: Equal Employment Opportunity (EEO) Category Codes

This section has codes for groups of employees that perform jobs having similar work content, pay rates and promotional opportunities. State agencies use codes E1 through E8. Four-year colleges and universities use codes E1 through E8 and C1 through C9. Technical education colleges use codes E1 through E8 and T1 through T5. When the number of employees assigned to a category is so small as to prohibit establishing goals, more than one EEO category may be combined to create a larger group of employees. Goals would then be established for the larger group. A general description of the kinds of jobs assigned to each EEO code follows:

E1) Executives:

Includes all employees whose assignments require meeting with the agency head or a designee to set agency policies that affect both internal and external statewide operations. Incumbents are expected to exercise discretion and independent judgement when assessing policy needs and ensuring that policies created are in line with state and federal laws, rules and regulations. Includes all persons whose assignments require the performance of work directly related to management policies and the general business operations of the agency or institution. Persons must perform the above functions and should report directly to the agency director or deputy director. Includes directors, deputy directors, department heads, division directors, regional directors, district directors and unclassified administrative managerial positions.

NOTE: Supervisory personnel of the professional, technical, clerical, skilled craft, and service/maintenance workforce will be reported within the specific categories of the personnel they supervise unless they set broad policies described above.

E2) Professionals:

Includes all employees required to possess specialized and theoretical knowledge that is usually acquired through college training or work experience and other training that provides comparable knowledge. Includes personnel specialists, social workers, doctors, registered nurses, systems analysts, accountants, counselors, teachers, police captains and lieutenants, classified professional non-faculty employees and kindred workers.

E3) Technicians:

Includes employees required to possess a combination of basic scientific or technical knowledge and manual skill that can be obtained through specialized post-secondary school education or through equivalent on-the-job training. Includes computer programmers and operators, draftspersons, surveyors, licensed practical nurses, photographers, radio operators, technical illustrators, technicians (medical, dental, electronic, physical sciences), assessors, inspectors, police and fire sergeants and kindred workers.

E4) Protective Services:

Includes employees entrusted with public safety, security and protection of the public from destructive forces. Includes police, patrol officers, fire fighters, guards, deputy sheriffs, bailiffs, correctional officers, detectives, marshals, harbor patrol officers and kindred workers.

E5) Paraprofessionals:

Includes employees who perform some of the duties of a professional or technician in a supportive role and who usually require less formal training and/or experience than normally required for professional or technical positions. Such positions may fall within an identified pattern of staff development and promotion under a "New Careers" concept. Includes library assistants, administrative assistants, research assistants, medical aides, child support workers, police auxiliary, welfare service aides, recreation assistants, homemaker's aides, home health aides, and kindred workers.

E6) Secretary/Clerical:

Includes employees responsible for internal and external communication, recording and retrieval of data and/or information and other paper work required in an office. Includes bookkeepers, messengers, office machines operators, clerk-typists, stenographers, court transcribers, secretaries, hearing reporters, statistical clerks, dispatchers, license distributors, payroll clerks, and kindred workers.

E7) Skilled Craft:

Includes employees performing jobs that require special manual skill and thorough and comprehensive knowledge of the processes involved in the work, which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. Includes mechanics and repairers, electricians, heavy equipment operators, stationary engineers, skilled machinists, carpenters, compositors and typesetters and kindred workers.

E8) Service/Maintenance:

Includes workers performing duties related to the upkeep and care of building, facilities, or grounds. Workers in this group may operate machinery. Includes chauffeurs, laundry and dry cleaning operators, truck drivers, bus drivers and garage laborers, custodial personnel, gardeners and grounds keepers, refuse collectors, construction laborers and kindred workers.

C1) Executive (Non-Academic):

Includes all unclassified employees whose assignments require primary responsibility for management of the institution, or a customarily recognized area or subdivision thereof. Includes persons who work in non-academic administrative support positions requiring the performance of work directly related to management policies or general business operations of the institution, department or subdivisions, etc. It is assumed that assignments in this category customarily and regularly require the incumbent to exercise discretion and independent judgement, and to direct the work of others. Includes officers holding such titles as Vice-President Administration, Vice-President Financial Management, Executive Assistant to the President, Director of Libraries, Director of Development and Alumni, Director of Athletics and kindred workers.

C2) Executives (Academic):

Includes all unclassified employees whose assignments require primary responsibility for management of the institution, or a customarily recognized department or subdivision thereof. Includes persons who work in academic administrative support positions requiring the performance of work directly related to management policies or general business operations of the institution, department or subdivision, etc. It is assumed that assignments in this category customarily and regularly require the incumbent to exercise discretion and independent judgement, and to direct the work of others. Includes officers holding such titles as Vice President/Academic Affairs, Deans, and Executives of academic departments (chairperson, head, or the equivalent) if their principal activity is administration.

C3) Professors:*

C4) Associate Professors:*

C5) Assistant Professors:*

C6) Instructors:*

C7) Lecturers:*

*C3 through C7 includes all unclassified employees whose specific purpose is to provide instruction, research, or public service as a principal activity (or activities), and who hold academic titles of professors, associate professors, assistant professors, instructors, lecturers or the equivalent of any one of these academic ranks. Included in this category are deans and executive officers of academic departments (chairperson, head or the equivalent) if their principal activity is instructional. Student teachers and research assistants are not included.

C8) Other (Academic):

Includes all unclassified employees whose specific assignments are temporary in nature and/or who provide specialized professional support to the academic departments. Includes visiting persons with academic rank, Research Associates, Teaching Associates and kindred workers.

C9) Other (Non-Academic):

Includes all unclassified employees whose specific assignments would require either college graduation or experience of such kind and amount as to provide a comparable background. Persons placed in this category are considered professionals and would otherwise be reported under (E2), except that they are unclassified, under a different pay plan, and work in an institution of higher learning. Includes Directors, Athletic Coaches, Residents, Program Coordinators and kindred workers.

T1) Executives (Unclassified Institutional Officers):

Includes all unclassified employees whose assignments require very broad executive management and policy-making responsibility on institution-wide areas. Includes persons who work in positions requiring the performance of work directly related to management of policies or general business operations of the institution. It is assumed that assignments in this category customarily and regularly require the incumbent to exercise broad policy making, high level decision making, and very independent and discretionary judgement. They also direct the work of high level professions. Includes officers holding such titles as President, Executive Vice-President, Vice-President Education, Vice-President Business, Vice-President Student Affairs and Vice-President Development.

T2) Managerial (Unclassified Level II Education Support Personnel):

Includes an unclassified employee whose assignments require very broad management and policy-making responsibility for an institution-wide basis of a customarily recognized and very broad division or larger unit. Includes people who work in positions that require the performance of work directly related to the management of the institution or division. It is assumed that assignments in this category customarily and regularly require the incumbent to exercise high level decision making and

highly independent judgement, and to direct the work of mid-upper level administrators. Includes positions holding such titles as Dean of Instruction, Dean of Continuing Education, Dean of Students, Dean of Learning Resources II and Educational Support Manager II.

T3) Faculty/Administrative/Teaching:

Includes all unclassified employees whose assignments require both responsibility for management of a customarily recognized academic division/department and whose other assignments are made for the purpose of providing instruction, conducting research, providing learning resources or performing public service. Includes academic deans, assistant deans, division chairpersons, department heads, librarians, program coordinators, and other faculty positions, if their responsibilities are both administrative and instructional or administrative only.

T4) Faculty/Teaching:

Includes all unclassified employees whose specific assignments customarily are made for the purpose of conducting instruction. Includes instructors and vocational teachers. Does not include student teachers or research assistants.

T5) Professionals (Unclassified Level I Educational Support Personnel):

Includes all unclassified employees whose assignments require the direction and supervision of major related sections/departments. Includes positions titled Educational Support Manager I, Assistant Dean of Students, Assistant Dean of Continuing Education and Dean of Learning Resources I.

Section Two: Workforce Totals

The information provided in Section Two shows the race/sex totals by number (#) and percentage (%) of persons employed in each EEO category as of September 30, 2001. For purposes of the report, the following race/sex categories are used:

WM	=	White Males	OF	=	Other Minority Females
BM	=	Black Males	T	=	Total
OM	=	Other Minority Males	#	=	Number
WF	=	White Females	%	=	Percentage
BF	=	Black Females	*	=	Underutilization less than one whole person

The information showing in the number (#) blocks of section 2 and 5 was provided by each agency, college or university and was reviewed for accuracy by agency representatives prior to the writing of this report. The percentage (%) of each race/sex group was computed by dividing the number (#) of each race/sex group by the total number (#) of persons in the EEO category.

Section Three: Adjusted Availability

Availability is an estimate of the percentage of the workforce you reasonably could expect to be employed based on the employer's analysis of the qualified labor pool (see page 6 for an example of the thorough analysis that is conducted to determine availability). Availability estimates are reported for three groups: black males, white females and black females. (Availability is established for any minority group exceeding two percent of the relevant labor market. In the 1990 census data, no other minority group met the two percent threshold). Historically, there has not been a pattern of undertulization of white males in employer workforces; therefore, no availability is established for white males. However, to determine the availability of white males, one can total the availability percentages shown in Column 3 for any EEO category and subtract the total from 90 percent (Adjusted Availability); the difference will be white male availability.

Section Three shows the percentage of people available in the labor market with the qualifications to perform the duties and responsibilities of the positions assigned to the EEO category. The percentages are taken from each agency's affirmative action plan.

The Availability is then adjusted to show a rate that is within 90.0 percent of what would be expected (a fluctuation of 10 percent). The Availability adjustment is to allow for the possibility that the current workforce disparities may not be statistically significant.

Section Four: Underutilization

These figures are a comparison of the Adjusted Availability (Section 3) percentages, and the actual workforce (Section Two) percentages. If the current workforce is less than the Adjusted Availability, then underutilization exists. The underutilization is expressed as a percentage. If there is no underutilization a "No" appears in the block.

In any job group where the percent of underutilization is so small that it would compute to less than one whole person, an asterisk will appear in the appropriate block indicating that no goals are required.

This process is based on statistical fact, not its cause. However, the SHAC recognizes that the mathematical comparison between availability and the current workforce should not be the sole consideration in determining underutilization. Other reasons can be discussed with SHAC.

Section Five: New Hires and Promotions 10/01/00 – 9/30/2001

This section shows by race and sex the number (#) and percentage (%) of persons who were hired or promoted between October 1, 2000 and September 30, 2001. The information was obtained and calculated in the same manner as the information in Section Two. Transactions counted in Section Five include positions filled by means of new hires, internal promotions, promotions involving moving from one state agency to a higher job grade in another state agency, reinstatements and transfers from one state agency to another. These transactions have the effect of increasing the representation of race/sex groups in the overall agency workforce and within EEO categories.

The reclassification of an already filled position, which results in the upward movement of an individual, is not counted in Section Five.

Section Six: Goals Met

When an agency has achieved the Adjusted Availability displayed on the form for a race/sex group, a YES is indicated in the appropriate block. If not, the percentage (%) of attainment is given. The overall attainment level is noted at the bottom of each agency's chart. (See page 9 to determine how to calculate.)

The percentage of goals met is calculated by dividing the percent employed (in Column #2) by the percent available (In Column #3).

In race/sex groups where underutilization is less than one whole person, an asterisk will appear in appropriate blocks.