



newsletter

from the Equal Employment Opportunity Commission

1800 G St., N.W., Washington, D.C. 20506

VOLUME 1, NUMBER 2

DECEMBER-JANUARY

EEOC DISCOVERS MANY DIVIDENDS

by Franklin D. Roosevelt, Jr., Chairman

The Equal Employment Opportunity Commission is discovering treasures along the path as it tackles a flood of complaints in its first five months of operation.

The avalanche of almost 3000 complaints charging employers, labor unions and employment agencies with discrimination in employment practices has far exceeded the expectations of Congress and the Executive Branch.

But in spite of a shortage of funds and staff, the Commission has completed the long process of investigation in 704 cases—and the even longer process of conciliation has been brought to a successful conclusion in 20 cases.

We have found along our way a not altogether unexpected reservoir of good will—a spirit of cooperation and willingness to comply with the law.

Accumulating in the account are dividends of affirmative action

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PROBABLE JURISDICTION? That's the first question the Analysis Division asks when a complaint arrives at the Equal Employment Opportunity Commission. Mrs. Evelyn Anthony, secretary, takes notes as Delano Lewis and Barbara Schlei, director of analysis, study a complaint.

EEOC, OFCC, PLANS FOR PROGRESS AGREE ON UNIFIED REPORTING

A hearing on the single new annual reporting form for employers disclosing the numbers of minority group workers employed was held at the Equal Employment Opportunity Commission on December 16.

The single reporting form was agreed upon by the EEOC, the Office of Federal Contract Compliance and the Plans for Progress program. It is Form EEO-1. It must be filed annually beginning March 31, 1966 by 60,000 of the nation's largest employers. (Data may be gathered from December, January, or February.)

Employers covered by Title VII of the Civil Rights Act of 1964, by Executive Order 11246, by Plans

for Progress, or in some cases, by all three, are required to file Form EEO-1.

The report is expected to provide more detailed information about the nation's minority employment patterns than any other Federal survey in existence. It is a streamlined version of a form previously filed by government contractors. It is designed to eliminate confusion arising from overlapping jurisdiction among the three programs.

The heart of the system is the collection of data indicating sex and minority group identification of employees in nine standard occupational categories, including

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AFFIRMATIVE ACTION

William E. Talbert, training adviser in the U. S. Department of Labor's BAT regional office in Seattle, Washington, wrote the Commission on November 29 that the Plumbers and Pipefitters Union Local No. 32 has embarked on an affirmative action program.

Talbert reports that Local 32 "agreed to accept at least 10 qualified Negroes into an MDTA-OJT training program involving 30 trainees." Through the aggressive recruiting efforts of Local 32's business agent, Tom Falconer, with the Urban League and BAT's regional director, nine Negro applicants have cleared the tests and are in training.

Rule of Reason to Guide EEOC on Sex Discrimination Cases

"The rule of common sense and reason will guide the Equal Employment Opportunity Commission in the handling of job discrimination complaints involving sex," Chairman Franklin D. Roosevelt, Jr., told a press conference on November 22.

Chairman Roosevelt was joined by Herman Edelsberg, executive director of EEOC, and Charles Duncan, general counsel of EEOC, as the Commission formally announced its first official guidelines for implementing Title VII of the Civil Rights Act of 1964. Title VII forbids employment discrimination based on sex as well as on race, religion, color and national origin.

About 15 per cent of the more than 3,000 complaints received by Commission are based on sex.

While recognizing that certain jobs can be filled by men and others only by women, Roosevelt indicated such exceptions to law

should be held to a minimum. He pointed out that the law prohibits the refusal to hire a woman because of her sex on "assumptions of comparative employment characteristics of women in general." For example, the assumption that women have higher turnover rates than men won't be a valid reason for favoring men.

Title VII also prohibits the refusal to hire an individual because of "stereotyped characterizations of the sexes." Such stereotypes include the belief that women are less capable of assembling intricate equipment and that women are less capable of aggressive salesmanship than men.

The Commission feels that the "principle of non-discrimination requires that individuals be considered on the basis of individual capacities and not on the basis of any characteristics generally attributed to the group."

Title VII prohibits the refusal to

hire an individual because of the preferences of co-workers, the employer, clients or customers.

Only "where it is necessary for the purpose of authenticity or genuineness" will the Commission consider sex to be a bona fide occupational qualification. Actors and actresses are listed as examples.

An exception for hiring will not be justified because hiring a person of an opposite sex would require the employer to provide separate facilities, such as rest rooms, unless the expense would be "clearly unreasonable."

The Commission expressed the belief that the problem of state laws and regulations covering the employment of women "will probably be the most difficult area it has considered."

While declaring that the Commission "cannot assume" that Congress intended to strike down state legislation, Roosevelt said "study demonstrates that some of this legislation is irrelevant to the present day needs of women."

Until these laws are revised, the Commission "will consider qualifications set by state laws or regulations to be bona fide occupational qualifications and not in conflict" with the Federal law.

EEOC Successfully Conciliates 20 Discrimination Cases

The Equal Employment Opportunity Commission has successfully conciliated and closed 20 complaints.

On December 2, 1965, five months since the Commission went into business, 294 individual complaints had been referred for finding to the Commission. The Commission has found cause in 127 of these and ordered conciliation efforts to begin.

No cause has been found in 81 of the 294 complaints. "No jurisdiction" was held in 11 complaints. Twenty-one complaints have been closed because of withdrawal. Pending Commission findings are 54 complaints.

The 127 complaints ordered for conciliation involve 41 respondents. Some of these 41 conciliations involve only one complainant. Others involve several or more complainants. Disposition of the

41 conciliations is as follows:

Successfully conciliated	11 respondents (20 complaints)
Conciliation unsuccessful	3 respondents
Conciliation in process	19 respondents
Awaiting assignments	8 respondents

The Commission received 2706 complaints charging discrimination in employment practices in the period July 2 through December 2, 1965.

Breakdown of the 2706 follows:

1179 Recommended for investigation	205 Deferred for state or local FEP action
582 Held for additional information	37 Held for general counsel determination
573 No jurisdiction: based on age, physical handicap, or filed against employers of fewer than 100 persons, etc.	
121 Referred to Civil Service Commission because respondent is Federal agency	

THE COLORADO GENERAL ASSEMBLY has changed the name of Colorado Anti-Discrimination Commission to Colorado Civil Rights Commission. An advocate of the move said: "We thought it was better for the Commission to stand for something, than against something."

EEOC COMMISSIONERS

FRANKLIN D. ROOSEVELT, JR.
Chairman

DR. LUTHER HOLCOMB
Vice Chairman

RICHARD A. GRAHAM
AILEEN C. HERNANDEZ
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1800 G Street, N. W.
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File Under F.D.R.

PROFILE



Franklin D. Roosevelt, Jr.
Chairman

On May 10, 1965, President Johnson announced the appointment of Franklin D. Roosevelt, Jr. as the first chairman of the Equal Employment Opportunity Commission.

Mr. Roosevelt was confirmed by the Senate on May 26, 1965 and took office with the other members of the Commission, Dr. Luther Holcomb, vice chairman, Aileen C. Hernandez, Samuel D. Jackson and Richard A. Graham, on June 1, 1965.

Chairman Roosevelt, prior to his appointment, was serving as Under Secretary of Commerce. He was appointed to that position on March 26, 1963, by President Kennedy.

An attorney, Roosevelt was graduated from Groton School, Groton, Mass. received an A.B. degree from Harvard College in 1937, and an LL.B. degree from the University of Virginia in 1940.

A veteran of World War II, he served as a naval officer including duty as executive officer on the destroyer USS Mayrant and Commanding Officer of the USS Ulvert M. Moore.

He was awarded the Silver Star,

the Secretary of Navy's commendation, the Legion of Merit Combat V and the Purple Heart.

A former member of the U. S. Congress, Chairman Roosevelt served three terms from 1949 through 1954, representing the 20th District of New York.

Active in the field of human relations, Chairman Roosevelt in 1946 served as vice chairman of President Truman's Commission on Civil Rights and was the first chairman of the New York City Commission on Human Rights.

President Kennedy named Mr. Roosevelt chairman of the President's Appalachian Regional Commission which drafted the first multi-resource Regional Economic Development Program in the nation.

As a businessman, Chairman Roosevelt headed an automobile agency from 1958 until 1963. This agency grew from a few dealerships in nine states to 140 dealerships in 12 states.

Mr. Roosevelt is married to the former Suzanne Perrin and his children are Franklin D., III, Christopher, Nancy and Laura.

(Next Issue—Dr. Luther Holcomb)

HOW TO FILE A COMPLAINT

The Equal Employment Opportunity Commission was established by Title VII of the Civil Rights Act of 1964. The Commission's responsibility is to assure that all in the American labor pool will be considered for hiring, firing and promotion on the basis of their ability and qualifications, without regard to race, color, religion, sex or national origin.

If a person believes that he or she has been discriminated against by an employer, labor organization, employment agency or joint labor-management program, that person may file a complaint with the Commission.

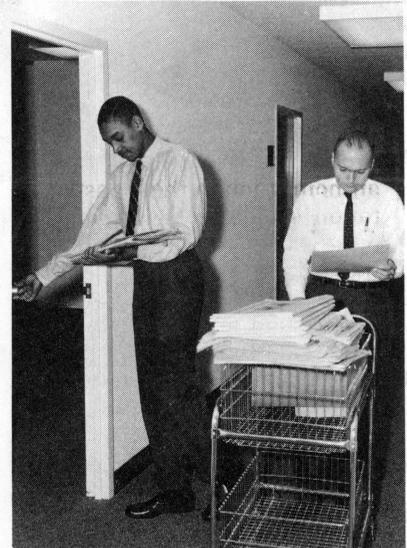
Persons believing a pattern of practice of discrimination exists in their areas may call such pattern to the attention of the Commission. After investigation, the Commission will consider filing a Commissioner's Complaint.

Instructions and complaint forms are available at the Equal Employment Opportunity Commission, 1800 G Street, N.W., Washington, D. C. 20506.

* NEWS BRIEFS

WALL STREET JOURNAL reports a rancher may be skirting equal-opportunity-for-women requirements of Title VII. The rancher is reported advertising for a "cow person." He specifies the applicant must be "proficient in profanity to avoid inferiority complex in the presence of experts, must share bunkhouse with three cowboys who seldom bathe."

ONE OF THE HIGHLIGHTS of the visit of Chairman Franklin D. Roosevelt, Jr. to the New England Conference on Equal Employment Opportunity was a trip to the Lake Street, Brighton residence of Cardinal Cushing. During the visit Chairman Roosevelt told of the progress of the EEOC since it began operating on July 2.



WHEN A COMPLAINT comes to the EEOC, it starts here. Eugene Dougans and Myron Arnold, mail room clerks, see that complaints move from the mails to the Compliance Division; from Compliance to Commissioners, to Investigation, to Commissioners, and on to Conciliation.

EEOC DISCOVERS MANY DIVIDENDS

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—declared by companies and unions — a substantial downpayment on progress.

Of the more than 700 complaints investigated so far, all but two of the companies involved were willing to cooperate. In fact, a number of employers have sent representatives to Washington to sit down with the Commission staff and work out what they must do to comply with the law.

The Commission and staff hoped that its investigators would be received with courtesy and cooperation, but it wasn't sure this would always be the case. It always has been the case, in all parts of the country, whether the investigators are Negro or white.

In situation after situation, employers have initiated positive action to achieve equal opportunity — even though in some cases a specific complaint against them did not stand up.

In one such case the charging party withdrew her complaint and advised the respondent and the Commission that she was no longer available for work. Nevertheless, after the Commission's field representative contacted the company last September about this complaint, the firm took the following steps:

1. Hired a Negro girl to replace a white girl in the office who had left.
2. Promoted a Negro man from an hourly job in the transportation section to route salesman with a monthly salary guarantee plus commission.
3. Hired another Negro man to replace the man promoted to route salesman.

In another case, where a number of complaints of discrimination based on race were resolved by Commission conciliation in a Southern plant of a large national corporation, that corporation committed thousands of dollars to remove segregated facilities and replace them with integrated facilities.

In another case in a Southern state, a Negro woman complained

that she had been denied an application for employment, and that she had been refused the qualification test for two years. After Commission conciliators began their discussions with the employer, the woman was given the test and failed it.

Although this complainant just didn't measure up, the company hired another Negro woman as a clerk shortly after the Commission's investigators called on them — a woman who was qualified.

In still another case, a Negro who had been working in a restaurant as a bus boy complained to the Commission that the management would not hire him as a waiter. Commission conciliators got the restaurant management to agree to examine the Negro's qualifications and to hire him if he was qualified. This was considered a successful conciliation, but on top of it were more dividends — the management promoted two Negro bar waiters to waiter jobs in the restaurant, jobs previously filled only by whites.

In the most recent successful conciliation by the Commission, agreement was reached that the manufacturing company — part of a large national corporation — would test a Negro complainant and, if he qualified, would consider him for the next opening at the supervisor's level.

But an important by-product of this conciliation was the company's request for technical assistance from the Commission. It was revealed in the course of the conciliation that the plant expected to expand production considerably within the next two years. The Commission will provide guidance to the plant on positive ways of recruiting and training Negroes to fill jobs which will develop as a result of the expansion. Another dividend along the road to Equal Employment Opportunity.

These are but a few of the dividends of the Commission's efforts to accomplish voluntary compliance with Title VII. Each day our staff brings back from the field a new report of a company or a union which has coupled recognition of the law with good will.

The Commission believes there

are thousands of employers and labor leaders prepared to take the extra step to give effect to the spirit of the law. These are the people who are providing the opportunity to be equal for America's disadvantaged minorities and helping put them in the mainstream of our economic life.

* NEWS BRIEF

MERGING OF SENIORITY LINES is one of the most complicated problems facing the EEOC, Commissioner Samuel D. Jackson told the South Carolina State Conference of NAACP branches recently in Sumpter, S.C.

The problem, he said, arises out of the policies of some plants to maintain departmental seniority rather than plant-wide seniority.

Jackson pointed out that separate promotional and seniority lines are held to be in violation of Title VII of the Civil Rights Act.

EEOC, OFFCC, PLANS FOR PROGRESS . . .

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apprentices and on-the-job trainees.

Form EEO-1 was to go to the printer following final approval by the Bureau of the Budget.

Chairman Franklin D. Roosevelt, Jr. of EEOC said:

"The information collected under this system will be extremely useful to the Equal Employment Opportunity Commission in fulfilling its mandate from Congress to promote the concept of equal opportunity for all Americans.

"We shall need such data particularly in our efforts to determine with precision those areas, industries and occupational categories where the greatest possibilities exist for the broader use of minority manpower, and to promote voluntary programs among employers for that purpose.

"I want to express particular appreciation to Plans for Progress and the Office of Federal Contract Compliance at the Labor Department for their outstanding cooperation and valuable counsel in working out this streamlined and unified reporting form."

STAFF APPOINTMENTS

CHARLES B. MARKHAM, a New York attorney with special experience in the fair employment practices field, has been named Director of Research at EEOC.

As Acting Director of Research, Markham has played a leading role in designing the new simplified joint reporting form for 60,000 U. S. employers. The proposed form, EEO-1, will be used by EEOC, the Office of Federal Contract Compliance and Plans for Progress.



MARKHAM

Markham comes to the Commission from the New York law firm of Battle, Fowler, Stokes and Kheel.

He assisted Theodore W. Kheel in preparing the 1962 Kheel Report on the President's Committee on Equal Employment Opportunity. He also worked on other equal employment opportunity projects, including Mr. Kheel's 1963 pamphlet, "How Race Relations Affect Your Business," and a 1964 book, "Guide to Fair Employment Practices."

Markham edited "Jobs, Men and Machines," a book on automation published by Frederick Praeger, Inc. in 1964. Before entering private law practice, Markham served as special attorney in the Office of Chief Counsel, Internal Revenue Service.

Markham's background and experience include positions as assistant state editor and editorial writer for the Charlotte, N. C., News; reporter on the Durham, N. C., Sun; publicity and research director and later executive secretary for the Young Democratic Clubs of America.

He is a Phi Beta Kappa graduate of Duke University and received his law degree from George Washington University. He is a member of the American Bar Association

and the Association of the Bar of the City of New York.

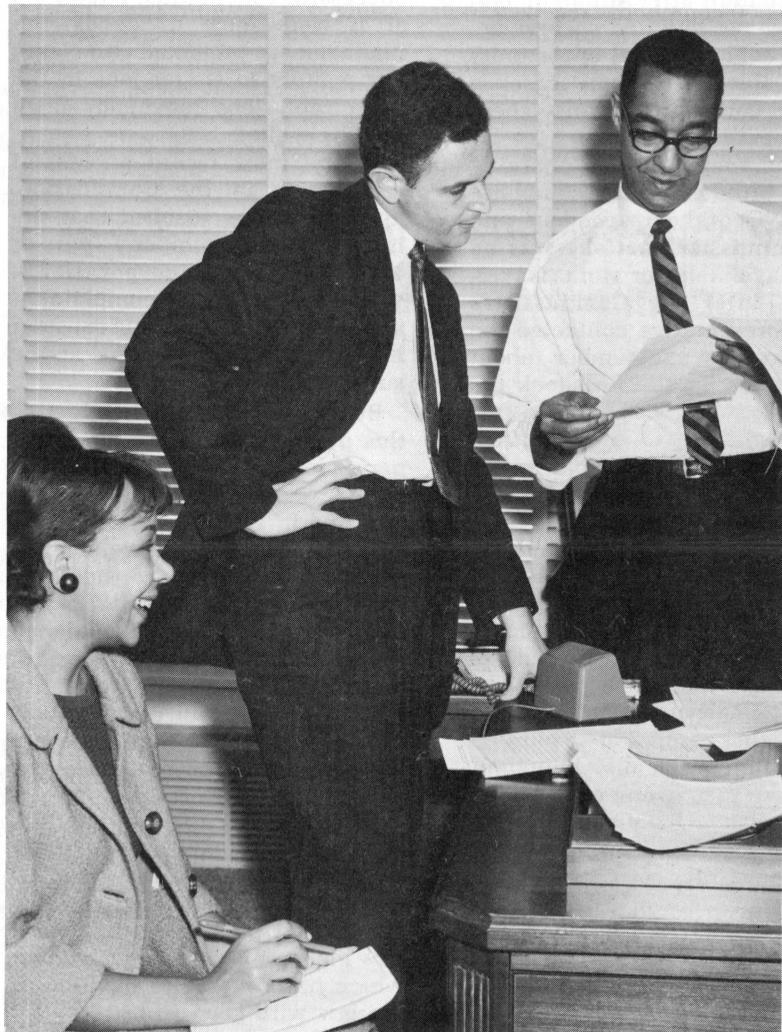
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GLADYS UHL joins the Technical Assistance staff as Education Programs Officer. She was head of Gladys Uhl Public Relations and has served as a consultant to the Labor Department. Her experience includes management of successful advertising campaigns for government and private organizations.

GEORGE O. BUTLER joins the Technical Assistance staff as Education Programs Officer. He holds A.B. and master's degrees in Economics from Howard University. His experience includes teaching

at Howard, Director of Education for the President's Committee on Government Contracts, and Director of Education for the President's Committee on Equal Employment Opportunity.

DR. PHYLLIS A. WALLACE joins the EEOC as Research Specialist. She is a magna cum laude graduate of New York University and received her M.A. and Ph.D. from Yale University. Dr. Wallace's experience includes teaching at City College of New York and Atlanta University, lecturing in economics and statistics, and research work at Yale University. Her major fields are economics and political science.



LEGAL INTERPRETATIONS OF TITLE VII keep EEOC's lawyers busy. Richard Berg, left, deputy general counsel, and Charles Duncan, general counsel, tackle an opinion as Duncan's secretary, Mrs. Sonia Porter, transcribes it.

GRANT SHARED BY 11 FEPS

Eleven state and municipal fair employment practices agencies are sharing in the \$165,000 grant provided by the EEOC to Wayne State University.

Wayne State is conducting a nationwide research project in the area of patterns of discrimination in employment. Dr. Frances R. Cousins, professor of sociology at Mercy College in Detroit, is project director.

The participating agencies have selected investigators for the study program. The investigators, except the California representative, attended the orientation session held by Wayne State University November 26-27. The investigators are now in the field and the study is in full swing.

The locations of participating agencies and areas of concentration are:

<i>State or Local FEP Agency</i>	<i>Primary</i>	<i>Secondary</i>
Philadelphia, Pa.	Hospitals	Insurance
New York, N. Y.	Retail Trades	Building Trades
Louisville, Ky.	Retail Trades	Manufacturing
District of Columbia	Banks, Savings & Loan Co.	Restaurant
Michigan	Building Trade	Hospitals
Wisconsin	Breweries	Manufacturing
California	Employment Testing	
Massachusetts	Transportation	Trucking
New Jersey	Public Utilities	Hotel, Motel & Restaurant
Missouri	Hotel, Motel & Restaurant	Public Utilities
Ohio	Manufacturing	Insurance

STATE AND LOCAL LIAISON

When information of interest to the Commission and state and local fair employment practices agencies makes news, it will appear on this page of the EEOC Newsletter. Such information will include:

1. Commentaries and notes in the field of employment discrimination.

2. Information on the progress of the Wayne State Research Project, as well as on the development of further studies and pilot programs.

3. A general up-to-date presentation on the activities of the state and local fair employment practices commissions.

Send all information (newsletters, pamphlets, studies and projects, etc.) to the Office of Liaison, EEOC, 1800 G Street, N.W., Washington, D.C. 20506. Information-sharing should be of mutual benefit to Federal, state and local FEP efforts.

* NEWS BRIEF

CHARLES T. DUNCAN, general counsel of the EEOC, has issued a Digest of Legal Interpretations. The Digest deals with Commission and legal opinions from July 2 to October 8, 1965.