

**Assemblymember Rob Bonta, Chair  
Assembly Public Employees,  
Retirement & Social Security Committee**

**Dr. Richard Pan, Chair  
Senate Public Employment & Retirement Committee**



**"Incorporating Equal Employment Opportunity  
into State Civil Service Improvements"**

## **Joint Legislative Informational Hearing**

**WHEN: Date: July 8, 2015  
Day: Wednesday  
Time: 10 AM – 12 PM**

**WHERE: State Capitol  
Room 444  
Sacramento, CA**

**Black Advocates in State Service (BASS)  
CAFÉ de California – Chicano Latino State Employees Association  
Asian Pacific State Employees Association (APSEA)  
League of United Latin American Citizens (LULAC)  
Association of California State Employees with Disabilities (ACSED)  
Service Employees International Union Local 1000**



# COALITION OF

Association of California State Employees with Disabilities

CAFÉ de California - Chicano Latino State Employees Association

Asian Pacific State Employees Association

Black Advocates in State Service

LULAC Lorenzo Patiño Council of Sacramento

## COALITION FACT SHEET

**MISSION:** To preserve and strengthen Equal Employment Opportunity (EEO), Human Resources (HR), Civil Rights in State Government and reaffirm the principles of the merit system in the State civil service.

**HISTORY:** Many of the Coalition organizations were established in 1975 to advocate for State employees outside of collective bargaining issues. Each of the State advocate organizations is registered with the Department of Human Resources (CalHR) under Rule 599.867 as a State recognized Bona Fide Association which allows for member payroll deductions through the State Controller's Office.

**STAKEHOLDERS:** Governor's Office, Agency Secretaries, Department Directors, the Legislature, Unions and community organizations.

**ACHIEVEMENTS:** The Coalition has worked collaboratively with stakeholders to accomplish the following:

- **Governor's Office:** Met with the Governor's Office to discuss EEO/HR, and Diversity issues in State government. Co-sponsored a workshop with the Appointments Secretary on the application and appointment process for Exempt appointments.
- **Legislature:** Met with the Legislative Tri-Caucus to discuss legislative bills regarding EEO/ HR and diversity issues in State Government. Testified at legislative hearings on SB 1308 which gave the Department of Fair Employment and Housing the responsibility for investigating discrimination complaints filed by state employees. Protected access to reasonable accommodation by retaining the SPB's role in investigating denial of reasonable accommodation requests and state employees filing physical and mental disability discrimination complaints with SPB. Testified at legislative hearings on SB 1309 which established a new Department of Human Resources (CalHR) and made the State Personnel Board responsible for conducting and formalizing compliance audits in the areas of EEO, appointments, examinations, personal services contracts, and supervisory and managerial training. Testified at legislative hearings on AB 1602 which addressed upward mobility, the statutorily mandated annual employee census report, the Bilingual Services Act, and the policy role of persons with Career Executive Appointments (CEAs).
- **Agency and Department meetings:** Met with the Business, Consumer Services, and Housing and the Government Operations Agency Secretaries and with management at CalHR, the State Personnel Board, and the Department of Fair Employment and Housing (DFEH) to discuss EEO, HR, and Diversity issues.
- **Coalition Conference:** Co-sponsored a comprehensive EEO and Civil Rights Conference for state employees.

- **Little Hoover Commission:** Testified before the Little Hoover Commission on the reorganization of the SPB and the Department of Human Resources (CalHR) and the criticality of CalHR developing a Strategic Plan which would, at a minimum, address EEO/HR actions needed to ensure a diverse workforce.
- **Joint Legislative Hearing:** Worked with legislative staff to hold a joint Assembly and Senate information hearing on EEO and lack of diversity in the state civil service.
- **SEIU 1000:** Working with SEIU to address EEO/Diversity and other civil service reform issues affecting state employees and the public.
- **CalHR/SPB Joint Project for People with Disabilities:** Participating in the State's effort to ensure fair and equal treatment of persons with disabilities in state service.
- **State Civil Service Reform:** Participating in the State's effort to improve the current civil service system, ensure fair and equal treatment for all persons, and to address lack of diversity in the civil service.

**COALITION CONTACT:** Tyrone Netters at [tnettershome@yahoo.com](mailto:tnettershome@yahoo.com)

**COALITION MEMBER ORGANIZATION REPRESENTATIVES**

Carl McLaney, President  
Black Advocates in State Service

Dean Lan, Senior Advisor  
Asian Pacific State Employees Association

Neptaly "Taty" Aguilera, President  
CAFÉ de California  
Chicano Latino State Employees Association

Lauri Hoirup, President  
Association of California  
State Employees with Disabilities

Luisa Menchaca, President  
League of United Latin American Citizens  
Lorenzo Patiño Council of Sacramento



# Civil Rights Coalition Report on Employee Census and Plan of Action April 2015

## Data<sup>1</sup>

Category	State Population <sup>2</sup>		Civil Service Workforce	
Asian/Pacific Islander	5,065,779	13.6	34,818	16.9
Black	2,254,160	6.0	21,524	10.5
Hispanic	14,024,109 <sup>2</sup>	37.6	46,636	22.7
Native American	291,505	0.8	995	0.5
White	14,977,510	40.1	96,125	46.7
Other	6,461,071 <sup>2</sup>	17.3	5,597	2.7
			205,695	100
Persons with Disabilities	1,855,637 <sup>3</sup>	5.0	21,626	10.5
Men	18,561,020	49.7	109,325	53.1
Women	18,764,048	50.3	96,370	46.9
<b>TOTAL</b>	<b>37,325,068</b>	<b>100.0</b>	<b>205,695</b>	<b>100.0</b>

## Highlights

**The State's Census Report highlights the continuing lack of representation in the civil service workforce of persons of color and with disabilities**

- Persons of color and persons with disabilities continue to be underrepresented, and in particular in management, after 50 years of civil rights legislation
- At the current rate of retirement and based on lack of hiring of persons of color and with disabilities, they may never be fairly represented in the civil service workforce without aggressive hiring action
- Employees of color are concentrated in 15 state departments
- Bilingual services to support California's increasingly multi-lingual population may be hampered due to vacant bilingual certified positions and the \$100 per month bilingual skills pay which has not increased since 1977
- By statute, the State Civil Service is required to have a 16.6% representation of employees with disabilities. In 2003, that representation was 7.7%. In 2012, it was 10.5%, showing an increase of only 2.8% in representation.

## Major Impacts

**The disproportionate lack of jobs and promotional opportunities for people of color and with disabilities negatively impacts these communities**

- Economic spending power is lessened in the local communities of underrepresented employees
- Access to government services for California's multi-cultural, multi-lingual communities is disproportionate
- Higher education opportunities are less available for these families

<sup>1</sup> CalHR "Annual Census of Employees in State Service 2013 Report to the Governor and the Legislature". Statistics for women of color are not readily available in this report.

<sup>2</sup> Federal Census, the source of State Population data, includes non-white Hispanics in both "Hispanic" and "Other" categories instead of choosing one or the other. For that reason, the sum of all racial categories exceeds the total by 15% for population.

<sup>3</sup>

## Civil Rights Coalition Report on Employee Census and Plan of Action April 2015

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### Proposed Legislative Actions

1. Require CalHR to adopt regulations to implement AB 124; require *all Agencies and state departments to include AB 124 (statutes of 2005) compliance steps in their Strategic Plans*; and require the *Bureau of State Audits to conduct audits of departments for compliance* with state and federal EEO mandates.
2. Assign the *Government Operations Agency (GOA) Secretary the responsibility for statewide EEO accountability and compliance*. *Annually*, by March 1, require the *GOA Secretary to report to the Legislature on EEO compliance*, including specific actions to be taken and timeframes for departments not in compliance. Require the GOA to *establish a formal evaluation process using metrics* to determine compliance; and a *process to address consequences of non-compliance* with state statutes. This information shall be used during budget hearings and department exempt appointment confirmation hearings.
3. Require the *GOA Secretary* to 1) effectively *implement a statewide Upward Mobility Program* in all state departments by issuing policy and standards including requirements for formal and On the Job training and costs for participation.
4. Require CalHR to 1) *monitor and ensure that department exam and hiring interview panels have diverse representation*; 2) *submit to the Legislature by September 30, 2015 proposed language to implement a transfer process from predominantly female occupied classifications to professional entry level classifications* as part of the State's formal upward mobility program; and 3) assign responsibility for implementation of these provisions at the department level to department HR managers.
5. Direct *CalHR to oversight state departments' bilingual surveys* to ensure an adequate number of bilingual positions are designated and filled to meet the needs of California's bilingual public. Increase supplemental bilingual skills pay and align it to the annual cost of living index. Require department directors to approve and sign their bilingual surveys and compliance plans.
6. *Establish a joint Assembly and Senate Equal Employment Opportunity Advisory Commission to ensure compliance with and oversight of AB 124 Compliance*. The Commission shall be comprised of 3 members appointed by the Senate; 3 members appointed by the Assembly; and 3 members appointed by the Governor. The Civil Rights Coalition organizations and SEIU 1000 shall serve as ex-officio members of the commission.
7. Require CalHR to provide leadership and coordination, and *require state departments to develop focused recruitment and hiring plans in collaboration with community groups and institutions of higher education* to fill classifications with the largest number of vacancies.

# SELF ASSESSMENT CHECKLIST FOR COMPLIANCE OF INTERNAL EQUAL EMPLOYMENT OPPORTUNITY (EEO) PROGRAM

Program	Responsible Officials	Compliance Yes/No
1. Each State agency shall develop, update annually, and implement an EEO plan which shall, at a minimum, identify the areas of significant underutilization of specific groups based on race, ethnicity, and gender, within each Department by job category and level, contain an equal employment opportunity analysis of all job categories and levels within the hiring jurisdiction, and include an explanation and specific actions for removing any non-job-related employment barriers. GC §19795		
2. The Department annually evaluates its workforce representation, identifies significant underutilization problems and submits its plan for addressing problems to the SPB no later than July 1 of each year as required by GC §19232, and 19790, and the plan is approved by the SPB.		
3. Steady annual progress is made to reduce significant underutilization of employee group representation, as required by GC §19790, 19794, and 19797.		
4. The Director meets regularly with the EEO Officer to consult on EEO issues and to actively monitor the effectiveness of the Departmental EEO program. GC §19794		
5. Proactive steps are taken by the Director to ensure a discrimination-free work environment as evidenced by the fact that:		
(a) Departmental policies are posted and/or have been distributed to all managers, supervisors, employees;		
(b) Managers, supervisors and employees have received diversity training;		
(c) Discrimination complaints are efficiently and effectively remedied;		
(d) A discrimination complaint process is operational; and		
(e) The discrimination complaint manager, investigators and counselors have current skills.		
GC §12940, 18952, 19701, 19702 and - CCR §54.2 and 547.1		
6. Proactive steps are taken to ensure that reasonable accommodation is available to applicants and employees with physical or mental limitations; Departmental policies exist and employees and managers have received disability awareness training in this regard. GC §19230		

	Program	Responsible Officials	Compliance Yes/No
7.	Supervisory and managerial performance review includes a performance factor on EEO that evaluates knowledge of and compliance with non-discrimination and equal employment opportunity requirements. GC §19796		
8.	The Department has an EEO Officer who reports directly to and is under the supervision of, the Department Director. GC §19795(a)		
9.	A Disability Advisory Committee exists and meets regularly. GC §19795(b)		
10.	A current written upward mobility plan that is actively implemented and available to employees. CCR §547.84		
11.	Upward mobility goals are annually developed and submitted to the SPB for approval by the July 1 each year, along with an evaluation of upward mobility program accomplishments. GC §19402, CCR 547.86		
12.	Non-discrimination/equal employment opportunity policy statements and complaint processes are available to applicants and employees. Coverage should include the prohibition of sexual harassment and discrimination based on race, color, ethnicity, national origin, ancestry, sex, age, disability, religion, sexual orientation, political affiliation, marital status, gender identity, or pregnancy, and the requirement to provide reasonable accommodation. CCR §54, 54.2, 547, and 547.1		
13.	Recruitment efforts are well planned and result in pools of qualified candidates that reflect the diversity of those in the relevant labor force. GC §19795(a)		
14.	Liaison is established and maintained with pertinent employee and community-based advocate organizations that result in satisfaction by these groups that their viewpoints are heard and fairly considered. GC §19795(a)		
15.	Liaison exists between the EEO Officer and personnel and labor relations staff that allow for consideration of EEO implications with regard to personnel and labor relations actions. GC §19795(a)		
16.	Liaison exists between the EEO office and the training office regarding the provision of diversity awareness training and planning and implementing the Department's upward mobility program. GC §19795(a)		
17.	Regular use is made of the Limited Examination and Appointment Program (LEAP) to provide EEO for persons with disabilities. GC §19230, §19795(a) and Executive Order S-04-05		
18.	Department managers are kept informed about EEO progress and are provided effective technical assistance for removing barriers and implementing statutory, regulatory and Departmental EEO requirements. GC §19795(a)		

**ROLE OF DEPARTMENT EQUAL OPPORTUNITY OFFICER**

<p>1. Acts as a key advisor and resource to Departmental management regarding Equal Employment Opportunity (EEO), Affirmative Action (AA) * and workforce diversity matters, reporting directly to the Director. GC §19795(a)</p>		
<p>2. Develops, implements, coordinates, and monitors the Department EEO/AA/Diversity Program GC §19795(a)</p>		
<p>3. Provides Departmental management with information and assistance regarding the EEO/AA/diversity program and options for implementation and compliance with laws and regulations. GC §19795(a)</p>		
<p>4. Manages the discrimination complaint system, including monitoring the performance of counselors and/or investigators; maintains tracking systems, records, and appropriate posting requirements and periodically evaluates the discrimination complaint system. GC §19795(a)</p>		
<p>5. Monitors and evaluates occupational areas to identify significant underutilization of employees by racial/ethnic, gender and disability categories. GC §19797</p>		
<p>6. Develops, coordinates and monitors action plans designed to identify the causes of underutilization problems and to eliminate illegal employment barriers. GC §19797</p>		
<p>7. Proposes personnel management policies, procedures and practices (i.e., recruitment, hiring, retention, etc.) GC §19795(a)</p>		
<p>8. Participates in outreach/recruitment planning and evaluating the results of efforts. GC§19795(a)</p>		
<p>9. Coordinates with the Departmental personnel, training and labor relations offices, and employee unions regarding development and implementation of Departmental upward mobility programs. GC §19401 and §19795(a)</p>		



**\*70% of Disabled State Employees work in  
15 Departments**

<u>DEPARTMENT</u>	<u>Total</u>	<u>Disabled</u>	<u>Percentage</u>
• Cal Trans	20,310	2,510	12.4%
• Corrections	52,163	1,981	3.8%
• Employment Development	7,812	1,835	23.5%
• Motor Vehicles	8,520	1,215	14.3%
• State Hospitals	11,215	957	8.5%
• Board of Equalization	4,497	863	19.2%
• Highway Patrol	10,486	856	8.2%
• Forestry & Fire	5,047	753	14.9%
• Franchise Tax	5,983	751	12.6%
• Public Health	3,567	654	18.3%
• SCIF	4,374	621	14.2%
• Rehabilitation	1,865	609	32.7%
• General Services	3,418	571	16.7%
• Health Care Services	3,277	512	15.6%
• PERS	2,736	482	17.6%

\*Source: CalHR 2013 Annual Census of employees in the State Civil Service

**\*71% of African American State Employees work in  
10 Departments**

<u>DEPARTMENT</u>	<u>Total</u>	<u>Blacks</u>	<u>Percentage</u>
• Corrections	52,163	6,164	11.8%
• State Hospitals	11,215	1,684	15.0%
• Motor Vehicles	8,520	1,680	19.7%
• Cal Trans	20,310	1,584	7.8%
• Employment Development	7,812	1,254	16.1%
• Franchise Tax	5,983	781	13.1%
• Social Services	3,646	548	15.0%
• General Services	3,418	552	16.1%
• Highway Patrol	10,486	508	4.8%
• Public Health	3,567	427	12.0%

\*Source: CalHR 2013 Annual Census of employees in the State Civil Service

## \*70% of Asian State Employees work in 15 Departments

<u>DEPARTMENT</u>	<u>Total</u>	<u>**Asians</u>	<u>Percentage</u>
• Cal Trans	20,310	3,716	18.3%
• Corrections	52,163	2,499	4.7%
• Employment Development	7,812	1,257	16.0%
• Franchise Tax	5,983	1,162	19.4%
• State Hospitals	11,215	1,002	8.9%
• Board of Equalization	4,497	949	21.1%
• Motor Vehicles	8,520	934	10.9%
• Health Care Services	3,277	667	20.4%
• SCIF	4,374	577	13.2%
• Public Health	3,567	576	16.1%
• PERS	2,736	573	20.9%
• Department of Justice	4,087	541	13.2%
• Social Services	3,646	448	12.2%
• Highway Patrol	10,486	440	4.2%
• General Services	3,418	435	12.7%

\*Source: CalHR 2013 Annual Census of employees in the State Civil Service

\*\*Groups: Asian Indian, Cambodian, Chinese, Guamanian, Hawaiian, Japanese, Korean  
Laotian, Samoan, Vietnamese, Other Asian, Other Pacific Islander

**\*72% of Hispanic State Employees work in  
10 Departments**

<u>DEPARTMENT</u>	<u>Total</u>	<u>Hispanics</u>	<u>Percentage</u>
• Corrections	52,163	16,681	31.9%
• Cal Trans	20,310	3,492	17.2%
• Motor Vehicles	8,520	2,856	33.5%
• Highway Patrol	10,486	2,357	22.5%
• Employment Development	7,812	2,239	28.7%
• State Hospitals	11,215	2,173	19.4%
• Franchise Tax	5,983	1,142	19.1%
• Developmental Services	4,613	1,128	24.5%
• SCIF	4,374	845	19.3%
• Forestry & Fire	5,047	811	16.1%

\*Source: CalHR 2013 Annual Census of employees in the State Civil Service

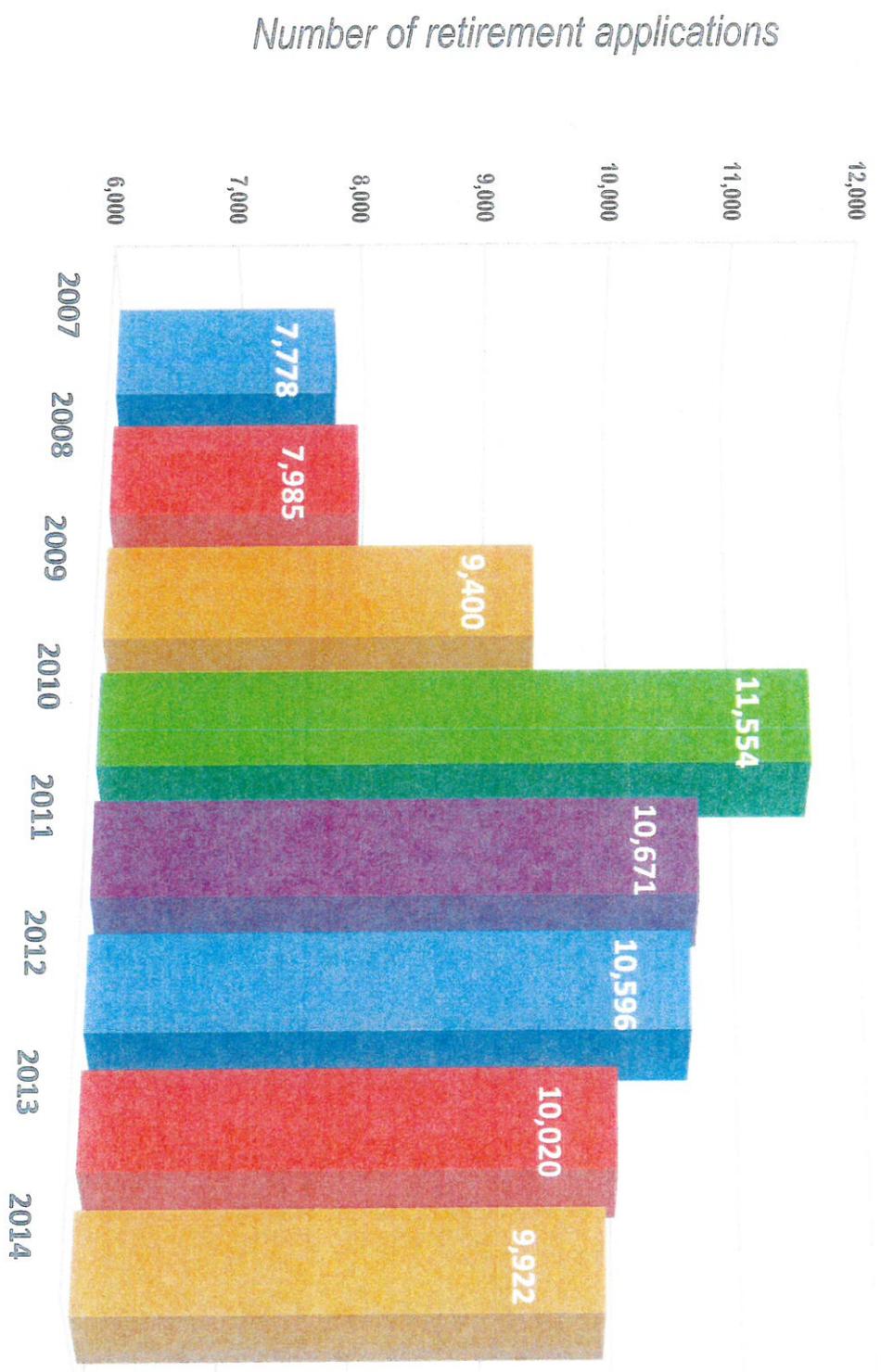
**\*71% of Women State Employees work in  
15 Departments**

<u>DEPARTMENT</u>	<u>Total</u>	<u>Women</u>	<u>Percentage</u>
• Corrections	52,163	19,389	37.1%
• State Hospitals	11,215	6,404	57.1%
• Motor Vehicles	8,520	6,024	70.7%
• Employment Development	7,812	5,135	65.7%
• Transportation	20,310	5,128	25.2%
• Franchise Tax	5,983	3,747	62.6%
• SCIF	4,374	2,896	66.2%
• Developmental Services	4,613	2,827	61.3%
• Board of Equalization	4,497	2,730	60.7%
• Social Services	3,646	2,673	73.3%
• Dept. of Justice	4,087	2,539	62.1%
• Highway Patrol	10,486	2,418	23.1%
• Public Health	3,567	2,389	67.0%
• Health Care Services	3,277	2,132	65.1%
• Consumer Affairs	3,805	2,053	59.2%

\*Source: CalHR 2013 Annual Census of employees in the State Civil Service

# STATE CIVIL SERVICE EMPLOYEE RETIREMENTS

Total: 77,926



# ANNUAL CENSUS OF EMPLOYEES IN STATE CIVIL SERVICE



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2013

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## REPORT TO THE GOVERNOR AND THE LEGISLATURE



Office of Civil Rights  
1515 S Street, Suite N400  
Sacramento, CA 95811

**XI. Tables**  
**Table A: State Civil Service Workforce Representation 5-Year History for All Agencies**

	2009	2010	2011	2012	2013
Women	102,370 (47.0%)	102,520 (47.3%)	97,759 (47.0%)	95,487 (46.9%)	96,370 (46.9%)
Men	115,287 (53.0%)	114,373 (52.7%)	110,370 (53.0%)	108,275 (53.1%)	109,325 (53.1%)
Persons with Disabilities	20,430 (9.4%)	21,464 (9.9%)	21,540 (10.3%)	21,556 (10.6%)	21,626 (10.5%)
Native American	992 (0.5%)	988 (0.5%)	950 (0.5%)	939 (0.5%)	995 (0.5%)
Asian Indian	2,593 (1.2%)	2,774 (1.3%)	2,749 (1.3%)	2,843 (1.4%)	3,009 (1.5%)
Black	23,414 (10.8%)	23,063 (10.6%)	22,038 (10.6%)	21,296 (10.5%)	21,524 (10.5%)
Cambodian	94 (*)	95 (*)	95 (*)	97 (*)	100 (*)
Chinese	7,114 (3.3%)	7,411 (3.4%)	7,274 (3.5%)	7,355 (3.6%)	7,480 (3.6%)
Filipino	12,722 (5.8%)	12,996 (6.0%)	12,476 (6.0%)	12,252 (6.0%)	12,399 (6.0%)
Guamanian	175 (0.1%)	178 (0.1%)	169 (0.1%)	157 (0.1%)	158 (0.1%)
Hawaiian	239 (0.1%)	234 (0.1%)	216 (0.1%)	212 (0.1%)	214 (0.1%)
Hispanic	48,263 (22.2%)	48,496 (22.4%)	47,173 (22.7%)	46,104 (22.6%)	46,636 (22.7%)
Japanese	2,159 (1.0%)	2,144 (1.0%)	2,027 (1.0%)	1,991 (1.0%)	1,955 (1.0%)
Korean	816 (0.4%)	824 (0.4%)	824 (0.4%)	823 (0.4%)	873 (0.4%)
Laotian	99 (*)	101 (*)	99 (*)	104 (0.1%)	116 (0.1%)
Samoaan	135 (0.1%)	134 (0.1%)	133 (0.1%)	128 (0.1%)	123 (0.1%)
Vietnamese	2,574 (1.2%)	2,668 (1.2%)	2,641 (1.3%)	2,716 (1.3%)	2,820 (1.4%)
White	105,570 (48.5%)	103,863 (47.9%)	98,868 (47.5%)	96,037 (47.1%)	96,125 (46.7%)
Other Asian	4,417 (2.0%)	4,493 (2.1%)	4,477 (2.2%)	4,580 (2.2%)	4,811 (2.3%)
Other Pacific Islander	658 (0.3%)	685 (0.3%)	689 (0.3%)	716 (0.4%)	760 (0.4%)
Other Race or Ethnicity	5,623 (2.6%)	5,746 (2.6%)	5,231 (2.5%)	5,412 (2.7%)	5,597 (2.7%)
Total	217,657	216,893	208,129	203,762	205,695

\*Less than 0.05%