

The subject of affirmative action

Life



Considering the subject of affirmative action the following questions frequently are raised: Is there a clear understanding of affirmative action roles/goals? What are the pros/cons of these programs? What are the "loop holes" in the system? Does seniority play a role in affirmative action? Addressing these key questions may help us all in our daily routine, as administrators and/or potential administrator in the public/private sector. Affirmative action programs throughout the United States have long been a controversial issue particularly concerning employment practices (public/private) and university student and/or staff recruitment.

Most public agencies have some type of instituted affirmative action program. According to Cheryl Perry-League, Director of Equal Opportunity of the Port of Oakland, every business operating on Port of Oakland owned land must have a standing affirmative action program on record and businesses bidding to do work for the Port of Oakl! and must have an acceptably diverse workforce. To understand the role and/or goals of affirmative actions programs we should define what the broad definition of what affirmative action is and what caused its development. The phrase "affirmative action" was used in a racialdiscriminationcontext.

Executive Order No. 10, 925 issued by President John F. Kennedy in 1961. The order indicated that federal contractors should take affirmative action to ensure job applicants and employees are treated "without regard to their race, creed, or national origin." A person could define this statement as an order to imply equal access and nothing else. Subsequently, Executive Order 11246 issued by President Johnson in September 1965, "mandated affirmative action goals for all federally funded programs and moved <https://assignbuster.com/the-subject-of-affirmative-action/>

monitoring and enforcement of affirmative action programs out of the White House and into the Labor Department.

Affirmative action "refers to various efforts to deliberately take race, sex, and national origins into account to remedy past and current effects of discrimination. Its primary goal is to ensure that women and minorities are widely represented in all occupations and at all organizational levels" (Tompkins, 1995, p. 161). Another definition of affirmative action according to Barbara Bergmann is "planning and acting to end the absence of certain kinds of people-those who belong to groups that have been subordinated or left out-from certain jobs and schools" (1997 p. 7).

Tracing the history of affirmative action, laws against racial discrimination have proved inadequate for workplace integration because they often provide remedies only after the fact. Affirmative action requires proactive steps to provide equal opportunities in employment as well as access to education. Many affirmative action programs were born from Title VII of the Civil Rights Act of 1964. Title VII references to affirmative action programs were brought about "because of the history of discrimination in the United States, certain groups are viewed as disadvantaged in the current marketplace.

Thus affirmative action laws impose temporary requirements to correct underutilization of these groups (e. g. , goals and timetables for increasing the number of minorities and women in a facility)" (Gutman, 1993, p. 9). Prior to these laws and the Title VII law, the U. S workforce was primarily dominated by white males. Although, still somewhat white male dominated,

quotas that were designed through affirmative action programs have helped achieve some representation of women and minorities in the current work force. Some remedies brought about through affirmative action programs include goal setting, quotas, and timetables.

The term goal " refers to specific outcomes which, when achieved, will result in equal employment opportunity and equitable representation" (Hall & Albrecht, 1979, p. 47-78). Goals and hiring quotas vary somewhat in their function. Goals generally are long range plans that organizations use and there are no expected minimum or maximum limitations. Quotas by comparison, " establishes a definite number of people who must be hired. A Company cannot by law, use quotas unless it has been ordered to do so by a court to remedy a past action" (Hall & Albrecht, 1979, p. 47-78).

Deficiency correction is the primary target of goal setting through affirmative action. For an organization to be effective with goals, they must be realistic, attainable, and monitored by the human resource department. Affirmative action programs generally achieve their set goals through several common practices called outreach programs. First, there are special recruiting programs where women and minorities will most likely be found. These special outreach programs often target black universities and female dominated educational facilities. A second outreach program involves special advertising.

Generally, this is also implemented ! in areas that are heavily populated by women and minorities similar to that of recruiting programs. Through outreach programs like the ones mentioned above, goals can be attained to

achieve equity and representation without forgoing higher educated and skilled applicants. These programs can be justified because discrimination is still apparent in the United States today. A 1990 study by the University of Chicago's National Opinion Research Center found that the majority of white Americans still believe blacks to be inferior.

For example, 53% of non-black respondents said they thought blacks were less intelligent than whites, 62% said they thought blacks were less patriotic, 62% said they thought blacks were lazier, and 78% said they thought blacks " preferred to live off welfare. " The National Assessment of Educational Progress, a series of national standardized tests, evaluates students on their proficiency in reading, writing and science. They divide and compare these results to better understand the effectiveness of public schools.

Their results suggest a large imbalance in the educational quality received by whites and other races. The most noticeable imbalance in the three fundamentals of learning was the most important, reading. When students cannot read well, they usually cannot succeed in other subject areas. With the background of affirmative action and its programs established we should evaluate some of the problems with affirmative action and if affirmative action programs work. Opponents against affirmative action programs often believe that the system currently in place is a misuse of the original intent of affirmative action.

The programs as they apply now are detrimental to the operation of the job market, to white males, and to the groups it is supposed to benefit. They further contend affirmative action causes reverse discrimination. It is not

good practice for Opponents " pro" affirmative action to use it as a way! to make up for past discrimination. Another problem caused by affirmative action is that it often places a stigma on any groups, which receive preferential treatment, especially on individuals who earn positions because of their ability.

Opponents of affirmative action programs believe that these programs when handled properly through the human resources department within an organization can minimize the negative references received regarding hiring practices. Nye states " that positive information regarding an employee" s job qualifications should minimize assumptions of incompetence associated with affirmative action hiring programs. In other words, when co-workers have information that clearly describes an individual" s job qualifications, they should be less likely to assume that he or she was hired solely on race or gender"(1998).

By making this information available within the organization, it would help remove the pressures from the employee and co-worker regarding the hiring practices. This could further help the organization in the area of productivity, public relations within the community, and morale. By increasing morale, you maybe able to retain more employees, recruitment made easier, and motivate employees into a very competitive workforce. Opponents of affirmative action also do not believe that women and minorities will be treated fairly without affirmative action programs.

Opportunities in today" s workplace are extremely competitive. Glazer states that " the battle over affirmative action today is a contest between a clear

principle on the one hand and a clear reality on the other. The principle is that ability, qualifications, and merit, independent of race, national origin, or sex should prevail when one applies for a job or promotion, or for selective institutions for higher education, or when one bids for contracts.

The reality is that strict adherence to this principle would result in few African Americans getting jobs, admissions, and contracts" (1998). With that being said, women and minorities cannot possibly have a fair chance in today's society without positive affirmative action programs. However, with affirmative action, it has been noted that their incentives to achieve success may be decreased because " preferential treatment can lead to the patronization of minorities and women workers and students. By " patronization" I mean the setting of a lower standard of expected accomplishment because of the belief that these people are not as capable of meeting a higher standard" (Loury, 1997).

With a white male dominated workforce, negative public perceptions, and low self-esteem of applicants, affirmative action offers a solution for race and gender equity. Further stated, everyone in America should be afforded equal opportunity. If this cannot be achieved voluntarily, then we must continue to take action to remedy these situations. Opponents of affirmative action won a landmark victory, in 1998, with the passage of California's Proposition 209. This proposition abolished all public-sector affirmative action programs in the state in employment, education and contracting.

Clause(C) of Prop. 09 permits gender discrimination that is " reasonably necessary" to the " normal operation" of public education, employment and

contracting. In 1998, The ban on use of affirmative action in admissions at the University of California went into effect. UC Berkeley had a 61% drop in admissions, and UCLA had a 36% decline. This decline strengthens the position of the Pro side of affirmative action. However, a contingency plan has been established. According to a source (who asked to remain nameless), UC Berkeley has a program to actively recruit more minority students that falls out of the guidelines established by prop. 09. These types of "loop holes" can ultimately hurt the various studies on the effectiveness of anti-affirmative action laws.

"Loop holes" are exceptions to the ! rules or standards. It" s a way around the system. Opponents for affirmative action might feel that the Washington State government utilized such a "loop hole" in 1997. Under an affirmative action program criticized as the ultimate example of preferential treatment by supporters against affirmative action, the Washington State government hired more white men than African Americans did or any other minority group.

In fact, white men fell second to white women being hired (Brune). The program in question is Washington State" s "plus three" program, according to Tom Brune of the Seattle Times, "allows the state to hire people who qualify for affirmative action over finalists with higher job-test scores. White men qualify because the state" s affirmative action policy cover not only people of color and women, but also Vietnam-era veterans, disabled veterans and people with disabilities. Majority of the veterans are white men and nearly half of them are disabled in the State of Washin! gton".

Another example of how affirmative action works for the disadvantaged can be found in Hayward, California. Bonnie Kellogg was admitted into the government's Small Business Administration program that gives her company competitive advantages in its quest for government and large corporate contracts. Prior to 1995, Kellogg's chances of getting into this program, officially known as the 8(a) Business Development program, would have been slim to none. However, in 1995 court ruling stemming from a law suit by a white business owner alleging "reverse discrimination" relaxed government standards.

This ruling allowed for whites, Egyptians and Iranians, who fall outside the SBA's minority designation easier access to the program. This relaxation of the rules as helped non-minorities business owners greatly. Report K. Oanh Ha of the Knight Rider Tribune finds a, a big statistical change. From 1968 until mid-1998, only 40 businesses owned by whites and non-minorities out of 13, 40! 0 firms nationally were admitted, were admitted into the 8(a) program. So far this year, 74 non-minority companies have been admitted. 1999)

Seniority must be examined because in my opinion it is the most widely used preferential treatment policy in the American workplace? With affirmative action being view as preference by many Americans and seniority being an unchallenged "rule-of-thumb." In an article by Paul Rockwell he explains, "The seniority system may be legitimate, but it is no less preferential in its execution than affirmative action. When layoffs take place by seniority, many highly skilled women, many well-qualified people of color, among others, are bumped out of their jobs by less qualified older white males.

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In a seniority system, the last hired is the first fired, whether the employee is more skilled and competent than an employee protected by seniority.

(1999). " Richard Lester, author of Manpower Planning, believes that seniority places less qualified employees ahead of employees who are often better educated, more skilled in computers. Arthur Whitehill & Shin Ichi Takezawa in *Work Ways*, concluded the same thoughts " Younger worker in some cases are more competent than older workers because of [them being} better education, greater adaptability and physical fitness.

The public sector and much of the private sector have recognized seniority for quite sometime. We can find this system practiced by older teachers at various universities who are often protected by tenure. Professor Daniel Barber has even stated in candid conversation that when he was the department chair for the Master of Public Administration he took care of the tenured faculty first. Knowing this, why do Opponents of affirmative action, have appeared to be, judgmental of about so-called " merit" and " preference", why isn" t there the same concern about the biggest workplace exception to strict meritocracy - Seniority?

Seniority is yet another way to protect th! e " good 'o boys networks". Found in many of the historically white male dominated professions, for example, Firefighters, police, school superintendents, and college professors. Coming from a public sector background (Disabled Army War Veteran, Bureau of Prisons office administrator, Department of Veterans Affairs administrator, and to many federal internships to count) I support the seniority system in those places where affirmative action is still in place. Workplace should

reflect the diversity of the community it serves, seniority is a fair system of labor management relations.

Seniority gives employees for the personnel problems and private preferences of an employer. However, seniority is a widely used exception to strict merit system only if the workplace is democratic and applied with affirmative action the workplace can become more inclusive. Where affirmative action is repealed, seniority loses some of its legitimacy. I argue that only loses some of its legitimacy because I personally was retained as an employee in a seniority situation. I was the last hired but I was not fired. In short, the scope of seniority and affirmative action are similar.

The goal of seniority is job security and affirmative action is integration; both goals are good for America. The American labor movement has a major stake in seniority. The movement should embrace affirmative action because in good conscience it should not take advantage of one and not honor the other. Basically, benefiting for seniority practices but opposing affirmative action for others. If affirmative action is repealed, seniority should go as well. Labor unions and movements should concentrate on saving affirmative action.

At a time when all progressive social policies are under attack, unity between women, labor, and people of color is imperative. Seniority and affirmative action should stand or fall together. CONCLUSION Ultimately, the controversy surrounding affirmative action programs today will continue into the future. Society as a whole does not appear to be ready to relinquish its negative perception of the hiring practices brought about by Title VII. However, the

benefits brought about this act has greatly increased the opportunity for women and minorities in employment that may not have otherwise been available.

These programs have offered hope to some if not all-socioeconomic groups that they will be afforded the opportunity of equal employment and/or representation in our society. Furthermore, human resource departments in the public sector will have to become more skilled in implementing positive affirmative action programs if we are to reap the full benefits from them. Finally, Affirmative action is not a cure-all. It will not eliminate racial discrimination, nor will it eliminate competition for scarce resources.

Affirmative action programs can only ensure that everyone has a fair chance at what is available. They cannot direct us to the social policies necessary so people do not have to compete for scarce resources in the first place. The larger question to ask is why are there not enough decent paying, challenging and safe jobs for everyone? Why are there not enough seats in the universities for everyone who wants an education? Expanding opportunity for people of color means expanding not only their access to existing jobs & education, but also removing the obstacles that cause these resources to be limited.