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BEFORE THE UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF REVENUE SHARING

CASA JUSTICIA,

Petitioner,

v.

CITY OF SAN DIEGO, STATE OF
CALIFORNIA; Sue Williams,
Director of Personnel, City
of San Diego; John Witt, City
Attorney, City of San Diego;
Rush McKinley, City Manager,
City of San Diego,

Respondents.

No.

PETITION FOR RELIEF TO ASSURE
NONDISCRIMINATION IN THE
EXPENDITURE OF REVENUE SHARING
FUNDS.
(31 U.S.C. §1221 et seq.)

I

Petitioner, CASA JUSTICIA (hereinafter CASA) is a non-profit organization whose members are Mexican-American (Spanish-surnamed) individuals residing in San Diego City, a substantial number of whom speak Spanish as their sole or primary language. For more than four years, two of CASA's primary purposes have been the eradication of racial discrimination in public employment and the provision of effective and meaningful public services to the Spanish-speaking community in the City of San Diego. Petitioner has a continuing interest in promoting the economic, educational and cultural advancement of ethnic minorities and women within the Respondent City of San Diego (the "City"). Petitioner files this complaint on behalf of itself, its individual

1 and group members, and all similarly situated persons within
2 the City to secure enforcement of the nondiscrimination pro-
3 visions of the State and Local Fiscal Assistance Act of 1972
4 (the "Revenue Sharing Act"), 31 U.S.C. §1221 et seq., 31 C.F.R.
5 §51 et seq., and the Fourteenth Amendment to the United States
6 Constitution. This petition is submitted on behalf of all in-
7 dividuals who are eligible for, and available for, positions of
8 employment with the Respondent City of San Diego, or for advance-
9 ment in job positions with the City, but who are denied job
10 opportunities because of the policies and practices of the City.
11 These policies and practices have a discriminatory effect on
12 minorities and women in their job recruitment, placement, pro-
13 motion, training and salaries. This is a class complaint
14 pursuant to Title 31 C.F.R. §51.57(a).

15
16 II
17

18 Respondent, CITY OF SAN DIEGO, is a political sub-division
19 of the State of California and a recipient of funds under the
20 Revenue Sharing Act. Respondent Sue Williams is Personnel Director
21 of respondent City and is responsible for assuring nondiscrimination
22 in City employment practices on a daily basis. Respondent
23 John Witt is City Attorney for respondent City and is the person
24 ultimately responsible for advising City authorities of their
25 legal obligations in City employment practices. Respondent
26 Hugh McKinley is City Manager of respondent City and is respon-
27 sible for the overall management of City agencies on a daily
28 basis. The City Budget for the current Fiscal Year is \$211.5
29 million. As of June 30, 1975, the City received approximately
30 \$22 million in Revenue Sharing funds from the Federal Government.
31 The City will receive approximately \$7.5 million in Revenue Sharing
32 funds during the fiscal period from July 1, 1976, through
December 31, 1976.

1 III

2
3 The Revenue Sharing Act contains an explicit prohibition
4 on the use of Revenue Sharing funds by any recipient government
5 in any manner which tends to perpetuate racial or ethnic dis-
6 crimination:

7 No person in the United States shall on the grounds
8 of race, color, national origin, or sex be excluded
9 from participation in, be denied the benefits of, or
10 be subjected to discrimination under any program or
11 activity funded in whole or in part with funds made
12 available under (the Act). (31 U.S.C. §1252(a);
13 Supp. III, 1973).

14 IV

15 Regulations adopted by the Office of Revenue Sharing
16 pursuant to the nondiscrimination provision of the Revenue
17 Sharing Act provide in part that:

18 Employment Practices. In any program or activity
19 funded in whole or in part with entitlement funds,
20 a recipient government may not (directly or indirectly
21 through contractual or other arrangements) subject
22 any individual to discrimination on the ground of
23 race, color, national origin, or sex in its employ-
24 ment practices. These practices include recruitment,
25 recruitment advertising, hiring, layoff, termination,
26 upgrading, demotion, transfer, rates of pay or other
27 forms of compensation, use of facilities, and other
28 terms and conditions of employment.
29 Title 31 C.F.R. §51.53(a)(40 Fed. Reg. 50030,
30 October 28, 1975).

31 V

32 Respondent City has used Federal Revenue Sharing funds
to perpetuate its policy and practice of maintaining racial
and ethnic discrimination in City employment. Petitioner has
sought redress unsuccessfully from City authorities for past
discriminatory employment practices at various times in the
past. Respondent City does not know the exact dollar amount
which each City department will receive from Revenue Sharing
funds during Fiscal Year 1976. However, certain reasonable

1 estimates can be made based on (a) City hiring figures avail-
2 able as of September 25, 1975, (b) past allocations of Revenue
3 Sharing funds among the various City departments, and (c) the
4 1974-1975 Affirmative Action Program Report of the City of
5 San Diego Department of Personnel. Some tentative conclusions
6 emerge from these figures:

7 A. According to the 1970 Federal Census, the population
8 of the City of San Diego contains 23.7% Minority residents---
9 12.7% Spanish-surnamed, 7.6% Black, 3.1% Pan-Asian and 0.3%
10 American Indian. As of September 25, 1975, the City of San
11 Diego employed 6,339 persons of whom 22.7% were Minorities and
12 21.1% were women. Of the Minority employment figure, 7.8% were
13 Spanish-surnamed or Mexican-American, 12.1% were Black, 2%
14 were Pan-Asian and 0.8% were American Indian. Of the women's
15 employment figure, 78% were Anglo women. Recruitment and
16 hiring decisions have resulted in a substantial underrepresenta-
17 tion of Spanish-surnamed and Pan-Asian people and women in
18 the ranks of the City's employees.

19 B. Minority group employees and women are employed in
20 several job categories at rates substantially lower than they
21 are represented in the community. There is also a substantial
22 discrimination within job categories resulting in Minority
23 group employees and women generally occupying the lower-
24 echelon positions or predominating in a lower-paying job
25 category. The following figures illustrate this discrimination:

26 The Report to the Mayor and City Council from the
27 City Manager dated November 7, 1975 gives the
28 following employment statistics for the City as of
29 September 25, 1975:

30 Managers and Administrators - City Total - 155
31 Minorities 12, 7.7% (Mex.-Amer. 3.2%; Black 3.2%)
32 Women 24, 15.5%

Professional and Technical - City Total - 968
Minorities 171, 17.7% (Mex.-Amer. 5.8%; Black 7.4%)
Women 225, 23.2%

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Clerical - City Total - 907
Minorities 168, 18.6% (Mex.-Amer. 7.4%; Black 7.3%)
Women 765, 84.3%

Crafts Workers and Supervisors - City Total - 772
Minorities 176, 22.7% (Mex.-Amer. 10.3%; Black 10.3%)
Women 10, 1.3%

Operatives (except transport) - City Total - 106
Minorities 43, 40.6% (Mex.-Amer. 13.2%; Black 25.5%)
Women 0

Transport Equipment Operatives - City Total - 275
Minorities 173, 62.9% (Mex.-Amer. 10.5%; Black 50.9%)
Women 5, 1.8%

Laborers (except Farms) - City Total - 629
Minorities 274, 43.2% (Mex.-Amer. 15.6%; Black 25.3%)
Women 10, 1.6%

Fire Protection (Managers and Administrators) - City Total - 29
Minorities 3, 10.3% (Mex.-Amer. 3.4%; Black 6.9%)
Women 0

Fire Protection (Professional) - City Total - 341
Minorities 22, 6.5% (Mex.-Amer. 2.6%; Black 2.9%)
Women 0

Fire Protection (Fire Fighters) - City Total - 310
Minorities 32, 10.3% (Mex.-Amer. 5.2%; Black 4.5%)
Women 0

Police Protection (Managers and Administrators) - City Total - 27
Minorities 1, 3.7% (Mex.-Amer. 3.7%; Black 0.00%)
Women 0

Police Protection (Professional) - City Total - 174
Minorities 7, 4% (Mex.-Amer. 1.7%; Black 0.6%)
Women 0

Police Protection (Police Officers) - City Total - 806
Minorities 86, 10.7% (Mex.-Amer. 5.6%; Black 3.2%)
Women 30, 3.7%

Protection (Life Guards and Others) - City Total - 34
Minorities 0
Women 0

Service Workers - City Total - 155
Minorities 75, 48.5% (Mex.-Amer. 6.1%; Black 30.3%)
Women 16, 9.7%

Miscellaneous - City Total - 641
Minorities 192, 30% (Mex.-Amer. 9.4%; Black 18.1%)
Women 258, 39.6%

C. Among City agencies receiving Revenue Sharing funds, there is also a pattern of hiring discrimination against

1 Minority group and female job aspirants:

2 Fire Department - Total Employees - 684
3 Minorities 54, 7.9%
4 Women 14, 2.04%--All clerical

4 General Services Department - Total Employees --664
5 0 Minorities and Women at the managerial, administra-
6 tive and professional levels.
7 0 Women out of 231 Crafts employees, 139 Transport
8 Operatives, 89 Laborers.
9 1 Woman out of 81 Service Workers.

7 Parks and Recreation - Total Employees - 627
8 Minority 150, 23.9%
9 Women 63, 10%

10 Police Department - Total Employees - 1207
11 Minorities 10.9%

11 Women 15.1% of whom 85% are clerical.
12 Of 200 managerial, professional and administrative
13 employees, there are 9 Minority and 0 Women employees.
14 Of 23 Inspectors and Captains, there is 1 Minority and
15 0 Women.
16 Of 132 Sergeants, there are 3 Minority employees and
17 0 Women.
18 Of 42 Lieutenants, there is 1 Minority employee and 0
19 Women.
20 Of 780 Police Officers, there are 78 Minorities and
21 27 Women.

16 Transportation Department - Total Employees - 450
17 All 18 Women are in clerical positions.

18 Department of Water Utilities - Total Employees - 563
19 Women 10.4% but there are no women out of 401 employ-
20 ees in Crafts, Operative and Laborer positions.

20 City Attorney - 43 Attorneys
21 Minorities 1
22 Women 2

23 D. Minority employees and Women are paid at rates sub-
24 stantially lower than the rates paid white, male employees. As
25 of September 25, 1975, the City of San Diego paid its employees
26 an average salary of \$1056/month. The average for Minority employees
27 was \$912/month and that of Women \$739/month. That discrimination
28 as to race, national origin and sex exists among City employees
29 is clear from the following salary breakdown:

30 Over \$2000/mo. - Total - 113, 1.8% of all employees
31 Minorities 4, 0.1% (Mex.-Amer. 3; Black 1)
32 Women 1

1 \$1800-1999/mo. - Total - 79, 1.2% of all employees.
2 Minorities 11, 0.2% (Mex.-Amer. 4; Black 5)
3 Women 4, 0.1%
4
5 \$1600-1799/mo. - Total - 314, 5% of all employees.
6 Minorities 27, 0.4% (Mex.-Amer. 11; Black 9)
7 Women 8, 0.1%
8
9 \$1400-1599/mo. - Total - 490, 7.7% of all employees.
10 Minorities 50, 0.8% (Mex.-Amer. 18; Black 17)
11 Women 16, 0.3%
12
13 \$1200-1399/mo. - Total - 1355, 21.4% of all employees.
14 Minorities 134, 2.2% (Mex.-Amer. 60; Black 52)
15 Women 60, 0.9%
16
17 \$1000-1199/mo. - Total - 1089, 17.2% of all employees.
18 Minorities 316, 4.9% (Mex.-Amer. 95; Black 192)
19 Women 132, 2.1%
20
21 \$800-999/mo. - Total - 1216, 19.2% of all employees.
22 Minorities 425, 6.7% (Mex.-Amer. 147; Black 244)
23 Women 241, 3.8%
24
25 \$600-799/mo. - Total - 848, 13.4% of all employees.
26 Minorities 241, 3.8% (Mex.-Amer. 77; Black 117)
27 Women 480, 7.6%
28
29 \$400-599/mo. - Total - 84, 1.3% of all employees.
30 Minorities 24, 0.4% (Mex.-Amer. 14; Black 8)
31 Women 75, 1.2%
32
33 Under \$400/mo. - Total - 18, 0.3% of all employees.
34 Minorities 4, 0.1% (Mex.-Amer. 2; Black 2)
35 Women 12, 0.2%
36
37 Hourly Employees - Total - 733, 11.6% of all employees.
38 Minorities 200, 3.2% (Mex.-Amer. 62; Black 120)
39 Women 311, 4.9%
40
41 Total Employees Under \$999/mo. = 2899, 45.7% of all
42 employees.
43 Total Minorities Under \$999/mo. = 894, 62.6% of all Min.
44 employees.
45 Total Women Under \$999/mo. = 1119, 83.5% of all Women.

VI

27 The State of California directed the City in 1972 to adopt
28 an affirmative action policy to assure equal employment oppor-
29 tunity in City hiring and promotion. Since then, individual
30 City departments have submitted affirmative action reports to
31 the City's Department of Personnel ranging from a short state-
32 ment that the department is an equal opportunity employer to a

1 longer implementation plan. The 1974-1975 Affirmative Action
2 Report issued by the City's Department of Personnel is a collection
3 of these individual department plans plus some City-wide statis-
4 tics. The Department of Personnel operates effectively in the
5 data collection area but has little or no implementation
6 responsibility, hiring being principally the province of the
7 individual City departments.

8
9 VII

10
11 Sanctions imposed by the Office Of Revenue Sharing are
12 necessary immediately to secure prima facie compliance by
13 respondent City with the nondiscrimination provisions of the
14 Revenue Sharing Act and regulations adopted thereto. Without
15 the imposition of immediate sanctions, respondent City will
16 continue to utilize federal revenue sharing monies in a manner
17 which perpetuates past and present employment discrimination.

18
19 WHEREFORE, petitioners request that the Office of Revenue
20 Sharing undertake to grant the following relief within a period
21 of 15 days hereafter:

22 1. That the Office of Revenue Sharing notify respondent City
23 of its intention to defer any further funding to the City from
24 general revenue sharing funds unless and until the respondent
25 provides proof of its compliance with the nondiscrimination
26 provisions of federal law, the provisions of Title 31 C.F.R.
27 §51.59(a) notwithstanding;

28 2. That the Office of Revenue Sharing conduct a pre-award
29 compliance review of the employment policies of the City of
30 San Diego to determine its full compliance with nondiscrimination
31 provisions of the Revenue Sharing Act; and establish a timetable
32 for compliance pursuant to Title 31 C.F.R. §51.58(b);

1 3. That the Office of Revenue Sharing defer any future
2 funding to respondent City pending receipt by the Office of
3 Revenue Sharing of a certification from the Equal Employment
4 Opportunity Commission of the validity of the City's Affirmative
5 Action Plan; and take other action pursuant to Title 31 C.F.R.
6 §51.53(b)(conformity in employee selection procedures);

7 4. That the Office of Revenue Sharing promulgate and pub-
8 lish in the Federal Register a regulation materially similar
9 to Revised Order No. 4 of the Office of Federal Contract
10 Compliance. 41 C.F.R. §60-62; and,

11 5. That the Office of Revenue Sharing hereafter require
12 all recipients of Revenue Sharing funds to certify in the
13 recipient's Actual Use Report to the Office of Revenue Sharing
14 that the recipient is in full compliance with federal non-
15 discrimination provisions, including specific assurances either
16 (a) that the minority component among recipient's employees has
17 reached parity with the minority component in the geographic
18 area administered by the recipient, or (b) that the recipient
19 has identified a lack of parity in its minority hiring and
20 promotion, and has provided explicit goals and timetables to
21 achieve such parity within a period not to exceed three years
22 thereafter.

23
24
25 DATED: December 10, 1975.

Respectfully Submitted,

CASA JUSTITIA

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29 By: Upton Harris
Attorney for Petitioner

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BEFORE THE UNITED STATES DEPARTMENT OF JUSTICE,
OFFICE OF REVENUE SHARING

CASA JUSTICIA,

Petitioner,

v.

COUNTY OF SAN DIEGO, STATE OF CALIFORNIA; William Winterbourne,
Director of Personnel, County of San Diego; Robert Berrey, County
Counsel, County of San Diego,

Respondents.

No.

)}
)} PETITION FOR RELIEF TO
)} ASSURE NONDISCRIMINATION IN
)} THE EXPENDITURE OF REVENUE
)} SHARING FUNDS.
)} (31 U.S.C. §1221 et. seq.)

I.

Petitioner, CASA JUSTICIA (hereinafter CASA) is a non-profit organization whose members are Mexican-American (Spanish-Surnamed) individuals residing in San Diego County, a substantial number of whom speak Spanish as their sole or primary language. For more than four years, two of CASA's primary purposes have been the eradication of racial discrimination in public employment and the provision of effective and meaningful public services to the Spanish-speaking community in San Diego County. Petitioner has a continuing interest in promoting the economic, educational and cultural advancement of ethnic minorities and women within the Respondent County of San Diego (the "County"). Petitioner files this complaint on behalf of itself, its individual and group members, and all similarly situated persons within the County to secure enforcement of the non-discrimination provisions

1 of the State and Local Fiscal Assistance Act of 1972 (the
2 "Revenue Sharing Act"), 31 U.S.C. §1221 et seq., 31 C.F.R. §51
3 et seq., and the Fourteenth Amendment to the United States
4 Constitution. This petition is submitted on behalf of all
5 individuals who are eligible for, and available for, positions
6 of employment with the Respondent, COUNTY OF SAN DIEGO, or for
7 advancement in job positions with the County, but who are
8 denied job opportunities because of policies and practices of
9 the County. These policies and practices have a discriminatory
10 effect on minorities and women in their job recruitment, place-
11 ment, promotion, training and salaries. This is a class com-
12 plaint pursuant to title 31 C.F.R. §51.57(a).

13
14 II

15
16 Respondent, COUNTY OF SAN DIEGO, is a political sub-division
17 of the State of California and a recipient of funds under the
18 Revenue Sharing Act. Respondent William Winterbourne is Director
19 of the Personnel Department of respondent County and is respon-
20 sible for assuring nondiscrimination in County employment prac-
21 tices on a daily basis. Respondent, Robert Berrey, is County
22 Counsel for respondent County and is the person ultimately
23 responsible for advising County authorities of their legal
24 obligations in County employment practices. The County Budget
25 for the current fiscal year is approximately \$438 million. As
26 of June 30, 1975, the County received approximately \$43 million
27 in Revenue Sharing funds from the Federal Government. The County
28 will receive approximately \$7 million in Revenue Sharing funds
29 during the fiscal period from July 1, 1976, through December 31,
30 1976.

1 III

2
3 The Revenue Sharing Act contains an explicit prohibition
4 on the use of revenue sharing funds by any recipient government
5 in any manner which tends to perpetuate racial or ethnic discrimi-
6 nation:

7 No person in the United States shall on the grounds
8 of race, color, national origin, or sex be excluded
9 from participation in, be denied the benefits of, or
10 be subjected to discrimination under any program or
11 activity funded in whole or in part with funds made
12 available under (the Act). (31 U.S.C. §1242(a);
13 Supp. III, 1973).

14 IV

15 Regulations adopted by the Office of Revenue Sharing
16 pursuant to the nondiscrimination provision of the Revenue
17 Sharing Act provide in part that:

18 Employment Practices: In any program or activity
19 funded in whole or in part with entitlement funds,
20 a recipient government may not (directly or indirectly
21 through contractual or other arrangements) subject any
22 individual to discrimination on the ground of race,
23 color, national origin, or sex in its employment
24 practices. These practices include recruitment,
25 recruitment advertising, hiring, layoff, termination,
26 upgrading, demotion, transfer, rates of pay or other form
27 of compensation, use of facilities, and other terms
28 and conditions of employment.
29 Title 31 C.F.R. §51.53(a) (40 Fed. Reg. 50030,
30 October 28, 1975).

31 V

32 Respondent County has used federal revenue sharing funds
to perpetuate its policy and practice of maintaining racial and
ethnic discrimination in County employment. Petitioners have
sought redress unsuccessfully from County authorities for past
discriminatory employment practices at various times in the past.
Respondent County does not know the exact dollar amount which each
County department will receive from Revenue Sharing Funds during
Fiscal Year 1976. However, certain reasonable estimates can

1 be made based on (a) County hiring figures available as of
2 June 25, 1975, and August 25, 1975, (b) past allocations of
3 Revenue Sharing funds among the various County departments,
4 and (c) the 1975 Affirmative Action Plan submitted individually
5 by various County agencies to the Office of Personnel. Some
6 tentative conclusions emerge from these figures:

7 A. According to the 1970 Federal Census, the population
8 of San Diego County contains 12.8% Spanish-surnamed, 4.6% Black
9 and 2.68% Pan-Asian residents. The County of San Diego employs
10 10,772 permanent and temporary employees of whom 4,21 are
11 Spanish-surnamed, 4,947 are Black and 1,97% are Pan-Asian.
12 Recruitment and hiring decisions have resulted in a substantial
13 underrepresentation of Spanish-surnamed and Pan-Asian residents
14 in the ranks of the County's employees.

15 B. Spanish-surnamed and Black employees are employed in
16 most job categories at rates substantially lower than they are
17 represented in the community. Further, there is a substantial
18 discrimination within job categories resulting in the Spanish-
19 surnamed and Black employees generally occupying the lower-
20 echelon positions. The following figures illustrate this
21 discrimination:

22 As of November 1, 1975, the Affirmative Action Division
23 of the County Department of Personnel released the
24 following statistics by job category:

25 Administrators/Officials - County Total - 63.
0 Black
2 Spanish-surnamed, 3.17%

26 Professional
27 Supervisory - County Total - 1123.
28 27 Black, 2.4%
20 Spanish-surnamed, 1.78%
29 Non-Supervisory - County Total - 2073.
66 Black, 3.16%
59 Spanish-surnamed, 2.84%

30 Technical
31 Supervisory - County Total - 159.
15 Black, 9.43%
8 Spanish-surnamed, 5.03%
32 Non-Supervisory - County Total - 363
9 Black, 2.47%
20 Spanish-surnamed, 5.5%

1 Law Enforcement

2 Supervisory - County Total - 148

3 0 Black

4 1 Spanish-surnamed, 0.67%

5 Non-Supervisory - County Total - 516

6 6 Black, 1.16%

7 20 Spanish-surnamed, 3.87%

8 Skilled Crafts

9 Supervisory - County Total - 155

10 10 Black, 6.45%

11 6 Spanish-surnamed, 3.87%

12 Non-Supervisory - County Total - 588

13 88 Black, 14.96%

14 41 Spanish-surnamed, 6.97%

15 Office Clerical

16 Supervisory - County Total - 764

17 14 Black, 1.83%

18 11 Spanish-surnamed, 1.43%

19 Non-Supervisory - County Total - 3032

20 125 Black, 4.12%

21 144 Spanish-surnamed, 4.74%

22 Semi-Skilled

23 Supervisory - County Total - 96

24 8 Black, 8.33%

25 6 Spanish-surnamed, 6.25%

26 Non-Supervisory - County Total - 586

27 106 Black, 18.08%

28 53 Spanish-surnamed, 9.04%

29 Unskilled - County Total - 82

30 19 Black, 23.17%

31 11 Spanish-surnamed, 13.41%

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C. Among those County agencies receiving Revenue Sharing funds, there is also a pattern of hiring discrimination against Black and Spanish-surnamed job aspirants:

As of August 25, 1975, the Affirmative Action Division of the County Department of Personnel released the following employment statistics as to agency employment of Black and Spanish-surnamed citizens:

Fiscal and Justice - Total - 1924

31 Black, 1.61%

58 Spanish-surnamed, 3.01%

Health Care - Total - 1288

116 Black, 9%

60 Spanish-surnamed, 4.65%

Human Resources - Total - 3951

230 Black, 5.82%

147 Spanish-surnamed, 3.72%

Community Services - Total - 2043

96 Black, 4.69%

117 Spanish-surnamed, 5.72%

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County Counsel - Total - 47
1 Black, 2.12%
1 Spanish-surnamed, 2.12%

District Attorney - Total = 281.
5 Black, 1.77%
7 Spanish-surnamed, 2.49%

Parks and Recreation - Total - 121
1 Black, 0.82%
6 Spanish-surnamed, 4.95%

D. Women are the object of substantial discrimination as to position within the various agencies of the County. While women, indeed, make up 49.3% of County employees, only 7.9% of Administrators are women and only 24.1% of Professional Supervisory employees are women.

E. Blacks, Spanish-surnamed employees and women are paid at rates substantially lower than the rates paid white male employees. As of June 25, 1975, the County of San Diego paid a median salary of \$990 per month. The median for Black and Spanish-surnamed employees was \$764 per month with only 32.3% of these employees at or above the overall County median. The median salary paid women employees was \$772 per month with only 28% of women employees earning at or above the County overall median. That discrimination as to race, national origin and sex exists among County employees is clear from the following salary breakdown:

As of June 25, 1975, the Affirmative Action Division of the County Department of Personnel released these salary figures:

Over \$1801/no. - Total - 396
7 Black, 1.76%
7 Spanish-surnamed, 1.76%
28 Women, 7.07%

\$1595-1801/no. - Total - 348
4 Black, 1.14%
3 Spanish-surnamed, 0.86%
35 Women, 10.05%

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\$1411-1594/mo. - Total - 797
11 Black, 1.38%
17 Spanish-surnamed, 2.13%
179 Women, 22.45%

\$1249-1410/mo. - Total - 1300
26 Black, 2%
33 Spanish-surnamed, 2.53%
430 Women, 33.07%

\$1106-1248/mo. - Total - 1127
46 Black, 4.08%
44 Spanish-surnamed, 3.90%
292 Women, 25.9%

\$979-1105/mo. - Total - 903
31 Black, 3.43%
36 Spanish-surnamed, 3.98%
393 Women, 43.52%

Below \$979 - Total - 5901
408 Black, 76.5% of all Black employees
313 Spanish-surnamed, 69.1% of all Spanish-surnamed.
3954 Women, 67.0% of all Women employees.

VI

The State of California directed the County in July, 1972, to adopt an affirmative action policy to assure equal employment opportunity in County hiring. Since then, individual County agencies have submitted affirmative action statements to the County's Department of Personnel ranging from a short statement that the agency is an equal opportunity employer to a longer plan of action. Upon inquiry, there exists only this miscellaneous collection of individual plans. The Affirmative Action Division of the Department of Personnel operates effectively in the data collection area but has little or no implementation responsibility, hiring being principally the province of the individual County agencies.

VII

Sanctions imposed by the Office of Revenue Sharing are necessary immediately to secure prima facie compliance by

1 respondent County with the nondiscrimination provisions of
2 the Revenue Sharing Act and regulations adopted thereto. With-
3 out the imposition of immediate sanctions, respondent County
4 will continue to utilize federal revenue sharing monies in a
5 manner which perpetuates past and present employment discrim-
6 ination.

7
8 WHEREFORE, petitioners request that the Office of
9 Revenue Sharing undertake to grant the following relief within
10 a period of 30 days hereafter:

11 1. That the Office of Revenue Sharing notify respondent
12 County of its intention to defer any further funding to the
13 County from general revenue sharing funds unless and until the
14 respondent provides proof of its compliance with the nondiscrim-
15 ination provisions of federal law, the provisions of Title 31 C.F.
16 §51.59(c) notwithstanding;

17 2. That the Office of Revenue Sharing conduct a pre-award
18 compliance review of the employment policies of San Diego County
19 to determine its full compliance with nondiscrimination provisions
20 of the Revenue Sharing Act; and establish a timetable for com-
21 pliance pursuant to Title 31 C.F.R. §51.58(b);

22 3. That the Office of Revenue Sharing defer any future
23 funding to respondent County pending receipt by the Office of
24 Revenue Sharing of a certification from the Equal Employment
25 Opportunity Commission of the validity of the County's Affirm-
26 ative Action Plan; and take other action pursuant to Title 31
27 C.F.R. §51.53(b)(conformity in employee selection procedures);

28 4. That the Office of Revenue Sharing promulgate and
29 publish in the Federal Register a regulation materially similar
30 to Revised Order No. 4 of the Office of Federal Contract
31 Compliance. 41 C.F.R. §60-62; and,

32 5. That the Office of Revenue Sharing hereafter require