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# FEDERAL AFFIRMATIVE EMPLOYMENT

Status of Women and Minority Representation in Federal Law Enforcement Occupations

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#### FEDERAL AFFIRMATIVE EMPLOYMENT

Summary of Statement by Bernard L. Ungar, Director, Federal Human Resource Management Issues

The Chairman of the House Committee on Post Office and Civil Service asked GAO to determine the representation status of women and minorities in law enforcement occupations in four agencies of the Justice Department, four agencies of the Treasury Department, and the Postal Inspection Service of the U.S. Postal Service. GAO examined one or more occupations at each agency, including the criminal investigating occupation at all nine agencies. This occupation included such law enforcement officers as DEA agents, FBI agents, Secret Service agents, IRS agents, and postal inspectors.

The number of women and minorities in the occupations has increased in general since September 1987. However, a group's increase in number did not always translate to it gaining a larger percentage of an agency's law enforcement occupation. And, when September 1991 women and minority profiles are compared against women and minority profiles in relevant civilian labor force data from the 1990 decennial census, women and minorities were frequently underrepresented in the occupations we reviewed. The usual means of determining representation is to compare the women and minority profiles of a federal occupation with the profile of the appropriate civilian labor force.

We also examined the grade level representation of women and minorities in the criminal investigating occupation, which was the major occupation reviewed, and found that as of September 1991, the percentage of women generally went down as the grade levels went up. Mr. Chairman and Members of the Committee:

We are pleased to be here today to share with you the results of our analyses concerning the representation of women and minorities in federal law enforcement occupations. As you requested, we analyzed gender, race, and national origin data for persons employed at nine federal agencies and covered by the special federal law enforcement retirement provisions.<sup>1</sup>

The agencies are the

- -- Drug Enforcement Administration (DEA);
- -- Federal Bureau of Investigation (FBI);
- -- U.S. Immigration and Naturalization Service (INS);
- -- U.S. Marshals Service (USMS);
- -- Bureau of Alcohol, Tobacco and Firearms (BATF);
- -- U.S. Customs Service (CS);
- -- Internal Revenue Service (IRS);
- -- U.S. Secret Service (SS); and
- -- U.S. Postal Service (USPS).

The first four agencies are in the Justice Department, and the second four are in the Treasury Department. At the Postal Service, we analyzed data on the Postal Inspection Service, which is the law enforcement and audit arm of the Postal Service.

#### BACKGROUND

A basic federal personnel policy, set out by the Civil Service Reform Act of 1978, is to create a competent, honest, and productive federal workforce that is reflective of the nation's diverse population. Supporting this policy are federal statutes requiring agencies to

- -- develop and implement affirmative employment programs to eliminate the historic underrepresentation of women and minorities in the federal workforce and
- -- conduct affirmative recruitment for those occupations and pay grades in which women and minorities are underrepresented.

The Equal Employment Opportunity Commission is responsible for providing agencies with guidance on their affirmative employment programs and approving agency plans for those programs. The Commission's current instructions for preparing affirmative employment plans and reports, which are provided in the Commission's Management Directive 714, went into effect on

<sup>&</sup>lt;sup>1</sup>The special law enforcement retirement benefits permit law enforcement officers to retire at age 50 with 20 years of service, whereas regular federal employees generally must be at least age 55 with 30 years of service. Other differences exist as well.

October 1, 1987. The directive requires agencies to determine whether underrepresentation exists by comparing the representation of women and minority groups in their workforces with each group's representation in the appropriate civilian labor force.

## APPROACH

The Office of Personnel Management's Central Personnel Data File (CPDF) provides information on the federal civilian workforce, and the data we analyzed for eight of the nine agencies came from it. Departments and agencies provide the data that goes into the CPDF.<sup>2</sup> The USPS does not supply data to the CPDF, so we obtained workforce data from the Postal Inspection Service.

At the end of fiscal year 1991, according to the CPDF and USPS data, about 37,000 employees at the 9 agencies were covered by the special law enforcement retirement provisions.<sup>3</sup> Nearly all of these employees were in seven federal occupations.

Occupation series	Occupation group
0082	U.S. Marshal
0083	Police .
1801	General Inspection, Investigation, and Compliance
1802	Compliance Inspection and Support
1811	Criminal Investigating
1896	Border Patrol Agent
2181	Aircraft Operation

<sup>2</sup>Agencies are encouraged by OPM to provide complete and accurate data to the CPDF. Even so, agencies' internal records may contain differences from the CPDF. In this regard, see appendix I for discussion about the U.S. Marshals Service.

<sup>3</sup>For purposes of this review, we included employees of the Secret Service who are covered by the District of Columbia Police Officers and Fire Fighters' Retirement program.

2

Most of the covered employees, about 80 percent, were in the 1811 criminal investigating occupation. All nine agencies had employees in this occupation, which includes such federal law enforcement personnel as DEA agents, FBI agents, Secret Service agents, IRS agents, and postal inspectors.

Our analyses were confined to covered employees in the seven occupations, with special emphasis on the criminal investigating occupation. For four agencies, the criminal investigating occupation and one or more of the other occupations were analyzed. For five agencies, the criminal investigating occupation was the only occupation analyzed. Appendix II shows the number of employees we reviewed by agency and occupation.

To do our analyses, we took "snapshots" of the workforces at two different points in time, the last day of fiscal year 1987 and the last day of fiscal year 1991.<sup>4</sup> We then compared the snapshots to determine if gender, race, and national origin profiles changed. We selected the last day of fiscal year 1987 as our beginning point because it was the day before Management Directive 714 took effect.

We also compared the 1991 profiles with gender, race, and national origin profiles of relevant civilian labor forces (see app. III). The civilian labor force data we used was compiled by the Census Bureau from the 1990 decennial census. Finally, we compared the percentage of white men, women, and minorities in the criminal investigating occupation as of September 1991 by agency and by grade.

As agreed, for all analyses, we did not attempt to determine why the conditions we found existed. We did learn that DEA has been under court order to improve its equal employment profile for black agents with respect to certain law enforcement positions at certain grade levels. The other eight agencies, we were told, are currently not under court order.

<sup>&</sup>lt;sup>4</sup>CPDF data, which covered eight agencies, were as of Sept. 30, 1987, and Sept. 30, 1991. USPS data were as of Sept. 25, 1987, and Sept. 20, 1991. Each date was the last day in the respective fiscal year.

## COMPARISONS BETWEEN 1987 AND 1991: NUMBER OF INDIVIDUALS

In making comparisons between fiscal years 1987 and 1991, we analyzed data for 10 groups of people--white men and women, black men and women, Hispanic men and women, Asian men and women, and American Indian men and women.<sup>5</sup> We determined whether the number of individuals in each group grew, declined, or remained the same between fiscal year 1987 and fiscal year 1991.

As table 1 shows, most groups experienced more increases in their numbers than decreases and no changes together. However, there were exceptions. American Indian men and American Indian women more frequently experienced decreases and no changes rather than increases. Across all groups, many of the decreases and no changes came from four occupations--the aircraft operations occupation (2181) at the Immigration and Naturalization Service and the Customs Service, the marshals occupation (0082) at the Marshals Service, and the inspector occupation (1801) at the Customs Service. (Usually, a no change meant that no individual from a group was employed as of Sept. 1987 and Sept. 1991.)

<sup>&</sup>lt;sup>5</sup>For brevity, we identified Asian American/Pacific Islanders as Asian and American Indian/Alaskan Native as American Indian.

Table 1: Increase/ Decrease/ No
Change in Number of People by
Group and Occupation
(Sept. 1991 Compared to Sept. 1987)

		White		Black -		Hispanic		Asian		American Indian	
Agency	Occ.	м	W	M	W	М	W	М	W	м	W
DEA	1811										
FBI	1811										
INS	1801										
	1802						iiiiiii				
	1811										
	1896										
	2181										
USMS	0082										
	1811										
BATE	1811							1999 - 1999 -			<u> </u>
CS	1801										
	1811										1
	2181										
IRS	1811										t —
SS	0083										
	1811										
USPS	1811										

M = Men W = Women



No Change (36 categories)

Decrease (21 categories)

Note: There are 170 categories in total (10 groups x 17 occupations).

Source: CPDF and USPS data.

The increases ranged from 1 person to 579 people. Another way of expressing these increases is by computing a rate of increase. This is done by dividing the amount of increase by the number of employees in that category in 1987. For most of the 113 categories with increases, the rates of increase were within 2 ranges--11 to 50 percent and over 100 percent.

## COMPARISONS BETWEEN 1987 AND 1991: WORKFORCE PERCENTAGES

In addition to numbers of people, we determined whether each group's percentage of the workforce changed between fiscal year 1987 and fiscal year 1991. There were increases in workforce percentages, decreases in workforce percentages, and no changes in workforce percentages. The increases ranged from 0.01 percent to 8.54 percent; the decreases ranged from 0.01 percent to 11.66 percent.

Using these results, we counted, for each occupation and agency, the number of times a group's workforce percentage changed or stayed the same. White women, Hispanic men, Hispanic women, Asian men, and Asian women all had more instances where their percentage of the workforce grew by some degree. The opposite was true for white men, black men, black women, American Indian men, and American Indian women. That is, the number of decreases and no changes together were greater than the number of increases.

## COMPARISONS TO 1990 CIVILIAN LABOR FORCE DATA

The Equal Employment Opportunity Commission requires agencies, in developing their affirmative employment plans, to compare the representation of women and minority groups in their workforces with the representation of the same groups in the appropriate civilian labor force. According to the Commission, underrepresentation exists if the percentage rate at which a group is represented in an agency's workforce is less than the rate at which the group is represented in the civilian labor force. On the basis of their analyses, agencies are to take steps to address barriers and problems that restrict equal employment opportunities.

The Commission requires agencies to use decennial census data as benchmarks for determining underrepresentation, and we used 1990 decennial census data to make our determinations. Depending on where employee recruiting is done, the Commission allows agencies to use local or national census data to determine underrepresentation. Because we did not examine how every agency recruited applicants for each occupation, we used national census data to make our determinations.

As we have discussed in past testimony, it is important to identify the most appropriate civilian labor force with which to make comparisons. The Commission, working with the Office of Personnel Management, created a "crosswalk" that matches federal occupations with occupations in the decennial census' civilian labor force. For example, for the 1811 criminal investigating series, the corresponding census occupation is "police and detectives, public service." We used the crosswalked census occupations for our analyses. Appendix III lists each of the seven occupations we reviewed and the crosswalked census occupation.

The crosswalk does not necessarily provide a perfect fit between federal and census occupations. For example, the census occupation crosswalked to U.S. Marshals includes sheriffs, who may be elected officials. Nevertheless, the crosswalk is the only readily available means of connecting federal occupations with those in the decennial census civilian labor force.

To determine to what extent representation existed, we computed an index where 100 indicates full representation and lower numbers indicate underrepresentation. We computed the index by dividing each group's percentage of the federal occupation by its percentage in the corresponding civilian labor force occupation and then multiplied by 100.

As table 2 shows, underrepresentation was common at the end of fiscal year 1991. About 72 percent of the categories had a representation index of less than 100. Eleven of these categories were almost fully represented, having indexes in the 90s. All women and minority groups had many categories of underrepresentation, especially black men and women and American Indian men and women. Table 2: Representation by Groupand Occupation as of Sept. 1991 inComparison to 1990 Civilian LaborForce

	Occ.	White		Black		Hispanic		Asian		American Indian	
Agency		M	W	M	W	M	W	м	W	M	W
DEA	1811										
FBI	1811										
INS	1801										
	1802		1		2 (1) 2						
	1811		1								
	1896		1				SHIMMER ST				
	2181										
USMS	0082	COCC20000000									
	1811										
BATE	1811										
CS	1801										
	1811										
	2181			<u> </u>							
IRS	1811				899						
SS	0083										
	1811										· · · · ·
USPS	1811										

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#### M = Men W = Women

Representation index at/over 100 (48 categories)

Representation index in 90s (11 categories)

Representation index under 90 (111 categories)

Note: There are 170 categories in total (10 groups x 17 occupations).

Source: CPDF, USPS, and 1990 CLF data.

To provide some indication of how slight or significant the underrepresentation was, we calculated how many more individuals would have been needed to attain full representation.<sup>6</sup> Before going further, we want to emphasize that we are not suggesting the use of quotas. We are simply illustrating what we mean, in people terms, when we say a category is underrepresented.

For the 122 categories where underrepresentation was indicated, the estimated number of persons who would have been needed to reach full representation ranged from less than 1 person to about 480 individuals. About 69 percent of the 122 categories would have needed 1 to 50 individuals. Table 3 shows the estimated number needed by category.

<sup>&</sup>lt;sup>6</sup>We calculated the number of people needed in the following way. We first ascertained a group's percentage in a civilian work force. For example, white men make up 72.10 percent of the police and detectives civilian labor force occupation. We applied that percent to the total number of employees in the criminal investigating occupation at each agency. The resulting number was the estimated number of white male criminal investigators needed for full representation. We then compared the fully representative number with the number of white male criminal investigators actually employed.

		Whi	te	Bla	ack	Hisp	anic	Asian		American Indian	
Agency	Occ	M	Ŵ	M	W	м	W	М	W	м	W
DEA	1811		101	23	56		10				3
FBI	1811			476	206	45	36		4	34	6
INS	1801	19	37	13	. 34			4	2	.82	2
	1802	200	155		.62			30	15		2
	1811	120	22	66	29					5	2
	1896	482	242	282	96			18	4	17	3
	2181		<u></u> 3	.96	.18	.37	.05		.03	. 2 3	.01
USMS	0082			39	16	11	3	3	2	3	.84
	1811		19	14	37	3	6	11	3		.89
BATF	1811		2	29	25		3	4		7	3
CS	1801		42	15	15		6	.63	2	2	.65
	1811		20	171	65		6		3	5	4
	2181		8	3	.87	.75	.26	4	.14	2	.06
IRS	1811	69		128	7	72				5	3
SS	0083		50			33	9	8	2	7	2
	1811		66	61	38	20	14		2	5	2
USPS	1811			27	12	39	11			6	2

## Table 3: Estimated Number of Persons Needed to Reach Full Representation, By Occupation and Group (Sept. 1991)

Note: Except when the estimated number was less than 1 person, each fraction of a person was rounded to the next whole person; for example, 21.06 was rounded to 22 people.

Source: CPDF, USPS, and 1990 CLF data.

10

The less-than-1-person categories were mainly black women and American Indian women categories and aircraft operation categories. The over-50-persons categories were usually white men, white women, black men, and black women categories.

The estimated number of additional persons needed to attain full representation may, to some, seem generally small or negligible. However, the estimates should be viewed relative to (1) each group's proportion in the civilian labor force occupation and (2) the total number of employees in the corresponding agency occupation.

For example, black men make up 8.72 percent of the police and detectives civilian labor force occupation. In September 1991, according to CPDF data, 10,329 FBI agents were under the special federal law enforcement retirement provisions. If 8.72 percent of them were black men, about 901 agents would be black males. The Immigration and Naturalization Service had 1,561 special agents; if 8.72 percent were black men, about 136 agents would be black males. (Black men were not fully represented at either agency. To reach full representation, we estimated that the FBI would have needed about 476 black male agents and the Immigration and Naturalization Service would have needed 66 black male agents.)

## COMPARISON AMONG AGENCIES OF CRIMINAL INVESTIGATING OCCUPATION

As mentioned earlier, among the occupations we reviewed, the 1811 criminal investigating occupation contains by far the largest number of federal law enforcement officers. All nine agencies have criminal investigating employees.

We compared the agencies to see how each, relative to the others, was doing in creating a representative criminal investigating workforce. We did so using three groups of people: white women, minority men, and minority women. The minority men and women groups include blacks, Hispanics, Asians, and American Indians. We also compared the agencies' profiles with the police and detective civilian labor force profile.

As figures 1, 2, and 3 show, the agencies differ as to where each stands relative to the others in achieving women and minority representation. This is true even for agencies within the same department. The representation level for white women is generally better than minorities, and the representation level for minority men is generally better than the representation level of minority women.



----- CLF Level for Full Representation Source: CPDF,USPS, and 1990 CLF data.



Figure 2: Representation of Minority Men in the Criminal Investigating Occupation (Sept. 1991)

----- CLF Level for Full Representation Source: CPDF, USPS, and 1990 CLF data.



Figure 3: Representation of Minority Women in the Criminal Investigating Occupation (Sept. 1991)

----- CLF Level for Full Representation Source: CPDF, USPS, and 1990 CLF data.

14

## DISTRIBUTION OF WOMEN AND MINORITIES BY GRADE IN CRIMINAL INVESTIGATING OCCUPATION

The presence of women and minorities in the criminal investigating occupation may also be gauged by where they stand in the grade structure of that occupation. The grade structure is not the same for all nine agencies. For example, unlike the other agencies, the Postal Service has an Executive and Administrative Schedule (EAS) pay plan rather than a General Schedule (GS) or General Management pay plan. The entry level for new postal inspectors is usually EAS-17. At other agencies, the entry level may be a grade 5, 7, 9, or 10. For example, the entry grade for new FBI agents is usually GS-10. New Secret Service agents usually begin at GS-5 or GS-7. At the Marshals Service, agents start in the deputy U.S. Marshal occupation (0082) at GS-5 or GS-7, and at GS-11 they convert to the criminal investigating occupation.

Persons who become criminal investigators go through a developmental period in which their promotion to the next grade is without competition. That is, they must meet the agency's criteria for promotion but they are not in competition with peers for promotion. However, in general terms, competition begins when they seek grade 12, grade 13, or grade 14 positions or EAS-24 positions.

We graphed the presence of white men, white women, minority men, and minority women in the criminal investigation grade structure as they stood at the end of fiscal year 1991. Figures 4, 5, 6, and 7 show the graphs. Besides showing that the occupation is white male dominated, the graphs show a general flat or downward line for white women and minority women as the grades go up. In other words, in general terms, the presence of women goes down as the grade levels go up. Figure 4: Justice Dept. (Excluding FBI) Grade Distribution by Group for the Criminal Investigating Occupation (Sept. 1991)





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Figure 5: FBI Grade Distribution by Group for the Criminal Investigating Occupation (Sept. 1991)

Figure 6: Treasury Department Grade Distribution by Group for the Criminal Investigating Occupation (Sept. 1991)



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The Justice Department graph combines DEA, Immigration and Naturalization Service, and Marshals Service data. Marshals Service data begins at grade 11. We broke out the FBI from the Justice Department because it had more criminal investigators than the other three Justice agencies combined. The Treasury graph combines data from the four Treasury agencies in this review. The Postal Service graph is of the Postal Inspection Service.

The CPDF and USPS data identified members of the nine agencies senior executive corps who were in the criminal investigator job series and under the special law enforcement retirement provisions. In total, 342 executives were identified, and about 49 percent were from the FBI. The data were as of September 1991.

There were no white women or minority women among these 342 senior executives at the FBI or the other Justice Department<sup>7</sup> agencies and none at the four Treasury Department agencies. There were four white women and one minority woman among the Postal Service executives--about 8 percent of the total number of executives identified. Minority men made up about 3 percent of the senior executives at the FBI, about 28 percent at the other Justice Department agencies, about 5 percent at the Treasury Department agencies, and about 8 percent at the Postal Inspection Service.

## CONCLUSIONS

In general, the number of women and minorities in the law enforcement occupations has increased since the end of fiscal year 1987. However, full representation still remains unmet in many instances. Agencies even within the same department have differing records in achieving a representative profile in the major law enforcement occupation, criminal investigating. The percentage of women in the upper grades of that occupation is relatively slight. And in that same occupation at the SES level, women were absent at the Justice and Treasury Department agencies.

<sup>&</sup>lt;sup>7</sup>There were 46 senior executives identified at the other Justice agencies, 45 of which were at the Drug Enforcement Administration.

#### REPRESENTATION AT THE U.S. MARSHALS SERVICE

CPDF workforce numbers for the Marshals Service differ from the Marshals Service's own records. In addition, in its affirmative employment program accomplishment report for fiscal year 1991, the Marshals Service said:

"In February 1992, the EEO Division contacted each Division and District to verify the Race and National Origin (RNO) code for every employee in the USMS. The EEO Division identified approximately 230 instances where the RNO was incorrect. In most cases, employees were listed in the automated personnel system as White although based on visual observation, they appear to be Black, Hispanic, Asian American or American Indian. Due to the number of employees coded incorrectly, the analysis of the agency workforce for prior years was not accurate. The statistics reported for the Fiscal Year 1991 reflect the corrected RNO codes."

We took the revised workforce statistics that the accomplishment report reported and computed a representation index in the same manner as we did for the CPDF statistics. (An index of less than 100 indicates underrepresentation.) We computed an index for the criminal investigating occupation. We were unable to compute a useable index for the deputy U.S. Marshal occupation because many deputy U.S. Marshals are not covered by the special federal law enforcement retirement provisions, and we could not identify them from the accomplishment report's statistics.

The index based on the revised statistics showed white men, black men, and Hispanic men to be fully represented in the criminal investigating occupation. No other groups were fully represented, although Asian men were close to full representation with an index of 97.72.

In comparison, the index we computed from the CPDF statistics showed white men and American Indian men to be fully represented. No other groups were fully represented, although black men and Hispanic men had indexes in the 90s. APPENDIX II

## NUMBER OF EMPLOYEES IN OUR ANALYSES BY AGENCY AND OCCUPATION

	Occu- pation	End FY 1987	
Drug Enforcement Administration	1811	2,790	3,555
Federal Bureau of Investigation	1811	9,433	10,329
Immigration and Naturalization Service	1801 1802 1811 1896 2181	287 351 1,000 3,170 59	378 818 1,561 3,628 66
U.S. Marshals Service	0082 1811	656 1,255	490 1,716
Bureau of Alcohol, Tobacco and Firearms	1811	1,344	1,988
U.S. Customs Service	1801 1811 2181	.81 2,747 251	229 2,860 326
Internal Revenue Service	1811	3,335	3,520
U.S. Secret Service	0083 1811	978 1,890	1,125 2,012
U.S. Postal Service	1811	1,814	2,051
Totals		<u>31,441</u>	<u>36,652</u>

Note: The employees are those who come under special law enforcement retirement provisions. The totals include 30 individuals from the 1987 column and 59 individuals from the 1991 column whose gender or race identification were missing from the CPDF and USPS data. The totals exclude 18 individuals from the 1987 column and 13 individuals from the 1991 column who were political appointees, nearly all of whom were U.S. Marshals.

#### APPENDIX III

## LAW ENFORCEMENT OCCUPATIONS AND "CROSSWALKED" 1990 DECENNIAL CENSUS CIVILIAN LABOR FORCE OCCUPATIONS

## Federal occupation

0082 U.S. Marshal

Support

1811 Criminal Investigating

Border Patrol Agent

2181 Aircraft Operation

General Inspection, Investigation, and Compliance

Compliance Inspection and

0083 Police

1801

1802

1896

1990 civilian labor force occupation

- 423 Sheriffs, Bailiffs,and Other Law Enforcement Officers
- 418 Police and Detectives, Public Service
- 036 Inspection and Compliance Officers, Except Construction
- 235 Technicians, N.E.C. (Not Elsewhere Classified)
- 418 Police and Detectives, Public Service
- 418 Police and Detectives, Public Service
- 226 Airplane Pilots and Navigators

Note: The crosswalk has a second civilian labor force occupation for the 1802 series--Administrative Support Occupations, N.E.C. We used the technicans occupations because the Immigration and Naturalization Service, in its affirmative employment report for 1991, had placed the 1802 series in a technical category.

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23