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DISCRIMINATION IN GOVERNMENT EMPLOYMENT IN SOUTH CAROLINA

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ABSTRACT

This paper assesses the success of the extensive efforts by federal, state and local governments to obtain equality of opportunity for minority group members in government positions in South Carolina. The study uses the 5% Public Use Microdata Sample from the 2000 Census to ascertain if employment of minority group members in government positions is consistent with its proportionality in the available labor force. The findings suggest, that after more than 30 years of efforts to obtain equality of employment opportunity in federal, state and local governments in South Carolina, significant progress has been made to ensure equality of opportunity for African Americans but more work is needed if equality is to be achieved for all minority group members.

INTRODUCTION

Although the federal sector has codified requirements for equal employment opportunity for over 200 years (i.e., 14th Amendment of the United States Constitution, Civil Rights Act of 1866, and Civil Rights Act of 1871), it has only become serious about enforcing equality of employment opportunity since 1964. The Civil Rights Act of 1964 prohibits discrimination in employment on the basis of race, color, sex, religion, or national origin. In 1972, South Carolina enacted legislation for the "...promotion of harmony and the betterment of human affairs." The South Carolina Human Affairs Law of 1972 states:

The General Assembly declares the practice of discrimination against an individual because of race, religion, color, sex, age, national origin, or disability as a matter of state concern and declares that this discrimination is unlawful and in conflict with the ideals of South Carolina and the nation, as this discrimination interferes with opportunities of the individual to receive employment and to develop according to the individual's own ability and is degrading to human dignity. (South Carolina Human Affairs Law of 1972)

The General Assembly created the South Carolina Human Affairs Commission (SCHAC) to encourage fair treatment for, and to eliminate and prevent discrimination against any person on the basis of race, religion, color, sex, age, national origin, or disability. The General Assembly directed that each state agency develops affirmative action plans to ensure equitable employment for members of minorities by race and sex and submit these plans to the SCHAC for approval. The SCHAC was also directed to cooperate with the United States Equal Employment Opportunity Commission (EEOC) in order to achieve the purposes of the Civil Rights Act of 1964 and with other federal, state and local agencies and departments.

Thus, a system of laws, regulations and reporting requirements has been established at the federal and state levels to promote equality of employment opportunity. At the federal level, each federal agency is required to evaluate its affirmative action efforts and report its progress annually. These reports are compiled by the EEOC and a report is submitted annually to the United States Congress showing the status of equality of opportunity in federal employment. At the state level, each South Carolina state agency is required to analyze its current workforce and compare the number of minorities employed to the available civilian workforce. The SCHAC is charged with monitoring state agencies to ensure compliance with state law. An annual report on the status of equal employment opportunities in South Carolina government positions is submitted to the General Assembly.

WHY THIS STUDY?

With annual reports on the status of equal employment opportunity in the federal government being compiled and submitted to the United State Congress and in the South Carolina government being compiled and submitted to the General Assembly, it is fair to ask why this study. We believe the official government reports do not present the totality of employment in the government sectors. That is, not only are certain jobs systematically excluded from federal and state reports, there is also no easy way to determine the pattern of overall government employment in the entire state of South Carolina.

The data base used by the EEOC to prepare the *Annual Report on the Federal Work Force Fiscal Year 2002* (2002) is the Civilian Personnel Data File (CPDF) submitted directly to the Office of Personnel Management by appointing authorities. The CPDF data base does not include information from agencies such as the U.S. Postal Service (USPS), Army and Air Force Exchange Service (AAFES), Central Intelligence Agency, Defense Intelligence Agency, National Imagery and Mapping Agency, and the National Security Agency. To complicate matters even more, the EEOC report on the Ten Year Trend in Government Wide Employment of Workers includes data from the CPDF plus data from AAFES, and USPS while all other analysis only includes data from the CPDF.

The *South Carolina Human Affairs Commission Annual Report 2004* submitted to the General Assembly excludes data from state agencies with 14 or fewer employees and 13 state agencies that are exempted from reporting (State Accident Fund, Office of Appellate Defense, Arts Commission, Attorney General's Office, Comptroller General, Department of Consumer Affairs, Election Commission, Commission on Higher Education, State Housing Authority, Insurance Commission, Technical College of the Low Country, State Board of Financial Institutions, and Williamsburg Technical College). Although there may be valid reasons for exempting these units from reporting, nevertheless, it does inhibit the development of an overall, comprehensive picture of equality of employment opportunity in the government on a statewide basis. In addition, neither of these two extensive reports provides any information on the status of equal employment opportunities in local government.

The authors believe that the Census data is a better indication of overall employment in the federal, state and local governments in South Carolina. Data in the 2000 U.S. Census is quite

inclusive, since it gathers data from every person residing in the state of South Carolina. Although the Census data is self-reported, we believe census respondents have a good understanding of whom their employer is and thus, the Census data is a better indication of overall employment in federal, state, and local governments than official data published by the various governmental agencies.

METHODOLOGY

Research Assumptions

In analyzing employment data to determine if equality of opportunity has been achieved in federal, state and local governments in South Carolina, certain assumptions have been made concerning the meaning of the terms equality of employment opportunity and minority group members. For the purpose of this study, equality of employment opportunity is defined as follows: The percent of minority group members working in federal, state and local governments in South Carolina in non-managerial, supervisory and managerial positions should be about the same as their percentage representation in the available labor force.

Our assumption is that, under conditions of equality of opportunity, the employment of minority group members over the past three decades in federal, state and local governments in South Carolina would result in an employment pattern that would be similar to the distribution in the available labor force. It is assumed that in order for the actual employment distribution of minorities in non-managerial, supervisory and managerial positions to be different from its distribution in the available labor force, intervention would be necessary. That is, the distribution of minority group members in federal, state and local governments in South Carolina should be similar to their distribution in the available labor force unless overt action was taken to increase or decrease this distribution.

The criteria of equality of employment opportunity, which is based on disparate impact, has been supported by federal courts. In equal employment opportunity cases in federal courts, complainants present evidence and arguments to support claims of discrimination. If those arguments cannot be rebutted with additional evidence, the claim is generally supported by the courts. In the equal employment opportunity area, statistics of under utilization have been sufficient to make a *prima facie* case for discrimination.

Racial Groupings

For the purposes of this study, minority group members have been classified into five categories: African American, Hispanic, Asian or Pacific Islander (Asian), American Indian or Alaskan Native (Native), and Other Minority. With the exception of the "Other Minority" category, this follows the federal government's EEOC guidelines that specify that the term minority is used to mean four particular groups who share a race, color or national origin. (EEOC, 2003).

African American (except Hispanic). A person having origins in any of the black racial groups of Africa.

Hispanic. A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

Asian or Pacific Islander (Asian). A person having origins in any of the original people of the Far East, Southeast Asia, India, or Pacific Islands.

American Indian or Alaskan Native (Native). A person having origins in any of the original peoples of North American, and who maintain their culture through a tribe or community.

Other Minority. A person who entered two or more major race groups or wrote in an entry such as "multiracial" or "mixed" in the census report.

For reporting purposes in the *Annual Report to the General Assembly (2004)*, SCHAC classifies minority employees into three racial groups (white, black, and all others). SCHAC defends this classification system by requiring that a minority group must exceed 2 percent of the relevant labor market to receive attention in its annual report to the General Assembly. We believe this policy excludes shining the light of public attention on some important classes of minority group members (i.e., Hispanics, Asians, Natives, and Others) that are protected under Title VII of the Civil Rights Act of 1964 and the South Carolina Human Affairs Law of 1972. Thus, we have selected the classification categories used by the EEOC.

Data Analysis

The data for this study was obtained from the 2000 U.S. Census 5% Public Use Microdata Sample. This analysis of federal, state and local government employment in South Carolina is restricted to individuals who were not members of the armed forces and were between 18 and 65 years of age inclusive. A total of 2,839 individuals comprise the 5% sample of federal government employment in South Carolina, 8,535 individuals comprise the 5% sample of state government employment in South Carolina, and 5,904 individuals comprise the 5% sample of local government employment in South Carolina. A total of 125,125 individuals comprise the 5% sample of the overall available labor force in the state.

The U.S. Census 2000 data was sorted by employment in federal, state and local government and into four major categories: overall employment, non-management occupations, supervisory positions, and management occupations. The non-management category includes jobs in service occupations; sales and office occupations; farming, fishing, and forestry occupations; construction, extraction, and maintenance occupations; production, transportation, and material moving occupations; and military specific occupations. (Persons employed in military specific occupations are not full-time military personnel.) The supervisory category includes all supervisory positions in the non-management category. The management category includes jobs in management, professional, and related occupations.

FINDINGS

Overall Employment of Minority Group Members

Table 1 shows the percentage of minority group members employed in federal, state and local governments and the percentage of minority group members in the available labor force in South Carolina in 2000. The percentage distribution of minority group members in the overall population in South Carolina suggests an expected distribution of employment. That is, if full equality of opportunity exists in employment of minority group members in federal, state and local governments in South Carolina, you would expect the percentage of minority group members employed in these governmental positions to be approximately the same as their percentage distribution in the labor force.

Table 1 shows only a little difference in the utilization of minority group members from what would be expected by their availability in the labor force. In comparison to the percent of minority group members in the population, South Carolina employs a higher percentage of African Americans than would be expected by their proportionality in the labor force. Thus, South Carolina has been very successful in encouraging the employment of African Americans in government jobs in the state.

Table 1
 Percentage [^] Employment of Minority Group Members by Federal, State and Local Governments in South Carolina and Their Percentage [^] Distribution in the South Carolina Population in 2000

Minority Group	Federal Government Employment	State Government Employment	Local Government Employment	Population Distribution in South Carolina
African American	32.1%*	33.1%*	33.4%*	29.7%
Hispanic	3.0	1.0*	0.9*	2.3
Asian	1.1	1.2	0.5*	0.9
Native	0.4	0.3	0.4	0.4
Other Minority	1.0	0.6	0.5*	0.7

[^]Percent of persons in age group 18-65.

*Difference between actual employment level and the population proportion is statistically significant at the .01 level.

Source: 2000 U.S. Census 5% Public Use Microdata Sample.

Asians are also well represented in the federal and state government sectors but are under represented in the local government sector. Natives have achieved parity in employment in all

sectors of the government. The only cause for concern appears to be Hispanic employment. Although Hispanics have achieved equality of opportunity in the federal government sector, they are significantly under employed in the state and local government sectors.

Employment of Minority Group Members in Non-Management Occupations

Table 2 shows the proportions of minority group members in non-management occupations in federal, state and local governments in South Carolina and their expected proportions for 2000. African Americans are well represented in non-management occupations in all sectors of government employment. Approximately one-third of federal jobs and over 40% of state and local government jobs are filled by African Americans, with an expected employment of 29.7%. Hispanics are underemployed in state and local government positions, but are well represented in federal positions in relation to their population distribution in South Carolina. Asians appear to be slightly underemployed in state and local government jobs but appear to have achieved parity in federal government jobs. Natives are employed at expected proportions in federal and local government positions, but appear to be under employed in state government positions.

Table 2
 Percentage[^] Employment of Minority Group Members by Federal, State and Local Governments in South Carolina in Non-Management Occupations and Their Percentage[^] Distribution in the South Carolina Population in 2000

Minority Group	Federal Government Employment	State Government Employment	Local Government Employment	Population Distribution in South Carolina
African American	35.6%*	46.1%*	41.6%*	29.7%
Hispanic	3.2*	0.9*	1.0*	2.3
Asian	0.8	0.6*	0.5*	0.9
Native	0.4	0.3*	0.4	0.4
Other Minority	1.1	0.7	0.5*	0.7

[^]Percent of persons in age group 18-65.

*Difference between actual employment level and the population proportion is statistically significant at the .01 level.

Source: 2000 US Census 5% Public Use Microdata Sample.

Employment of Minority Group Members in Supervisory Positions

The employment of minority group members in supervisory positions is shown in Table 3. The allocation of supervisory jobs within the various minority group members' categories is slightly skewed. As can be seen in Table 3, African Americans are well represented in supervisory positions in all sectors of governments while Hispanics are under represented in supervisory positions in all sectors of governments. Asians are underemployed in federal and state supervisory positions, but are employed at the expected level in local governments. Natives appear to be under represented in federal jobs but employed at levels indicating equality of opportunity in state and local government jobs.

Table 3
Percentage[^] Employment of Minority Group Members by Federal, State and Local Governments in South Carolina in Supervisory Positions and Their Percentage[^] Distribution in the South Carolina Population in 2000

Minority Group	Federal Government Employment	State Government Employment	Local Government Employment	Population Distribution in South Carolina
African American	33.0%*	33.6%*	34.0%*	29.7%
Hispanic	0.6*	1.2*	1.3*	2.3
Asian	0.0*	0.3*	0.8	0.9
Native	0.0*	0.6	0.3	0.4
Other Minority	0.6	0.3*	0.8	0.7

[^]Percent of persons in age group 18-65.

*Difference between actual employment level and the population proportion is statistically significant at the .01 level.

Source: 2000 US Census 5% Public Use Microdata Sample.

Employment of Minority Group Members in Management Occupations

Table 4 presents the distribution of minority group members in management, professional, and related occupations. This category of employment is often considered to have the more responsible and more prestigious positions. As can be seen in Table 4, South Carolina has not been as successful in moving African Americans to the more prestigious management occupations in federal, state and local governments as they have been in the other occupations. All sectors of government under employ African Americans in management occupations. In management positions, state and local governments significantly under employ Hispanics while the federal government has achieved parity. Interestingly, Asians are employed in higher proportions by federal and state governments than would be expected while local governments under employ Asians in management positions. Natives appear to have achieved parity in management positions in all levels of government in South

Carolina.

Table 4
 Percentage[^] Employment of Minority Group Members by Federal, State and Local Governments in South Carolina in Management Occupations and Their Percentage[^] Distribution in the South Carolina Population in 2000

Minority Group	Federal Government Employment	State Government Employment	Local Government Employment	Population Distribution in South Carolina
African American	24.9%*	24.3%*	23.3%*	29.7%
Hispanic	2.6	1.0*	0.7*	2.3
Asian	1.7*	1.5*	0.5*	0.9
Native	0.4	0.3	0.4	0.4
Other Minority	1.0	0.5	0.5	0.7

[^]Percent of persons in age group 18-65.

*Difference between actual employment level and the population proportion is statistically significant at the .01 level.

Source: 2000 US Census 5% Public Use Microdata Sample.

CONCLUSIONS AND RECOMMENDATIONS

The federal and South Carolina state and local governments have given considerable attention to developing personnel systems that ensure equality of opportunity and all have been fairly successful in their efforts to achieve equal employment opportunity in the employment of residents of South Carolina. We must conclude from this study, however, that the employment of minority group members in federal, state and local governments in South Carolina has mixed results. African Americans have benefitted greatly from the affirmative action programs of the federal, state and local governments. More attention must be paid to moving them into the more responsible and prestigious management occupations. Although the federal government has been fairly successful in the employment of Hispanics and Asians in non-management and management occupations in South Carolina, state and local governments have an extremely poor record of utilizing the talents of Hispanics and Asians. Hispanics were not utilized, as would be expected by their distribution in the available work force, in non-management, supervisory and management positions in state and local government jobs. Asians were not employed by the state government in non-management and supervisory positions and by local governments in non-management and management positions at the levels which would be expected given their distribution in the labor force. Thus, not all minorities in South Carolina have been afforded equal employment opportunity in all governmental sectors and occupations.

South Carolina's shortcomings in achieving equality of opportunity for all members of minority groups may be caused merely by a structural anomaly. SCHAC classifies racial groups into only three categories (Blacks, Whites and all others) based upon the premise that a minority group must exceed 2 percent of the available labor force to be worth considering. Human nature, being what it is, usually responds to what is expected. Thus, when little emphasis is placed on the employment of Hispanics and Asians, simply because data is not collected or reported to the General Assembly on the employment of Hispanics or Asians, then little action is taken to employ persons in these minority groups. The shortfall in the employment of African Americans in management positions may also be accounted for by the fact that SCHAC does not categorize its data into management and non-management positions. We assume that the local governments in South Carolina also follow the same practice of collecting and reporting data as established by the state, and thus have the same problems in emphasizing the employment of Hispanics and Asians and in moving African Americans into management occupations.

We recommend that SCHAC consider adopting three changes. First, require state agencies to report on the employment of members of all minority groups (including Hispanics, Asians, and Natives) regardless of their representation in the labor force. Two, include in the *Annual Report to the General Assembly* a statewide summary of employment patterns grouping jobs into the three broad categories of non-management, supervisory and management. Three, eliminate the exemption of certain state entities from reporting their employment of minorities. Adoption of these three simple recommendations will provide the General Assembly of South Carolina with an accurate overall picture of statewide employment patterns minority group members and the information needed to assess the overall impact of state efforts to obtain equality of opportunity in state government positions. In addition, with SCHAC redefining its reporting requirements to better assess the impact of affirmative action efforts on overall employment patterns of all minority members, we assume that local governments in South Carolina will follow the states' leadership role and modify their reporting practices and thus, also emphasize equality of employment opportunity for members of all minority groups.

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