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Executive Order 11478 states that it is the policy of the Government to provide equal opportunity in Federal employment on the basis of merit and fitness without discrimination because of race, color, religion, sex, or national origin, and to promote equal employment opportunity (EEO) through a continuing affirmative action program in each executive department and agency. The Drug Enforcement Administration's (DEA) affirmative action program seeks to develop employment goals for minorities and women and timetables for their accomplishments. Findings/Conclusions: Some progress has been made toward equalizing the employment situation at DEA, but more can be done. From July 1, 1974, through December 31, 1976, the number of women employed on a permanent basis increased from 1,117 to 1,184 and the number of minorities rose from 434 to 823. At December 31, 1976, women accounted for 2.8% and minorities for 15.6% of the total number of investigators employed. Among the 17 attorneys, there were no women or minorities. In grades GS-7 or above, women accounted for 12.7% of permanent employees and minorities for 16.3%. Recommendations: The EEO program should be evaluated and a realistic estimate made of the staff and resources needed to accomplish its desired objectives. All managers and supervisors should comply with procedures for the program evaluation and followup. In addition to hiring goals, recruiting goals should be established. Improvements in the affirmative action program should be made in the areas of program implementation,

development and evaluation of program plans, recruiting, training, promotions, upward mobility, and the discrimination complaint system. (Author/HTW)

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REPORT BY THE

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*4/12/78*

# Comptroller General

OF THE UNITED STATES

## The Drug Enforcement Administration's Affirmative Action Program Should Be Improved

Although progress has been made toward equalizing the employment situation of minorities and women, disparity in employment in the Drug Enforcement Administration between minorities and majorities and women and men remains wide. Minorities and women are concentrated in nonprofessional occupations and in lower grade levels.

Improvements can be made in the agency's equal employment opportunity affirmative action program to increase the representation of women and minorities in professional jobs and at higher grades.



FPCD-78-31  
MARCH 30, 1978



COMPTROLLER GENERAL OF THE UNITED STATES  
WASHINGTON, D.C. 20548

F-178929

The Honorable Don Edwards  
Chairman, Subcommittee on Civil and  
Constitutional Rights, Committee  
or the Judiciary  
House of Representatives

Dear Mr. Chairman:

As requested in your July 29, 1976, letter, we studied and evaluated the operation of the affirmative action program of the Department of Justice and each of its component organizations. As specified in your request, our work focused on the entire range of policies and practices impacting on the structure and implementation of the affirmative action program, recruitment, selection, promotion, training, assignment, and the complaint process.

Subsequently, your office requested us to prepare individual reports on each of the Department's component organizations. We also agreed to prepare a consolidated report on the Department's overall equal employment opportunity affirmative action program and to issue it to the Congress. This report concerns the Drug Enforcement Administration.

Agency comments were obtained informally and addressed in the report. We discussed the reported findings with the Chief, Equal Employment Opportunity Group, Department of Justice; and the Equal Employment Officer; the Spanish Speaking Program Coordinator; the Federal Women's Program Coordinator; and a representative of the Office of Administration and Management, who are responsible for the Equal Employment Opportunity program operation at the Drug Enforcement Administration.

The report discusses the following aspects of the equal employment opportunity affirmative action program:

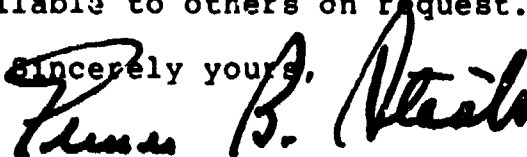
- Program progress and problems in female and minority representation.
- Administrative problems hampering program implementation.

- Improvements needed in the development, implementation, and monitoring of the equal employment opportunity plan.
- Actions being taken to increase employment opportunities for women and minorities.
- Need to insure equal opportunity in training and promotions and to improve the upward mobility program.
- Improvements needed in the discrimination complaint system.

This report contains recommendations to the Attorney General on pages 12, 16, 26, and 39. Section 236 of the Legislative Reorganization Act of 1970 requires the head of a Federal agency to submit a written statement on actions taken on our recommendations to the Senate Committee on Governmental Affairs and the House Committee on Government Operations not later than 60 days after the date of the report and to the House and Senate Committees on Appropriations with the agency's first request for appropriations made more than 60 days after the date of the report.

As arranged with your office, copies of this report are being sent to the Attorney General, Department of Justice. After scheduled hearings, the report will be sent to interested parties and made available to others on request.

Sincerely yours,



Comptroller General  
of the United States

D I G E S T

What progress has been made toward increasing the representation and improving the distribution of women and minorities in the Drug Enforcement Administration's work force?

From July 1, 1974, through December 31, 1976, the total number of women employed on a permanent basis increased from 1,117 to 1,184. The total number of minorities it employed on a permanent basis increased from 434 to 823.

At December 31, 1976, women accounted for 2.8 percent and minorities for 15.6 percent of the total number of investigators employed. Among its 17 attorneys there were no women or minorities. In grades GS-7 or above, women accounted for 12.7 percent of permanent employees and minorities for 16.3 percent.

The equal employment opportunity program should be evaluated and a realistic estimate made of its staff to accomplish its desired objectives. All managers and supervisors should comply with procedures for equal employment opportunity program evaluation and followup.

In addition to hiring goals, recruiting goals should be established. This would further improve minority representation as investigators and female and minority representation in other occupations.

Some progress has been made toward equalizing the employment situation. However, more can be done. GAO recommends several improvements to the equal employment opportunity affirmative action program in the areas of program implementation; development and evaluation of

affirmative action program plans; recruiting; training, promotions, and upward mobility; and the discrimination complaint system. (See pp. 12, 16, 26, 31, and 39.)

### AGENCY COMMENTS

Although the Administrator was not given the opportunity to submit formal comments on this report in order to issue it in time for scheduled hearings, the findings and recommendations were discussed with officials responsible for the equal employment opportunity program.

Agency officials provided GAO with the following information, which represents updated data, as well as actions taken in response to GAO's recommendations.

The Drug Enforcement Administration is currently undergoing a reorganization.

One regional equal employment opportunity coordinator now serves up to three domestic regional offices. But the Agency emphasized that the problem of too few coordinators will be resolved when reorganization of the Agency's domestic offices becomes effective on October 1, 1978. The reorganization plan provides for one coordinator for each of the five domestic regions.

Also, managers and supervisors are now involved in the development of equal employment opportunity plans.

The Advisory Council has been abolished and will be replaced by a committee composed of representatives from each of the equal employment opportunity special emphasis groups (Federal Women's Program, Spanish Speaking Program, and Black Affairs Program.)

The Agency's position descriptions have been modified to include descriptions of collateral equal employment opportunity duties.

Regarding delays in complaint processing, the Agency said problems occur at the complaint

adjudication officer level in the Department of Justice.

In fiscal year 1977 the Agency issued an employee's handbook, outlining the complaints processing procedure.

Not all functions mentioned in this report are the responsibility of the equal employment opportunity office. The upward mobility program is under the direction of the Personnel Office, and career development programs are divided among several functions--Office of Personnel, Office of Training, and Office of Administrative Management. The Executive Development Program is operated by the Training Office.

Recruiting is not a function of the Equal Employment Opportunity Office but a function of the Personnel Office; however, minority and female recruiting goals are being set for the special agent class. Seventy percent of the next class will be composed of minorities and females.

As of June 1977 the Agency had the highest average general schedule (GS) grade level (GS-8.8) for minorities in the Department of Justice and employed approximately one-half of all of the Department's minority criminal investigators. The Agency also has the highest number of minority personnel in grades GS-12 through GS-15.

At December 31, 1977, the Agency had 4,105 permanent employees. Of these, 1,310 or 31.9 percent, were females. A total of 426 females were in grades GS-7 and above, while 2,649 males were in these grades. At December 31, 1977, of the 4,105 employees in the Agency, 959, or 23.3 percent were minorities. Of these, 540 were in grades GS-7 and above.

The table on page 41 reflects the Agency's current statistics on the representation of special agents.



# C o n t e n t s

		<u>Page</u>
DIGEST		1
CHAPTER		
1	INTRODUCTION	1
	DEA's establishment and organization	2
	DEA's work force	2
2	FEMALE AND MINORITY REPRESENTATION: PROGRESS AND PROBLEMS	3
	Program progress	3
	Women	3
	Minorities	3
	Program problems	3
	Women	4
	Minorities	8
3	ADMINISTRATIVE PROBLEMS HAMPER PROGRAM IMPLEMENTATION	9
	Insufficient personnel resources assigned to EEO functions	9
	Need to determine financial re- sources applied	10
	DEA's use of the title "EEO Director" for its EEO Officer could be con- fusing	11
	Need for internal EEO evaluations and followup	11
	Conclusions	12
	Recommendations	12
4	IMPROVEMENTS NEEDED IN DEVELOPING, IMPLEMENTING, AND MONITORING EEO PLANS	13
	Need to coordinate development of plan	14
	Need to involve all managers and supervisors in plans	15
	Need to monitor national plan	15
	Recommendations	16
5	ACTIONS BEING TAKEN TO INCREASE EMPLOY- MENT OPPORTUNITIES FOR WOMEN AND MINORITIES	17
	Need to establish recruiting and realistic hiring goals	17
	Schedule A authority	20

**CHAPTER****Page**

	Training and education programs	21
	Need to improve and use recruiting reports	22
	Need for improved documentation of selection methods for the basic agent class	23
	Limited monitoring of the selection process	24
	Conclusions	25
	Recommendations	26
6	<b>NEED TO INSURE EQUAL OPPORTUNITY IN TRAINING AND PROMOTIONS AND TO IMPROVE THE UPWARD MOBILITY PROGRAM</b>	27
	Need to insure equal opportunity in providing career-development training	27
	Need to insure equal opportunity in promotions	28
	Extent of upward mobility problem should be defined	29
	Need for skills surveys	30
	Conclusions	31
	Recommendations	31
7	<b>IMPROVEMENTS NEEDED IN THE DISCRIMINATION COMPLAINT SYSTEM</b>	33
	Need to insure that counselors document counseling activities	33
	Freedom from reprisal and interferences should be emphasized	34
	Additional training for EEO counselors and investigators is needed	34
	Need to analyze EEO complaints	35
	180-day time requirement not met	35
	Need to insure that all employees and applicants are informed of the discrimination complaint system	37
	Improvements needed in supervision and evaluation for part-time EEO counselors and investigators	38
	Conclusions	39
	Recommendations	39
8	<b>AGENCY COMMENTS</b>	40
9	<b>SCOPE OF REVIEW</b>	42

**APPENDIX****Page**

I	July 29, 1976, letter from the Chairman, Subcommittee on Civil and Constitutional Rights, House Committee on the Judiciary	43
II	Principal Officials of the Department of Justice responsible for administer- ing activities discussed in this report	45

**ABBREVIATIONS**

DEA	Drug Enforcement Administration
CO-OP	Cooperative
CSC	Civil Service Commission
EEO	equal employment opportunity
GAO	General Accounting Office
GS	General Schedule
JETS	Justice Employee Training System

## CHAPTER 1

### INTRODUCTION

This report concerns the equal employment opportunity (EEO) affirmative action program of the Drug Enforcement Administration (DEA), a component organization of the Department of Justice.

Executive Order 11478, dated August 8, 1969, states that it is the policy of the United States Government to provide equal opportunity in Federal employment on the basis of merit and fitness without discrimination because of race, color, religion, sex, or national origin, and further, to promote EEO through a continuing affirmative action program in each executive department and agency. This policy applies to every aspect of personnel policy and practice in the employment, development, advancement, and treatment of civilian employees of the Federal Government.

Executive Order 11478 was incorporated into the Equal Employment Opportunity Act of 1972 (Public Law 92-261, approved March 24, 1972, 86 Stat. 103, 42 U.S.C. § 2000e.) The act amended title VII of the Civil Rights Act of 1964 and provides that all personnel actions affecting employees or applicants for employment in executive agencies shall be made free from any discrimination based on race, color, religion, sex, or national origin. Further, the act gave the U.S. Civil Service Commission (CSC) the authority to enforce EEO and nondiscrimination in the Federal Government.

The Age Discrimination in Employment Act of 1967, which previously applied only to employees in private enterprise, was amended by section 28(b)(2) of Public Law 93-259 (Fair Labor Standards Amendments of 1974, approved Apr. 8, 1974, 88 Stat. 55, 29 U.S.C. §633a) to include Federal, State, and local governments. The law requires that all personnel actions affecting Federal employees or applicants for Federal employment who are 40 to 64 years old be free from discrimination based on age.

CSC, Justice, and DEA have all issued policy statements and regulations intended to implement the EEO policy of the Federal Government. For example, it is the stated policy of DEA " \* \* \* to assure each DEA employee and applicant for employment, equal opportunity regardless of race, color, religion, sex, national origin or age." DEA's affirmative action program is a program for development of employment goals for minorities and women and timetables for their accomplishments.

## DEA'S ESTABLISHMENT AND ORGANIZATION

DEA was established on July 1 by Presidential Organization Plan No. 2 of 1973. It resulted from the merger of the Bureau of Narcotics and Dangerous Drugs, the Office of Drug Abuse Law Enforcement, the Office of National Narcotic Intelligence, and those functions of the Office of Science and Technology which were drug-enforcement related. DEA has district offices throughout the United States and overseas. During the period of our review, DEA had 13 domestic regional directors and 6 foreign regional directors. Currently, however, DEA has 12 domestic regional and 5 foreign regional directors.

## DEA'S WORK FORCE

DEA's permanent work force increased from 3,836 employees at July 1, 1974, to 3,963 employees at December 31, 1976. Available DEA statistical data showed that 55.9 percent of the total permanent work force at December 31, 1976, was composed of those in the professional occupations of attorney and investigator. The remaining 44.1 percent of DEA's work force was reported as being in "Other Occupations"--primarily administrative and clerical.

At December 31, 1976, 99.4 percent of all DEA permanent employees were under the General Schedule (GS) pay plan.

## CHAPTER 2

### FEMALE AND MINORITY REPRESENTATION:

#### PROGRESS AND PROBLEMS

Both the total number and overall percentage of women and minorities in DEA's permanent work force increased during the period July 1, 1974, through December 31, 1976.

#### PROGRAM PROGRESS

##### Women

During the above time frame, the total number of women employed by DEA on a permanent basis increased from 1,117 to 1,184, and their overall percentage of DEA's total permanent work force increased from 29.1 to 29.9 percent.

#### Permanent employees

	<u>As of July 1, 1974</u>		<u>As of December 31, 1976</u>	
	<u>Number</u>	<u>Percent of DEA work force</u>	<u>Number</u>	<u>Percent of DEA work force</u>
Men (note a)	2,719	70.9	2,779	70.1
Women (note a)	<u>1,117</u>	<u>29.1</u>	<u>1,184</u>	<u>29.9</u>
Total	<u>3,836</u>	<u>100.0</u>	<u>3,963</u>	<u>100.0</u>

a/Includes both minorities and nonminorities.

During the same period, the number of women employed as investigators increased from 51 (or 2.3 percent) out of a total of 2,229 investigators to 62 (or 2.8 percent) of 2,197 investigators.

##### Minorities

During the period reviewed the total number of minorities employed by DEA on a permanent basis increased 6.9 percent from 534 to 823, and their overall percentage of the total permanent work force increased from 13.9 to 20.8 percent.

Permanent employees

	<u>As of July 1, 1974</u>		<u>As of December 31, 1976</u>	
	<u>Number</u>	<u>Percent of DEA work force</u>	<u>Number</u>	<u>Percent of DEA work force</u>
Nonminorities	3,302	86.1	3,140	79.2
Minorities	<u>534</u>	<u>13.9</u>	<u>823</u>	<u>20.8</u>
Total	<u>3,836</u>	<u>100.0</u>	<u>3,963</u>	<u>100.0</u>

Minority representation in the investigator occupation also increased 6.4 percent during the same period--from 204 (or 9.2 percent) of 2,229 investigators, to 342 (or 15.6 percent) of 2,197 investigators.

PROGRAM PROBLEMS

Women

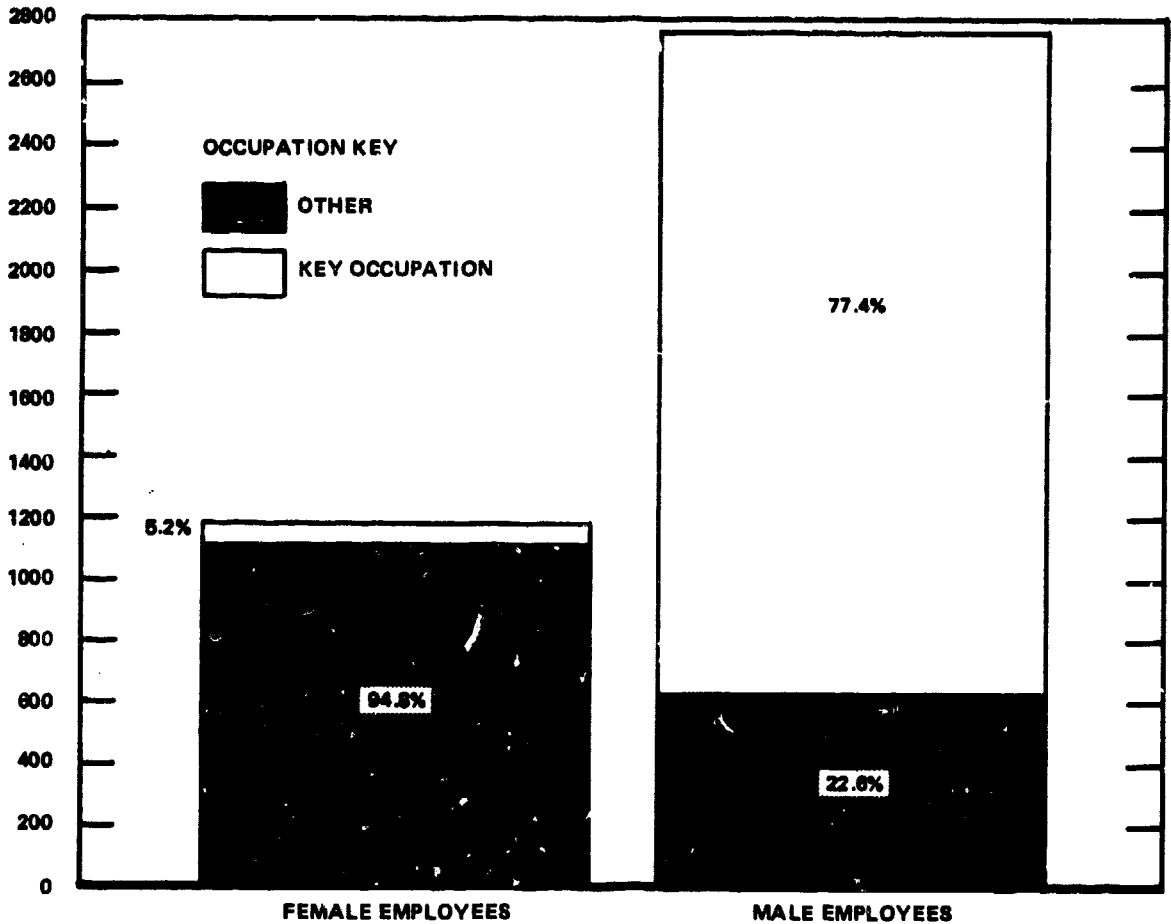
As previously stated, at December 31, 1976, women accounted for only 2.8 percent of the 2,197 employees in the professional occupation of investigator. There were no women among the 17 attorneys.

If DEA's hiring and separation pattern for these two occupations were to continue, representation of female attorneys may not increase. The following chart shows accessions and separations for the period July 1, 1974, to December 31, 1976.

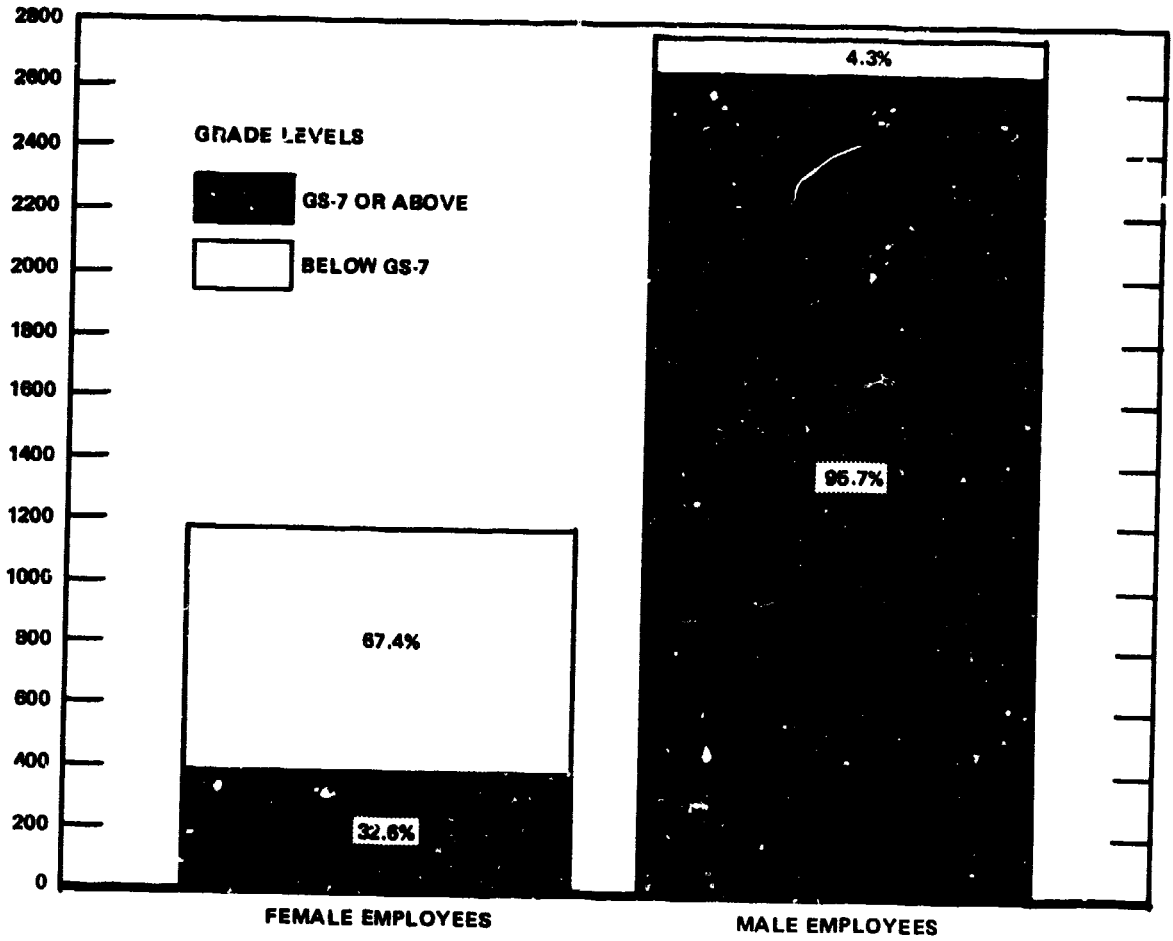
	<u>Total employees</u>	<u>Total women</u>	
		<u>Number</u>	<u>Percent</u>
<b>Hired:</b>			
Attorneys	8	0	0
Investigators	<u>159</u>	<u>23</u>	<u>20.7</u> (of investigators hired)
Total	<u>167</u>	<u>23</u>	<u>13.8</u> (of total hired)
<b>Separated:</b>			
Attorneys	4	0	0
Investigators	<u>191</u>	<u>12</u>	<u>6.3</u> (of investigators separated)
Total	<u>195</u>	<u>12</u>	<u>6.2</u> (of total separated)
Net gain (loss)	( <u>28</u> )	<u>11</u>	-

As shown in the following graph, a total of 1,122, or 94.8 percent, of the 1,184 women employed by DEA were in "Other occupations" (generally clerical and administrative), and women accounted for 64.2 percent of all employees in these occupations. In contrast, 627, or 22.6 percent, of the 2,779 men employed by DEA were in these occupations, and they accounted for 35.8 percent of the total 1,749 employees in that category.





Of the 1,184 females employed, 386, or 32.6 percent, were in grade levels GS-7 or above. Females accounted for only 12.7 percent of the total employees in these grade levels. In contrast, of the 2,779 DEA male employees, 2,658, or 95.7 percent, were in these grade levels, and they accounted for 87.3 percent of all GS-7s and above. A total of 67.4 percent of female employees were in grade GS-6 or lower, compared to only 4.3 percent of the males in these grades, as shown in the following graph.



## Minorities

There were no minorities among the 14 DEA attorneys employed at July 1, 1974, nor among the 17 employed at December 31, 1976. No minorities were hired in this occupation during this period.

Of the 823 DEA minority employees, 496 (or 60.3 percent) were in grades GS-7 or above, and they accounted for 16.3 percent of all GS-7's or above. In comparison, 2,548 (or 81.2 percent) of the 3,140 nonminority employees at December 31, 1976, were GS-7's or above. They accounted for 83.7 percent of all GS-7's or above.

With regard to those in grade levels GS-6 or below, 39.7 percent of all minorities were in these grades, whereas only 16.3 percent of the nonminorities were.

## CHAPTER 3

### ADMINISTRATIVE PROGRAMS HAMPER PROGRAM IMPLEMENTATION

Several problems were found in administration of the EEO program. DEA needs to

- demonstrate its commitment to EEO by providing sufficient personnel resources to carry out the goals of the EEO program,
- determine the financial resources which are applied to EEO, as required by CSC and the Department of Justice, and
- conduct periodic evaluations of the EEO program as required by CSC.

### INSUFFICIENT PERSONNEL RESOURCES ASSIGNED TO EEO FUNCTIONS

Within an organization, top management's commitment to EEO is usually evidenced in a large measure by its application of personnel resources to EEO programs. Within Justice, bureau heads are responsible for providing sufficient EEO personnel resources to meet the objectives of the EEO program. However, DEA lacked sufficient personnel resources to carry out its EEO program.

Regional EEO coordinators serve as principal advisors to the regional directors in developing and implementing the EEO program, and they evaluate and report on EEO progress and problems in their respective regions. Coordinators also assist in the development and implementation of action items in DEA's regional affirmative action plans and coordinate recruitment efforts within the geographic area under their jurisdiction.

The EEO officer told us that there are no guidelines for determining the amount of personnel resources needed to carry out DEA's EEO program. He believes that EEO coordinators are spread too thin to provide the type of services needed. For example, in March 1977 there were only five EEO coordinators for DEA's 13 regional offices. As a result, the EEO coordinator in New York was also responsible for the EEO program in the Philadelphia region. He said that he devoted only 20 percent of his time to activities in the Philadelphia region.

The EEO coordinator in the Dallas region was devoting about 80 percent of her time to the Dallas region's EEO

program, but she was also EEO coordinator for three other regions. She said that additional personnel resources were needed--specifically clerical support and an assistant coordinator. She further commented that there were insufficient resources to accomplish some needed projects such as evaluation of the complaint system, analysis of promotions, and study of the EEO environment at locations allegedly experiencing EEO problems.

NEED TO DETERMINE FINANCIAL RESOURCES APPLIED

DEA did not have an accounting system designed to accumulate EEO costs. Thus, EEO costs reported by DEA were based on estimates rather than actual expenditures.

CSC requires that EEO cost data be included in the Allocation of Personnel and Resources Statement in Federal agencies' EEO plans and also in the report of EEO program expenditures required by Office of Management and Budget Circular No. A-11. Justice, in turn, requires its bureaus to submit bureauwide cost data annually for use in preparing Justice's cost data for CSC.

However, Justice has not provided DEA any guidance on how to develop EEO cost data. Also, initially CSC had not provided sufficient guidance to enable agencies to develop EEO cost data on a consistent basis. To improve its guidance for agencies, CSC revised the format for the cost reporting section of EEO plans in its Federal Personnel Manual Letter 713-35, dated April 30, 1976.

However, DEA did not include cost data in its EEO plans as required by CSC. We obtained the following cost figures from DEA which had been submitted to CSC by Justice.

<u>Activity</u>	<u>FY 1975 actual</u>	<u>FY 1976 actual</u>	<u>Transition quarter actual</u>	<u>FY 1977 estimate</u>	<u>FY 1978 estimate</u>
Complaint concilia- tion (EEO counsel- ing)	\$ 25,000	\$ 42,000	\$ 10,000	\$ 49,000	\$ 55,000
Complaint investiga- tion	16,000	25,000	6,000	28,000	31,000
Program direction and research	367,000	380,000	90,000	416,000	424,000
Upward mobility	<u>18,000</u>	<u>22,000</u>	<u>5,000</u>	<u>78,000</u>	<u>93,000</u>
Total	<u>\$426,000</u>	<u>\$469,000</u>	<u>\$111,000</u>	<u>\$571,000</u>	<u>\$603,000</u>

Although some of the costs in the previous table were shown by DEA as actual costs, they can only be estimates because there is no system for accumulating actual costs. Further, the reliability of the estimates is questionable because DEA had not supplied its regional offices with instructions for computing EEO costs. The EEO office did not know how DEA's regions computed their costs and accepted whatever data regions submitted.

#### DEA'S USE OF THE TITLE "EEO DIRECTOR" FOR ITS EEO OFFICER COULD BE CONFUSING

CSC's regulations require each agency to designate a director of EEO to operate under the immediate supervision of the head of the agency, and among other things, to designate as many EEO officers as are necessary to assist the head of the agency in carrying out EEO functions.

The Justice Department has designated a director of EEO with Department-wide responsibilities and an EEO officer for each of its seven bureaus. However, DEA organizationally refers to its "EEO Director," and the EEO officer used the title EEO Director in official correspondence. This practice, in our opinion, has the potential for administrative confusion. For example, the confusion may be seen in the criteria for rejection of discrimination complaints. Department of Justice Order 1713.4, chapter 3, section 16a requires that complaints may be rejected only with the approval of the EEO Director. If both the Department of Justice and DEA have directors of EEO, there appears to be a question as to which has rejection authority.

#### NEED FOR INTERNAL EEO EVALUATIONS AND FOLLOWUP

CSC requires each agency to periodically evaluate the effectiveness of its EEO program. The evaluation method is left to the agency's discretion. However, the evaluation must be of sufficient depth and detail to insure management that all program areas have been examined. DEA has no system for indepth, internal evaluation of its EEO program.

Although a comprehensive DEA-wide review was done at the request of a former DEA Administrator, due to the lack of documentation, we could not determine the extent to which corrective actions had been taken.

The results of the review were reported to DEA's Deputy Administrator in August 1975. The report showed

problems in various elements of the program. For example, the report noted

--the absence of an effective working relationship between the EEO officer and headquarters offices having responsibility for training, administration, and enforcement and

--the fragmentation of the EEO program.

The report made many recommendations for improving the effectiveness of various EEO program components and personnel. The EEO officer said that some recommendations may have been acted upon, but not on an item-by-item basis. He said he lacked documentation showing the actions which had been taken.

### CONCLUSIONS

The EEO program in DEA should be evaluated, and a realistic estimate should be made of the resources needed to accomplish desired EEO objectives. If management is to make a true EEO program commitment, adequate resources--properly accounted for--must be provided. We believe that the organizational title "EEO Director" for DEA's EEO officer has potential for administrative confusion and should be eliminated. Also, DEA should develop procedures for EEO program evaluation and followup on corrective actions to be taken.

### RECOMMENDATIONS

We recommend that the Attorney General direct the DEA Administrator to:

--Evaluate DEA's EEO program and make a realistic estimate of resources needed to accomplish desired objectives.

--Discontinue the use of the title of "EEO Director" for its EEO officer.

--Establish a system for internal EEO evaluations including procedures for followup to insure that corrective actions are taken on recommendations.

## CHAPTER 4

### IMPROVEMENTS NEEDED IN DEVELOPING, IMPLEMENTING, AND MONITORING EEO PLANS

The Equal Employment Opportunity Act of 1972 requires Federal agencies to submit national and regional EEO plans to CSC for review and approval. According to CSC, an EEO plan represents an agency's pledge of its commitment to insure true EEO in all aspects of its operations affecting employees and applicants for employment. Thus, the plan is a key element in an agency's EEO program.

In FPM Letter 713-35, CSC advised agencies that, in developing EEO plans, the first step is to assess the current status of EEO within the agency, identify EEO problems, assign objectives, and develop action items designed to overcome problems that are identified. These action items must have target dates.

CSC has now, in FPM letter 713-40, dated August 17, 1977, stated that the person responsible for preparing the plan must request and consider input from managers, supervisors, and other parties having a responsible interest in the agency's EEO program. The agency must also draw upon the results of personnel management and EEO program evaluations conducted by CSC or agency internal evaluation units.

CSC, in implementing the Equal Employment Opportunity Act of 1972, has required the Department of Justice to submit a national EEO plan for review and approval. Beginning with fiscal year 1977, DEA and three other bureaus within Justice were also required to submit national EEO plans to CSC. DEA regional offices were required to submit their plans to CSC regional offices prior to 1977.

To implement this requirement, Justice requires each of its bureaus to develop a national EEO plan. To accomplish this requirement, DEA should

- coordinate development of its national EEO plan,
- involve managers and supervisors in developing and implementing EEO plans, and
- monitor the national EEO plan to insure that action items are implemented.



## NEED TO COORDINATE DEVELOPMENT OF PLAN

Justice's regulations require each of its bureaus to forward its annual EEO plan to Justice and its other bureaus. The Department, however, does not enforce this requirement. The regulation does not require Justice to review the plans for approval, nor to monitor their implementation.

DEA's EEO officer said that DEA had submitted its EEO plans to Justice for the period 1974 through 1976, but that DEA had never received any feedback from Justice. Also, DEA did not submit its plans to other bureaus, as required.

Since DEA is now required to submit its national plan to CSC through Justice, Justice must review the plan and communicate with DEA on the results of its review. However, as a means of insuring coordination of efforts Justice-wide, DEA should also send its EEO plans to the other bureaus, as required.

DEA's EEO officer told us that limited coordination takes place between the field and headquarters in developing EEO plans. For example, he said that the field offices pattern their EEO plan after DEA's headquarters plan to make sure they incorporate what may be important to make their plan more effective, but that the national plans were not submitted to the regional offices in time to help regions in preparing their plans.

Also DEA's national plan for the period January 1, 1976, to September 30, 1977, included planned action items from the previous plan and stated whether these actions had been accomplished. Reasons stated for nonaccomplishment included, for example,

- low turnover rate;
- lack of funds and projected budget limitations;
- pending funding for additional personnel ceiling;
- lack of staff and commitment; or
- office responsible for the action item (Office of Training) claimed it had insufficient clerical and/or professional/technical staff to accomplish a project of such magnitude.

The reasons given for the nonaccomplishments, in our opinion, show a lack of communication and coordination in the development of the EEO plan among the EEO offices, budget personnel, and officials responsible for achieving the action items.

#### NEED TO INVOLVE ALL MANAGERS AND SUPERVISORS IN PLANS

According to CSC, managers and supervisors must recognize and carry out their continuing responsibilities in the EEO program. To do this, it is important that they become involved in developing the EEO plan. CSC's guidelines state that when an agency's EEO action plan assigns the responsibility for carrying out action items to very few operating managers and supervisors and when most of the action items are assigned to EEO and personnel staffs, chances are that the plan has been prepared without the cooperation of and coordination with operating officials, and will solve few if any of the real EEO problems of the organization.

DEA needs to insure that all managers and supervisors are involved in developing its EEO plans. For example, generally, very few action items in the Dallas regional plans were assigned to supervisors and managers who were not on personnel or EEO staffs. Further, in the New York office's most recent regional plans, supervisors and managers were rarely shown as officials responsible for carrying out action items.

Development of DEA's EEO plan is seldom undertaken by managers. Three managers with major personnel or training responsibilities in DEA's headquarters told us that they receive copies of DEA's national EEO plan for review, but they do not get involved in the plan's development. Managers in the Dallas region were not requested to participate in the preparation of the EEO plan.

In addition, responsibility for action items in the regional EEO plans is generally limited to only a few officials. For example, the 1976 EEO plan for the New York regional office contained 26 action items, none of which showed supervisors as the responsible officials, and the 1977 plan contained 13 action items, with supervisors made responsible for only 1 item.

#### NEED TO MONITOR NATIONAL PLAN

Regional EEO plans are monitored to insure the implementation of action items, but the national plans are not.

DEA's EEO officer said DEA does not have a formalized system for monitoring DEA's national EEO plans. DEA's EEO Advisory Council has been responsible for reviewing the implementation of the bureau's national EEO plans and for assessing the effectiveness of management in identifying the problems and factors bearing on EEO; however, this review and assessment had not been done. The Chairman of the Council told us that the Council was virtually nonexistent.

The EEO officer believes the best way to monitor the plan is for him and DEA's EEO Advisory Council to start meeting collectively on a quarterly basis.

### RECOMMENDATIONS

We recommend that the Attorney General direct Justice's EEO Director to submit Justice-wide EEO plans to DEA in a timely manner so that DEA can benefit from the plans.

We also recommend that the Attorney General require the DEA Administrator to

- submit DEA's EEO plans to other Justice bureaus, as required,
- establish a system for coordinating the development of its EEO plans to insure that action items are realistic,
- insure that managers and supervisors are involved in the development and implementation of EEO plans,
- require the EEO officer to meet with DEA's EEO Advisory Council on a periodic basis to assess the progress and problems encountered in achieving action items, and
- submit periodic progress reports to Justice on DEA's progress and problems in trying to implement its EEO plans.

## CHAPTER 5

### ACTIONS BEING TAKEN TO INCREASE EMPLOYMENT'

#### OPPORTUNITIES FOR WOMEN AND MINORITIES

DEA does not have a formal, coordinated, recruiting program, nor has it established formal recruiting goals for women and minorities. DEA's hiring goals may not be realistic, since hiring is limited by the availability of potential hires in a particular location.

DEA has established programs to train people who will, at the end of their training, become full-time employees of the agency. The Cooperative Education Program is a work-study course; the Agent Cadet Program and the basic agent classes train students for special agent positions.

#### NEED TO ESTABLISH RECRUITING AND REALISTIC HIRING GOALS

Recruiting DEA-wide from 1973 to 1976 had been limited due to a lack of vacancies. However, to improve minority and female representation by occupation, DEA used work force statistics as of March 1976 to establish goals for hiring minorities and women during fiscal years 1977 and 1978. These goals, compared to minority and female representation as of March 1976, are as follows.

Occupation	Total employees as of March 1976	Women (note a)			Minority		
		Number	Percent	<u>FY 77/78</u> Goal (percent)	Number	Percent	<u>FY 77/78</u> Goal (percent)
Professional:							
Criminal investigators/ special agents	2,053	22	1.1	2.0	322	15.7	18.3
Compliance investigators	199	44	22.1	27.5	25	12.6	19.9
Intelligence research spec.	89	24	27.0	28.1	10	11.2	16.0
Chemists	138	8	5.8	8.7	21	15.2	18.5
Professional/ technical	252	89	35.3	35.7	58	23.0	29.0
Clerical/technical	1,211	1,033	85.3	85.0	379	31.2	34.6

a/Includes all women.

DEA presented the following to achieve the above percentage goals:

<u>Occupation</u>	<u>Projected hires for FY 77/78</u>	<u>Total to be hired</u>					
		<u>Nonminority women</u>		<u>Minority women</u>		<u>Minority men</u>	
		<u>Num-ber</u>	<u>Per-cent</u>	<u>Num-ber</u>	<u>Per-cent</u>	<u>Num-ber</u>	<u>Per-cent</u>
Criminal investigator	100	5	5	14	14	62	62
Compliance investigator	59	10	17	11	19	6	10
Intelligence research specialist	78	14	18	9	12	8	10
Chemists	34	4	12	3	9	8	24
Professional/technical	308	54	18	57	19	48	16
Clerical/technical	179	64	36	78	44	23	13

Although DEA had established the hiring goals shown, it had not established recruiting goals, except for its special agent class. (From July 1974, DEA has had a recruiting goal for its special agent class; 50 percent of the recruits for this class are scheduled to be minorities.) To achieve hiring goals, it is necessary to first recruit from a universe sufficient to identify enough minorities and women who can compete and be considered for selection. We question whether DEA's hiring goals are realistic, since hiring would be limited by the available pool of potential hires in a specific area.

Specific needs and problems in recruiting efforts by location would have to be identified. For example, the personnel director told us that recruiting in headquarters, Washington, D.C., is accomplished by using CSC registers (lists of eligible applicants compiled in order of relative standing for certification by a CSC area office). Therefore, the extent to which minorities and females are hired would depend to some extent on and be limited by their

representation and placement on CSC registers. Registers would have to be analyzed to determine the race and sex of individuals on the registers, and the extent to which recruiting efforts should be made, to insure that women and minorities are recruited. CSC is currently carrying out a research effort to determine the most reliable and valid means of collecting and analyzing race, sex, and ethnic data on job applicants. When this information is available, DEA will have a valuable recruiting tool.

Other problems in recruiting efforts, such as scarcity of women and minorities for some disciplines, and hiring freezes or funding limitations, would have to be identified so that a recruiting program could be carefully planned and conducted.

In a September 1977 report to Congress, "Problems In The Federal Employee Equal Employment Opportunity Program Need To Be Resolved" (FPCD-76-85), September 9, 1977, we stated that the general failure of agencies to establish or consider recruiting goals limits the usefulness of the goal-setting process.

We further said:

"Perhaps the most notable deficiency in goal development is the inability of agencies to consider the specific labor resources-- primarily lists of applicants from CSC employment registers--from which agency selection officials hire most employees. We believe that CSC needs to obtain and provide agencies with data on the composite groups of persons by race and sex, as tracked through the employment process. Such information would enable agencies to structure their recruitment activities toward identified problems of underrepresentation and to monitor selection activities to assure that EEO is being provided. It would also allow CSC to expand the goal setting process to include establishing recruiting goals, as well as hiring goals."

Accordingly, we recommended that CSC require agencies to use recruiting goals in addition to hiring goals. We stated that CSC should also provide appropriate criteria for developing such recruiting goals.

## Schedule A authority

DEA has been authorized by CSC to hire 154 special agents under the Schedule A excepted positions authority. An excepted position is not required to be filled under competitive procedures.

Schedule A authority for special agents was for the express purpose of recruiting persons with a unique combination of background and skills needed to perform undercover duties. Requirements for Schedule A special agents include

- specialized undercover experience sufficient to meet CSC's experience requirements for the grade for which the applicant is being considered;
- good knowledge of a particular foreign language or dialect combined with the background and appearance of a person of a foreign nationality;
- experience or training in, or detailed knowledge of, a particular occupation or profession such as seaman, pilot, musician, etc., which would sufficiently equip the applicant to assume such work or associate with individuals engaged in such work; and
- racial characteristics and knowledge which would enable him or her to mix with special racial, ethnic, or color groups.

As of September 1976 the race and sex profiles of employees under the Schedule A for special agents were as follows:

<u>Race</u>	<u>Total</u>	<u>Female</u>	<u>Male</u>
Black	32	3	29
Hispanics	32	1	31
Native American	1	0	1
Asian American	5	0	5
Other	<u>56</u>	<u>6</u>	<u>50</u>
Total	<u>126</u>	<u>10</u>	<u>116</u>

Of the 126 special agents under Schedule A, 7.9 percent were women and 55.6 percent were minorities. Women

were underrepresented compared to their representation in DEA's work force (29.9 percent at December 31, 1976).

### Training and education programs

The Cooperative (Co-op) Education Program for students is an arrangement between the school and the employer (DEA) in which the student-employee receives instructions in an occupational field through alternating periods of study and periods of related work experience. These Co-op programs do not exist in all of DEA's regions.

In a paper prepared for the DEA Administrator in 1976 by a personnel specialist, a number of reasons were listed as to why DEA should continue participation, or even broaden its participation, in Co-op programs. The paper further said of the program:

- It provides for an orderly input and reservoir of screened and ready, high quality talent.
- It provides DEA with the flexibility of not being locked in to appoint, if DEA needs did not indicate that they should do so.
- It gives DEA an opportunity to do a preprobationary screening and evaluation of the prospective employee, thus, an opportunity to screen out misfits before they become problems.
- It provides DEA an opportunity to identify and select only the more highly capable and motivated employee.
- It would provide a positive means of identifying high-quality minority prospects who are, otherwise, often stymied in the examination and certification process.

A special training program for persons interested in law enforcement was developed in DEA in 1974. The Agent Cadet Program is based on an agreement between DEA and the college whereby DEA can recruit from certain colleges and universities those students willing to work with the criminal justice program. In their junior and senior years in school, the students can work 6 months with DEA for credit, and when they graduate, they can qualify for GS-7 special agent positions.



The race and sex makeup of participants in training programs was not available at DEA headquarters, but further inquiry led to the following information on participants.

Agent Cadet Program:

- In the Baltimore regional office there was one person, a black male, in the Agent Cadet Program in 1975.
- In the Miami regional office in 1975 there were two participants, both Hispanic males, in the Agent Cadet Programs.

Co-op Program:

- In the Boston regional office, from 1974 to December 31, 1976, there were 21 participants in the Co-op Program. The region did not have a race/sex breakdown of participants.
- In the Philadelphia regional office there were three participants--one black female, one black male, and one white male--from 1974 to December 31, 1976.

NEED TO IMPROVE AND USE RECRUITING REPORTS

DEA's regional offices are required to submit a "Monthly EEO Employment Recruiting Report" to headquarters containing information on the number of vacancies; information by job series, race, and sex on the number of applicants interviewed and selected; and information on those screened for investigative positions. The report also shows the total number of schools visited and the number of students interviewed. However, the report does not show which schools were visited or the race and sex of students interviewed. Such data would be useful in monitoring the extent to which recruiting efforts include minorities and women to determine where recruiting efforts should be made or improved. For example, if the race and sex of interviewees were given, the reports would show the extent to which women and minorities are represented among existing applicants for the various job series, and thus could show a need to get them in the pipeline of applicants to be considered when openings do occur. Copies of these reports are sent to DEA headquarters by the regions, but neither the EEO office nor the personnel office analyze or use them.

NEED FOR IMPROVED DOCUMENTATION OF  
SELECTION METHODS FOR THE  
BASIC AGENT CLASS

Criminal investigators are hired as the need arises. A basic training class is scheduled after a class-sized group has been hired.

DEA's regional offices maintain a list of applicants for each of these classes. When DEA's headquarters notifies the regions that a class will be starting, each region submits to headquarters a list of candidates for the class. Headquarters staff then selects the required number of candidates from each region's list. Those selected will be placed in the basic agent class. Trainees in the class receive basic instructions before functioning as criminal investigators.

There are more investigators than any other position in DEA. As of December 1976, of the 3,963 employees in DEA, 2,197 were criminal investigators. (See p. 4.)

A problem in DEA's work force profile, as shown on page 4, is the percentage of women in investigator positions. Due to inadequate reporting, insufficient documentation, and a lack of analysis of reported data by DEA, we could not determine the extent to which DEA has recruited women for these positions, nor the extent to which women have applied for such positions DEA-wide. We did, however, find that in the Dallas region, only two women had applied for investigator positions during the last two years. (See p. 25.)

DEA needs to insure that selections for the basic training classes are based on procedures that preclude discrimination on the basis of such factors as race or sex, and thus would provide equal opportunity to all of its employees and applicants for employment.

DEA's regional offices maintain a supply of applicants in the regions for investigator positions. Due to a hiring freeze, the first agent class since September 1975 began January 10, 1977. Each region was allocated slots for the class. The candidates selected for the class included the following:

<u>Race</u>	<u>Total candidates</u>	<u>Number of females</u>
Hispanics	14	3
Blacks	8	0
Asian Americans	1	0
Native Americans	1	0
Whites	<u>17</u>	<u>1</u>
Total	<u>41</u>	<u>4</u>

Of the total individuals selected for the class, 24 (or about 59 percent) were minorities, and 4 (or about 10 percent) were women. Although women and minorities were well represented among the candidates selected for the class, due to insufficient documentation at headquarters, which was responsible for coordinating the class, we could not determine (1) the race and sex mix of all candidates originally submitted for consideration for the class, (2) changes made in selections, nor (3) the reasons for the changes. There were indications that some changes had been made. We were advised that procedures are not formalized, and that names could have been submitted by telephone.

In our opinion, documentation of selection methods used to fill these classes should be improved to identify the extent to which minorities, females, and white males are submitted and eliminated as candidates and the reason(s) for elimination to insure that all individuals are treated equally.

#### LIMITED MONITORING OF THE SELECTION PROCESS

DEA has recognized the need to monitor its selection process. For example, DEA's EEO plans for January 1, 1976, to September 30, 1977, stated:

"Some screening panels reject applicants for hire because of the panel members interpretation of what that person should be like, or responses the person should make. An applicant could be rejected (disqualified) for employment because of the panel members background or bias views even though the minority or female is a capable, intelligent citizen. It is important for panel members, therefore, to document reasons for selection or non-selection of applicants. These selection forms should be made available for the EEO coordinator to review within five days after the panel meets \* \* \*

We believe, however, that DEA's system for monitoring can be improved by requiring that the screening process and other processes be reviewed, since applicants can be eliminated before and after the screening stage. For example, our review of selected files in the Dallas regional office disclosed that

--many applications were rejected without oral screening and

--some applications were being retained (some had been on file for more than a year) but no screening interview was scheduled even though the applicant scored above the minimum qualification criteria.

According to the personnel officer in the Dallas region, some applicants passed the oral screening but were later rejected due to the results of a preemployment background investigation. Because this was confidential information, the files did not contain the investigation results, nor did they identify the race or national origin of rejected applicants. The region had received only two applications for females during the past 2 years. One was rejected by the screening panel due to a one-time use of a drug at a party. The other female passed the panel, but the application was rejected later because she was not willing to relocate.

## CONCLUSIONS

To further improve minority representation in the investigator series, and female and minority representation in other occupations, we believe that DEA should establish recruiting goals in addition to hiring goals. In establishing such goals, needs and problems in recruiting efforts (i.e. the presence of minorities and females on CSC registers, scarcity of women minorities for some disciplines) should be identified so that a recruiting program can be carefully planned and conducted.

Although DEA does have cooperative education programs in effect, it needs to maintain a complete information file on the race and sex of program participants and insure that minorities, women, and nonminority men are being given the opportunity to participate in the programs. DEA should revise and utilize its "Monthly EEO Employment and Recruitment Report" to assist in planning its recruitment efforts.

Coordination of selections for the basic agent classes should be adequately documented to insure that all candidates are treated equally. Also, the selection process is

susceptible to discriminatory practices because applicants are screened at the local level without the regions being required to provide full documentation or management review of the total selection process.

### RECOMMENDATIONS

We recommend that the Attorney General direct the DEA Administrator to:

- Use recruiting and hiring goals, utilizing CSC's guidelines.
- Require DEA's regions to document the race and sex of participants in the cooperative education program and insure that minorities, women, and nonminority men are given the opportunity to participate in the programs.
- Revise and utilize its "Monthly EEO Employment and Recruitment Report" to determine the extent minorities and females are represented among existing applicants and to determine if and where there is a need to improve recruiting efforts.
- Fully document the coordination of the selection of basic agent classes between headquarters and the regions to insure that minorities and females are given equal consideration, and that candidates are not screened out on the basis of race, color, religion, sex, national origin, or age.
- Monitor the regions' selection process to insure that the total process is free from discriminatory practices.

## CHAPTER 6

### NEED TO INSURE EQUAL OPPORTUNITY IN TRAINING AND PROMOTIONS AND TO IMPROVE THE UPWARD MOBILITY PROGRAM

Executive Order 11478 and the Equal Employment Opportunity Act of 1972 require that agencies provide maximum feasible opportunity to employees to enhance their skills so they may perform at their highest potential and advance according to their abilities.

Due to a lack of a detailed analysis of career-development training and promotions by DEA, we could not determine if equal opportunity for training and promotion is provided to all DEA employees. Also, DEA should identify the extent of its upward mobility problem and perform skills surveys.

### NEED TO INSURE EQUAL OPPORTUNITY IN PROVIDING CAREER-DEVELOPMENT TRAINING

DEA has not conducted any analysis to determine whether all of its employees are afforded equal training opportunities. Further, prior to July 1976, training statistics for EEO purposes were not maintained by DEA.

Beginning in July 1976, the Justice Employee Training System (JETS), an automated training system, was initiated to provide data on training received by employees within Justice's bureaus (except those assigned to the FBI) by race and sex. This data for the period July to December 1976 showed the following for DEA:

<u>Grade level</u>	<u>Black</u>	<u>Hispanic</u>	<u>Native American</u>	<u>Asian American</u>	<u>Other</u>	<u>Total</u>	
						<u>Male</u>	<u>Female</u>
GS 1- 5	4	1	0	0	9	3	11
6-10	1	0	0	0	12	1	12
11-15	4	3	0	0	38	40	5
16-18	1	0	0	0	0	1	0
Other	0	0	0	0	0	0	0
Total	10	4	0	0	59	45	28
Percent of total trainees	14	5	0	0	81	62	38
Percent of DEA work force at 6/30/76	12	7	1	1	80	71	29

This comparison appears to indicate that minorities and females are generally receiving training in proportion to their representation in DEA's work force. However, this comparison does not consider the types of training offered, the availability of this training to those in certain job categories, the race and sex composition of each job category, nor various DEA locations.

The personnel officer in the New York regional office told us that an analysis of regional training data would involve a good deal of work and probably would not produce meaningful results. He cited such factors as the transfer in and out of agents and the need to establish whether a particular agent was eligible for training as variables which would have to be considered in order to make a valid comparison of minority and nonminority training.

Due to the time constraints of our audit and the absence of available training statistics in the Dallas region, we did not make a complete analysis of training. However, we found that minorities may not be receiving their proportionate share of supervisory training for agents.

In a memorandum written by the participants of the Spanish-speaking Program Conference held in San Antonio, Texas, in September 1976, an issue was raised regarding the need for equal training opportunities for Hispanics, to insure attainment of necessary qualifications for higher level positions. Specifically, it was stated that

"Hispanic Special Agents need the opportunity to attend training schools such as supervisory (all levels). When the official call for such training materializes, Hispanics are not sent because they normally have a case pending. \* \* \* Because training is an important factor when a manager considers an employee for a promotion, \* \* \* Hispanics need the opportunities to attend all levels of available training."

It was not feasible for us to determine whether equal opportunity for training is provided to DEA's employees without regard to such factors as race, color, religion, sex, age, and national origin. However, we believe that DEA should make this determination as a part of a continuous effort to identify and eliminate discriminatory practices in the bureau.

#### NEED TO INSURE EQUAL OPPORTUNITY IN PROMOTIONS

DEA had not performed any analysis of its promotions for EEO purposes. The Department of Justice's 1976 EEO plan

contained an action item to develop, in each of its bureaus, a time-in-grade, average grade promotion survey of the Hispanics, Blacks, Native and Asian Americans, and women, to compare with that of nonminorities and males in key occupations. The Justice Department stated in its 1977 EEO plan that this survey was not accomplished, primarily due to lack of time and statistical capability to prepare the computer runs.

Statistical data we obtained on DEA's work force for June 30, 1974, to June 30, 1976, and on promotions in DEA from July 1, 1974, to December 31, 1976, showed that minorities and women received promotions at a rate greater than their work force representation. However, further analysis such as the comparison once planned by Justice in its 1976 EEO plan would have to be made to determine if discriminatory practices exist.

EXTENT OF UPWARD MOBILITY  
PROBLEM SHOULD BE DEFINED

Our April 1975 report to the Congress 1/ stressed the need to identify situations inhibiting upward mobility. Management must systematically identify and analyze job patterns preventing advancement of qualified lower level employees. Such occupational analysis should include the

--rate of personnel change from lower to higher skilled occupations by grade and job series;

--number of employees in apprentice, technician, and other developmental positions; ratios of jobs filled by promotions and reassignments to those filled from outside the agency in apprentice, technician, developmental, or entry-level professional positions, by grade level; and

--job series and grade levels in which many employees appear impacted.

These analyses will identify the upward mobility target populations and are essential because upward mobility needs vary among and within agencies.

Justice's guidance does not direct bureaus to systematically analyze their work force to identify their upward mobility problem, and DEA did not determine upward mobility inhibitors within its organization.

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1/"Upward Mobility Programs in the Federal Government Should Be Made More Effective," FPCD-75-84, Apr. 29, 1975.



DEA's upward mobility program is open to any DEA employee who is in a single interval series position, and is at the GS-1 through GS-8 grade level, who has a minimum of one year of service, and who is employed under a career-conditional or career appointment. DEA's guidance on upward mobility also states that employees in single-interval series positions at the GS-9 level may participate in the program if they are willing to accept a down-grading.

As of March 18, 1977, DEA's headquarters had advertised one upward mobility position--accounting technician--which was applied for only when it was advertised a second time. This position was to be filled by reassignment at GS-4, or by acceptance of a lower grade for employees at the GS-5 level, with promotional potential to a GS-6. Only four persons applied for the position. The Upward Mobility Coordinator said that many employees are already GS-6's and do not want to be down-graded, only to move ahead to a GS-6.

The Upward Mobility Coordinator told us that he had reviewed some DEA statistics as of September 30, 1976, and found that in a year's time, 455 (or approximately 41 percent) of the approximately 1,100 persons in grades GS-1 to GS-8 had been promoted. He also said, "Quite a few were promoted from GS-8 to GS-9." This information, in our opinion, indicates that DEA does not know in which grade(s) upward mobility is inhibited or if it actually is inhibited. Without such analysis, upward mobility program efforts may be misdirected.

#### NEED FOR SKILLS SURVEYS

Executive Order 11478 states that agencies must utilize to the fullest extent the present skills of each employee and provide the maximum feasible opportunity to employees to enhance their skills. Chapter 41, title 5, of the United States Code codified the Government Employees Training Act and prohibits agencies from training employees, through non-Government facilities to fill a position by promotion if there is available a qualified employee of equal ability and suitability. As a result, CSC states in its guidelines that agencies must recognize the knowledge, skills, and abilities of their employees.

The Department of Justice's upward mobility guidelines do not require its bureaus to conduct skills surveys as a part of its upward mobility program. DEA's draft EEO plan for January 1, 1976, to September 30, 1977, contained an action item to conduct a skills survey of all employees GS-8 and below to identify the employees whose skills

appeared to be underutilized or nonutilized. These employees then would be screened and considered for DEA's upward mobility program. The personnel director, regional directors, and laboratory directors were responsible for this action item.

In our letter report to CSC dated March 28, 1977 (FPCD-77-10), we recommended that CSC provide departments and agencies with guidance detailing how to conduct staff power analyses and skills surveys in support of initial and subsequent upward mobility training agreements. CSC has advised us that the recommended guidance will be issued soon.

## CONCLUSIONS

DEA needs to analyze training data to insure that equal opportunity for training is provided to all employees.

Although statistics for the period July to December 1976 showed that minorities and females may be receiving their fair share of training, this information is not conclusive since the comparison did not consider the types of training offered, the availability of this training to those in certain job categories, and the race and sex composition of each job category. Further, it did not consider the training by DEA locations. Also, DEA has not analyzed its promotions or EEO complaints concerning promotions to identify EEO problems. Such analyses, in our opinion, should be a part of a continuing effort in DEA to identify and eliminate discriminatory practices.

In addition, DEA needs to identify the extent of its upward mobility problem, and to perform skills surveys.

## RECOMMENDATIONS

We recommend that the Attorney General direct the DEA Administrator to:

- Analyze training statistics and related factors to insure that equal opportunity for training is provided for all employees.
- Perform jointly with the Department of Justice, a time-in-grade study of promotions for minorities and women, compared to promotions for nonminorities and men.
- Analyze EEO complaints of discrimination in promotions to identify possible EEO problems and discriminatory practices.

We also recommend that the Attorney General require Justice's EEO program officials to:

- Provide detailed guidance directing DEA to define the extent of the upward mobility problem as a first step in the planning process.
- Issue definitive policy, procedures, and guidelines on the use of skills surveys in upward mobility programs.

## CHAPTER 7

### IMPROVEMENTS NEEDED IN THE DISCRIMINATION COMPLAINT SYSTEM

Employees or applicants for Federal employment who believe they have been discriminated against because of race, color, religion, sex, national origin, or age and wish to resolve the matter are required to discuss the problem with an EEO counselor. This counseling is on an informal basis, and the complainant has a right to remain anonymous. If the counselor is unable to resolve the matter informally, a formal complaint may be filed with the agency. During the formal stage, the agency has the complaint investigated and attempts resolution. The complainant also has the right to request a hearing before a complaints examiner whose name has been supplied to the agency by CSC as being qualified, to appeal agency decisions to CSC's Appeals Review Board, and to file a civil action in a U.S. District Court. Federal agencies are to provide prompt, fair, and impartial disposition of EEO discrimination complaints. DEA's discrimination complaint system can be improved by

- insuring that counselors document counseling activities,
- emphasizing freedom from reprisal,
- providing additional training for EEO counselors and investigators,
- analyzing EEO complaints,
- processing complaints in a more timely manner,
- insuring that all employees and applicants are informed of the discrimination complaint system, and
- improving the supervision and evaluation of part-time EEO counselors and investigators.

#### NEED TO INSURE THAT COUNSELORS DOCUMENT COUNSELING ACTIVITIES

Documentation of EEO counseling activities is necessary to systematically analyze complaint issues in order to identify management problems giving rise to complaints. DEA requires that EEO counselors document counseling activities dealing with informal complaints on contact sheets and on EEO counseling checklists when counseling on formal complaints.

Two of the four counselors we talked to in DEA's headquarters said they were not familiar with the counseling checklist. Both of them had handled EEO counseling cases.

In the Dallas regional office, statistics are not maintained on complaints or counselors' contacts because counselors' reports are seldom submitted. Only 4 of 10 counselors submitted reports in 1976, and only 1 sent in all 12 monthly reports.

#### FREEDOM FROM REPRISAL AND INTERFERENCES SHOULD BE EMPHASIZED

CSC regulations provide that EEO counselors, complainants, and their representatives and witnesses be free from reprisal and interferences during the processing of complaints. We cannot conclusively say that such reprisals were actually occurring in DEA, but EEO personnel and other employees we interviewed indicated that there was at least a perceived fear of reprisals by some counselors and complainants.

DEA should determine the extent of the fear of reprisal among EEO counselors since this can, in our opinion, greatly affect the quality of their work and their fairness and impartiality in handling EEO complaints. Such determination should also be made with respect to complainants. If a perceived problem is found to exist, corrective action should be taken promptly. Also, Justice should reemphasize to DEA its obligation to insure that EEO counselors and complainants are not subjected to reprisal.

#### ADDITIONAL TRAINING FOR EEO COUNSELORS AND INVESTIGATORS IS NEEDED

Personnel involved in the discrimination complaint systems should have enough knowledge of the system and of the Federal personnel system to properly perform their assigned duties and responsibilities and to function effectively. Since most complaints are personnel-related, those persons who are responsible for resolving problems involving personnel matters must be knowledgeable in and have ready access to principles of personnel management techniques.

Although the EEO counselors we talked to in DEA had received CSC's basic counseling course, some had not taken any refresher course, and others had not taken a course in personnel management.

We talked to four of the nine investigators in DEA. They all had received CSC's course for EEO investigators, but none had received any personnel management training although they

all had handled discrimination-complaint cases. None of them believed that CSC's course was adequate. They believed that the course was too short and presented only generalities. After our talk with the investigators, we were told by the EEO officer that some investigators were taking the CSC personnel management course, and that the other investigators and counselors will also take this course.

### NEED TO ANALYZE EEO COMPLAINTS

During the period January 1, 1974, through December 31, 1976, at least a total of 89 (informal) precomplaints and 27 formal complaints were reported for DEA. (One precomplaint report and three formal complaint reports for 1974 were missing.) The formal complaints in DEA included two third-party complaints--one filed by Blacks in July 1974, and the other filed by Hispanics in July 1976. Both of these cases were pending during the time of our review. In January 1977, a civil action was filed by Blacks, a case which is still pending. The complaints concerned, for example, discriminatory practices in promotions, assignments, transfers, and training.

The table on the following page shows the bases and causes of the precomplaints and formal complaints initiated from January 1, 1976.

Although several of the reports concern promotions and reassignments, DEA had not performed any analysis of complaints to identify trends, personnel management deficiencies, or systemic discriminatory practices.

### 180-DAY TIME REQUIREMENT NOT MET

The EEO Act of 1972 states that a complainant may file a civil action after 180 calendar days from the date of filing a complaint with his agency if there has been no decision, or after 180 calendar days from the date of filing an appeal with CSC if there has been no decision by the CSC.

In response to this provision of the act, CSC has attempted, through the issuance of guidance and procedures, to impress upon agencies the importance of timely complaint processing by emphasizing the importance of not exceeding 180 calendar days in processing complaints.

DEA generally exceeded 180 calendar days in processing its complaints but had not performed any analysis to show how and why the delays are occurring. Our review of the 10 formal complaints closed as of December 31, 1976, showed that 5 of

these cases exceeded 180 days in process. Four of the cases were investigated, and delays occurred in getting investigators assigned. From the date the complaints were filed to the date an investigator was assigned, the time elapsed ranged from 75 to 149 days.

### Precomplaints

<u>Basis</u>	<u>Number of complaints</u>	<u>Cause</u>	<u>Number of complaints</u>
Race/color	29	Initial appointment	1
Religion	0	Promotion	39
Sex/female	47	Reassignment	11
Sex/male	7	Separation	7
National origin	3	Reprimand	4
Age	<u>3</u>	Duty hours	2
		Job training	1
Total	<u>89</u>	Detail	2
		Other	<u>22</u>
		Total	<u>89</u>

### Formal Complaints

<u>Basis</u>	<u>Number of complaints</u>	<u>Cause</u>	<u>Number of complaints</u>
Race/color	15	Initial appointment	0
Religion	0	Promotion	9
Sex/female	3	Reassignment	2
Sex/male	2	Separation	5
National origin	5	Reprimand	2
Age	<u>2</u>	Duty hours	0
		Job training	2
Total	<u>27</u>	Detail	0
		Other	<u>7</u>
		Total	<u>27</u>

On December 31, 1976, there were 14 cases pending. Ten of these were in process more than 180 days, and 6 of the 10 were over 20 months old.

The EEO officer said that although he had not made a formal analysis to determine where and why delays were occurring, he believed that reasons for delays vary and include the following:

- Counselors' reports are incomplete (i.e., they don't state how they attempted to resolve a matter).
- Delays occur in getting investigators assigned.
- Investigation reports are incomplete (i.e.; investigator did not check out certain data).
- Attempts at informal adjustments require visits to the regions. (He has to fit this in his schedule.)
- Regional directors or complainants are ill.
- Complainants can't make up their mind what they want to do.
- DEA has to go through Justice to request hearings.
- Rejection of cases requires concurrence of recommendation.

The EEO officer said that the 180-day requirement is not realistic.

In our report entitled "System For Processing Individual Equal Employment Opportunity Discrimination Complaints: Improvements Needed" (B-178929, FPCD-76-77) dated April 8, 1977, we stated that CSC has never reviewed the 180-calendar-day time frame for processing complaints to determine its relevance. We, therefore, recommended that the Chairman of CSC develop criteria for and assess the effectiveness and efficiency of agencies' complaint systems that consider qualitative and cost aspects in addition to timely consideration. In the meantime, however, we believe that DEA should review its complaint system to determine if every effort is being made to avoid unnecessary delays and to process complaints in a timely manner.

NEED TO INSURE THAT ALL EMPLOYEES AND APPLICANTS ARE INFORMED OF THE DISCRIMINATION COMPLAINT SYSTEM

The EEO officer told us that job applicants are not informed of the EEO discrimination complaint system in DEA. In the Dallas regional office, no written material on the complaint process is provided either to new applicants or to employees. An individual becomes aware of this system and how it operates from reading the discrimination complaint procedure instructions posted on most employee bulletin



boards, or from discussions with an EEO counselor or personnel office staff. According to the personnel office in the New York region, applicants for employment who feel that they have been treated unfairly will be referred to an EEO counselor, who will explain to them their rights. Also, a copy of the complaint process is posted in the personnel office. None of these procedures, in our opinion, insures that all employees and applicants are advised of the complaint system.

IMPROVEMENTS NEEDED IN SUPERVISION  
AND EVALUATION FOR PART-TIME  
EEO COUNSELORS AND INVESTIGATORS

EEO collateral assignments are official EEO duties and responsibilities which are assigned to an employee in addition to his or her primary duties and responsibilities in the position the employee occupies. EEO counselor and investigator positions in DEA are collateral assignments. The counselors and investigators receive no performance evaluations of their EEO duties.

Lack of evaluations of individuals' performance of part-time EEO functions has contributed to a lack of effective control over these individuals' EEO functions. The EEO officer said that although EEO counselors are not formally evaluated, if they are nonproductive they are replaced. However, we noted that the EEO officer stated he was not getting everything from counselors that they are supposed to submit, such as documentation on how they tried to resolve a case (counselors' reports) and notices of final interviews with complainants. In our opinion, without these documents, it would be difficult to determine if a counselor was productive or not.

CSC has issued recent guidelines concerning EEO collateral assignments. In its FPM Letter No. 713-37, dated May 20, 1977, CSC stated that the official EEO duties and responsibilities assigned to employees on a collateral basis must be described in the official position description that covers the position the employee occupies. CSC also stated that, as with any other official work assignment given to an employee, certain conditions involving how and when work will be assigned, adjusted, and supported by resources should accompany the EEO collateral assignment, to assure that it is carried out in an effective and efficient manner.

## CONCLUSIONS

DEA should insure that counselors document their counseling activities.

Although the situations regarding reprisals are far from conclusive, there is a need for the Department of Justice to emphasize to DEA its obligations to see that complainants and counselors are not subjected to reprisal.

DEA should provide a coordinated system for determining what advanced training is needed for EEO counselors and investigators and insuring that it is provided. Also, DEA should (1) perform an analysis of precomplaints or formal complaints to identify trends, possible management deficiencies, or systemic discriminatory practices, (2) process complaints in a timely manner, (3) insure that all employees and applicants are advised of the EEO discrimination complaint system, and (4) adequately supervise, control, and evaluate EEO counselors and investigators who perform EEO functions on a collateral-duty basis.

## RECOMMENDATIONS

We recommend that the Attorney General direct the DEA Administrator to:

- Insure that counselors document their EEO counseling activities as required.
- Reemphasize the obligation to see that persons who have initiated or are involved in the processing of EEO complaints are not subjected to reprisals.
- Provide a coordinated system for determining what advanced training is needed for EEO counselors and investigators and see that it is provided.
- Take measures to properly inform all employees and applicants for employment of the discrimination complaint system.
- Institute and implement a systematic approach for monitoring and evaluating employees performing EEO functions on a collateral duty basis.

## CHAPTER 8

### AGENCY COMMENTS

On February 22, 1978, we discussed our findings and recommendations with DEA officials who were responsible for the EEO program. They concurred with most of our findings but found it necessary in some instances to make certain clarifications and minor corrections. Some agency comments were not received in time for evaluation and inclusion in the report. Those that were received were included without an indepth evaluation in order to have the report ready for hearings. Comments follow.

DEA officials said DEA is currently undergoing a reorganization.

One regional EEO coordinator now serves up to three domestic regional offices. But DEA emphasized that the problem of too few EEO coordinators will be resolved when reorganization of DEA's domestic offices becomes effective on October 1, 1978. The reorganization plan provides for one EEO coordinator for each of the five domestic regions.

Also, managers and supervisors are now involved in the development of EEO plans.

The EEO Advisory Council has been abolished and will be replaced by a committee composed of representatives from each of the EEO special emphasis groups (Federal Women's Program, Spanish Speaking Program, and Black Affairs Program.)

DEA's position descriptions have been modified to include descriptions of collateral EEO duties.

Regarding delays in complaint processing, DEA said problems occur at the complaint adjudication officer level in the Department of Justice.

In fiscal year 1977, DEA issued an employee's handbook, outlining the complaints processing procedure.

Not all functions mentioned in this report are the responsibility of the EEO office. The upward mobility program is under the direction of the Personnel Office, and career development programs are divided among several functions--Office of Personnel, office of training, and Office of Administrative Management. The Executive Development Program is operated by the Training Office.

On December 14, 1977, nine new headquarters upward mobility slots were allocated. Those plus the 3 that are presently filled will total 12 upward mobility slots. Also, 12 new regional upward mobility slots were allocated. Those plus the 15 presently filled will total 27 upward mobility regional slots. The number of employees who have applied and qualified for headquarters slots total 45, and 180 in the field.

Recruiting is not a function of the EEO office but a function of the Personnel Office; however, minority and female recruiting goals are being set for the special agent class. Seventy percent of the next class will be composed of minorities and females.

As of June 1977 DEA had the highest average grade level (GS-8.8) for minorities in the Department of Justice and employed approximately one-half of all of the Department's minority criminal investigators. DEA also has the highest number of minority personnel in grades GS-12 through GS-15.

The following table, supplied by DEA, reflects its current statistics on the representation of special agents. As of November 1977 the race and sex profiles of special-agent employees under schedule A were as follows:

<u>Race</u>	<u>Total</u>	<u>Female</u>	<u>Male</u>
Black	27	4	23
Hispanics	34	1	33
Native American	1	0	1
Asian American	5	0	5
Other	<u>47</u>	<u>5</u>	<u>42</u>
Total	<u>114</u>	<u>10</u>	<u>104</u>

At December 31, 1977, DEA had 4,105 permanent employees. Of these, 1,310 or 31.9 percent, were females. A total of 426 females were in grades GS-7 and above, while 2,649 males were in these grades. At December 31, 1977, of the 4,105 employees in DEA, 959, or 23.3 percent were minorities. Of these, 540 were in grades GS-7 and above.

## CHAPTER 9

### SCOPE OF REVIEW

Our examination of DEA's EEO affirmative action program included a review of the laws, executive orders, and CSC's, Justice's, and DEA's policies and regulations governing the program. As part of our review, we examined the practices and procedures at DEA's headquarters office in Washington, D.C., and at DEA's regional offices in Dallas, Texas, and New York, New York.

Our review covered DEA's EEO affirmative action program for the period July 1974 through March 1977. Statistical data provided by DEA covered the period July 1, 1974, to December 31, 1976, and was used by us to analyze DEA's EEO profile, with emphasis on the representation of women and minorities in the various occupations and grade levels. (The figures used in this report were provided by or based on figures provided by the Department of Justice.)

We wanted to know what progress had been made in terms of increasing the representation and improving the distribution of women and minorities in DEA's work force.

We met with appropriate EEO, personnel management, and other officials of CSC, Justice, and DEA. We examined the national and regional EEO affirmative action plans, program guidelines, pertinent correspondence, program evaluations, and EEO complaint files.

DEA's viewpoints expressed in this report primarily represent those of management. Employees' assessments of DEA's affirmative action policies and programs will be the subject of an overall report, to be prepared in the future. That report will deal with employees' responses to a comprehensive questionnaire, designed to reflect attitudes toward and assessments of affirmative action programs Justice-wide.

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### Committee on the Judiciary

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July 29, 1976

The Honorable Elmer B. Staats  
 Comptroller General of the United States  
 General Accounting Office  
 441 G Street, N.W.  
 Washington, D.C. 20548

Dear Mr. Staats:

The Subcommittee on Civil and Constitutional Rights of the House Judiciary Committee has recently concluded a series of hearings on equal employment opportunity at the Department of Justice. In three days of hearings, my Subcommittee received testimony from several civil rights organizations which charged that minorities and women have been excluded from employment and promotion opportunities at the Justice Department.

We plan to continue monitoring the agency's employment practices over the next year to determine the progress of the Justice Department towards meeting the equal opportunity mandate. To assist the Subcommittee in the performance of its oversight function, I would like to request that the General Accounting Office study and evaluate the operation of the affirmative action program of the Department of Justice and each of its component organizations. The inquiry should focus on the entire range of policies and practices impacting on the structure and implementation of the affirmative action program, recruitment, selection, promotion, training, assignment, management, and the complaint process.

The Subcommittee has tentatively scheduled further hearings on this issue for early in the 95th Congress, and we would appreciate a report at that time from the GAO on your findings and recommendations. If I or my staff can assist in any manner towards your efforts in this study, please contact me.

Thank you once more for your continued assistance.

Sincerely,



Don Edwards  
Chairman  
Subcommittee on Civil  
and Constitutional Rights

DE:vs

PRINCIPAL OFFICIALS  
OF THE DEPARTMENT OF JUSTICE  
RESPONSIBLE FOR ADMINISTERING ACTIVITIES  
DISCUSSED IN THIS REPORT

	<u>Tenure of office</u>	
	<u>From</u>	<u>To</u>
<b>ATTORNEY GENERAL:</b>		
Griffin B. Bell	Jan. 1977	Present
Edward H. Levi	Feb. 1975	Jan. 1977
William B. Saxbe	Jan. 1974	Feb. 1975
<b>ASSISTANT ATTORNEY GENERAL, ADMINISTRATION:</b>		
Kevin D. Rooney	May 1977	Present
Glen E. Pommerening	Jan. 1974	Apr. 1977
<b>ADMINISTRATOR, DRUG ENFORCEMENT ADMINISTRATION:</b>		
Peter B. Bensinger	Feb. 1976	Present
Henry S. Dogin	May 1975	Feb. 1976
John R. Bartels, Jr.	Oct. 1974	May 1975