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INTENTIONAL JOB DISCRIMINATION STUDY ATTACKED BY EEAC IN FLAWED CRITIQUE

Blumrosens assert :
"the EEO laws have opened occupations previously closed to minorities and women. Most employers have made conscious efforts to include them, fewer have failed to do so."

The Equal Employment Advisory Council has criticized our study, INTENTIONAL JOB DISCRIMINATION IN METROPOLITAN AMERICA-1999, (2002) www.eeo1.com (the Study) as containing "grossly exaggerated conclusions about the extent of job discrimination" based on "a flawed methodology."[1] It may be that the critique was prepared in haste

1. The Study is authored by Alfred W. Blumrosen and Ruth G. Blumrosen, Rutgers University Law School, Newark, NJ and is available at www.EEO1.com. (Cited here as "Discrimination Study" or "Study"). It was supported by a grant from the Ford Foundation to Rutgers, the State University of New Jersey and administered through the Law School in Newark. The EEAC critique appears in a memorandum to members, Sept. 26, 2002. The memorandum is summarized briefly on the EEAC website www.EEAC.org.

without a careful reading.[2] The critique adopts many of our salient findings, and agrees that our methodology is relevant to proving the positive results of affirmative action and delimiting the contours of intentional job discrimination. But surprisingly, the EEAC authors then twist our methodology in order to criticize a "straw man" never raised in our Study, and go so far as to impugn the integrity and sound judgment of the very employers that comprise EEAC's core constituency.

For this reason, we thought it would be useful to review in greater detail EEAC's comments in order to identify the most glaring errors and misrepresentations.

THE METHODOLOGY OF THE STUDY

We analyzed employer EEO-1 reports for the 1975-1999 period, taking each Metropolitan Statistical Area (MSA) separately. Within each MSA, we examined each industry separately.[3] Within each industry, we examined each of the nine occupational categories on the EEO-1 report for which there was sufficient data.[4] We identified the average utilization of women and minorities in each occupation in the industry and MSA and then compared each establishment, occupation by occupation, against the average for that MSA.[5] Establishments that were two standard deviations or more below the average in a particular occupation were presumed to engage in intentional job discrimination under decisions of the Supreme Court in the Teamsters and Hazelwood cases.[6] The number of workers affected by that discrimination was the difference between the number that each such establishment employed and the average number of minorities or women employed by similar employers in the same occupation, industry and labor

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2. We supplied Jeff Norris with a copy of the national report a week before it was published on the website, in anticipation that he might be asked by reporters to comment on it.

3. Using the 1987 Standard Industrial Classifications two and three digit codes.

4. The methodology is described in Discrimination Study, Chapters 1-8, and Technical Appendix C. The categories are Officials and Managers, Professionals, Technical, Sales, Office and Clerical, Craftspersons (skilled), Operatives (semi skilled), Laborers and Service Workers. For definitions see Discrimination Study, Appendix A.

5. See Discrimination Study, Ch. 5, §2-6. The average is the benchmark to compare the establishments. The minorities reported were Black, Hispanic, Asian Pacific area and Native Americans. The data concerning Native Americans was too diffuse to reach conclusions in most instances.

6. Teamsters v. United States, 431 US 324, n.15 (1977); Hazelwood School District v. United States, 433 US 299 (1977). Discrimination Study, Ch. 6. At two standard deviations, there is a 95% probability that the result did not occur by chance. In fact, 80% of workers affected by intentional job discrimination were in establishments that were 2.5 or more standard deviations below the average, meaning that there was only one chance in 100, or 1% that it occurred by chance. Discrimination Study, Ch. 7 §2. We also included establishments that were between 1.65 and 2 standard deviations, because that evidence is admissible if relevant. However, since it does not create a presumption, we did not attribute any affected workers to establishments in this category. Discrimination Study, Ch. 6 §1.

market.[7] The average is a fact that will vary in each situation, not a quota. Here is the EEAC critique of the Study, followed by the reality of the Study.

1. EEAC CRITIQUE. The study is unfriendly to employers because it exaggerates the extent of intentional job discrimination.

THE REALITY. Our study is employer friendly and demonstrates extensive employer compliance with the EEO laws.

The study is based on two analyses of the EEO-1 statistics. One analysis demonstrates the real improvement in minority and female opportunity in the last quarter century. This improvement is not measured by the figures from our study on which the EEAC relies; the total increase in numbers over the quarter century.[8] Many will dismiss that number as the result of the "rising tide that raises all boats." We devised a method of showing the extent of increase above the rising tide.[9]

Our analysis of the 1975 -- 1999 period establishes that a substantial majority of establishments have contributed to the improved occupational position of minorities and women. 4.6 million minorities and 3.8 million women were in higher occupational categories in 1999 **above and beyond** the proportions of 1975.[10] This increase was *not* a result of the rising economic tide. It was the result of employer activities in furtherance of equal employment opportunity law and policies.

The second analysis is equally innovative; it identifies intentional job discrimination by using new comparisons that are more refined than existing methods, but have not previously been used in discrimination litigation. We found that 2 million minorities and women were affected by intentional job discrimination by 75,000 establishments examined for 1999. This point is important, for nearly 50% of White Americans in 2001 believed erroneously that Blacks "were just about as well off as Whites in terms of jobs."[11] By the same token, we also found that 125,000 establishments did *not* appear to engage in such discrimination.[12]

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7. See Discrimination Study, Ch. 1-6 and Appendix C.
8. EEAC memo, p.2-3.
9. Discrimination Study, Ch.2, §1.
10. Discrimination Study, Ch. 3 § 4.
11. Discrimination Study, Ch. 3, §2.
12. Discrimination Study, Ch. 9 §1; Most of the affected workers were found in establishments that were 2.5 standard deviations or more (1 chance in 100 or 1% chance that result was random) or "hard core," (2.5 Standard Deviations over 10 years.) Ch. 9 §5. The Study made no judgments about the "fairness" of the average. See Ch. 2, §3.

2. **EEAC CRITIQUE.** The EEO-1 data prepared by employers is unreliable.

THE REALITY. The EEO1 data is submitted to the government under oath. **The EEAC says that "accuracy in making these judgments cannot be assumed."** This impeachment of employer judgments about characteristics of their own employees, their jobs, and the industry in which they operate, has no basis in fact and impugns the integrity of the employers the EEAC represents. Indeed, this statement may come back to haunt the EEAC should its members seek to invoke EEO-1 data in support of their positions in litigation. In fact, employer judgments about the race, color or national origin of their workers are more likely to be accurate reflections of community perceptions, than the subjective judgments of the workers themselves.[13]

3**. EEAC CRITIQUE.** The Study creates an unfair burden on employers because it inaccurately asserts that they discriminate.

THE REALITY. The Study is an important tool that allows employers to evaluate job discrimination issues. 71% of employer establishments may use our data to rebut claims of discrimination by women in litigation, and 63% may rebut claims of race or ethnicity discrimination.[14] Even those who appear to discriminate in one or more of the nine occupational categories, may use our data to defend themselves against discrimination claims in job categories where they appear to be near or above average compared to peer establishments.

The typical individual discrimination claim turns on credibility issues which are difficult to resolve. Our data will assist employers to address these issues in-house as well as in later proceedings. When the data shows that they are near or above the average utilization in the occupation involved in the dispute, it will support their claims of justification. When it is seriously below the average, it may support settlement, or promote the more careful preparation of justifications. [15]

Justice Rhenquist explained this use of data in Furnco Construction Co. v. Waters.[16]

"A *McDonnell Douglas* prima facie showing…is simply proof of actions taken by the employer from which we infer discriminatory animus…. When the prima facie showing is understood in this manner, the employer must be allowed some latitude to introduce evidence which bears

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13. Discrimination study, Ch. 4, §2.

14. See Chapter 9.

15. Where they are considerably below the average, the data, if relevant, may be used by complainants to support their version of the events. McDonnell Douglas v. Green, 411 US 792 (1973).

16. 438 US 567, 579-80 (1978).

on his motive. **Proof that his work force was racially balanced or that it contained a disproportionately high percentage of minority employees is not wholly irrelevant on the issue of intent when that issue is yet to be decided**.[17] We cannot say that such proof would have absolutely no probative value in determining whether the otherwise unexplained rejection of the minority applicants was discriminatorily motivated. Thus…the District Court was entitled to *consider* the racial mix of the work force when trying to make the determination as to motivation."[18]

One objective of the Study is to suggest a "neutral" basis for making decisions in individual cases. Our data will facilitate credibility assessments for both employers and complainants.[19] Far more employer establishments will benefit from our methodology than will be adversely affected by it.

4. EEAC CRITIQUE. The critique denies there is a presumption of intentional discrimination where an establishment is two or more standard deviations below the average utilization of minorities or women and therefore concludes there is no basis for the study.

THE REALITY. The legal presumption of intentional discrimination when an establishment is two or more standard deviations below the expected result was developed in the Teamsters and Hazelwood cases by the Supreme Court.[20] It has been upheld since, most particularly in Wygant v. Jackson Board of Education in 1986.[21] The EEAC's response is apparently to ignore this Supreme Court precedent.

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17. Emphasis added.

18. The data is also useful in decisions to settle claims. An establishment that is a "hard core" discriminator in our analysis may wish to change its practices and settle claims rather than litigate them. In such situations, statistics are admissible where relevant in support of claims against employers. McDonnell Douglas v. Green, 411 US 792 (1973). See Discrimination Study.

19. See Discrimination Study, Ch. 1, §2.

20. [[O]ur cases make it unmistakably clear that "(s)tatistical analyses have served and will continue to serve an important role" in cases in which the existence of discrimination is a disputed issue. [Citations omitted throughout this quotation] We have repeatedly approved the use of statistical proof, where it reached proportions comparable to those in this case, to establish a prima facie case of racial discrimination in jury selection cases… Statistics are equally competent in proving employment discrimination. We caution only that statistics are not irrefutable; they come in infinite variety and, like any other kind of evidence, they may be rebutted. In short, their usefulness depends on all of the surrounding facts and circumstances. . ." Teamsters, 431 US at 340.

The presumption is a tool to facilitate decision making where the statistical circumstances make it highly unlikely that the observed result occurred by chance. In those circumstances, the statistical "imbalance is often a telltale sign of purposeful discrimination…In many cases the only available avenue of proof is the use of racial statistics to uncover clandestine and covert discrimination." Teamsters, 431 US at 340, quoting United States v. Iron Workers Local 86, 443 F.2d at 551. See Discrimination Study, Ch 5 §3.

21. 476 US 267, 292 (1986).

In her concurring opinion in Wygant, Justice O'Connor relied on statistics showing a prima facie case of intentional discrimination to justify affirmative action by a public employer.

"Of course…the public employer must discharge this sensitive duty with great care… [I]n the event that its affirmative action plan is challenged, the public employer must have a firm basis for determining that affirmative action is warranted. **Public employers are not without reliable benchmarks in making this determination. For example, demonstrable evidence of a disparity between the percentage of qualified blacks on a school's teaching staff and the percentage of qualified minorities in the relevant labor pool sufficient to support a prima facie Title VII pattern or practice claim by minority teachers would lend a compelling basis for a competent authority such as the School Board to conclude that implementation of a voluntary affirmative action plan is appropriate to remedy apparent prior employment discrimination."**[22]

A fortiori, if a public institution may rely on statistics showing a prima facie case of intentional job discrimination to undertake affirmative action, so may a private employer. As Justice O'Connor suggests, the presumption is strong enough not only to place a burden of explanation on the employer, but also to justify affirmative action. Our study examines this issue in depth.[23] Trial lawyers understand the critical difference between an inference and a presumption, particularly at the summary judgment stage. The presumption places the burden of explanation on the establishment to show that it is not discriminating or that the statistics are inapplicable. The EEAC critique of our methodology consists of presenting reasons that employers may give to rebut the statistics in particular cases. At that point, the validity of the explanations will be at issue in that case.

5. EEAC CRITIQUE. The study does not consider employer justifications and thereby exaggerates the extent of discrimination.

THE REALITY. The Study addresses employer justifications extensively, even though EEO-1 data does not. The Study devotes an entire chapter to demonstrate how the methodology takes account of commonly asserted justifications, such as claims that "there are no qualified people;" "they do not want the type of job at issue;" and the like.[24] The fact that we make comparisons only where there are employees doing similar work under same industry and market conditions for other employers is a response to such contentions.

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22. Emphasis added.
23. Discrimination Study, Ch. 5 § 6.
24. Discrimination Study, Ch. 8 and Technical Appendix, Appendix C.

Of course, an employer may assert "legitimate" reasons to rebut the presumption as we repeatedly note,[25] but a rebuttal argument is not necessarily conclusive. In 1991, Congress decided that in intentional discrimination mixed motive cases, plaintiffs prevail if they demonstrate that "race, color, religion, sex or national origin was **a** motivating factor for any employment practice, even though other factors also motivated the practice."[26] Thus, even if the employer has a legitimate explanation for its actions, the Teamsters-Hazelwood presumption may nonetheless require that the case be decided on its merits, not on summary judgment.

At the same time as it contends there is no presumption, the EEAC criticizes the Study for asserting that the presumption is conclusive and irrebuttable.[27] That statement is false, as the footnoted citations to the Study attest.[28] In this, the EEAC authors render a disservice to their employer constituents by not accurately describing the legal presumptions that apply to employment practices under current law.

6. EEAC CRITIQUE. The study fails to account for chance and thereby exaggerates discrimination by half against minorities and two thirds against women.[29]

THE REALITY. The statistics in the Study take full account of the effect of chance. The Supreme Court has held that a presumption of intentional discrimination arises when an establishment is two or more standard deviations below the expected level (the average minority or female representation in an occupational category): the choice of a two standard deviation test eliminates chance sufficiently to allow the conclusion that the result was not the product of chance. That condition exists when there is only a five percent probability that the result occurred by chance and a 95% probability that chance does not explain the result. In our study, two thirds of the discrimination findings were at least 2.5 standard deviations below the average, meaning there was no more than a one percent possibility of randomness, many were more than 2.5 standard deviations below average, and some had been so for many years.[30]

Those found to be apparent intentional discriminators who were 2.5 or more standard deviations below the average – only a one in 100, or a 1% chance or less that the result was random – were responsible for 90% of the affected workers.[31] In the group of "hard core" establishments, that 1 in 100

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25. Discrimination Study, Ch. 8.
26. Discrimination Study, Ch. 5 §2 (emphasis added).
27. EEAC memo, p. 6.
28. Discrimination Study, Ch. 5 §6; Ch 6 §1; Ch. 8.
29. EEAC memo, p. 5-6.
30. Discrimination Study, Appendix C, Technical Appendix §1 and 2, Ch 5, §3, 4, and 5.
31. Discrimination Study, Ch. 9, §8.

chance persisted over at least a ten year span.[32] This is a powerful figure, clearly beyond the "reasonable doubt" standard of criminal law or the "more likely than not" standard of the civil law. In neither law nor science is 100% certainty either required or possible.

The EEAC conclusion is based on the false and misleading assumption that each establishment studied was compared for all of the nine occupations and therefore underestimated the operation of chance alone.[33] We did not – and could not have – compared establishments in all nine occupational categories, nor did we base our study on the probability of discrimination in all nine categories.

The average number of occupational categories compared in each establishment in the Study was between two and three. Thirty percent of the comparisons showed discrimination against minorities, and twenty three percent showed discrimination against women. Each eligible establishment was measured against the average utilization of minorities or women in the same labor market, industry and occupation, one occupation at a time.[34] This is the usual way discrimination questions arise in litigation, whether in individual or class actions. An establishment's deviation from the mean at two standard deviations in any one category is subject to a five percent error in either direction. There is no need, or reason, to find discrimination in two or more categories for each establishment. A single category that is two or more standard deviations below the average is sufficient to identify an intentional discriminator.[35]

7. EEAC CRITIQUE. Statistics alone can never prove intentional discrimination.

THE REALITY. This truism is irrelevant. Proof at law requires a plaintiff with a claim and a set of facts. Where those facts show that an establishment is two standard deviations or more below the average, a presumption of intentional job discrimination arises under law that requires the employer to present evidence of its justification. That presumption, strong enough to justify affirmative action, bolsters whatever other evidence

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32. Discrimination Study, Ch. 7, §1.

33. EEAC memo, p. 5.

34. This average is a percentage of minorities or women reported in the labor market, industry and occupation. Our statistics are based only on the EEO1 labor market. There are no similar statistics for smaller employers and we make no judgments about them. We have no "mom and pop" establishments.

35. The Study could not possibly compare establishments in all nine categories. 50% of affected workers were associated with employers of 100 to 500 employees. For an establishment to have employees in each category, they would have averaged 11 in each category. Unless an establishment had 20 employees in the category at issue it was not considered. Using the EEAC assumption that nine categories were considered, the establishment would have to have at least 180 employees equally distributed through the nine categories to be considered. Such a distribution makes no industrial sense.

the plaintiff may present and will normally require a trial rather than a dismissal on summary judgment.[36]

The presumption entitles the public and the courts to put the burden of explanation on the employer. EEAC says that statistics can be a "starting point, but not the end of the inquiry."[37] The Study says this as well. But what the EEAC authors do not mention is that as that inquiry proceeds, the employer has the burden under law of explaining not only that it has a justification, but that the justification is strong enough to rebut the presumption of discrimination. The statistical evidence is not merely an isolated bit of evidence to be considered with other evidence. Under §703(m) of Title VII, evidence of a legitimate reason may not alone be sufficient for defendant to prevail, where the overall evidence – including the statistical evidence – would permit a finding that one motive was discrimination.

8. EEAC CRITIQUE. The statistical method used in the study exaggerates discrimination claims "in the workforce as a whole."[38]

THE REALITY. Our findings are limited to the EEO1 Labor Force of establishments of 50 employees or more in Metropolitan Areas who file EEO-1 reports. This is far fewer than half of the establishments in the country. Fewer than half of these establishments were large enough to be compared: 37% of those compared were identified as intentional discriminators against minorities, and 29% against women.[39] If we had extrapolated to "the work force as a whole" the numbers of discriminators and affected workers would be quadrupled.[40]

But, according to EEAC, any benchmark derived from EEO-1 data is likely to be higher than the participation of minorities or women in the "work force as a whole" because larger firms employ a larger percentage of minorities and women than do smaller ones.[41] The EEAC accordingly implies that smaller firms discriminate to a greater extent than larger ones. There is no evidence for this proposition. In fact, the proportion of establishments exhibiting discrimination in our study did not vary significantly by establishment size.[42] But the EEAC authors seem to

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36. See Barbara Lindermann and Paul Grossman, EMPLOYMENT DISCRIMINATION LAW, 3d Ed., Ch 2, II, A, Ch. 33, VI (1996) and 2000 Cum. Supp.

37. EEAC memo, p. 6.

38. EEAC memo, p. 4.

39. Discrimination Study, Ch. 9§1.

40. EEO data covers about half the workforce; the remainder are employed by smaller establishments. Twenty percent of the establishments reporting their EEO1 data are outside Metropolitan Areas and are excluded. Discrimination Study, Ch. 9, §1.

41. EEAC memo, p. 4

42. Discrimination Study, Ch 9, §4. The statement that "EEO-1 reports are filed primarily by large employers who typically employ a higher percentage of women and minorities than do smaller companies" EEAC memo p. 4, is irrelevant to intentional job discrimination. The higher proportions of

believe that the "representation of minorities and women in the workforce as a whole" is a standard against which our methodology should be judged.[43] It is hard to believe that the EEAC is proposing proportional representation as the proper standard! Instead of referring to the general population, our methodology takes a conservative position based on local community standards, and sets the "benchmark" on local labor market conditions in each MSA in the same industry and occupation to identify establishments that are the subject of the presumption of intentional discrimination.

8. EEAC CRITIQUE. The data comparisons are crude.

THE REALITY. The data comparisons are specific when compared to data comparisons presently in use in the courts. All comparisons are within the same MSA, industry to three digits, and separately for each of the nine occupations reported on the EEO-1 form. No other set of statistics provides this interlocking support. Since technology drives skill requirements, limiting comparisons to the same industry provides assurance that the occupations involved will have the characteristics associated with that industry. Professionals in hospitals are likely to be medical personnel, while those in legal services are likely to have legal training. Technical workers in the airline industry are likely to be familiar with airplane technology, while those in the Motor Vehicle manufacturing industry will understand the technologies of that industry.[45] Census data does not provide this assurance because it is not keyed to industries.

The MSA, which we treat as a labor market, is extensively discussed in our Report.[46] The claim that an establishment is far from minority residential areas may be raised by employers to challenge the application of the data to the establishment, especially in lower paying jobs which arguably have a narrower commuting/recruiting area than higher paid jobs. Research with more specific location information would assist in addressing the issue generally.[47]

There are positive values in using the MSA as a research tool and in legal proceedings. The MSA may be the only "neutral" method not

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minority and women employees do not justify discrimination against those that they do hire. Connecticut v. Teal, 457 US 440 (1982).

43. EEAC memo, p. 4.

44. Discrimination study, Ch. 4, §2

45. The Supreme Court applied the EEO-1 definitions in Johnson v. Transportation Agency, Santa Clara County, 480 US 616 (1987).

46. Discrimination Study, Chapter 4, §3, Chapter 8 §2-4, Appendix C § 7. Reference to cases upholding the MSA as an appropriate labor market is found in Discrimination Study, Ch. 4, n. 62. EEOC removed specific location information from the data supplied for the study to protect the confidentiality of the information.

47. Such research would be subject to EEOC supervision to protect the confidentiality provision, or could be conducted by the EEOC itself.

structured by a specific party in litigation, that takes account of commuting practices.[48]

9. **EEAC CRITIQUE.** The "advancements of women and minorities are difficult to reconcile with the 'findings' of rampant intentional discrimination the authors purport to draw from their data comparisons."[49]

THE REALITY. One major reason that the percent gains of women and minorities pointed out by EEAC and our study is greatest in the best paid occupational categories is because they started so low – the jump from 1 employee to 2 is 100%. The EEAC statement that women and minorities both "doubled their representation in the officer and manager category" may not be as astounding as they make it sound. In fact, the study shows over 8 million women and minorities are in better jobs than if jobs were still distributed as they were in 1975. This is not "counter intuitive," but is exactly what was expected – that the EEO laws have opened occupations previously closed to minorities and women. Most employers have made conscious efforts to include them, fewer have failed to do so.

These improved opportunities also provided new opportunities for discrimination. When they had been excluded from "white jobs" or "men's jobs" they would not be discriminated against in promotion, transfer, training, harassment, discipline, layoff or discharge.[50]

That same improvement has increased the cadres of qualified minorities and women available in each labor market, industry and occupation, making the argument that there were no qualified minorities or women available less probable. That claim was common, and sometimes realistic in the immediate post civil rights act era. In the last quarter century, as minorities and women have demonstrated their qualifications at work, claims such as "we couldn't find any qualified ones," are more difficult to maintain.[51]

CONCLUSION

Our Study addresses the issue of whether intentional job discrimination as defined under Title VII of the 1964 Civil Rights Act remains a salient issue in the workplace today. Increasingly the argument is made that the improvement in opportunities for minorities and women now justifies restriction or elimination of programs to improve such opportunities, but without referring to any objective evidence to demonstrate the nature or extent of progress. Our study is the first to use EEO-1 data to

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48. Discrimination Study, Ch. 8 and Appendix C.

49. EEAC memo p. 3.

50. From the data, we cannot determine which employer practices were responsible for the showing of discrimination. Discrimination study, Ch. 2, §3.

51. Discrimination study, Ch. 8, §6, §7

document the extent of this progress, and shows that while significant headway has been made as a result of the Civil Rights legislation and the actions taken by employers throughout the country to remedy discrimination, intentional discrimination continues to exist in our country on a large scale. The use of statistics, such as those in the Study, are a precious aid in our view to identify with far greater precision than ever before possible those employers who comply with the law and those who do not; which compliance programs work, and which do not. The results are an objective vindication for the great majority of employers who have taken remedial steps, often at great expense, to comply with the law.

The EEAC's scattershot critique apparently seeks to discredit our Study with a view to sheltering the small minority of establishments whose discriminatory practices make them stick out like "sore thumbs" when compared with other similarly situated employers.

We urge all those involved in equal employment opportunity administration – whatever the perspective they support – to address discrimination where it appears most serious. The law has made a major contribution to the civilization of the workplace. It should now be supplemented by a more targeted approach based on the demonstrated failure of some establishments to adopt community standards of equal employment opportunity. We believe that employers should be able to know where they stand compared to similarly situated establishments.[52] We have been urging the government to make such information available to them.[53] In the absence of such a government program, we will supply such information as is available on request of those entitled to know it.[54]

Why did an organization devoted to advising and litigating on behalf of employers challenge a study that vindicates the longstanding efforts of the substantial majority of establishments that have adopted and applied equal employment opportunity policies? In the words of the political ads, we urge members of the EEAC to ask Jeff Norris or Bob Williams at EEAC at 202 789 8650.

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52. Our recommendations in Ch. 17 are addressed to the various constituencies that participate in the equal employment opportunity field urging both public and private participants to seek the benefits of the Study.

53. Discrimination Study, Ch. 1 §5, Ch. 17, §2.

54. Application information appears at www.EEO1.com.