



State Council on Affirmative Action Report

July 1, 2007 – June 30, 2008

Issued April 2009

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STATE OF WISCONSIN
Office of State Employment Relations

Jim Doyle, Governor
Jennifer Donnelly, Director



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April 2009

The Honorable Jim Doyle
Governor, State of Wisconsin

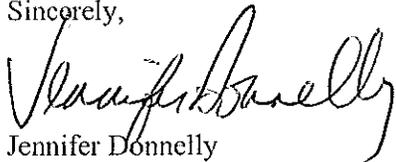
The Honorable Fred Risser
President, Wisconsin State Senate

The Honorable Michael Sheridan
Speaker, Wisconsin State Assembly

Gentlemen:

Please find attached the annual report of the State Council on Affirmative Action for the fiscal year that ended on June 30, 2008. This report is submitted in accordance with Section 230.46 Wisconsin Statutes.

Sincerely,



Jennifer Donnelly

Attachment

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March 2009

*Message from the State Council on Affirmative Action
Chair James Parker*



On behalf of the membership of the State Council on Affirmative Action, attached please find our Annual Report as required by Wisconsin Statutes.

During this reporting year, the Council issued a report and a number of recommendations for the agencies. Over the past two years the Council held hearings for both the Universities and state agencies in which 15 University Affirmative Action Officers (AAOs) and 17 Agency AAOs provided testimony. Following those hearings, the Council reached a number of parallel conclusions with accompanying recommendations for state and university officials. The Council has continued to discuss and meet with both University and Agency Affirmative Action Officers in an effort to ascertain whether these recommendations have been implemented or seriously discussed. Additionally, the Council hosted a reception at the May meeting of Affirmative Action Officers in an effort to build an even closer relationship with them.,

The Council has continued its efforts to encourage and support a more proactive stance by the state and its administrative officials in promoting affirmative action statewide. Mere compliance hardly serves the goals of affirmative action. Proper budget allocations and adequately funded and trained staff are, of course, essential for realizing the goals of equity. Institutions, however, can also undermine the commitment to equal employment opportunity by delaying reports, obscuring data, and withholding cooperation -- thus complying with the letter, but not the spirit of equity. In keeping with its mandate, the Council is ever watchful that such lapses not occur, and is committed to seeking methods and strategies by which it can cooperatively assist state officials, affirmative action officers, and perhaps regents and state legislators as well, in meeting their affirmative action goals and targets.

It goes without saying that institutions are not tested in an era of opulence and abundance; their real character and leadership are determined in a milieu of scarcity and adversity. In these very trying and challenging times ahead of us, it is crucially important for us to remember that if an institution contracts by selectively undermining or exploiting its weakest and most vulnerable members, if it reduces its support of minorities, women, and people of color with diminishing resources, it risks losing both its ethical credibility and reputation, as well as its commitment to the demands of justice and equity.

State Council on Affirmative Action Report
July 1, 2007 - June 30, 2008

MISSION

The State Council on Affirmative Action (SCAA) was created by Chapter 196, Laws of 1977, s. 230.46, Wis. Stats., describes the duties of the Council as follows:

“The council on affirmative action in the office shall serve in a direct advisory capacity to the director and as part of that relationship shall evaluate the progress of affirmative action programs throughout the civil service system, seek compliance with state and federal regulations and recommend improvements in the state’s affirmative action efforts as an employer. In carrying out its responsibilities, the council may recommend legislation, consult with agency personnel and other interested persons, conduct hearings and take other appropriate action to promote affirmative action. The council shall report at least once per year to the governor and the legislature.”

The Council’s overall purpose is to foster measurable progress towards an equitable and diverse work force in state government.

GOALS FOR THE COUNCIL

- A. Continue to monitor and evaluate affirmative action progress for state agencies.
- B. Continue to develop and strengthen the working relationship with agency and university affirmative action officers and affirmative action advisory committees.
- C. Continue follow-up discussions with state AA/EEO Officers to ensure that proper leadership and support is available to perform job description functions.
- D. Further increase the number of state agencies participating in the diversity award process.

A Summary of the SCAA Conclusions and Recommendations for State Agencies November 2007



STATE COUNCIL ON AFFIRMATIVE ACTION
JAMES R. PARKER, CHAIR

101 E. Wilson St., 4th Floor, Madison, WI 53703

November 15, 2007

Jennifer Donnelly, Director
Office of State Employment Relations
101 E. Wilson Street
Madison, Wisconsin 53703

Dear Ms. Donnelly:

The State Council on Affirmative Action has completed the second portion of its responsibility to promote affirmative action and evaluate the progress of affirmative action programs within the University of Wisconsin and State Agencies by consulting with Agency personnel.

The Council planned and held an open forum for all Affirmative Action Officers (AAOs) of the State Agencies. Participants expressed their views and recommendations as to how the Council could assist in improving the effectiveness and advancement of Affirmative Action (AA) and Equal Employment Opportunities (EEO) to foster an equitable and diverse workforce within the Agencies.

As a result of this process and with great consideration, extensive conversations, careful deliberations and reflection on the issues addressed during our forum, the Council has reached the subsequent four observations followed by four recommendations.

- # 1. One of the most fundamental problems is that there is little agreement or clarity about the precise meaning of affirmative action among supervisors, employees, and even occasionally among some AAOs. This confusion leads to widespread misunderstanding, occasional antagonism, and occasionally outright hostility. The primary purpose of affirmative action in employment is simply to assure fairness and equity for our citizens, who are persons of color and women, in hiring, retention, promotion, and pay. The goal is not to solely remedy past wrongs, but to assure future fairness by seeking in hiring to approximate ratios of available potential employees corresponding to race and gender.

Random selection procedures yield results that replicate the composition of the population of available people from which they are drawn. The inference of a biased selection procedure will derive from a lack of correspondence between the proportion of minorities or women

hired or present in any employment category (a work force ratio) and the proportions in the pool of qualified people in the relevant geographic area (availability ratio). If lack of correspondence is evidence of bias, however unconscious, then a correspondence between the two is evidence that hiring is not biased. The goal of impartial affirmative action is to attempt to have the work force ratio nearly equal the availability ratio. To fail to do so violates the promise of fairness and equal protection. The goal is fairness, not favoritism.

The state's AAOs should assert confidently, clearly and succinctly the definitions, goals, and purposes of AA for the citizens and employees of the state.

- # 2. In the state agencies, like the Universities, there is an inclination to let the Human Resource (HR) people do affirmative action and a reluctance to give AAOs real authority. There are major status issues in terms of classification. Most of these positions are not officer titles, and therefore, do not have supervisory roles or staff. The issue of their status also impacts their ability to be taken seriously and to effect change. Many positions still either report to or are HR positions. There is an inherent conflict when combining the responsibilities of Human Resource personnel with those of the Affirmative Action Officer. Even if an HR person is committed to AA principles, the HR position is the chief personnel officer for the administration, developing and implementing personnel policies and employment decisions. As the chief architects of employment policy of the agency, they are not in a position to challenge the very structure they are required to administer and defend. They, themselves, acknowledge that agency employees see it as a conflict.

A related issue concerns the qualifications and requirements for the position of AAO and whether or not a background or a demonstrated experience in or commitment to affirmative action is necessary. As with the Universities, some officers seem more interested in compliance with the letter of AA, rather than in a commitment to the principles. Further, some AAOs seemed averse to an assertive advocacy, which is often required.

Finally, AAOs are sometimes compartmentalized and segregated from the general planning and goals of the Agency for which they work and would like to see their goals integrated into overall planning and Agency purposes

- # 3. Since support for an effective AA program requires the active support of top managers and all supervisors, comprehensive training at every level from Cabinet officials through supervisors as well as employees is an absolute necessity. Moreover, regular in-service opportunities for AAOs themselves should be available.

Additionally, AAO personnel should be measuring the effectiveness of their training programs, rather than being resistant to accountability for training effectiveness. An absence of complaints should not be used as a measure of effectiveness.

- # 4. Smaller agencies may occasionally need help with workshops, training, and recruitment as well as constituting pools for employment prospects. The DAA staff may occasionally be called upon to assist in this area. However, DAA staff should not be the default position for agencies that seek budget savings by relying too heavily on OSER's DAA staff to solve the agency's budget problem.

Based upon these observations, the Affirmative Action Council (AAC) unanimously recommends the

following actions:

1. Within the agencies, there is no consistent job description, set of criteria, or expectation of skill sets and yet the requirements of the position necessitate a serious familiarity with law, advanced mediation and arbitration skills, and a sense of perspective and diplomacy rarely demanded of any other agency position. Since Affirmative Action, EEO law, and Title VII have legal compliance issues, a lack of legal preparation or knowledge could be a significant disadvantage. The Affirmative Action Officer's position description and the criteria and skills required for successful candidates should be as uniform as possible.
2. Given the inherent conflict of interest between the personnel responsibilities for employment policy enforcement of HR and the advocacy, investigative and conflict resolution responsibilities for an AAO, those positions should not be combined, but kept separate.
3. Agency AAOs should undertake a more systemic approach to training, education, and the adoption of best practices for Affirmative Action Officers and for supervisors and employees.
4. The Affirmative Action Council should establish and appoint a long term Affirmative Action Task Force to examine the policies and implementation of AA. This task force should consist of 2-3 members of the AAC; two AAOs from the University System, two or three from the state agencies and two members of the DAA staff. They should be charged with examining the observations and recommendations made by the AAC and other matters related to advance the goals, principles, and understanding of AA as they deem appropriate and return with any recommendations they might choose, to the AAC.

We hope you will find these recommendations useful in guiding your deliberations and judgment on these issues. We stand ready to discuss any portion of this document with you at your request. Thank you and your staff for their commitment and assistance throughout this process.

Sincerely,



Dr. James R. Parker
Chair, Affirmative Action Council

cc: Members of the State Council on Affirmative Action

Eighth Annual Diversity Award

The Council held the Eighth Annual Diversity Award ceremony to recognize best affirmative action practices among state agencies and University of Wisconsin (UW) campuses. The award was created to reinforce effective affirmative action programs and promote diversity in the state. A letter inviting participation was sent to agency appointing authorities, university chancellors, human resources directors and affirmative action officers in June 2007.

State agencies and UW campuses were encouraged to self-nominate a program or initiative that impacted overall diversity achievements. For the Diversity Award, selection was based on the applicant's ability to demonstrate excellence in the following three areas:

1. Successful state agencies and university campuses will have demonstrated a strong commitment to the retention of a diverse and/or multi-lingual classified workforce as measured by the creation of programs, initiatives, and practices.
2. Successful state agencies and university campuses will have measurable and innovative recruitment efforts/initiatives that may include multi-lingual components implemented to attract and provide access for a broader base of racial and ethnic minority applicants in order to increase its classified workforce above and beyond the available labor force. This will be done according to the state's labor force statistics in proportion to the agency's or campus' size relative to minorities, women, and persons with disabilities.
3. Successful state agencies and university campuses will have demonstrated improvements in upward mobility for racial and ethnic minorities, women and persons with disabilities in management positions as measured by workforce reports from 2005-2007.

The Diversity Awards ceremony was held on October 18, 2007 at the State Capitol, Senate Parlor, in Madison. Following are the state agencies that received recognition and descriptions of their award-winning programs:

Department of Administration. The Department of Administration was selected to receive the top diversity honor for its partnership with Madison Area Technical College (MATC) in creating internship opportunities in the information technology field. The DOA/MATC Internship Program was conceived in late 2005 to address the projected 25% eligible retirement rate in FY08 in the Division of Enterprise Technology and at the same time provide "real world" experience for students pursuing Information Technology certifications. The DOA/MATC Internship Program was very successful. There were a total of 69 participants, 23 individuals (33.3%) were from affirmative action group members: 18.9% were racial/ethnic minorities; 18.9% were women; and 5.8% were persons with disabilities. After completing their internships, 34.8% of the affirmative action group members achieved employment with the state either as permanent classified employees or in Limited Term Employment. The program managers estimated the use of internships saved the state at least \$500,000. In addition, the Council commended DOA for its Diversity Awareness Program which includes information resources such as articles, bibliographies and lists of audiovisual materials shared through the DOA Intranet page, informational displays honoring national commemorative events and speakers at brown-bag lunches.

Department of Revenue. The Department of Revenue was selected to receive a Program Achievement Award for increasing representation of racial/ethnic minorities in its workforce, building connections with community-based organizations, addressing the needs of low English proficiency and English as a Second Language customers, exposing Wisconsin's minority youth to many aspects of state employment and increasing diversity awareness among DOR employees. From 2005-2007, DOR increased its representation of racial/ethnic minorities in management by 248% from (9.7% to 24.1%) and by 180% in the Program Support Professionals and Supervisors job group from (4.4% to 7.9%). As the results of its outreach efforts in the Revenue Office Auditor and Revenue Field Auditor positions, 15% of hires for these positions were racial/ethnic minorities. In addition, DOR continues to improve its service to bilingual customers by implementing plans to assist individuals who have limited English proficiency.

Department of Regulation and Licensing. The Department of Regulation and Licensing was selected to receive the top diversity honor for its innovative diversity efforts to increase internal awareness and education on the subject of affirmative action by conducting statewide outreach to increase diversification on DRL's boards, councils and advisory committees; being an active participant in internship and work experience programs providing state agency employment opportunities for people of color; and re-establishing and supporting the work of the agency's affirmative action advisory committee. To increase the diversity of the licensing boards and committees, DRL developed outreach material and conducted statewide meetings with prospective board, council, and committee members. Appeals for applications were made to the Hispanic Chamber of Commerce, the African-American Chamber of Commerce and the Urban League Young Professionals, to name a few. The Outreach Campaign resulted in numerous applications for appointments from people of color to the Governor's Office. In addition, DRL provided internships and work experience opportunities for 8 target group members including participation in the State Bar Minority Internship Program, the UW-Madison PEOPLE Program, and the Governor's Internship Program.

Wisconsin State Public Defender. The Office of The State Public Defender was selected to receive a Program Achievement Award for its creation of an interactive exercise called "People in Crisis." The exercise is designed to help program participants better understand what it might feel like to live as a low-income family trying to meet basic needs each month. The "People in Crisis" program enables participants to experience some of the emotional stress and frustrations resulting from limited resources, as well as the difficult choices people with limited resources make in order to survive. Given that the SPD's core function is to provide legal service to people with little or no income, the "People in Crisis" program provides participants with insights on how to better address their clients' needs. The two and one-half hour program involves between 40 and 85 participants assuming the roles of different families living with limited resources. Based on its success with the program, SPD was invited to present the program at the Court Appointed Special Advocate Annual Conference in September 2007 and the Massachusetts Committee for Public Counsel Services will implement the program for its staff.

New State Standards for Affirmative Action Planning

The new state standards have been redesigned to reflect a more streamlined and simplified process. The current standards were based on AA/EEO process developed in the 1970's. The new standards included greater accountability and increased monitoring of AA/EEO plans. Using a template, AA Officers will be able to submit the AA/EEO plans electronically.

SCAA Reception & Conversation at the WAEO Conference

Chair James Parker and Director Jennifer Donnelly and the Council members met with state and university AA practitioners, AA Advisory Committee members and AAOs in a reception and conversation sponsored by the Council and the Office of State Employment Relations. In addition to networking, the discussion included: update on the Council initiatives and the Diversity Award Program and feedback and suggestions from Affirmative Action Officers for improving communication and strengthening the relationship between State Council on Affirmative Action and AA Officers. The event was a success. Afterwards, the Chair sent a letter, including contact information on SCAA members, to let the AAOs know just how valuable they are, and to solicit one or two issues that the Council might discuss at future meetings.

Strategies for Implementation of SCAA Recommendations

The Council plans to meet with the Women's Studies Consortium as well as the UW System's Conference on Race and Ethnicity. It was noted that more dialogue should also occur among AAOs, state agencies and university campuses, the State AAOs Executive Committee, and the State Council on Affirmative Action perhaps in the form of a forum sponsored by OSER.

MEMBERSHIP

“There is created in the office of state employment relations a council on affirmative action consisting of 15 members appointed for 3-year terms. A majority of the members shall be public members and a majority of the members shall be minority persons, women, and persons with a disability, appointed with consideration to the appropriate representation of each group.” s. 15.105(29)(d)1.a., Wis. Stats.

“The president of the senate, the speaker of the assembly, the minority leader of the senate, and the minority leader of the assembly each shall appoint one member and the remaining members shall be appointed by the governor.” s. 15.105(29)(d)1.b., Wis. Stats.

Members of the Council on Affirmative Action from July 1, 2007 – June 30, 2008:

James Parker

Professor Emeritus, History and Women’s Studies
University of Wisconsin - La Crosse
La Crosse

Quasan Shaw

Real Estate Consultant
Green Bay

Sandra Ryan

Program Assistant
State Department of Public Instruction
Sun Prairie

Lakshmi Bharadwaj

Associate Professor of Sociology
University of Wisconsin-Milwaukee
Shorewood

John Magerus

Dean Emeritus, College of Liberal Studies
University of Wisconsin -La Crosse
Racine

David Dunham

Equal Opportunity Specialist
Department of Corrections
Madison

Janice K. Hughes

Organizational Effectiveness Consultant
American Family Insurance
Madison

Roland Wetley

Dispatcher
Milwaukee County Transit System
West Allis

Blong Moua

Employment Counselor
Department of Employment & Training
Marathon County
Schofield

Roger L. Pulliam, Ph. D.

Assistant Vice Chancellor for
Academic Support Services
University of Wisconsin - Whitewater
Whitewater

Yolanda Santos-Adams

President and CEO
Urban League of Racine and Kenosha, Inc.
Racine

Adelene Greene

Director of Workforce Development
Kenosha County Department of Human Services
Kenosha

Theresessa Childs

Principal
Green Bay Avenue School
Milwaukee

Hugo Henry

Retired Educator
School District of Beloit
Beloit

Santiago Rosas

President
Santa Rosa Maintenance, Inc.
Madison

MEETING SCHEDULE AND STAFF

Meeting Schedule

The Council meets from 9:30 a.m. to 12:30 noon every other month or upon call of the chair or any five members. The Council met five times between July 1, 2007 and June 30, 2008.

Council Staff

Staff services to the Council are provided by the Office of State Employment Relations, Division of Affirmative Action & Workforce Planning, 101 East Wilson Street, 4th Floor, Madison, Wisconsin 53703. Staff includes:

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