

Governor's Conference

Labor Officials To Speak Here On Rights Law

TWO LEADING OFFICIALS from the Department of Labor will address the Governor's Conference on Equal Rights scheduled for tomorrow and Saturday, Oct. 29-30.

The conference, which will be held at the Mint Hotel and Las Vegas Convention Center, is the first of three similar regional conferences to be conducted by Gov. Grant Sawyer. The second will take place in Reno Nov. 5-6 and the third at Hawthorne, Dec. 7-8.

Donald Glover, special assistant to the Under Secretary of Labor, and M. E. Skinner, regional director of the Bureau of Apprenticeship Training, will keynote the second day session on Oct. 30 at the Convention Center, at which time federal and state job training programs will be spotlighted.

FRIDAY'S PROGRAM at the Mint will start with a noon luncheon to which 500 business, labor and civic leaders have been invited. Gov. Sawyer will make the keynote address and Bob Bailey, chairman of the State Equal Rights Commission, will preside.

Following lunch, the group will participate in panel discussions on public accommodations and employment opportunities moderated by four members of the State Equal Rights Commission--Dr. James Hulse, Reno; Mrs. Helen Whitacre, Yerington and John F. Mendoza and George Rudiak, both of Las Vegas.

"In addition to explaining the new laws," Gov. Sawyer said, "we hope to create a climate of maximum compliance and cooperation. We hope Nevada will go beyond bare legal provisions to insure every citizen an equal opportunity in housing, employment and public accommodations."

Dep. Atty. Gen. Daniel Walsh, legal advisor to the commission, will speak at the noon luncheon on legal provisions of the 1965 Civil Rights Act.

SATURDAY'S PROGRAM at the Convention Center (Rooms 3 and 4) will include invocation by Rabbi Aaron S. Gold at a 10 a.m. session conducted by Bryn Armstrong, executive editor of the Las Vegas SUN, with remarks by the governor and talks by attorneys Lee Walker and George Rudiak.

Several workshop sessions will follow at 11 a.m., with panelists including attorneys Robert L. Reid, Earle White, John Laxalt and Mrs. L. A. Norwood; Woodrow Wilson of the President's Advisory Committee, Las Vegas City Commissioner Grant Stewart, M. William Deutsch, chairman, Southern Nevada Human Relations Commission, and members of the State Equal Rights Commission.

A 12:30 luncheon meeting on Saturday at the Convention Center will be chaired by Joe Digles, editor of the Las Vegas REVIEW-JOURNAL, with invocation by the Rev. Melvin A. Pehrul. In addition to Glover and Skinner, short talks will be made by Bruce Barnum, chairman of the Carson City area Committee on Employment of the Handicapped, and Robert Van Horn, Arizona and Nevada coordinator for the federal Community Action Program.

Panelists for workshops scheduled to start at 3 p.m. include Raymond Sturm, Clark County director of Vocational, Technical and Adult Education; Assemblyman R. Guild Gray, Mrs. Harriet McCoy, State Health Dept.; Mrs. Lubertha Johnson, director, Operation Independence; Eva Houston, local project supervisor, Title V program, Economic Opportunities Act; Mrs. Elaine Walbroek, executive secretary, Clark County Economic Opportunity Board; William Laub, president, Southwest Gas Corp.; Mrs. Whitacre, Barnum and Van Horn.

Coordinator for the three conferences is James H. Anderson, executive secretary of the State Equal Rights Commission.



Record Keeping Requirements In Job Law Create Problems

(This is the third in a series of Workshop Reports from the recent White House Conference on Equal Employment Opportunity, called by President Johnson to discuss ways and means of effectively implementing the new Equal Employment Opportunity Law set forth in Title VII of the federal Civil Rights Act of 1964. These reports were brought back from Washington by the three-man Nevada delegation to the conference--State Equal Rights Commission chairman William (Bob) Bailey, VOICE publisher Dr. Charles I. West and Dept. Atty. Gen. Daniel Walsh.)

Subject: RECORD KEEPING and REPORTING REQUIREMENTS.

IT WAS POINTED OUT that the Equal Employment Opportunity Commission is authorized by Section 709 (c) of Title VII to require the making, keeping and preserving of such records, and the filing of such reports therefrom, as are "reasonable, necessary, and appropriate" to the enforcement of the title. The Commission has taken no formal action with respect to record-keeping and reporting requirements. The purpose of Panel No. 4 was to submit for the consideration of the participants in the conference the recommendations of our staff with respect to record keeping and reporting, and to obtain the views of the participants before these regulations are proposed for public hearing and final action.

The Commission staff conscientiously sought to balance the Commission's interest in securing data necessary to enforcement of the law with the right of those persons subject to the law to be free from burdensome and costly red tape.

Title VII provides three general areas of attack on the problem of employment discrimination: (1) investigation of complaints; (2) possible referral of cases involving patterns or practice of resistance to the law to the Department of Justice; (3) an educational program by the Commission with encouragement of voluntary programs of affirmative action. The staff proposed that the record-keeping and reporting powers of the Commission be exercised only where there is believed to be a reasonable opportunity to serve one or more of these three functions.

The staff proposed that reports be uniformly required only of employers, and that such a report should contain the data currently being reported by Government contractors on Form 40 and by Plans for Progress companies on Form EEO-10. It was suggested that this type of report, which is to be filed annually and shows a breakdown by race and sex of the employer's work force in various job categories, serves (1) to measure the individual employer's compliance with the purposes of the law; (2) to indicate cases which might be the subject of a Commissioner's complaint, or a referral to the Attorney General; (3) to suggest opportunities for voluntary corrective action within an industry or a geographic area; and (4) in the long run, to measure the effectiveness nationally of the equal employment opportunity program of the Commission and of other agencies. In addition, extensive reports on minority group participation in apprentice and training programs were suggested.

The staff proposed the following record-keeping requirements:

1. Employers must keep a record made subsequent to hiring, and indicating the race, sex, and source of referral of each employee. This record is to be kept only under circumstances

where it would not be available to those responsible for personnel decisions. The suggested basis for this requirement is that it would facilitate the investigation of complaints, and would serve as a more reliable basis for the filing of employer reports than a "head count." It was not suggested that this information be obtained by direct inquiry of any person.

2. In addition to various data required by State licensing laws and kept by employment agencies in the normal course of business, the staff proposed that as an investigative tool only the race and sex of applicants identified only by number be kept in a separate file by employment agencies--such records to be based only on a visual survey and not on direct inquiry of the applicant.

3. Unions maintaining hiring halls would be required to keep separate data on the race of persons on their regular referral lists.

By far the most controversial of these proposals were those related to the keeping, by employers and employment agencies, of written records indicating the race of individuals. There was no serious or repeated objection to the reporting systems as proposed, although the employer representatives present warned that the Commission's emphasis upon a punitive statistical and mechanistic approach, and added clerical expense, might discourage employers' determination to comply with the spirit of the law. Employer representatives, and some representatives of civil rights organizations, expressed a preference for the "head count" method of gathering racial data, while other civil rights representatives, spokesmen for national and local FEP agencies and union representatives, supported staff recommendations. It was urged that the "head count" is an adequate method for gathering information necessary for the filing of reports and has never created any problem for employers or employees.

Among the other objections raised to written records of racial identity of employees and applicants were (1) it is unrealistic to assume that such records would not be accessible to those who are disposed to discriminate; (2) particularly in the case of employment agencies, the keeping of such records could thus make it easier for a person to engage in discriminatory practice rather than serve as a deterrent; (3) the Federal Government should not require and thus sanction a record-keeping practice which many organizations have fought for years to eliminate; (4) there might be a conflict with state or local law prohibiting such records; (5) trained investigators do not need written records to determine the validity of a complaint.

Not all participants in the discussion, however, were opposed to the Commission proposals. A number of them supported the suggestions of collecting data on race and sex characteristics of employees because they saw this as

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