

Opportunity and Justice for A

... I believe that even the most flagrant offenders know that racism in every one of its ugly manifestations, is morally wrong. I believe they know that the tide of history runs powerfully against them.

They close their eyes to the fact that discrimination hurts Americans and that it impairs our relationships with the new nations in Asia and Africa.

They close their eyes to the fact that discrimination impairs our economy—reduces the efficiency of the work force, makes recreation more difficult, sends production down.

Most important, they close their eyes to the fact that segregation strikes at democracy by damaging the individuals who make up our nation.

... We are determined to have opportunity and justice for every California resident ...

If California is to be a sound state, a healthy state, and not a big state, we cannot tolerate discrimination against any of our people.

Edmund G. Brown
Governor

Los Angeles
May 17, 1962

For an employer—

*To refuse to hire or promote a person, to discriminate in any terms or conditions of employment, or to discharge him from employment because of race, religious creed, color, national origin, or ancestry.

*To ask, before employment, questions that express, directly or indirectly, any limitation, specification or discrimination as to race, religious creed, color, national origin, or ancestry, or to make any such specification in help-wanted advertising or orders to employment agencies.

*To discharge, expel, or otherwise discriminate against any person because he has filed a complaint, testified or otherwise opposed practices forbidden by the act.

For a labor organization—

*To exclude, expel, or restrict from its membership any person because of race, religious creed, color, national origin, or ancestry.

*To provide second-class or segregated membership or to discriminate in any way against any of its members, against any employer, or against any person employed by an employer because of race, religious creed, color, national origin or ancestry.

*To expel or otherwise discriminate against a member because he has filed a complaint, testified or otherwise opposed practices forbidden by the act.

For an employment agency—

*To fail to refer any qualified job applicant to an opening on an equal basis, or to accept discriminatory job orders.

*To make any inquiry regarding prospective employment that expresses any limitation, specification or discrimination as to race, religious creed, color, national origin, or ancestry.

*To print or circulate any publication relating to employment or to use any form of application for employment indicating the above facts.

For any person—

*To aid, abet, incite, compel, or coerce the doing of any of the acts forbidden under this law.

The California Fair Employment Practice Act does not interfere with—

*The employer's right to select or reject a worker unless that action is taken on the basis of race, religion, or ancestry.

*The right of unions to make agreements unless the agreements compel discrimination based on race, religion, or ancestry.

How the Act Is Enforced

A complaint may be filed by any person claiming to be aggrieved by unlawful employment discrimination; by the State Attorney General, or by any employer whose employees refuse or threaten to refuse to co-operate with the provisions of the law. It may be filed in person or by mail, preferably on FEPC forms, in the FEPC offices in San Francisco or Los Angeles offices; or in other cities at offices of the Division of Labor Law Enforcement (Labor Commissioner's Office), Division of Industrial Welfare, Department of Industrial Relations.

Investigation: Complaints are assigned to a commissioner for investigation, with the assistance of staff.

Conciliation: If investigation sustains the charges made in a complaint, the assigned commissioner endeavors to eliminate unlawful employment practice by conference, conciliation, and persuasion. Commissioners and staff are restrained by law from discussing what has transpired in endeavors at conciliation.

Public Hearing: When conciliation and persuasion fail to eliminate an unlawful employment practice, the assigned commissioner may issue a formal accusation requiring the person, employer, organization, or employment agency to appear and answer charges at a public hearing before at least three of the remaining four members of the commission. The assigned commissioner takes no part in the hearing commissioners' deliberations or decision. Witnesses' records may be subpoenaed.

If, after hearing, the commission finds the charges valid, it orders the offending party to cease and desist from the unlawful practices and to take affirmative action to remedy the situation. If the commission finds that the facts do not warrant the charges in a complaint, it dismisses the complaint. Every final order or decision of the commission is subject to judicial review.

Enforcement: The commission may bring an action in superior court if the unlawful practice continues despite the commission's order. The act makes it a misdemeanor punishable by six months imprisonment or a fine not to exceed \$500, or both, to resist, prohibit, impede, or interfere with the commission in its work.

Exemptions: The following are exempt: the employer of fewer than five persons; nonprofit social, fraternal, charitable, educational, or religious associations; children, parents, or spouse; domestic worker employed in the home; and live-in farmworkers.



Printed in California Office of State Printing

ieved
orney
en to
filed
San
of the
) or
tions.
ember

n the
e the
l per-
sclos-

elimi-
sioner
labor
arges
mem-
art in
s and

may
prac-
lf the
n the
cision

perior
sion's
onths'
event,

r than
or re-
s em-

Two Years of Progress

FAIR EMPLOYMENT PRACTICE COMMISSION

January 1, 1961 - December 31, 1962



STATE OF CALIFORNIA
Edmund G. Brown, Governor

DEPARTMENT OF INDUSTRIAL RELATIONS
Ernest B. Webb, Director

FAIR EMPLOYMENT PRACTICE COMMISSION
John Anson Ford, Chairman

DIVISION OF FAIR EMPLOYMENT PRACTICES
Edward Howden, Chief

EDMUND G. BROWN
Governor of California
ERNEST B. WEBB
Director of Department
EDWARD HOWDEN
Chief of Division



Commission
JOHN ANSON
ELTON BROMBA
C. L. DELLUMS
(Mrs.) CARMEN
DWIGHT R. ZO

STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF FAIR EMPLOYMENT PRACTICES

STATE BUILDING ANNEX, 455 GOLDEN GATE AVE., SAN FRANCISCO
UNderhill 1-8700

Addr
FEPC
SAN

June 30, 1963

To His Excellency EDMUND G. BROWN
Governor of California

Sir:

Annual reports for two years, covering the period from January 1, 1961, through December 31, 1962, of the California Fair Employment Practice Commission and the Division of Fair Employment Practices in the Department of Industrial Relations, are submitted herewith pursuant to provisions of Section 1419(j) of the Labor Code of California.

More than three years of experience in administering the Fair Employment Practice Act have proved the wisdom of your insistence that the 1959 Legislature enact such legislation.

Receipt of 2,091 cases of alleged job discrimination and the disposition so far of 1,653 of them provide a certain measure of the need for investigation, conciliation and corrective action in this vital area of human relations. In addition, FEPC has contributed to progress toward merit employment and equal opportunity through programs of information, education and affirmative action.

On December 18, 1962, this Commission sent you its recommendations for strengthening California's efforts to establish fair practices. Much of your subsequent message on human rights has been translated into law, and an enlarged Fair Employment Practice Commission will soon undertake the additional task of receiving and acting upon complaints of discrimination in housing.

ers
FORD, Chairman
UCHER

H. WARSCHAW
OK

ess Reply To:
P. O. BOX 603
FRANCISCO 1

Violations by an Agency

It was reported that a vocational training school, operating also as a licensed employment agency, was refusing to enroll minority persons and that its application forms contained unlawful questions.

Investigation verified the reports. Interviewers had been instructed to tell Negro job-seekers there were no vacancies, and the receptionist used a code to identify Jewish and Negro applicants.

Conferences were held with the management. New application forms were prepared and approved, and the staff was told selection of potential students must be solely on the basis of individual merit. A later check showed members of minorities in classes and being referred to employers.

APPENDIX: THE FAIR EMPLOYMENT LAW

The California Fair Employment Practice Act (Labor Code sections 1410-1432) was passed by the Legislature and signed into law by Governor Edmund G. Brown on April 16, 1959. It took effect on September 18, 1959.

The law declares as the public policy of the State that it is necessary to protect and safeguard the right and opportunity of all persons to seek, obtain, and hold employment without discrimination or abridgment on account of race, religious creed, color, national origin, or ancestry. Such opportunity is declared to be a civil right. The law states:

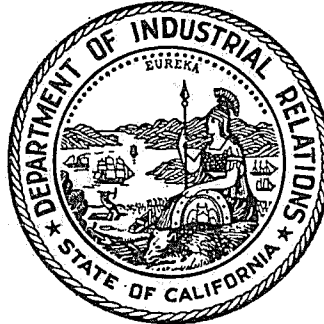
It is recognized that the practice of denying employment opportunity and discriminating in the terms of employment for reasons, fomenting domestic strife and unrest, deprives the State of the fullest utilization of its capacities for development and advance, and substantially and adversely affects the interests of employees, employers, and the public in general.

The act establishes a Fair Employment Practice Commission of five members, appointed by the Governor, serving in the Division of Fair Employment Practices of the Department of Industrial Relations, and a Chief of the Division, who also is appointed by the Governor, and who is the Commission's principal executive officer. The Division is the administrative agency which assists the Commission in the fulfillment of its responsibilities by providing essential staff services.

In preventing or eliminating unlawful practices, the commission is instructed to stress conference, conciliation, persuasion, and mediation. Complainants and those named in complaints are protected against disclosure of what has transpired in their endeavors at conciliation. If conciliation fails, the commission is authorized to hold public hearings and, if necessary, to seek court enforcement orders.

Provisions of the FEP Act

The California Fair Employment Practice Act provides that it shall be unlawful employment practice:



FAIR EMPLOYMENT PRACTICE COMMISSION

John Anson Ford	Chairman
Elton Brombacher	Commissioner
C. L. Dellums	Commissioner
Mrs. Carmen H. Warschaw	Commissioner
Dwight R. Zook	Commissioner

DIVISION OF FAIR EMPLOYMENT PRACTICES

Edward Howden	Chief
Mrs. Aileen C. Hernandez	Assistant Chief *
Charles E. Wilson	Legal Counsel
Frederic R. Gunskey	Education Officer
Herman E. Gallegos	Special Representative
Donald K. Henry	Area Supervisor, Northern California
Lawrence Lucks	Area Supervisor, Southern California *

* D. Donald Glover was Assistant Chief of the Division until February 20, 1961, and Charles L. Fielding was Assistant Chief from May 25, 1961 until March 15, 1962. Mrs. Hernandez became Assistant Chief on November 14, 1962. John F. Delury was Area Supervisor in Southern California until January 31, 1962.

ences with transit executives, over a period of a year, resulted in a number of changes. Instead of emphasizing seniority, requirements for upgrading now involve experience, a written test, and other evaluations of employees. Negroes have been appointed to positions of supervisor, extra schedule checkers and instructor.

Hope for a Youth

FEPC helped a 14-year-old Negro boy through an experience that might have left long-term scars. Answering an advertisement for boys to sell magazine subscriptions, he was told by an interviewer that the company did not hire Negroes. Investigation showed the firm had many Negro agents, solicitors and collectors. The branch manager subsequently fired the interviewer, and the boy joined a sales crew.

A First on the Job

Applying for a clerical work at a major bank, a young Negro woman was rejected after a brief interview, although she had taken advanced courses in business school and in college, and had a year's experience in related work. Later, she learned that the bank was hiring Caucasians with less education and experience.

After a series of conferences with FEPC, the bank hired her. She is believed to be the first female Negro computer operator in any bank in that major city.

Grievance Against a Union

A Negro delivery driver, fired from his job after an illness, was told by union officers that they could do nothing to help him. This was the latest of a series of incidents in which he was not permitted to file a grievance, he told FEPC, charging the union with failing to protect his rights because of his race.

Investigation revealed that there was a misunderstanding between complainant and union about procedure. The union referred the driver to other jobs and informed him of grievance procedure. The case was closed.

There Was a Vacancy

A Negro driver applied for work with a delivery service but was told there was no opening. He learned the next day that a vacancy did exist. Returning, he was tested but not hired. A number of discriminatory practices were uncovered in the service branch, but FEPC obtained the cooperation of the district personnel manager and the complainant won the job—the first Negro driver for the service in that city. Subsequently, in another part of the State, the delivery service hired two Negro drivers, the first it had employed in that area.

A Civil Service Case

Although she passed the examination for a responsible civil service position, a Negro woman was not placed. FEPC investigation indicated openings had not occurred in the geographical area to which she had restricted her application. When she removed this limitation she was considered for a position but not hired.

The list expired; nevertheless, an official who had been favorably impressed obtained for the complainant a nine-month appointment within which period she must take the examination again. Her superiors are pleased with her work and believe she will have no difficulty in passing the examination. She is the only Negro in her position with the agency.

Harassed in His Work

A Negro custodian, who had worked for the same public agency for 17 years, complained that for the past two years his supervisor who had expressed prejudice against Negroes, had been harassing him by failing to provide him with adequate janitorial tools. Investigation showed there was cause to credit these allegations. As a result of FEPC conferences with authorities, assurances were given that the complainant would receive the necessary tools for his work and that the supervisor would be told to refrain from any harassment.

Good, But Not the Best

A college graduate was interviewed by a large banking firm for a position as branch management trainee. When the bank did not hire him but continued to advertise for applicants, he charged there had been discrimination because he was Negro.

Investigation revealed that the executive recruitment program was a long-term one and that of 6,000 persons interviewed within the year, fewer than 340 had been employed. Of these, more than 1,000 failed to complete the nine-month training period.

Comparison of the complainant's academic record and other qualifications with those of three persons hired about the time of his interview indicated he had several shortcomings and definitely was not the best.

Under these extremely selective conditions, and with a good company pattern of merit employment (including a Negro assistant branch manager who had completed the same training program the previous year), the Commissioner found no discrimination in the

service
an indi-
which
itation

orably
tment,
er su-
diffi-
posi-

agency
rvisor,
assing
vesti-
result
that
k and
sment.

for a
at hire
e had

n was
n one
a half

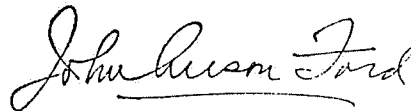
qual-
is in-
rated

com-
istant
in a
case.

Nothing could be more urgent, in this centennial year of the Emancipation Proclamation, than to assist Californians of every race, creed, and ancestry to seek fulfillment of the great promises of our Constitution and our democratic tradition.

Equal opportunity in employment and housing is a fundamental right. With the continued support of your administration and the Legislature, and the cooperation of those groups which have responded so well to our approaches---including business, labor, churches, minority organizations and human relations agencies---the Commission will press forward toward the time when that right is fully realized in this State.

Respectfully,



JOHN ANSON FORD, Chairman
Fair Employment Practice
Commission

nistic assumptions as to the characteristics of people who comprise the minority group work force.

At the same time qualified manpower is in demand by industry, agriculture, commerce, the services and professions.

Job inequality often takes the form of refusal to hire nonwhite certain types of work or to consider them for supervisory or upgraded positions.

Discrimination against able workers—and expectations of discrimination by young people and their parents and counselors—within the economy and generate deep community tensions. Such prejudices tend to persist until persuasion and education, backed by law, about recognition that equal job opportunity is sound business union policy as well as essential to the general welfare.

Many influences are at work, dissolving old prejudices and replacing obsolete practices which are inconsistent with the claim of American democracy and fair play. Enactment of the Fair Employment Practice Act provided a strong tool to men of good will seeking to accelerate this trend.

The investigation and conciliation of cases of alleged job discrimination form one edge of the FEP tool. The other edge is a phased educational program, directed to management, unions, minority groups and others, to promote equal opportunity for qualified workers as a civil right and as a need of the community.

Value Demonstrated

More than three years of use have demonstrated, in substantial measure, the value of this instrument.

Here are some of the bare statistics concerning cases. During the first 39½ months, through December 31, 1962, the California Fair Employment Practices Commission docketed 2,091 complaints and requests for investigation of alleged employment discrimination. Disposition was made of 1,653 cases. One hundred sixty-three were dismissed for lack of jurisdiction because complainants withdrew; in the rest, a determination was made as to whether or not there had been discrimination.

In approximately one-third of this major group of cases, there was sufficient evidence of discriminatory practices to proceed to conciliation, and inequitable practices were corrected.

To date, with only three exceptions, all cases completed have been resolved through investigation, conference and conciliation, generally without public disclosure of any kind.

Case statistics tell only a fraction of the story. In keeping with the intent of the Legislature and the Governor's express wish, the major part of the work has been educational, aimed at voluntary compliance by employers, unions, and employment agencies.

standards were applied consistently, and that Mexican Americans were on the job.

One Step Taken

Charges by Negro members of a service union in a large city that they were not being dispatched to "extra" jobs involving good tips led to a long-term investigation of the union's dispatching practices. Although "regular" jobs still go to members on a basis that appears to be discriminatory, FEPC persuasion has resulted in opening up the "extra" assignments to minority workers at several establishments. The progress to date holds promise in discrimination by this union and employers.

Supervisory Promotion

A craftsman employed at a shipyard since 1944 complained that although he was well qualified and currently serving as leadman for a crew of 35, others had been given permanent status at that supervisory level and he had not. He charged that he had been discriminated against because he is a Negro.

The evidence supported his allegation, and after several conferences between FEPC and management he became the first of his race to be upgraded to the permanent position of leadman at that large shipyard.

Mexican Americans Not Wanted?

A former foreman for a manufacturing firm reported that the owner had made statements to the effect that he wanted to dismiss all his Mexican American workers and not hire any more. The FEPC Commission investigated and found that over a period of a year, the number of Mexican American employees had not changed (there were four). However, there were no nonwhites in the force of 59 craftsmen. The company issued a written policy statement that all applicants and employees will be evaluated on their ability and merit, without reference to race, creed, color or national origin. It also agreed to widen its recruitment sources and the investigation was closed.

"Too Good" for the Job

Applying for a position in a finance company office, a Negro clerk-typist was rejected with the statement that her B-plus high-school grade average was too high and she would probably quit soon to go to college. Investigation showed that in fact the firm hires within the top third of high-school grade averages, but that it did not have

a single Negro employee in any of its 25 California branches. result of FEPC conferences the girl was hired.

Unequal Treatment by Union

Together with several Caucasian members, a Negro craftsman accused of an infraction of union rules. Following a trial by of the local, he was found guilty of the charges and was assessed fine of \$350. The white members who were found guilty of the violation were fined \$1 each. The Negro member's appeal was denied and he complained to FEPC, which opened correspondence with international union.

Officials agreed that there had been unequal treatment based on the complainant's race. The executive council of the union, met in Washington, D.C., reduced his fine to \$1 and a newly elected president paid the fine for him.

"No Whites Need Apply"

A Caucasian charged that a chain restaurant had refused to hire him as a dishwasher or busboy because it employed only Negro men for those jobs. Investigation revealed the firm's policy was to hire members of all ethnic groups and that it had been a leader in the industry in encouraging the employment of Negro cooks working in restaurants open to the public. The nondiscriminatory policy for all jobs was clearly spelled out to all those responsible for hiring, and officials agreed to receive the complainant's application and consider it favorably. The man had obtained a job elsewhere and did not reapply.

Trouble in the Past

A Negro candidate for police officer complained that his name had been removed from the civil service list at the request of the police chief. Investigation revealed no racial discrimination—the complainant's record included a serious automobile accident involving injury, and two Caucasians had been dropped from lists for similar reasons. The police department has several Negro employees, one is an officer, and expects to appoint a second officer, after a scheduled election. But, says the department, there is a scarcity of nonwhite applicants. In a city where the police are now on good terms with the Negro community, a history of past discrimination continues to discourage and dissuade young Negroes from considering this career.

New Opportunities

Investigation of a large urban transit system was undertaken. Negro operators complained that unfair promotion policies prevented members of their race from obtaining supervisory positions. Co

As a

n was
ficials
ssed a
same
enied,
th the

ed on
eeting
d vice

o hire
es for
mem-
lustry
ew of
dearly
eed to
y. He

e had
police
plain-
frink-
r rea-
ne an
l test.
cants.
com-
qual-

when
ented
nfer-

I. INTRODUCTION

"When will the people of this State learn that justice to the colored man is justice to themselves?"

That question was asked more than a century ago by a delegate to the second California Colored Convention, held in San Francisco.

The Negro pioneer who spoke those words in 1856, when all the Negroes in California numbered 2,500, could not have foreseen that in 1960 there would be 883,861 of his race in the state, part of a total of 1,261,974 nonwhites.

His question is even more pertinent today. The civil rights of Negro men and women and other minorities, including the right to equal opportunity in employment, cannot be separated from the civil rights of other Californians. The Legislature recognized this in 1959 when, at the request of Governor Edmund G. Brown, it enacted the Fair Employment Practice law.

The Fair Employment Practice Commission completed its third year of full operation in September 1962. This report covers the period from January 1, 1961, through December 31, 1962.

During this period Commissioners and staff accumulated much experience in dealing with the problems of employment discrimination. They formulated rules and regulations and interpreted the law to California employers, employment agencies, labor unions, workers and the public.

They wrote and spoke up and down the State to hundreds of groups and many thousands of individuals affected by the law.

They studied the practices of private and public employers, placement agencies and unions, and endeavored to bring them into compliance with the letter and spirit of the FEP Act.

Case Investigations

They completed investigation of 1,653 cases of alleged discrimination in employment on account of race, religious creed, color, national origin or ancestry. In nearly every case in which discrimination was found they obtained corrective action through conciliation and persuasion.

Discrimination is a real and serious problem in California, the Commission learned. It appears to stem largely from inertia, force of habit, failure of some employers to establish clear nondiscrimination policy throughout their operations, and persistence of anachro-

II. EDUCATIONAL PROGRAM

The educational functions of FEPC are of two kinds. First, essential that the public, especially employers, labor organizations, employment agencies, workers and job seekers, be informed of the fair employment law and its application. Second, in order to complement the program of expanded opportunities, minority youth parents, teachers and counselors must learn of the changing employment picture so that young people will be encouraged to complete school and prepare for skilled jobs.

During the years covered by this report, plans for the informational portion of the program were completed and set in operation. An Education Officer was appointed, the *Fair Employment News* was issued on a regular, bi-monthly schedule, various interpretive publications were printed and distributed, and frequent news releases helped to tell the fair employment story through the daily and weekly press and other mass media.

In addition, a beginning was made in providing material for a career motivation program directed to the needs of minority youth. Many teachers, counselors and youth workers eagerly accepted the pamphlet *Success Story*, which was the first fruit of an FEPC project to illustrate and dramatize the growing opportunities for qualified minority workers.

Commissioners and staff continued to fill speaking engagements throughout the state. On a number of occasions, television and radio interviews and panel discussions widened the audience for the employment message. The speaker service and participation in community meetings and specialized conferences were an important factor in strengthening the agency's regulatory program.

Publications

With completion of the series of publications originally planned for 1959 and 1960, the following folders and brochures were in the hands of staff consultants, on the counter at FEP offices, and available for distribution to audiences or by mail:

Poster, Pre-employment Inquiry Guide, and Fair Employment Checklist, a combination folder including a detachable notice to be posted, a guide to interviews, application forms and help-wanted advertising, and a self-appraisal yardstick for reviewing employment

V. CASE SUMMARIES

The following case summaries illustrate some of the types of problems dealt with by the FEPC and results that have been obtained. They are drawn from the cases completed and closed during the report period.

A Big Plant Changes Its Policy

Two Negro janitors, one employed by the firm for eight years, the other for two, went to the personnel manager of a large manufacturing bakery, just after the Fair Employment Practice Act became law in 1959, and repeated their earlier requests for transfer to the better-paid job of cookie cutter. They were refused, on the ground that the company did not upgrade janitors—a policy adopted after nearly all janitorial positions were filled by Negroes, although white janitors had previously been promoted.

When the two men filed complaints with FEPC, a Commissioner visited officials at the plant and persuaded them to alter the policy, notify the janitors and post a notice that no employee would be denied the right to seek a better position. The Commissioner held the cases open for more than a year to see that the new policy was put into practice, and met with a number of Negro janitors to discuss their qualifications for upgrading.

Three of the men did apply for baking jobs and received them. They and other Negroes hired since then were the first of their race to work in the bakery division of that plant.

Two Department Stores

At the request of a citizen who had observed no Negro employees in a store with a large Negro clientele, FEPC investigated and learned that supervisors had been told to reject Negro and Mexican applicants, regardless of their qualifications. As a result of FEPC intervention, the store employed its first Negro stock clerk and Negro saleswoman.

In a neighboring city, a Negro college graduate with retail sales experience charged discrimination when a department store failed to keep a promise to hire him. There were no Negroes on the sales staff at the time, but before the FEP consultant visited the store one had been employed.

The complainant, offered a position, was no longer interested, but store officials requested and received FEPC assistance in an affirmative program to expand their recruitment to include minority sales personnel.

Employment Agency Case

In response to an advertisement, a young Negro woman applied to an agency for referral as a clerk-typist. She passed typing and tests and was told she would be called. When time elapsed and she heard nothing from the agency, she complained to FEPC, whose investigation resulted in her being referred to a bank position in which her work has been very satisfactory.

Inequalities in a Union

Three Negro truck unloaders, members of one union local, were asked to work temporarily in a category assigned to another local. Their own local forced them to take withdrawal cards, then refused to readmit them, thus preventing them from working as truck unloaders. Investigation of their complaints revealed that white members in similar situations had not been forced to withdraw. After several conferences the union agreed to readmit the Negroes and dispatch them regularly, and corrected other practices found to be discriminatory.

Railroader Steps Up

As a result of conciliation by an FEP Commissioner, a Negro railroad employee won promotion to dining-car steward—the position held by a white Negro to hold the position with that railroad.

The former dining-car waiter, who during 24 years had also worked for the same company as a bartender and lounge-car attendant, applied for promotion to the supervisory job of steward. When several months had passed, he complained to FEPC. Investigation showed that it had been company policy to employ only white waiters but that Negroes occasionally performed the same duties on a temporary basis under the title "waiter-in-charge". The complainant's record was good and he was qualified for the promotion.

The case was closed by the assigned commissioner when the railroad agreed to consider this man for upgrading at the new opening. Five months later there was an opening and he was promoted to steward.

A Consistent Standard

A young woman of Mexican ancestry sought a trainee job with a utility company but was refused. She charged discrimination. A conference with the personnel officer showed that the rejection was based solely on physical standards; that if the complainant lost at least 10 pounds and was able to meet other requirements, i.e., school re-entry aptitude test, and medical examination, she would be considered for employment. Inspection of the company's offices showed that

ed to
filing
d she
se in-
which

went
Their
to re-
iders.
rs in
l con-
them
itory.

teran
first

orked
, had
t sev-
ation
stew-
on a
plain-

rail-
ning.
ed to

ith a
con-
ased
st six
cord,
d for
these

A "case," which is only one statistical unit, may result—over a period of a year or two—in dozens or hundreds of new opportunities for applicants or workers previously subject to discrimination. And an incidental service of FEPC is that, after consultation has clarified the issues, many persons decide not to file complaints.

One index of the effectiveness of the FEP law is found in the many "firsts" in hiring or upgrading of minority workers in California during the past three years. Examples are included in the case summaries (Section V of this report).

In the long run, of course, it will not be the "firsts" but the growing numbers of previously barred persons who have been successfully employed at all levels which demonstrate the kind of progress to which FEPC is dedicated.

Tomorrow's Jobs

The first three years were a period of intense effort. The new Division of Fair Employment Practices was staffed and its personnel trained, offices were opened in San Francisco and Los Angeles, procedures were established and refined, cases were processed, a number of publications explaining the law and promoting its objectives were issued and distributed, and a beginning was made in a statewide program of community relations.

Management, labor, news media, and civil rights groups and other community organizations and agencies contributed in many ways to what was accomplished. But a vast amount remains to be done before fair employment practices are fully realized throughout California with minority youth, thus encouraged, motivated to obtain the necessary schooling and training to compete for tomorrow's jobs.

supply of the agency's publications. The first of the two panels interprets the fair employment law, while the other is devoted to "Success Story" theme, with pictures from the pamphlet.

In preparation, and scheduled for display in January 1963 a series of large photomural panels, "Manpower for the Future" will be shown at schools, career guidance events, fairs and exhibitions.

Speaker Service

More than 400 speaking appearances were made by members of the Commission and staff during these two years. From El Centro to Eureka, the FEPC speakers were heard by audiences ranging from branches of the National Association for the Advancement of Colored People and the Community Service Organization to apprentice committees, chambers of commerce, union locals, schools, and church and temple groups. They explained the law, answered questions, advocated the opening of new opportunities to minorities, and solicited minority families to help their young people become qualified for such openings.

The Commission chairman, Division chief and others were interviewed by television and radio newsmen in several cities, and discussed minority employment problems in panel broadcasts at evening viewing times in San Francisco, Los Angeles and Bakersfield.

Conferences and Special Events

FEPC had a role in planning, or participated in a major way in more than a dozen events which brought the law against discrimination to public attention. These included:

Pasadena—Management conference on fair employment practices arranged by UCLA's Institute of Industrial Relations and cosponsored by the USC School of Business and several management associations, March 1961.

San Francisco—Conference of Spanish-speaking leaders on apprenticeships and career incentives, April 1961.

Los Angeles—FEPC second anniversary reception, sponsored by the Community Relations Conference of Southern California, September 1961.

Monterey—Panel on "Fair Employment Practices and the Role of the Attorney," annual meetings of State Bar, September 1961.

Fresno—Civic luncheon introducing FEPC, sponsored by Fresno Community Council, October 1961.

San Francisco—Annual Conference, National Association of Labor Group Relations Officials, November 1961.

San Diego—Civic luncheon introducing FEPC, sponsored by Community Welfare Council of San Diego, January 1962.

Table 14
CASES CLOSED BY SATISFACTORY ADJUSTMENT
AFTER FINDING OF DISCRIMINATION: TERMS
OF CONCILIATION AGREEMENT

<i>Type of adjustment</i>	<i>1961</i>		<i>1962</i>		<i>Cumulative Total September 18, 1959- December 31, 1962</i>	
	<i>No.</i>	<i>Pct.</i>	<i>No.</i>	<i>Pct.</i>	<i>No.</i>	<i>Pct.</i>
Total ^a	242	100	171	100	509	100
Offer of immediate hire, reinstatement, or promotion of complainant	117	48	85	50	231	45
Offer of immediate hire or promotion of person other than complainant	19	8	21	12	45	9
Commitment to hire or promote at first opportunity..	14	6	9	5	38	7
Commitment to consider hiring or promoting at first opportunity	33	14	20	12	65	13
Working conditions corrected	13	5	14	8	31	6
Back pay granted	24	10	9	5	39	8
Fair employment policy promulgated or strengthened ^b	198	82	152	89	411	81
Admitted to labor union membership	8	3	—	—	12	2
Other labor union practices corrected	12	5	9	5	25	5
Employment agency referral agreed to	19	8	8	5	34	7
Recruitment sources broadened	8	3	10	6	20	4
Other	8	3	11	6	19	4

^a Detail adds to more than total since more than one term of conciliation may be agreed to in a single case.

^b Includes promulgation of fair employment practice order, ceasing unlawful pre-employment practices, etc.

^c Includes job reference given, admission to vocational school, school placement service given, new oral examination given, discriminatory clause removed from private association constitution, etc.

in offers to hire or promote other persons of the same race or group as the complainant.³

³ Principal discriminatory acts in the cases satisfactorily adjusted during 1962 included: Refusal to hire, 56 per cent; dismissal from employment, 11 per cent; refusal to upgrade, 11 per cent; unequal work conditions, 5 per cent; union discrimination, 9 per cent; and employment agency referral withheld, 9 per cent.

Public Hearings

Three public hearings, the first to be called by the FEP Commission, were held during 1961 and 1962. Each followed the procedure required by the law when the assigned commissioner finds evidence of discrimination but is unable to persuade the respondent to make a satisfactory adjustment.

The first hearing took place in Los Angeles, January 9-13, 1961, on an accusation against the Santa Fe Railroad filed in 1960 in behalf of a Negro coach cleaner. It resulted in a commission order to reimburse the complainant, pay him back wages, and promote him at the first opportunity. Santa Fe appealed to the Superior Court, which upheld the commission's jurisdiction but set aside the order because of a different interpretation of the evidence.

On June 13-14, 1961, in San Francisco, a panel of commissioners heard the case of a Negro shipping clerk against the T. H. Van Ness Company of San Francisco, a photographic supply house. Back pay was ordered, but on appeal the Superior Court, applying the preponderance of evidence, set aside the order.

The third public hearing, held in San Francisco January 10-12, 1962, resulted in a commission finding that the Guy F. Atkinson Company of South San Francisco discriminated against a Negro carpenter. The FEPC order for corrective action was appealed to the court and the case was still pending at the end of the year.

Beyond Statistics

FEPC's workload is only partially reflected in case statistics. The intent of the Legislature and the expressed wish of Governor Brown were that there should be great emphasis on encouragement and correction of discriminatory job practices through information, education, and persuasion. After consultation with FEPC has clarified the issues, many persons with problems decide not to file complaints. On the other hand a "case," which is only one statistical unit, may result in a hundred or hundreds of new opportunities for workers who have previously suffered discrimination. In addition, much time is devoted to preventive and advisory service to employers, employment agencies, unions, workers and job seekers. Results must be measured in terms of the reduction or elimination of discriminatory practices, the increase of merit employment, and affirmative action opening opportunities for minorities.

practices. The *Guide to Lawful and Unlawful Pre-employment Inquiries* was also printed separately.

You Have the Right, a folder primarily for the information of individuals who wish to know their rights under the law. This was also issued in Spanish translation under the title, *Usted tiene el derecho*.

Fair Employment Practice Act, the text of the 1959 law (sections 1410-1432 of the Labor Code), in a pamphlet which also contains the *Rules and Regulations* promulgated by the Commission and the *Guide to Pre-employment Inquiries*.

Memo to Management, a folder on employment on merit under law, which tells California employers that it is their responsibility to initiate or strengthen nondiscrimination policy. A "Checklist for Fair Employment" is included.

Fair Employment Law in California: Your Rights, Your Responsibilities, a brochure advising those concerned—employer, union, employment agency, job seeker, worker, school, parent—of their role in implementing the law.

Digest: California Fair Employment Practice Act, a folder summarizing the main provisions of the law.

FEPC: First Annual Report, the Commission's account of its work during the period September 18, 1959, through December 31, 1960.

Success Story: Will It Be Yours?, a pamphlet containing 30 photographs of Californians of African, Mexican, Asian and American Indian ancestry, all at work in responsible and rewarding positions. Emphasizing that there are good jobs for those who qualify, the text encourages minority youth to stay in school, select career goals and work hard to achieve them.

Fair Employment Newsletter. Nine issues appeared during 1961 and 1962, illustrated with pictures of minority workers on the job, and presenting brief accounts of developments in achieving equal opportunity in employment. An enlarged issue (June-July 1962) gave details of the survey of ethnic pattern in Los Angeles County civil service employment. Others described the results of cases from FEPC files, summarized U.S. census findings on California minorities, and reported directives on nondiscrimination to school administrators, farm labor contractors and others. Newsletters were circulated to a mailing list of more than 10,000.

Exhibits and Displays

Two portable, table-top display panels were produced and widely used during this report period. In graphic terms, using large photographs, they present FEPC's basic message of nondiscrimination and equal opportunity in employment, and are shown at meetings, conferences, and career counseling sessions, often as background for a

III. ORGANIZATION AND POLICY

The Fair Employment Practice Commission and the Division more than a year old at the beginning of 1961, were still in a formative period. A number of policy decisions and interpretations of the FEP law were yet to be made. Staff organization and training continued to be developed.

The entire professional staff of the agency assembled on the Berkeley campus of the University of California for three days in May 1961 for a training conference. The Division Chief, assisted by the legal counsel, conducted the sessions, and several Commission members participated. There was intensive discussion of problems and procedures in FEPC investigation and conciliation.

Cooperation with Other Agencies

Working relationships were steadily developed with other agencies including representation on the Interdepartmental Committee on Youth Employment, the California Conference on Apprenticeship committees on apprenticeship opportunities for minority groups, advisory committees of the Department of Employment, and the Governor's Advisory Committee on Children and Youth. There was cooperation with the Commission on Discrimination in Teaching and Employment and with others in the State Department of Education as well as some school districts. The FEP Commission was also invited to meetings of several voluntary human relations organizations in both Northern and Southern California.

Among the results of cooperation with official and unofficial agencies were the distribution of thousands of copies of FEP publications by Employment Service offices throughout the State, of the pamphlet *Success Story* through the Department of Education and schools, and of *Memo to Management* through employer group trade associations. The California Employment Agencies Association placed FEP publications in its training and reference manuals. On many occasions, FEP speakers and materials were included in reference programs and training sessions as a result of such cooperative relationships.

Policy Rulings

An unusual, limited exemption from provisions of the FEPC law was granted to a Los Angeles restaurant in order that it might be able to continue its operation.

qualified minority applicants were more likely to be found. When the respondent was a labor organization or employment agency, the result might be improved practices in admission, dispatching, or referral.

Tables 9 and 10 show the number of determinations and types of disposition of cases during these years.

The 414 cases satisfactorily adjusted, that is, those in which there was corrective action based on evidence of discrimination, are analyzed in Tables 11 through 14. These cases were resolved through conference, conciliation and persuasion.

Satisfactory adjustment was reached in 269 cases against private employers, 70 cases against public employers, 37 cases against employment agencies, and 25 cases against labor organizations. Table 11 shows in more detail the type of respondent in these cases.

Table 11
CASES CLOSED BY SATISFACTORY ADJUSTMENT:
TYPE OF RESPONDENT

<i>Type of respondent</i>	1961		1962	
	<i>No.</i>	<i>Pct.</i>	<i>No.</i>	<i>Pct.</i>
Private employer	154	64	115	67
Manufacturing	47	19	40	23
Construction	4	2	4	2
Transportation	8	3	5	3
Public utilities	12	5	4	2
Wholesale and retail trade	40	17	20	12
Hotels and restaurants	13	5	14	8
Finance, insurance, and real estate	6	2	5	3
Business services	20	8	21	12
Other	4	2	2	1
Public employer, except hospitals	42	17	22	13
City	12	5	4	2
County	6	2	3	2
State	6	2	7	4
Schools	18	7	8	5
Public hospitals	3	1	3	2
Employment agency	22	9	15	9
Private	14	6	11	6
Public	8	3	4	2
Labor organization	18	7	7	4
Other	3	1	9	5
Total	242	100	171	100

Note: Detail does not add to total because of rounding.

Table 12
CASES CLOSED BY SATISFACTORY ADJUSTMENT
POSITION INVOLVED IN COMPLAINT

1962	
<i>Type of occupation</i>	<i>No.</i>
Total	171
Clerical	30
Crafts	15
Laborer	3
Managers and foremen	—
Operative	30
Professional and technical	24
Sales	18
Service	51

Table 13
CASES CLOSED BY SATISFACTORY ADJUSTMENT
LOCATION OF RESPONDENT

<i>Location of respondent ^a</i>	1961		1959
	<i>No.</i>	<i>Pct.</i>	<i>No.</i>
1. San Francisco-Oakland Metropolitan Area....	92	38	74
2. Other Northern and Central California Areas	32	13	37
3. Los Angeles-Long Beach Metropolitan Area	101	42	48
4. San Diego and Imperial counties	11	5	7
5. Other Southern California areas	6	2	5
Total	242	100	171

^a See map on page 25 for counties included in each area.

Table 12 shows the various occupational categories involved in 171 cases closed in 1962 as satisfactorily adjusted.

Table 13, covering the entire period, shows the geographical location of respondents in cases which were satisfactorily adjusted.

Terms of conciliation, shown in Table 14, represent the remedy agreed upon by the respondents in conference with the assigned conciliators. About half of all cases in which there was conciliation resulted in offers of immediate hire, reinstatement or promotion. Most cases brought agreement by respondents to see that company policy was promulgated or strengthened, that is, the issuance of merit employment policy or the elimination of unlawful pre-employment inquiries or other practices leading to discrimination.

In many cases, more than one term of compliance was required of the respondent. In those in which other unlawful practices than those charged by the complainant were found and corrected, 40 res-

NT:

<i>Pct.</i>
100
17
9
2
—
17
14
11
30

NT:

<i>Pct.</i>
43
22
28
4
3
100

in the

loca-

edies

com-

active

romo-

FEP

of a

employ-

ed of

those

sulted

San Francisco and *Los Angeles*—FEPC third anniversary luncheons and conference workshops, September 1962.

San Francisco—Youth incentive conference, Community Service Organization, October 1962.

Bakersfield—Civic dinner introducing FEPC, sponsored by Kern County Committee for Fair Employment Practices, December 1962.

urging close attention to requirements of the nondiscrimination during teacher recruitment. And during the peak period of field on California's farms, in the summer of 1962, the Commission to 1,200 farm labor contractors reminding them that the law prohibits discrimination in the employment of "day hire" farm workers.

on law
l work
wrote
chibits



Determinations and Dispositions

During 1961 and 1962 the number of cases completed and closed totaled 1,321. In 118 cases there was a finding of no jurisdiction or the complainant failed to proceed, and in two cases accusations were filed and public hearings held. (A previous public hearing was held on an accusation filed in 1960.) Of the remainder, 414 cases brought corrective action based on evidence of discrimination, and 787 were closed on the basis of insufficient evidence or no evidence of discrimination.

Thus, in more than one-third of the cases which proceeded to a determination, the evidence supported charges of discrimination. Corrective action taken in various cases included hiring, reinstatement, back pay, promise of next opening, promotion, and other remedies.

Frequently, even in instances in which there was insufficiency to support the particular charges, an employer agreed to mulgate an effective policy of nondiscrimination, to consider minority employees for upgrading, or to add to sources of recruitment

Table 9
CASES CLOSED: WHETHER DETERMINATION REGARDING DISCRIMINATION WAS MADE

<i>Case disposition</i>	1961		1962		Cumulative September 18, December 31
	<i>No.</i>	<i>Pct.</i>	<i>No.</i>	<i>Pct.</i>	<i>No.</i>
Determination made as to whether or not there was discrimination	625	91	578	91	1,490
No determination made because of lack of jurisdiction or failure of complainant to proceed	61	9	57	9	163
Total cases closed....	686	100	635	100	1,653

Table 10
CASES CLOSED: DISPOSITION AFTER DETERMINATION REGARDING DISCRIMINATION

<i>Case disposition</i>	1961		1962		Cumulative September 18, December 31,
	<i>No.</i>	<i>Pct.</i>	<i>No.</i>	<i>Pct.</i>	<i>No.</i>
Discrimination found	245	39	171	30	512
Closed by satisfactory adjustment	243	39	171	30	509
Accusation filed	2	^a	—	—	3
Dismissed because of insufficient evidence or no evidence of discrimination	380	61	407	70	978
Total cases in which determination was made as to whether or not there was discrimination	625	100	578	100	1,490

^a Less than 1/2 of 1 percent.

it evi-
o pro-
nority
o that

DN
E

Total
1959-
1962
Pct.

90

10

00

Total
1959-
1962
Pct.

34

34
a

66

00

only persons who are or appear to be of Japanese ancestry in food and beverage serving positions. The establishment was planned as a completely authentic replica of a fine Tokyo dining place, and the need for skills and cultural background was stressed in the company's request to FEPC.

In recognizing a bona fide occupational qualification within the meaning of Section 1420 of the FEP Act, the Commission was careful to state that it applies only to employees visible to the public, that applicants of other national origin who appear to be Japanese may not be disqualified, and that authenticity and consistency of the esthetic and cultural character of the decor, food and service are decisive criteria.

Of importance to many employers, employment agencies and unions who must comply with FEPC's *Guide to Pre-employment Inquiries* was a new ruling by the Commission on "point of hire." Documents such as birth certificates or naturalization papers which reveal race and birthplace, and often religion, may not be required prior to hiring; likewise photographs or other evidence of race, religion, or national origin. In the *Guide*, point of hire was defined as the moment when the applicant reports for work. Early in 1961, however, the Commission liberalized this ruling to provide that *once the employer has decided to hire the applicant and has so informed him*, the otherwise forbidden inquiries may be made.

Thus any proof needed to back up claims made by the applicant—e.g., as to U.S. citizenship, veteran status, age—may be inspected by the employer before the individual actually goes on the payroll. If the proof is lacking, the hire need not be consummated.

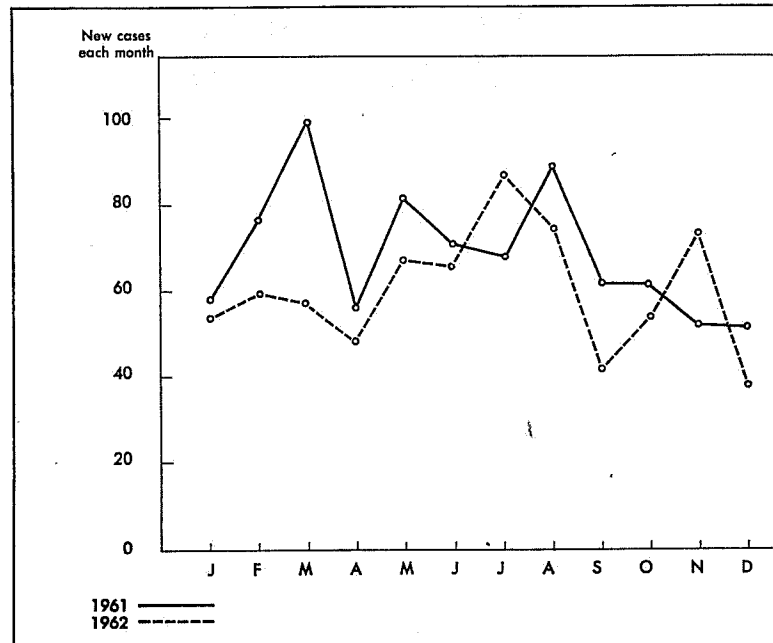
A ruling by the California Attorney General, requested by FEPC, affirmed that the broad principles of the FEP Act apply to the employment practices of the University of California.

The statute excludes, among other organizations, "educational or religious association or corporation not organized for private profit," but includes in the definition of "employer" the State and all political or civil subdivisions thereof.

University officials have stated that the institution has long had a nondiscriminatory policy.

Just as the Governor reminded all agency heads, department directors, and division chiefs, in a letter on November 8, 1961, of their obligations under the FEP Act in the interviewing and selection of employees, the Commission itself has issued reminders to certain groups. In the spring of 1961 and again in 1962, for example, FEPC wrote to all of the state's school boards and administrators

Chart 1
NUMBER OF CASES OPENED EACH MONTH
1961-1962



were brought to completion during these two years. This leaves 1,653 cases awaiting or in process of investigation or conciliation on December 31, 1962.

Monthly intake of new cases, which had averaged about 35 during the Commission's first 16 months, rose to an average of 63.5 in 1961 and 1962.

Table 2
STATUS OF CASES
As of December 31, 1962

<i>Closed or in process</i>	<i>No.</i>
Cases closed, September 18, 1959-December 31, 1962.....	1,653
Cases in process, December 31, 1962.....	433
Total cases filed, September 18, 1959-December 31, 1962.....	2,086

the categories most frequently involved. Public employers—government agencies of various kinds, and schools—were named in about 17 per cent of all cases. Employment agencies and labor organizations

Table 6
CASES OPENED: TYPE OF RESPONDENT

<i>Type of respondent</i>	<i>1961</i>		<i>1962</i>		<i>Cumulative Total September 18, 1959- December 31, 1962</i>	
	<i>No.</i>	<i>Pct.</i>	<i>No.</i>	<i>Pct.</i>	<i>No.</i>	<i>Pct.</i>
Private employer.....	553	68	491	70	1,417	68
Public employer, except hospitals	132	16	122	17	379	18
City	57	7	25	4	119	6
County	12	1	26	4	69	3
State	23	3	41	6	83	4
Schools	40	5	30	4	108	5
Public hospitals.....	16	2	10	1	38	2
Employment agency.....	59	7	22	3	99	5
Labor organization	36	4	39	6	101	5
Other	22	3	21	3	52	2
Total	818	100	705	100	2,086	100

Table 7
**CASES OPENED: POSITION INVOLVED IN
COMPLAINTS BY INDIVIDUALS**

<i>Occupation involved</i>	<i>1961</i>		<i>1962</i>	
	<i>No.</i>	<i>Pct.</i>	<i>No.</i>	<i>Pct.</i>
Total complaints by individuals.....	793	100	679	100
Clerical	148	19	129	19
Crafts	91	11	56	8
Laborer	44	5	32	5
Managers and foremen.....	29	4	20	3
Operative	141	18	157	23
Professional and technical	70	9	73	11
Sales	63	8	42	6
Service	207	26	170	25

were respondents in most of the remainder, about 10 per cent total. Table 6 shows in some detail the distribution of cases by area of respondent, and Table 7 shows the occupational categories involved in individual complaints.

Cases are opened in both the northern area office, San Francisco and the southern area office, Los Angeles. Of the total number of cases opened between September 1959 and the end of 1962, 43 per cent come from respondents in the Los Angeles-Long Beach metropolitan area, 40 per cent those in the San Francisco-Oakland metropolitan area. Table 8 shows the distribution of cases by area of respondent.

Table 8
CASES OPENED: LOCATION OF RESPONDENT

<i>Location of Respondent ^a</i>	<i>1961</i>		<i>1962</i>		<i>Cumulative September 18 December 31</i>
	<i>No.</i>	<i>Pct.</i>	<i>No.</i>	<i>Pct.</i>	<i>No.</i>
1. San Francisco-Oakland Metropolitan Area	296	36	291	41	831
2. Other Northern and Central California	100	12	81	11	203
3. Los Angeles-Long Beach Metropolitan Area	355	44	273	39	890
4. San Diego and Imperial Counties	39	5	27	4	83
5. Other Southern California	28	3	33	5	79
Total	818	100	705	100	2,086

^a See map on page 25 for counties included in each area.
Note: Detail does not add to total because of rounding.

of the
y type
les in-

ncisco,
r filed
cerned
a, and
t area.

NT

Total
1959-
1962
Pct.

40

10

43

4

4

100

IV. COMPLIANCE THROUGH CASE INVESTIGATION AND CONCILIATION

A principal duty of the FEP Commission is to receive, investigate and act upon charges of discrimination in employment on account of race, religious creed, color, national origin, or ancestry. Much of the time of Commissioners and consultant staff is devoted to carrying out this duty.

During the calendar years 1961 and 1962, FEPC docketed 1,472 complaints of discrimination brought by aggrieved individuals. Of these, 754 were received in the Northern California area office and 718 in the Southern California area office.

The Commission also initiated 51 investigations, some statewide in scope, on credible information of alleged violations of the law. The latter type of investigation, authorized by Section 1421 of the FEP Act, amounted to only 4 per cent of all cases, but in many instances brought significant results because of wider recruiting or other changes in employment practices opening hundreds of jobs to qualified minority workers. Thirty-one such cases were completed in 1961 and 1962, 22 of them satisfactorily adjusted through improvement of practices or procedures.

Table 1
CASES OPENED: TYPE OF INITIATION

Type of initiation	1961		1962		Cumulative Total ^a September 18, 1959- December 31, 1962	
	No.	Pct.	No.	Pct.	No.	Pct.
Complaints by individuals.....	793	97	679	96	2,004	96
Investigations ^b	25	3	26	4	82	4
Total	818	100	705	100	2,086	100

^a Further study of the case statistics compiled in the First Annual Report resulted in revised figures which are reflected in the cumulative totals in this report.

^b Ordered by the commission, on receipt of credible information indicating a violation, under authority of Section 1421, Labor Code.

As 1962 ended, determinations had been made and disposition ordered by commissioners in a total of 1,653 cases, of which 1,321

infrequently elusive and difficult to appraise. It is of crucial importance that the commissioner neither fail to find the violation if it has occurred, nor err by reaching an unsubstantiated conclusion against the respondent. The burden of proof is upon the complainant. The commissioner and his staff aides impartially pursue the evidence pro or con, whichever way it may lead.

The assigned commissioner may find no evidence, or insufficient evidence, to support the allegations, and so dismiss the case. If he finds that, where there is insufficient evidence to credit the charges of the complainant, the respondent is engaged in other discriminatory practices. The commissioner then attempts, through conciliation, to eliminate the discriminatory policy or practice and achieve compliance. The terms of the conciliation agreement are summarized in a closing letter from the commissioner to the respondent with a copy typically going also to the complainant. What takes place during conciliation proceedings is confidential in order to enhance the possibility that complete candor will lead to an equitable remedy and to revision of the respondent's practices to prevent future discrimination anywhere in his establishment.

Satisfactory adjustment of a case may include hiring, reemployment, back pay, promise of next opening, promotion, promulgation of an effective merit employment policy, compliance in pre-employment application forms or advertising, ending restrictive recruiting practices, nondiscriminatory interviewing and referral (employment agency), or admission to union membership and dispatch to job.

A complaint may also be disposed of through withdrawal by the complainant with the permission of the assigned commissioner. If the commissioner may dismiss a case because FEPC lacks jurisdiction.

When the commissioner concludes that discrimination did occur and when his efforts to eliminate the practices through conciliation, and persuasion fail, he may bring the case before a quorum of the commission (not including himself) for formal hearing. If the respondent, upon the sworn testimony elicited at hearing, is found by the hearing commissioners to have engaged in unlawful practices, they issue formal findings plus an order to cease and desist from such practices and to take such specific affirmative actions as will fully correct the situation and obviate violations.¹

¹ For additional information on provisions of the FEP Act and its enforcement, see Appendix.

Forms of Discrimination

Approximately 90 per cent of all employment cases brought to FEPC during its first three years involved charges of discrimination on account of race or color, and nearly all the complainants in those cases were Negro. Discrimination on the basis of national origin or ancestry was alleged in about 6 per cent of the cases, of which most involved members of Spanish-speaking groups. Religious creed was the basis of 4 per cent of the cases, half of these in the category of alleged anti-Semitism. A small number of cases, less than 1 per cent, were based on alleged discrimination against Caucasians because of their marriage to or association with nonwhites.

Table 4
CASES OPENED: ALLEGED BASIS
OF DISCRIMINATION

<i>Alleged basis of discrimination</i>	<i>1961</i>		<i>1962</i>		<i>Cumulative Total September 18, 1959- December 31, 1962</i>	
	<i>No.</i>	<i>Pct.</i>	<i>No.</i>	<i>Pct.</i>	<i>No.</i>	<i>Pct.</i>
Color	734	90	629	89	1,869	90
Negro	727	88	622	88	1,846	88
Asian	2	^a	3	^a	11	1
Caucasian	5	1	4	1	12	1
National origin or ancestry..	49	6	39	6	116	6
Spanish surname	35	4	31	5	86	4
Other ^b	14	2	8	1	30	1
Creed	29	4	29	4	84	4
Jewish	14	2	16	2	49	2
Catholic	5	1	3	^a	11	1
Protestant	10	1	10	2	24	1
Opposition to discrimination ^c	6	1	8	1	17	1
Total	818	100	705	100	2,086	100

^a Less than ½ of 1 percent.

^b Includes American Indian, Maltese, Austrian, German, Burmese, Italian, Syrian, Indonesian, Filipino, English, Hungarian, Irish, and American.

^c Includes Caucasians married to or befriending Negroes.

Note: Detail does not add to total because of rounding.

Refusal to hire and dismissal from employment continued to be the most frequent types of discriminatory act charged by complain-

ants. These two charges against employers were involved in more than two-thirds of all FEPC cases in 1961 and 1962.

Table 5 summarizes the various discriminatory acts alleged. "Unequal work conditions" may include discriminatory discipline, demotion on the job, discriminatory layoff, denial of permanent position, discriminatory job or shift assignments, change of days off, work week reduced, or refusal of admission to employee organization or participation in employee activities.² The "Other" category in Table 5 includes failure to register in a vocational school, reprisal for filing a complaint, given a discriminatory job reference, withholding a job reference, failure to give passing score in oral examination, failure to admit to membership in private association, and the like.

Table 5
CASES OPENED: ALLEGED
DISCRIMINATORY ACT

<i>Act</i>	<i>1961</i>		<i>1962</i>		<i>Cumulative</i>
	<i>No.</i>	<i>Pct.</i>	<i>No.</i>	<i>Pct.</i>	<i>September 18</i> <i>December 31</i> <i>No.</i>
Total ^a	818	100	705	100	2,086
Refusal to hire.....	329	40	306	43	956
Dismissal from employment..	216	26	179	25	529
Refusal to upgrade.....	92	11	75	11	214
Unequal work conditions.....	98	12	89	13	224
Employment agency referral withheld	48	6	22	3	104
Union membership withheld..	13	2	9	1	32
Other union discrimination..	20	2	30	4	75
Other ^b	24	3	29	4	58

^a Detail adds to more than total since more than one discriminatory act alleged in a single case.

^b Includes failure to register in a vocational school, reprisal for filing a complaint, given a discriminatory job reference, withholding a job reference, failure to give passing score in oral examinations, failure to admit to membership in private association, etc.

Type and Location of Respondents

In 1961 and 1962, as earlier, private employers were the respondents in most FEPC cases, accounting for 70 per cent of all cases in the latter year. Manufacturing, and wholesale and retail trade

² Discrimination on account of sex is not covered by the FEP Act, but it is interesting to note that 36 per cent of the individual complainants who filed cases in 1961 were women, as were 45 per cent of the complainants in those cases which closed that year as satisfactorily adjusted.

more

“Un-
harass-
status,
work
ion or
Table
r filing
; a job
lure to

Total
1, 1959-
1, 1962
Pct.
100
46
25
10
11
5
2
4
3

may be

mplaint,
ilure to
rship in

spond-
ases in
, were

teresting
in 1962
ch were

Procedure in Handling Complaints

Any individual who believes he has been discriminated against in employment because of his race, religious creed, color, national origin, or ancestry may file a verified complaint with the commission. It is up to an assigned commissioner, after thorough investigation, to determine whether or not the alleged discriminatory act seems to have occurred. Complaints may also be filed by an employer or union (against employees or union members refusing to cooperate in efforts to comply with the law), and by the Attorney General.

Table 3 shows; for most of the complaints filed in 1962, the source of referral or of the complainant's information regarding FEPC.

Table 3
COMPLAINANT'S SOURCE OF INFORMATION
REGARDING FEPC CASES OPENED
1962

<i>Source of information</i>	<i>No.</i>	<i>Pct.</i>
Total	705	100
Inter-group agency.....	104	15
Private individual.....	50	7
Public agency or FEP poster.....	128	18
Union	34	5
Private attorney.....	13	2
Political organization, newspaper or other mass media.....	90	13
Repeat claimant.....	28	4
General knowledge.....	82	11
Unknown source.....	148	21
No complainant (FEP initiated investigation).....	26	4
Other ^a	2	^b

^a Referred by school and Better Business Bureau.

^b Less than ½ of 1 percent.

Once a complaint is filed, the chairman designates one of the five commissioners to supervise the investigation, in which staff members gather information about the specific circumstances giving rise to the complaint and about the general policies and practices of the respondent.

Having received the report of investigation and other memoranda by the staff consultant, the assigned commissioner begins the process of arriving at a determination. He may ask one or both of the parties to confer with him, in order to gain additional information and to probe for further evidence tending to support or refute the allegations of the complainant. Evidence of unlawful discrimination is not

