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Illinois Vocational Student Service Network Equal Employment Opportunity/Affirmative Action Policy Development

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ILLINOIS VOCATIONAL STUDENT SERVICES NETWORK EQUAL

EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION POLICY DEVELOPMENT
(TITLE)

BY

MARTIN L. BARRETT

THESIS

SUBMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS
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Equal Employment Opportunity/Affirmative Action Policy Development

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Field Experience Paper, Fall, 1989
Abstract

The dual purposes of this field study were to ascertain the legislative, court, and administrative rule requirements for equal employment opportunity and affirmative action for the newly created Illinois Vocational Student Services Network and to develop equal employment opportunity and affirmative action policies for the network. The findings of this field study are applicable to Educational Service Regions in the State of Illinois and projects, entities, or programs that utilize Educational Service Regions as fiscal agents. With minor modifications, the affirmative action policy could be utilized by school districts and other public agencies.

The study is divided into five major sections. The section entitled The Problem provides background material and states the problem and delineates the limitations of the study. The section entitled Review of Legislation, Administrative Rules and Court Cases reviews the sources as they impact equal employment opportunities and affirmative action policies. The section entitled Design of Study explains how the study was organized. The following section entitled Development of Necessary Policies and Procedures explains the necessity for each section, states the policy, and lists an implementation schedule. The final section, entitled Conclusion and Recommendations, draws upon the literature review to make specific recommendations.
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The Problem

In February, 1988, the Illinois State Board of Education (ISBE), through the Department of Adult, Vocational and Technical Education (DAVTE), issued a request for proposals for Career Guidance and Counseling and Building Fairness (Sex Equity). The request for proposals called for significant changes in the organization and mission of Career Guidance and Counseling and Building Fairness. In response to this request, one educational unit will administer Career Guidance and Counseling and Building Fairness for Illinois. Each consultant team composed of one Career Guidance and Counseling Consultant and one Building Fairness Consultant is employed in each of the six DAVTE regions (see Appendix A) and one additional team serves Lake and Cook counties.

A coalition of seven regional superintendents, headed by Charles N. Sutton, Regional Superintendent for Champaign and Ford Counties, submitted a proposal to the ISBE/DAVTE. The proposal established a network that used existing educational systems, such as regional superintendents and Educational Services Centers, to institutionalize Career Guidance and Counseling and Building Fairness. A director was employed and charged with the administrative tasks listed in the proposal to ensure that the network functioned. (Barrett, Smoot, 1988).
ISBE/DAVTE decided in July, 1988, to fund the regional superintendents' proposal. The Illinois Vocational Student Services Network (IVSSN), under the direction of the fiscal agent, Charles N. Sutton, employed the author of this study as director. The IVSSN employs a statewide network of 14 consultants. The project is supported by ISBE/DAVTE with federal funds. Guidelines from these funding agencies require the IVSSN to adhere to affirmative action and equal opportunity employment practices.

Statement of Problem

The IVSSN had brief equal employment opportunity and affirmative action policies that had to be expanded to encompass the statewide scope of the project. As a result, the development of comprehensive equal employment opportunity and affirmative action policies was deemed necessary by the fiscal agent.

Limitations of this study

1. The equal employment opportunity policy and procedures and the affirmative action policy and procedures developed are limited to the IVSSN.

2. The discussion of the Civil Rights Act of 1964, Title VI and Title VII, Title IX of the Education Amendment of 1972, Human Rights Act of 1981, Illinois Administrative Code, cited court cases and the Champaign Community Unit School District No. 4 policy are limited to equal employment opportunity and affirmative action.

3. The discussion of all materials reviewed is limited to the public sector.
4. The literature and related research components of this field study are limited to the statutes, administrative rules and regulations, and court cases applicable to the development of the affirmative action policy and procedures that directly impact the IVSSN.

Project Objectives

1. The IVSSN will develop written equal employment opportunity and affirmative action policies.

2. The IVSSN will develop written administrative procedures for the enforcement of the equal employment opportunity and affirmative action policies.

3. The equal employment opportunity and affirmative action policies will conform to state and federal legislation, court cases, and administrative code.

4. The policies will gain the acceptance of the fiscal agent.

5. The policies will be disseminated to employees, applicants, ISBE, and the steering committee for the IVSSN.

Definitions

The following terms are defined for purposes of this field study:

Age--"the chronological age of a person who is at least 40 years old." (Human Rights Act, 1981).

Handicap--"determinable physical or mental characteristics of a person, including but not limited to, determinable physical characteristics which necessitate the person's use of a guide, hearing or support dog; the history of characteristic or the
perception of such characteristic by the employer, which may result from disease, injury, congenital condition of birth or functional disorder and which characteristic is unrelated to the person’s ability to perform the duties of an IVSSN consultant." (Human Rights Act, 1981).

Marital Status--"the legal status of being married, single, separated, divorced or widowed." (Human Rights Act, 1981).

National Origin--"the place in which a person or one of his or her ancestors were born." (Human Rights Act, 1981).

Person--individual.

Protected groups--people 40 years of age or older, handicap, national origin groups, racial groups, religious groups, ancestry groups, or group that is unfavorably discharged from the military.

Public Contract--"any contract the State of Illinois is a party to." (Human Rights Act, 1981).

Race--"White, Black and other, excluding Hispanics; other includes Asian or Pacific Islander, American Indian and Alaska native. Hispanic includes all persons of Hispanic origin regardless of race." (Human Rights Act, 1981).

Religion--"includes all aspects of religious observance and practice as well as belief." (Human Rights Act, 1981).

Sexual harassment--"unsolicited sexual advances, sexual advances linked to the promise of rewards, coercion by punishment and sexual assault." (Human Rights Act, 1981).
Unfavorable Military Discharge—"includes unfavorable discharge from the Armed Forces of the United States, their Reserve components or any National Guard or Naval Militia which are classified as RE-3 (Unfavorable) but does not include those classified as RE-4 or Dishonorable." (Human Rights Act, 1981).

"Unlawful Discrimination—"failure to employ a person because of his or her race, color, religion, national origin, ancestry, age, marital status, handicap, or unfavorable discharge from military service." (Human Rights Act, 1981).
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Review of Legislation, Administrative Rules and Court Decisions

The IVSSN is funded through the Carl D. Perkins Act (federal funds) that flow through the ISBE. ISBE/DAVTE guidelines require all contractors to be equal employment opportunity and affirmative action employers. (Project Management Handbook, 1989). This chapter reviews the IVSSN as a legal entity, the appropriate federal and state legislation, court cases, and State Administrative Code that impact affirmative action employment policies.

Review of Legislation

The Honorable Charles N. Sutton, Regional Superintendent for Champaign and Ford Counties, as fiscal agent and personnel director of the IVSSN, retains the final approval of employment and discharge of all employees of the IVSSN. (Barrett, Smoot, 1988). Mr. Sutton is an elected officer of the State of Illinois acting within the power and scope of the office he holds. As a result, it is the legal opinion of the Illinois Municipal Retirement Fund and the Champaign County Assistant State’s Attorney that the IVSSN is an extension of his office contracting with the state agency, ISBE. Thus, the attorneys for those agencies concluded that the IVSSN is under mandates for state agencies.

Human Rights Act of 1981

The Human Rights Act of 1981, as amended in 1987, establishes rules and regulations to prohibit discrimination in employment on the
basis of race, color, religion, sex, national origin, ancestry, age, marital status, physical or mental handicap, unfavorable discharge from military service, or sexual harassment. The act further states in 22,422.05 Sec. 2-105 Paragraph B:

"(B) State Agencies. Every State executive department, board, commission, and instrumentality shall:

(1) Comply with the procedures and requirements of the Department's regulations concerning equal employment opportunities and affirmative action;

(2) Provide such information and assistance as the Department may request.

(3) Establish, maintain, and carry out a continuing affirmative action plan consistent with this Act and the regulations of the Department designed to promote equal opportunity in every aspect of agency personnel policy and practice. This plan shall include a current detailed status report:

(a) indicating, by each position in State service, the number, percentage, and average salary of individuals employed by race, national origin as required by Department rule, sex and handicap, and any other category which the Department may require by rule;

(b) identifying all positions in which the percentage of the people employed by race, national origin as required by Department rule, sex and handicap, and any other category which the Department may require by rule, is less than four-fifths of the percentage of each of those components in the state work force;
(c) specifying the goals and methods for increasing the percentage by race, national origin as required by Department rule, sex and handicap, and any other category which the Department may require by rule, in State Positions;
(d) indicating progress and problems toward meeting equal employment opportunity goals." (See Appendix B for complete act)

Therefore, the IVSSN is required to be an equal employment opportunity and affirmative action employer.

**Civil Rights Act of 1964**

The Civil Rights Act of 1964 is viewed as far-reaching civil rights legislation. The law encompasses many sections, such as (a) Title II dealing with discrimination in public accommodations, (b) Chapter 8 and Title VI dealing with discrimination in federally-assisted programs, and (c) Title VII dealing with discrimination in employment. The two sections which impact the IVSSN are Title VI and Title VII. (Eisenburg, 1987).

**Title VI**

This Title prohibits discrimination in any program receiving federal assistance. §601 states (42 U.S.C., §2000c-2): "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

The IVSSN program is funded through federal monies. Therefore, under Title VI, the IVSSN must not discriminate against a person for any of the reasons listed above.
Title VII
This Title specifically deals with the prohibition of discrimination in employment. It states, in §703 (42 U.S.C. § 2000 e-2):

"(a) Employer Practices--It shall be an unlawful employment practice for any employer--
(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment because of such individual's race, color, religion, sex, or national origin; or
(2) limit, segregate or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex or national origin."

Because the IVSSN is required to adhere to regulations specified under Title VI, the project is also governed by Title VII.

Title IX
This title, included in the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), extends prohibition of discrimination in federally-assisted programs to include discrimination on the basis of sex. Two sections specifically affect the IVSSN. They are:

§1681 Sex

"(a) No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or
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be subjected to discrimination under any education program or activity receiving Federal financial assistance;
(c) For purposes of this chapter an educational institution means any public or private preschool, elementary or secondary school, or any institution of vocational, professional or higher education."

Legislative Summary

The legal opinions the IVSSN received classified the IVSSN as a part of a state government office entering into a contract with the ISBE, a unit of state government. Therefore, the IVSSN falls under the provision of the Human Rights Act of 1981. This act mandates that the IVSSN be an affirmative action employer and specifies that equal employment opportunity and affirmative action policy and procedures be developed by the IVSSN. The IVSSN is a federally funded project, thus, the Civil Rights Act of 1964 Titles VI and VII and the Education Amendments of 1972 Title IX also prohibit discrimination in employment and require the IVSSN to be an equal opportunity employer.

Review of Major Court Decisions Affection Affirmative Action

Swann vs. Charlotte-Mecklenburg Board of Education (402 U.S. 1, 91 S. Ct. 1267, 28 L.Ed 2d 554 (1971)). This Supreme Court case upheld a district's right to use an affirmative action plan to achieve a ratio of black students to white students. Chief Justice Burger writing for the majority stated that school authorities "are traditionally charged with broad powers to formulate and implement educational policy and might well conclude, for example that in order
to prepare students to live in a pluralistic society each school should have a prescribed ration of Negro to white students reflecting the proportion of the district as a whole" (Swann, 1971, p. 559) and that to "do this as educational policy is within the broad discretionary powers of school authorities."(p. 559) But absent a finding of constitutional violation, however, that would not be within the authority of a federal court.

The significance of this case is stated by Morris in his commentary on "Affirmative Action and Quota System". "It is clear that school authorities have constitutional power to use a racial classification in certain kinds of affirmative action programs and to use them under circumstances where their use would be prohibited to the federal courts, absent a finding of a constitutional violation." (Morris, 1987, p. 1205)

The Regents of the University of California vs. Bakke (438US265, 57L.ED.2D 750, 17F.E.P.Cas BNA (1000, 1978)). This case involved an admissions policy at the University of California that set quotas for minority students to be admitted into medical school. Bakke brought suit claiming that he was a victim of reverse discrimination. The United States Supreme Court ruled that quota-type preference for race was unconstitutional and violated the intent of Title VII and the Civil Rights Act of 1964. It is important to note that the court stated that consideration of race as a selection criteria was permissible. Further, it allowed for the setting of objectives and broad goals.
Firefighters Local Union #1784 vs. Stotts (467 US 561, 21 L. Ed. 3d 483, 34 F. E. P. Cas BNA (1702, 1984)). This 1984 U.S. Supreme Court decision should be understood for what it does do and what it does not do. The case involved the fire department and the City of Memphis. The parties had agreed to enter into a consent decree to increase the number of minority workers in the fire department. The plan set out to correct past discrimination through the joint establishment of hiring practices and promotional goals. One year after the consent decree was entered, unforeseen budget deficits resulted in layoffs. A federal district court enjoined the seniority system from being utilized in the layoffs. This was done to protect the newly hired minority workers. The Supreme Court ruled that the court had no authority to negate a bona fide seniority system.

The importance of this case is that it deals with the non-voluntary nature of the order by the court. The Supreme Court recognizes that voluntary actions, as noted in other Supreme Court cases, are acceptable and that seniority systems may be altered by agreements between management and labor for the purpose of correcting racial discrimination of the past.

United Steel Workers of America vs. Weber (433 U.S. 193, 61 L. Ed. 2d 480, 20 F. E. P. Cas (BNA) 1 (1979)). This private sector case upheld the right of parties to enter into voluntary affirmative action plans. The U.S. Supreme Court cited several factors as necessary for this affirmative action plan to be valid. They were:

1. A history of discrimination against Blacks was evident.
2. The intent of the plan was remedial.
3. The agreement was voluntary between the company and union.
4. The 50-50 quota established for the apprenticeship was viewed as reasonable and did not unreasonably restrict the rights of whites from entering the apprentice program.
5. The plan was temporary.

These five factors are still considered the criteria for judging the acceptability of an affirmative action plan in the private sector.

**Kromnick vs. School District of Philadelphia,** (739 F 2d 894, 35 F.E.P.Cas. (BNA 538) (3d cir. 1984)). This U.S. Supreme Court case upheld the school district’s policy of hiring minority teachers using a ratio, because the policy was temporary, reasonable, and voluntarily entered into by the school district and the union. The judicial significance of this case is that it extends the Weber criteria to the public sector.

**Wygant vs. Jackson Board of Education,** (476 U.S.267, 90 L.Ed.2D 260, 40 F.E.P.Cas (BNA)1321 (1986)). This U.S. Supreme Court case challenged the constitutionality of a school district entering into a collective bargaining agreement that had a provision to lay off teachers based on a quota system designed to alleviate past social discrimination. The Reagan Administration entered the case through the Justice Department as Amicus and requested the court to rule "an explicit Board admission or judicial determination of culpability ... before the Board could undertake a race-conscious remedial plan."
The Court rejected the arguments and reaffirmed the right of public employers to establish affirmative action plans based upon good reason.

*Johnson vs. Transportation Agency, Santa Clara County*, (480 U.S. 616, 94 L.Ed.2d 615, 43 F.E.P.Cas.(BNA) 411 (1987)). This case challenged the action of the Agency in promoting a woman to a position over a more qualified man where women were significantly under-represented in the specific job classification. The Court in affirming the action reaffirmed the Weber criteria. The Court noted the essential factors as:

1. The plan was voluntary.
2. There were no quotas or numbers, but instead short range goals that were reviewed and adjusted annually.
3. The agency demonstrated a "manifest unbalance" and was therefore correct in its actions.

The Agency's plan of affirmative actions was classified as a "moderate, flexible, case-by-case approach to effecting a gradual improvement in the representation of minorities and women in its work force." (Johnson, 1987, p. 417)

*Hammon vs. Barry*, (826 F.2d 73, 44F.E.P.Cas.(BNA) 869 (D.C.Cir.1987)). At the center of this case was the constitutionality of a sixty-percent quota for hiring blacks for the fire department of the District of Columbia. The court ruled that this "rigid" quota violated the equal protection provision in the
fifth amendment to the United States Constitution. An analysis of
the Court decision stated that the "race-based hiring methods were
not properly tailored to its remedial purposes". (Hammon, 1987, p.
873).

Janowiak vs. Corporate City of South Bend, (836 F.2d 1034, 45
F.E.P.Cas. (BNA) 973 (7th Cir.1987)). The city's affirmative action
plan was thrown out because it did not stand up to the "manifest
unbalance" requirement. The reason for the court decision was
"because the statistical comparisons upon which the city based its
plan focused not on the relevant qualified area labor pool but on
general populations status." (836 F.2d at 1039-1040).

Martin vs. Wilks (109 S.Ct. 2180 (1989)). In this case the
Supreme Court limited the effectiveness of the affirmative action
consent decree. The court ruled that employees who were not a party
to a consent decree but were effected by the decree could file suite
charging reverse discrimination. The significance of the case for
this study is that it "does not stop public agencies from entering
appropriate voluntary affirmative action programs". (Sendor, 1989)
Summary of Court Cases. The Swan, Johnson and Martin decisions all
uphold the right of public agencies to adopt affirmative action
policies and programs without demonstrating a history of
discrimination against a minority. The Johnson and Janowiark
decisions also demonstrate that affirmative action plans must show
"manifest unbalance" in specific job classifications before specific
goal oriented action may be taken. The action must be short term and
targeted to remedy the manifest unbalance. As the result of the
Bakke and Hammon decisions the setting of quotas to accomplish affirmative action goals has not been accepted. The results of these decisions provided direction for the development of the IVSSN affirmative action policy.

**Illinois Administrative Code**

In Chapter II, § 2520 Appendix A, the elements of an affirmative action plan are listed and divided into seven sections.

Part I lists the following sections:

A. A completed Equal Employment Opportunity/Affirmative Action Certification Form;

B. An agency EEO/AA policy statement signed by the Chief Executive Officer;

C. An agency profile statement, describing the mission of the agency and its specific EEO/AA problems and needs;

D. Identification of the agency’s primary EEO Officer and his/her work location and telephone number;

E. An organizational chart depicting the agency personnel at all levels responsible for implementing and monitoring the agency’s affirmative action plan; and

F. A description of the methods to be used in accomplishing both internal and external dissemination of the agency’s affirmative action policy and plan.

For purposes of IVSSN policy, one significant change occurs in Section A. The IVSSN was instructed by the Equal Employment Opportunity Commission not to fill out or complete any Equal Opportunity/Affirmative Action Certification Form. (Whittfield,
Personal communications, July 5, 1989). Whittfield viewed Mr. Sutton's office as an extension of the ISBE. This opinion was re-enforced by the written legal opinion of the Illinois Municipal Retirement Fund and the Champaign County Assistant State's Attorney. They have ruled that the ISBE Equal Opportunity/Affirmative Action Certification applies.

Part II of the Administrative Code explains internal and external workforce analysis. In Appendix C the statewide external figures are provided. External analysis consists of one category for IVSSN consultants, Professional Specialty. (Davidson, Personal communications, May 15, 1989). The statistics in Appendix C are utilized to determine "the number of minorities (who compose at least two percent of the State's general population as determined by methodology determined to be appropriate by the Department) and females available to the workforce of the agency, calculated according to methodology determined to be appropriate by the department." (Illinois Administrative Code, (1984), Chapter 11, §2520 Appendix A). The internal workforce can not be determined until people are employed.

Part III of the code defines the development of goals and timetables determined to be necessary if areas of concern are noted in the agency's internal and external workforce analysis.
Part IV states that the agency must include procedures to address charges of discrimination in the affirmative action policy. The policy must also include a statement informing employees of their rights.

Part V extends the affirmative action policy to include the handicapped. The various sections extend specific protection in recruitment policy, application process procedures, reasonable accommodations, and physical accessibility for employment.

Part VI states that any federal text that adds additional Equal Employment Opportunity/affirmative action requirements to the agency must be stated.

Part VII is the appendix listing all supportive data.

These are the required criteria for equal employment opportunity and affirmative action policies and procedures in Illinois. All parts are included in the IVSSN affirmative action policy and procedures.

Affirmative Action Model

Mr. Charles Kent, Personnel Director for Champaign Unit 4, suggested the IVSSN use a model of an established affirmative action policy. (Kent, Personal communications, April 10, 1989). The model chosen was Champaign Unit 4’s affirmative action policy and appropriate procedures (See Appendix D).

Uniqueness

The IVSSN was established as an entity on August 1, 1989. Therefore it had no prior employment history. This factor, in light of the court cases discussed, is important. With no employment
history, it is an impossible to have a prior history of discrimination. As a public entity, the IVSSN is required to adopt equal employment opportunity/affirmative action policies and procedures. The IVSSN policies reflect utilization of uniform and fair screening and interviewing methods, in order to select the best candidates possible. This avoids any disparate effects or claims of reverse discrimination by non-minority groups or individuals.
Design of Study

The purpose of this field study was to design appropriate equal employment opportunity and affirmative action policies and procedures for the IVSSN. It was centered upon review of legislation, court cases, and administrative code that dealt with the development of equal employment opportunity policy and procedures and affirmative action policy and procedures. The material reflects legal requirements that a local public agency, such as the IVSSN, is required to follow.

Analysis of the material demonstrated that the IVSSN was legally obligated and within its legal rights to adopt equal employment opportunity policy and procedures and affirmative action policy and procedures. The literature was then utilized to develop appropriate policy and procedures. The Champaign Unit 4 equal employment opportunity policy and affirmative action policy and procedures served as a model (see Appendix D). The conclusions and recommendations of this field study are presented in the final chapter.
The review of the legislation, court decisions and administrative rules clearly establish that the IVSSN must develop equal employment opportunity and affirmative action policies. The IVSSN is an extension of the Champaign/Ford Regional Office of Education. The IVSSN fulfills a contract for the ISBE which uses federal money. Therefore federal legislation, the Civil Rights Act of 1964, Title VI §601 and Title VII §703, and the Educational Amendments of 1972 Title IX §1681 and state legislation, Human Rights Act of 1981 22,422.05 Sec. 2-195 as interpreted by administrative rules and court decisions require the IVSSN to be an equal opportunity employer. The Human Rights Act of 1981 and the ISBE, through provisions of the grant, requires the IVSSN to be an affirmative action employer.

A review of the court cases established the IVSSN also has the right to enter into an equal employment opportunity and affirmative action program. Supreme Court cases of Swan, Johnson and Martin uphold the right of public agencies to enter into affirmative action programs without being ordered to by a court or to correct a past practice.

The Human Rights Act of 1981 in Section 2-105 (B) (See Appendix B) lists the components and necessary actions that must be taken by state agencies or instrumentalities to comply with equal employment opportunity and affirmative action mandates. These actions are further defined in Illinois Administrative Code Chapter 11, §2520 Appendix A (listed on pages 13-15). This section explains seven
specific steps that must be utilized in the development of equal employment opportunity and affirmative action policies and procedures.

**General Personnel Policy**

A general personnel policy statement to prohibit discrimination in all personnel matters is required by Section 2-105 B 3 of the Illinois Human Rights Act of 1981. The Champaign Community Unit School District No. 4 General Personnel Policy meets this requirement. The IVSSN General Personnel Policy is derived from Unit 4 policy.

**IVSSN General Personnel Policy**

It shall be the policy of the Illinois Vocational Student Services Network to prohibit discrimination against any employee on account of race, color, creed, religion, national origin, ancestry, sex, age, marital status, physical or mental handicap unrelated to ability, or unfavorable discharge from the military. The prohibition against discrimination on account of sex is also intended to bar sexual harassment in any form.

Sexual harassment is defined as unsolicited sexual advances, sexual advances linked to the promise of rewards, coercion by threat of punishment and sexual assault.

When there is evidence of violation of this policy or violation of provisions of Title VII or Title IX as they apply to sex
discrimination, the Fiscal Agent/Personnel Director shall take appropriate action, including warning and/or disciplinary action as warranted.

**General Personnel--Non-Discrimination Procedures**

The procedures restate the policy and state steps to process charges of discrimination. The steps are mandated by the Illinois Administrative Code Chapter 11, §2520 Appendix A, Part IV. The Champaign Community Unit School District No. 4 model was modified to reflect the IVSSN organization. (See Appendix E: Organizational Chart)

**IVSSN General Personnel--Non-Discrimination Procedures**

It shall be the policy of the IVSSN to prohibit discrimination in employment procedures or against any employee on account of race, color, creed, religion, national origin, ancestry, sex, age, marital status, physical or mental handicap unrelated to ability, or unfavorable discharge from the military. The prohibition against discrimination on account of sex is also intended to bar sexual harassment in any form.

Sexual harassment is defined as unsolicited sexual advances, sexual advance linked to the promise of rewards, coercion by threat of punishment and sexual assault.

Any employee who believes he/she has been discriminated against by any supervisor or other employee may immediately notify the director, or if the director is alleged to have discriminated, the Fiscal Agent/Personnel Manager may be notified. Such notice shall be
in writing and contain a summary of the nature of the discriminatory conduct alleged. A copy of the notice should be sent the Fiscal Agent/Personnel Manager.

After receiving notice of discrimination, the Fiscal Agent or designee shall convene a hearing within ten (10) working days to ascertain the facts of such alleged discriminatory conduct. If the complaint is justified, appropriate disciplinary action should be taken.

General Personnel--Affirmative Action

The policy states the IVSSN will be an equal opportunity employer and recognizes that the IVSSN is an affirmative action employer and commits to meet requirements set forth in the Human Rights Act of 1981 Section 2-105 B 3 and the Illinois Administrative Code Chapter 11, §2520 Appendix A. The Champaign Community Unit 4 policy provided a model. The model was adapted to reflect that the IVSSN had no employment history and therefore had no past practices that resulted in discrimination or adverse impact upon any group.

IVSSN General Personnel--Affirmative Action

Affirmative action policy. The ultimate goal of the IVSSN is the maintenance of the highest possible professional and academic standards in its educational programs and services. In order to meet this goal, the IVSSN affirms and strictly adheres to its policy of equal opportunity in all aspects of employment.

The IVSSN recognizes that, in order to ensure that applicants for employment and employees with appropriate qualifications and
responsibilities are afforded equal employment opportunities, it must also take reasonable action:

(1) to eliminate the effects of any present practices, procedures, and policies that have an adverse impact upon a protected group unless such practices, procedures, or policies are justified by a business necessity; and

(2) to avoid the results of any available artificially limited labor pools.

Accordingly, the IVSSN shall have the director develop an affirmative action plan, which shall contain a set of specific and result-oriented procedures in order to accomplish these goals, based upon the guidelines set forth below. Additionally, the IVSSN commits itself to apply a good faith effort to meet these goals through the implementation of the affirmative action plan. Procedures without the effort to make them work are meaningless, and effort undirected by specific and meaningful procedures is inadequate.

**Personnel--Affirmative Action Procedures**

These procedures meet many of the requirements set forth in the Human Rights Act of 1981 Sec. 2-105, B 3 and the Illinois Administrative Code Chapter 11, §2520 Appendix A Part II, Part III, Part IV, and Part V. The procedures state the IVSSN’s goal in employment, list methods to meet the self-analysis requirement, define when affirmative action is appropriate, and state reasonable action to be taken if affirmative action is deemed necessary.

The sections of the procedures that state when affirmative action is necessary and the action that is required to address such
occurrences are reflecting the Supreme Court decisions of Johnson, Hammon, and Janowiak. Before affirmative action measures are used there must be a demonstrated underutilization of a protected group. The measures taken to remedy the underutilization would be voluntary and have short range goals. The goals would not set quotas and analysis of workforce would be based on occupational specific Illinois labor information.

The Champaign Community Unit District No. 4 Personnel--Administrative Procedures were utilized as the model. Modifications in IVSSN procedures reflect IVSSN organization where Charles N. Sutton, Regional Superintendent of Champaign and Ford Counties is the chief executive officer. The IVSSN has no governing board.

**IVSSN Personnel--Affirmative Action Administrative Procedures**

**General personnel – affirmative action.** The ultimate goal of the IVSSN is the maintenance of the highest possible professional and academic standards in all its educational programs and services. In order to meet this goal, the IVSSN affirms and strictly adheres to its policy of equal opportunity in all aspects of employment.

**Self-analysis and identification of problem areas.** The Director shall conduct an annual analysis of the Illinois Vocational Student Services Network’s work force and employment practices in order to determine whether employment practices do exclude, or tend to
exclude, disadvantage, restrict or result in adverse impact or disparate treatment of protected groups.

The Director shall first undertake an analysis of the major job groups in order to determine whether any protected group of persons (e.g., women or Blacks) are currently being under-utilized in any of these job groups. A protected group of persons shall be considered under-utilized if a particular job group has fewer such persons than would be reasonably expected by their availability.

Additionally, the Director shall undertake an in-depth analysis of:

1. The total selection process, including position descriptions, position titles, position specifications, interview procedures, final selection process and similar factors;
2. Transfer and promotion practices;
3. Work force attitude.

Reasonable basis for concluding that affirmative action is appropriate. If the self-analysis shows that one or more employment practices have or tend to have an adverse effect on employment opportunities of protected groups or groups whose employment opportunities have been artificially limited, then the IVSSN must proceed with appropriate reasonable action. The IVSSN specifically notes it is not necessary that the director finds a violation of any applicable administrative statute in order to conclude that action is appropriate. Specific examples of findings which could lead the director to conclude that action is appropriate may include:
1. There is an underutilization of minorities or women in specific job groups.

2. Position descriptions are inaccurate in relation to actual functions and duties.

3. No formal techniques established for evaluating effectiveness of EEO programs.

4. The selection process eliminates a significantly higher percentage of minorities or women than nonminorities or men.

Reasonable action. If the Director concludes that reasonable action is necessary, the affirmative action taken pursuant to this directive must be reasonable in relation to the problems disclosed by the self-analysis. Such reasonable affirmative action may involve the adoption and implementation of employment practices that will eliminate any actual or potential adverse impact or disparate treatment by providing opportunities for members of groups which have been excluded, regardless of whether the persons benefited were themselves the victims of prior policies or procedures that produced the adverse impact of disparate treatment of that perpetuated past discrimination.

Examples of reasonable affirmative action include:

1. The establishment of short-range interim goals and timetables for the specific job classification or groups, all of which should take into account the availability of basically qualified persons in the relevant job market;
2. A recruitment program designed to attract qualified members of the group in question;
3. Revamping selection instruments or procedures that have not yet been validated in order to reduce or eliminate exclusionary effects on particular groups in particular job classifications;
4. The initiation of measures designed to assure that members of the affected group who are qualified to perform the job are included within the pool of persons from which the selecting official makes the selection;
5. The establishment of a system for regularly monitoring the effectiveness of the particular affirmative action program, and procedures for making timely adjustments in this program where effectiveness is not demonstrated.

The Fiscal Agent/Personnel Director emphasizes that:
1. The affirmative action plan should be tailored to solve the problems that were identified in the self-analysis, and to ensure that employment systems operate fairly in the future, while avoiding unnecessary restrictions on opportunities for the work-force as a whole. The race, sex, and national origin-conscious provisions of the plan or program should be maintained only so long as necessary to achieve these objectives;
2. Goals and timetables should be reasonably related to such considerations as the need for prompt elimination of adverse impact or disparate treatment, the availability of basically qualified or qualifiable applicants, and the number of employment opportunities expected to be available.
Internal audit and reporting systems. The Director shall monitor records of referrals, placements, transfers, promotions, and terminations at all levels of employment to ensure that a nondiscriminatory policy is carried out.

The Director shall advise the Fiscal Agent of program effectiveness and submit recommendations to improve unsatisfactory performance.

Implementation of policy and development and administration of the affirmative action plan. The Director shall administer the IVSSN's equal opportunity program. His/her responsibilities shall include implementing this policy on the development of an affirmative action plan, which shall, upon completion, be submitted to the Fiscal Agent for final approval. After the Fiscal Agent's approval, the director shall be responsible for administration of the plan. In both the implementation of this policy and in the administration of the plan, he/she shall be given the necessary administrative support and staffing support, and the director may delegate responsibilities and duties as necessary.

Formal internal and external dissemination of policy and affirmative action plan.

1. Copies of this Policy and affirmative action plan shall be made available to all applicants and employees.

2. Reports dealing with the nature and implementation of the IVSSN's equal opportunity policies will be made to the Fiscal Agent in open meetings.
3. Equal Employment Opportunity information and other pertinent brochures will be posted in appropriate places in the seven sites.

4. Meetings will be held for IVSSN coordinating regional superintendents and employees to disseminate, discuss, and assess the implementation of equal opportunity policies and affirmative action plans.

5. All direct sources of IVSSN recruitment for employment will be informed of the IVSSN's equal opportunity policy and will be asked to participate in its affirmative action program.

Personnel Employment Procedures

The employment procedures that the IVSSN must follow are set forth in the grant (Barrett, Smoot). The grant specifies procedures listed in the IVSSN employment procedures.

IVSSN Personnel Employment Procedures

The goal of the IVSSN is to establish an employment procedure that strictly addresses the policy of equal opportunity/affirmative action in all employment practices.

Employment procedure. The Director shall utilize the following 8 steps in employment.

1. Job descriptions and qualifications will be reviewed annually. Job descriptions and qualifications were established by the ISBE/DAVTE in the initial grant.

2. All vacancies shall be listed with all state college and university placement offices. Vacancy advertisements shall also be
placed with major newspapers in the region. All advertisements shall state that the Illinois Vocational Student Services Network is an equal opportunity/affirmative action employer.

3. Each applicant shall be required to submit a letter of application, a resume listing references, transcripts from all higher educational institutions and proof of proper certification from the ISBE when it is a bona fide occupational qualification. False or misleading statements shall be grounds for rejection of an application. All information supplied by the applicant is subject to verification.

4. The Director and two representatives from ISBE/DAVTE shall make up the screening committee. The job description will be the basis for screening.

5. Interview committee composed of the Director, two ISBE/DAVTE representatives, a Coordinating Regional Superintendent, a regionalized vocational systems director and a community college representative from the appropriate ISBE/DAVTE established region will interview the top applicants for the professional position.

6. A series of questions shall be developed and asked of each applicant. These questions shall be developed from the job description and qualifications. These questions shall also be reviewed annually to assure their appropriateness to the job.

7. After each interview, the interviewee will be discussed and rated. If agreeable to the majority present, the candidate with the highest rating shall be offered the position. The committee
maintains the right to readvertise for the position, if in the opinion of fifty percent of the committee, the interviewees do not meet the standards of the IVSSN.

8. Upon selection, the candidate will be offered the position at a salary based upon IVSSN salary schedule, with benefits that are listed in the policy manual.

**Implementation**

The IVSSN will plan to adopt the developed policies and procedures (See Appendix F) by December 1, 1989. The policy will be distributed to all employees, the steering committee, and the seven sites by December 15, 1989. The materials will be scheduled to be discussed with employees on December 20, 1989 at a staff meeting.

**Potential Barriers to Implementation**

The two barriers that may make the affirmative action policy difficult to implement are the lack of qualified career guidance and counseling consultant candidates and the lack of minority career guidance and counseling consultant applicants. To qualify as a career guidance and counseling consultant candidate one must have guidance and counseling certification for ISBE. IVSSN has had difficulty in recruiting and employing consultants that meet certification requirements and that are acceptable to IVSSN.
Conclusion and Recommendations

Conclusion

The review of state and federal laws, and court cases and Illinois Administrative Code, made it apparent that the IVSSN must establish equal employment opportunity and affirmative action policies. The policies emphasize the need to employ the most qualified person for each position. It is important to ensure that all protected groups of people have no barriers artificially limiting their application, screening, hiring or promotions with the IVSSN. The IVSSN policies set specific procedures that accomplish that task and conform with requirements set forth in state and federal legislation, court decisions, and administrative code.

Recommendations

1. The IVSSN adopt the equal employment opportunity and affirmative action policies and procedures as developed in this field study.

2. The IVSSN Equal Employment Opportunity and Affirmative Action Policies and Procedures be disseminated and explained to coordinating regional superintendents, employees and applicants that are interviewed for positions.

3. The director of the IVSSN conduct an internal and external audit and analysis of the employees and employment procedures after
the initial fourteen (14) consultants are employed. This would establish baseline data and be consistent with the policy.

4. Subsequent internal audits be conducted in July each year, the beginning of the fiscal year. By conducting the audit in July, the director will be in a position to review the previous fiscal year's statistics and adjust goals, if necessary, for the new year.
REFERENCES


*Firefighters Local Union #1784 vs. Stotts* 467 U.S. 561, 21L.ED.3D 483, 34F.E.P.Cas BNA (1702, 1989).

*Hammon vs. Barry*, 826 F.2d 73, 44F.E.P.Cas.(BNA) 869 (D.C.Cir.1987).


*Janowiak vs. Corporate City of South Bend*, 836 F.2d 1034, 45 F.E.P.Cas. (BNA) 973 (7th Cir.1987).
Johnson vs. Transportation Agency, Santa Clara County, 480 U.S. 616,
94 L.Ed.2d. 615, 43 F.E.P.Cas. (BNA) 411 (1987).

Kromnick vs. School District of Philadelphia, 739 F.2d 894, 35
F.E.P.Cas. (BNA 538) (3d cir. 1984).


Education Law Reporter, 28, 1203-1235.

The Regents of the University of California versus Bakke, 438 U.S.
265, 57L.Ed.2d 750, 17F.E.P.Cas BNA (1000, 1978).

harder for you. The American School Board Journal, 176(9)8.

United Steel Workers of America vs. Weber, 433 U.S. 193,61L.Ed. 2d
480, 20 F.E.P.Cas (BNA) 1 (1979).

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260, 40 F.E.P.Cas (BNA)1321 (1986).
Appendix A

Illinois Vocational Student Services Network Map of Regions

REGIONAL VOCATIONAL ADMINISTRATORS

SUBURBAN COOK & LAKE COUNTIES
Bonnie Maguire
1004 Healtont Dr.
Naperville, IL 60540

CHICAGO DISTRICTS
Ed Palmer
100 W. Randolph
Chicago, IL 60601

REGION I
Robert Wolanin
145 S. Hill
Roselle, IL 60172

REGION II
James Gillespie
Quad Cities Training Center
3010 4th Avenue
East Moline, IL 61244

REGION III
Mary L. Hagermeister
Courthouse
521 Vermont
Quincy, IL 62301

REGION IV
James F. Henry
200 S. Frederick
Rantoul, IL 61866

REGION V
Bernard Quigley
DAVTE Office
Springfield, IL 62777

REGION VI
David L. Love
ISBE: Suite 214
1st Bank & Trust Bldg
Mt. Vernon, IL 62864

STATE AGENCIES
John Jordan
DAVTE Office
Springfield, IL 62777

COORDINATING REGIONAL SUPERINTENDENTS

Sybil Yastrow
Room A 904
County Building
Waukegan, IL 60085

Thomas Weber
2301 Sycamore Road
DeKalb, IL 60115

Berardo J. DeSimone
421 Country Farm Rd.
Box 500
Wheaton, IL 60187

Donald R. Simpkins
Box 556
Macomb, IL 61455

Charles N. Sullivan
200 S. Frederick
Box 919
Rantoul, IL 61866

Sam White
Richland County Courthouse
Olney, IL 62450

Mannah R. O'Malley
10 Public Square
County Building
Belleville, IL 62220
Appendix B

The Human Rights Act of 1981, Amended in 1987

22,422.05 Sec. 2-105

"Equal Employment Opportunities; Affirmative Action.--(A) Public Contracts.--Every party to a public contract shall:
(1) Refrain from unlawful discrimination in employment and undertake affirmative action to assure equality of employment opportunity and eliminate the effects of past discrimination;
(2) Comply with the procedures and requirements of the Department's regulations concerning Equal Employment Opportunities and affirmative action;
(3) Provide such information, with respect to its employees and applicants for employment, and assistance as the Department may reasonably request.

(B) State Agencies.--Every State executive department, board, commission, and instrumentality shall:
(1) Comply with the procedures and requirements of the Department's regulations concerning Equal Employment Opportunities and affirmative action;
(2) Provide such information and assistance as the Department may request;
(3) Establish, maintain, and carry out a continuing affirmative action plan consistent with this Act and the regulations of the Department designed to promote equal opportunity in every aspect of agency personnel policy and practice. This plan shall include a current detailed status report:
(a) indicating, by each position in State service, the number, percentage, and average salary of individuals employed by race, national origin as required by Department rule, sex and handicap, and any other category which the Department may require by rule;
(b) identifying all positions in which the percentage of the people employed by race, national origin as required by Department rule, sex and handicap and any other category which the Department may require by rule, is less than four-fifths of the percentage of each of those components in the State workforce;
(c) specifying the goals and methods for increasing the percentage by race, national origin as required by Department rule, sex and handicap, and any other category which the Department may require by rule, in State positions;
(d) indicating progress and problems toward meeting equal employment opportunity goals...

"The State and any political subdivision, municipal corporation or other governmental unit or agency, without regard to the number of (its) employees."
Appendix C

AFFIRMATIVE ACTION INFORMATION
STATE OF ILLINOIS
1987 ANNUAL AFFAIRS

Sally A. Jackson, Director
Illinois Department of Employment Security
Dianna Durham-McLoud, Deputy Director
Program and Planning Bureau
Henry L. Jackson, Manager
Economic Information and Analysis Division

Illinois Department of Employment Security
Program and Planning Bureau
Economic Information and Analysis Division
Publications Unit
401 South State Street
Chicago, Illinois 60605
(312) 793-2316

May 1988
## Table 1

Population and Labor Force Status, by Sex and Minority Group
State of Illinois

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<thead>
<tr>
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<td>Labor Force</td>
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<td>White</td>
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<td>Other</td>
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<tr>
<td>Hispanic*</td>
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*Includes all persons of Hispanic origin, regardless of race.

Numbers are in thousands.
### Table 2

**Civilian Labor Force, by Occupational Group, Sex, and Race**

**State of Illinois**

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<tr>
<th></th>
<th>TOTAL</th>
<th>Male</th>
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<th>WHITE Male</th>
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<th>OTHER Male</th>
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<th>HISPANIC Male</th>
<th>Female</th>
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<td></td>
<td>$</td>
<td>$(000's)</td>
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<td></td>
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<td></td>
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<tr>
<td><strong>TOTAL</strong></td>
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<td>57.3</td>
<td>42.7</td>
<td>47.3</td>
<td>32.7</td>
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<td>Manage/Prof. Specialty</td>
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<td>40.5</td>
<td>53.5</td>
<td>34.8</td>
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<td>29.5</td>
<td>64.0</td>
<td>23.3</td>
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<td>2.9</td>
<td>1.2</td>
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<td>Teachers, Other than post secondary</td>
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<td>7.1</td>
<td>1.3</td>
<td>1.1</td>
<td>1.3</td>
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<td>45.0</td>
<td>46.2</td>
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<td>2.7</td>
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<td>31.6</td>
<td>68.6</td>
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<td>63.1</td>
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<td>80.4</td>
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<td>28.1</td>
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<td>27.4</td>
<td>68.4</td>
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<td>0.8</td>
<td>0.2</td>
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<td>0.6</td>
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<td>0.7</td>
<td>0.3</td>
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**Source:** 1980 Census, E.R.O. File/Special Tabulations.

# See definitions.

**Less than 0.5 percent.**
## Table 3
CIVILIAN LABOR FORCE, BY SEX, RACE, AND OCCUPATIONAL GROUP
STATE OF ILLINOIS

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<tr>
<th>Occupational Group</th>
<th>Total (%)</th>
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<th>Female</th>
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<th>Male</th>
<th>Female</th>
<th>Black (%)</th>
<th>Male</th>
<th>Female</th>
<th>Other (%)</th>
<th>Male</th>
<th>Female</th>
<th>Hispanic (%)</th>
<th>Male</th>
<th>Female</th>
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<td></td>
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<tr>
<td>TOTAL</td>
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<td>(3,113.7)</td>
<td>2,298.8</td>
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<td>(1,052.1)</td>
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<td>22.3</td>
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* See definitions.
** Less than 0.5 percent.
# Profile of Illinois' Labor Force by County - 1980 Census

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<th>County</th>
<th>Total Labor Force</th>
<th>Percent Female</th>
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<td>Peoria</td>
<td>94,357</td>
<td>42.0%</td>
<td>12.1%</td>
<td>5.5%</td>
</tr>
<tr>
<td>Perry</td>
<td>8,994</td>
<td>36.4%</td>
<td>2.5%</td>
<td>1.0%</td>
</tr>
<tr>
<td>Piatt</td>
<td>7,803</td>
<td>38.9%</td>
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</tr>
<tr>
<td>Pike</td>
<td>7,850</td>
<td>36.6%</td>
<td>1.0%</td>
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</tr>
<tr>
<td>Pope</td>
<td>1,537</td>
<td>37.3%</td>
<td>1.2%</td>
<td>0.3%</td>
</tr>
<tr>
<td>Pulaski</td>
<td>2,999</td>
<td>39.4%</td>
<td>22.6%</td>
<td>10.2%</td>
</tr>
<tr>
<td>Putnam</td>
<td>2,827</td>
<td>39.6%</td>
<td>1.7%</td>
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</tr>
<tr>
<td>Randolph</td>
<td>14,490</td>
<td>39.6%</td>
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</tr>
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<td>Richland</td>
<td>7,984</td>
<td>41.0%</td>
<td>0.9%</td>
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</tr>
<tr>
<td>Rock Island</td>
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<td>42.2%</td>
<td>13.1%</td>
<td>5.7%</td>
</tr>
<tr>
<td>St. Clair</td>
<td>105,467</td>
<td>43.6%</td>
<td>22.3%</td>
<td>11.0%</td>
</tr>
<tr>
<td>County</td>
<td>Total Labor Force</td>
<td>Percent Female</td>
<td>Percent Minority*</td>
<td>Percent Female Minority*</td>
</tr>
<tr>
<td>---------------</td>
<td>------------------</td>
<td>----------------</td>
<td>-------------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>Saline</td>
<td>10,998</td>
<td>38.8%</td>
<td>3.6%</td>
<td>1.5%</td>
</tr>
<tr>
<td>Sangamon</td>
<td>90,604</td>
<td>46.4%</td>
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<td>Schuyler</td>
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<td>37.6%</td>
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</tr>
<tr>
<td>Scott</td>
<td>2,682</td>
<td>35.9%</td>
<td>0.7%</td>
<td>0.2%</td>
</tr>
<tr>
<td>Shelby</td>
<td>10,194</td>
<td>37.2%</td>
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<td>0.3%</td>
</tr>
<tr>
<td>Stark</td>
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<td>0.9%</td>
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</tr>
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<td>Stephenson</td>
<td>24,949</td>
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</tr>
<tr>
<td>Tazewell</td>
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<td>1.1%</td>
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</tr>
<tr>
<td>Vermilion</td>
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<td>9.3%</td>
<td>4.5%</td>
</tr>
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<td>Wabash</td>
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<td>2.7%</td>
<td>1.1%</td>
</tr>
<tr>
<td>Warren</td>
<td>9,899</td>
<td>40.3%</td>
<td>3.7%</td>
<td>1.4%</td>
</tr>
<tr>
<td>Washington</td>
<td>6,611</td>
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</tr>
<tr>
<td>Wayne</td>
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<td>40.0%</td>
<td>1.3%</td>
<td>0.6%</td>
</tr>
<tr>
<td>White</td>
<td>7,666</td>
<td>38.9%</td>
<td>2.0%</td>
<td>1.3%</td>
</tr>
<tr>
<td>Whiteside</td>
<td>30,579</td>
<td>39.3%</td>
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</tr>
<tr>
<td>Will</td>
<td>151,318</td>
<td>39.9%</td>
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</tr>
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<td>Williamson</td>
<td>24,173</td>
<td>39.9%</td>
<td>2.0%</td>
<td>0.8%</td>
</tr>
<tr>
<td>Winnebago</td>
<td>124,456</td>
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<td>11.1%</td>
<td>5.5%</td>
</tr>
<tr>
<td>Woodford</td>
<td>15,082</td>
<td>38.6%</td>
<td>0.9%</td>
<td>0.5%</td>
</tr>
</tbody>
</table>

* Nonwhite and Hispanic divided by TOTAL.

** Less than 0.05 percent.
PERSONNEL

GENERAL PERSONNEL - Non-Discrimination

It shall be the policy of the Board of Education of this District to prohibit discrimination against any employee on account of race, color, creed, religion, national origin, ancestry, sex, age, marital status, physical or mental handicap unrelated to ability, or unfavorable discharge from the military. The prohibition against discrimination on account of sex is also intended to bar sexual harassment in any form.

Sexual harassment is defined as unsolicited sexual advances, sexual advances linked to the promise of rewards, coercion by threat of punishment and sexual assault.

When there is evidence of violation of this policy or violation of provisions of Title VII and or Title IX as they apply to sex discrimination, the Board shall take appropriate action, including warning and/or disciplinary action as warranted.

LEG. REF.: Meritor Savings v. Vinson (U.S. Supreme Court, 1986).
Title VII, Sex Discrimination under the Civil Rights Act of 1964.
Title IX, Non-discrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting from Federal Financial Assistance of the Educational Amendments of 1972.

CROSS REF.: 500.08

Approved January 12, 1987
GENERAL PERSONNEL - Non-Discrimination

It shall be the policy of the Board of Education of this District to prohibit discrimination against any employee on account of race, color, creed, religion, national origin, ancestry, sex, age, marital status, physical or mental handicap unrelated to ability, or unfavorable discharge from the military. The prohibition against discrimination on account of sex is also intended to bar sexual harassment in any form.

Sexual harassment is defined as unsolicited sexual advances, sexual advances linked to the promise of rewards, coercion by threat of punishment and sexual assault.

Any employee who believes he/she has been discriminated against by any supervisor or other employee may immediately notify his/her supervisor, or if the supervisor is alleged to have discriminated, the next immediate supervisor may be notified. Such notice shall be in writing and contain a summary of the nature of the discriminatory conduct alleged. A copy of the notice should be sent to the Superintendent, or if the Superintendent is alleged to have discriminated, to the President of the Board.

After receiving notice of discrimination, a hearing shall be convened within ten (10) working days by the Superintendent or designee or by the President of the Board to ascertain the facts of such discriminatory conduct. If the complaint is justified, appropriate disciplinary action should be recommended to the Board by the Superintendent or the President of the Board, including warning and/or disciplinary action as warranted.
PERSONNEL

GENERAL PERSONNEL - Affirmative Action

The ultimate goal of the Board of Education is the maintenance of the highest possible professional and academic standards in all its educational programs and services. In order to meet this goal, the Board affirms and strictly adheres to its policy of equal opportunity in all aspects of employment.

The Board recognizes that, in order to ensure that applicants for employment and employees with appropriate qualifications and responsibilities are afforded equal employment opportunities, it must also take reasonable action: (1) to eliminate the effects of any present practices, procedures, and policies that have an adverse impact upon a protected group unless such practices, procedures, or policies are justified by a business necessity; (2) to correct the effects of any past discriminatory practices; and (3) avoid the results of any available artificially limited labor pools.

Accordingly, the Board directs the administration to develop an affirmative action plan, which shall contain a set of specific and result-oriented procedures in order to accomplish these goals, based upon the guidelines set forth below. Additionally, the Board commits itself to apply a good faith effort to meet these goals through the implementation of the affirmative action plan because procedures without effort to make them work are meaningless, and effort undirected by specific and meaningful procedures is inadequate.

Approved May 11, 1981
GENERAL PERSONNEL - Affirmative Action

The ultimate goal of the Board of Education is the maintenance of the highest possible professional and academic standards in all its educational programs and services. In order to meet this goal, the Board affirms and strictly adheres to its policy of equal opportunity in all aspects of employment.

Self-Analysis and Identification of Problem Areas

The Administration shall conduct an analysis of the school district's work force and employment practices in order to determine whether employment practices (1) do, or tend to exclude, disadvantage, restrict or result in adverse impact or disparate treatment of previously excluded groups or (2) leave uncorrected the effects of prior discrimination and if so, attempt to determine why.

The administration shall first undertake an analysis of the major job groups in order to determine whether any protected group of persons (e.g., women or blacks) are currently being underutilized in any of these job groups. A protected group of persons shall be considered underutilized if a particular job group has fewer such persons than would be reasonably expected by their availability.

Additionally, the administration shall undertake an in-depth analysis of:

1. The total selection process including position descriptions, position titles, position specifications, applicant forms, interview procedures, test administration, test validity, referral procedures, final selection process and similar factors;
2. Transfer and promotion practices;
3. Seniority practices and seniority provisions of collective bargaining contracts;
4. Work force attitude;
5. Miscellaneous employment procedures such as notification to labor unions and subcontractors and retention of employee and applicant records.

Reasonable Basis for Concluding Affirmative Action is Appropriate

If the self-analysis shows that one or more employment practices (1) have or tend to have an adverse effect on employment opportunities of members of previously excluded groups or groups whose employment opportunities have been artificially limited; (2) leave uncorrected the effects of prior discrimination;
or (3) result in disparate treatment, the administration may conclude that action is appropriate. The Board specifically notes that it is not necessary that the administrators find a violation of any applicable antidiscrimination statute in order to conclude that action is appropriate.

Specific examples of findings which could lead the administration to conclude that action is appropriate may include:

1. There is an "underutilization" of minorities or women in specific job groups.
2. Lateral and/or vertical movement of minority or female employees occur at a lesser rate (compared to work force mix) than that of nonminority or male employees.
3. The selection process eliminates a significantly higher percentage of minorities or women than nonminorities or men.
4. Application and related preemployment forms are not in compliance with antidiscrimination legislation.
5. Position descriptions are inaccurate in relation to actual functions and duties.
6. Referral ratio of minorities or women to the hiring supervisor indicates a significantly higher percentage are being rejected as compared to nonminority and male applicants.
7. Minorities or women are excluded from or not participating in school-sponsored activities or programs.
8. De facto segregation still exists at some schools.
9. Seniority provisions contribute to overt or inadvertent discrimination; i.e., a disparity or minority group status or sex exists between length of service and types of job held.
10. There is nonsupport of school policy by administrators or other employees.
11. Minorities or women are underutilized or significantly underrepresented in training or career improvement programs.
12. No formal techniques established for evaluating effectiveness of EEO programs.
If the administration concludes that reasonable action is necessary, the affirmative action taken pursuant to this directive must be reasonable in relation to the problems disclosed by the self-analysis. Such reasonable affirmative action may involve the adoption and implementation of employment practices that will eliminate any actual or potential adverse impact, disparate treatment, or effect of past discrimination by providing opportunities for members of groups which have been excluded, regardless of whether the persons benefited were themselves the victims of prior policies or procedures that produced the adverse impact or disparate treatment or that perpetuated past discrimination.

Examples of reasonable affirmative action include:

1. The establishment of a long-term goal and short-range, interim goals and timetables for the specific job classification or groups, all of which should take into account the availability of basically qualified persons in the relevant job market;
2. A recruitment program designed to attract qualified members of the group in question;
3. Revamping selection instruments or procedures that have not yet been validated in order to reduce or eliminate exclusionary effects on particular groups in particular job classifications;
4. The initiation of measures designed to assure that members of the affected group who are qualified to perform the job are included within the pool of persons from which the selecting official makes the selection;
5. A systematic effort to provide career advancement training, both classroom and on-the-job, to employees locked into dead-end jobs;
6. The establishment of a system for regularly monitoring the effectiveness of the particular affirmative action program, and procedures for making timely adjustments in this program where effectiveness is not demonstrated.

The Board of Education emphasizes that:

1. The affirmative action plan should be tailored to solve the problems that were identified in the self-analysis, and to ensure that employment systems operate fairly in the future, while avoiding unnecessary restrictions on opportunities for the work-force as a whole. The race, sex, and national origin conscious provisions of the plan or program should be maintained only so long as is necessary to achieve these objectives; and
2. Goals and timetables should be reasonably related to such considerations as the effects of past discrimination, the need for prompt elimination of adverse impact or disparate treatment, the availability of basically qualified or qualifiable applicants, and the number of employment opportunities expected to be available.

Internal Audit and Reporting Systems

The administration shall monitor records of referrals, placements, transfers, promotions, and termination at all levels of employment to ensure that a nondiscriminatory policy is carried out.

The administration shall require formal reports from all administrators with authority to hire on a scheduled basis as to degree to which school district goals are attained and timetables met, and shall review report results with the Board and all levels of management.

The administration shall advise the Board of program effectiveness and submit recommendations to improve unsatisfactory performance.

Implementation of Board Policy and Development and Administration of the Affirmative Action Plan

The Superintendent shall appoint himself/herself or an administrator as director of the school district's equal opportunity program. His/her identity should appear on all internal and external communications on the school district's equal opportunity programs. His/her responsibilities shall include implementing this policy on the development of an affirmative action plan, which shall, upon completion and after review by the Superintendent, be submitted to the Board for final approval. After Board approval, the director shall be responsible for administration of the plan. In both the implementation of this policy and in the administration of the plan, he/she shall be given the necessary administrative support and staffing support, and the director may delegate responsibilities and duties as necessary.

Formal Internal and External Dissemination of Board Policy and Affirmative Action Plan

1. Copies of this Policy and the Affirmative Action Plan shall be made available to all members of the community, including employees, applicants, and union officials.

2. Reports dealing with the nature and implementation of the school district's equal opportunity policies will be made to the Board in open meetings.

3. Equal employment opportunity information and other pertinent school district and governmental brochures will be posted in appropriate places in the school district.
GENERAL PERSONNEL - Affirmative Action

4. Meetings will be held for school district employees to disseminate, discuss, and assess the implementation of equal opportunity policies and affirmative action plans.

5. All direct sources of school district recruitment for employment will be informed of the school district's equal opportunity policy and will be requested to participate in its affirmative action program.

Board of Education Contractors and Vendors

Any person who enters into a contract with the Board shall refrain from unlawful discrimination in employment and undertake affirmative action to assure equality of employment opportunity and eliminate the effects of past discrimination. Such person shall also comply with the procedures and requirements of any federal or state agency's regulations concerning equal employment and affirmative action and provide such information with respect to its employees and applicants for employment, and assistance as the Board may reasonably request.

The administration shall develop a contract clause which shall reflect the Board's policy and which shall be intersected in all such contract.

Approved May 11, 1981
Appendix E

ILLINOIS VOCATIONAL STUDENT SERVICES NETWORK

ADMINISTRATIVE FLOW CHART

Charles W. Sutton
Fiscal Agent

Marty Barrett
Director

Consultants
Area 1

Consultants
Area 2

Consultants
Area 3

Consultants
Area 4

Consultants
Area 5

Consultants
Area 6

Consultants
Lake and Cock
The Illinois Vocational Student Service Network

Equal Employment Opportunity and Affirmative Action Policies

Effective December 1, 1989.

Charles N. Sutton
Fiscal Agent/Personnel Director
Illinois Vocational Student Services Network

11/29/89
IVSSN General Personnel Policy

It shall be the policy of the Illinois Vocational Student Services Network to prohibit discrimination against any employee on account of race, color, creed, religion, national origin, ancestry, sex, age, marital status, physical or mental handicap unrelated to ability, or unfavorable discharge from the military. The prohibition against discrimination on account of sex is also intended to bar sexual harassment in any form.

Sexual harassment is defined as unsolicited sexual advances, sexual advances linked to the promise of rewards, coercion by threat of punishment and sexual assault.

When there is evidence of violation of this policy or violation of provisions of Title VII or Title IX as they apply to sex discrimination, the Fiscal Agent/Personnel Director shall take appropriate action, including warning and/or disciplinary action as warranted.

IVSSN General Personnel--Non-Discrimination Procedures

It shall be the policy of the IVSSN to prohibit discrimination in employment procedures or against any employee on account of race, color, creed, religion, national origin, ancestry, sex, age, marital status, physical or mental handicap unrelated to ability, or unfavorable discharge from the military. The prohibition against discrimination on account of sex is also intended to bar sexual harassment in any form.
Sexual harassment is defined as unsolicited sexual advances, sexual advance linked to the promise of rewards, coercion by threat of punishment and sexual assault.

Any employee who believes he/she has been discriminated against by any supervisor or other employee may immediately notify the director, or if the director is alleged to have discriminated, the Fiscal Agent/Personnel Manager may be notified. Such notice shall be in writing and contain a summary of the nature of the discriminatory conduct alleged. A copy of the notice should be sent to the Fiscal Agent/Personnel Manager.

After receiving notice of discrimination, the Fiscal Agent or designee shall convene a hearing within ten (10) working days to ascertain the facts of such discriminatory conduct. If the complaint is justified, appropriate disciplinary action should be taken.

IVSSN General Personnel--Affirmative Action

Affirmative Action Policy

The ultimate goal of the IVSSN is the maintenance of the highest possible professional and academic standards in its educational programs and services. In order to meet this goal, the IVSSN affirms and strictly adheres to its policy of equal opportunity in all aspects of employment.

The IVSSN recognizes that, in order to ensure that applicants for employment and employees with appropriate qualifications and
Illinois Vocational 61

responsibilities are afforded equal employment opportunities, it must also take reasonable action:

(1) to eliminate the effects of any present practices, procedures, and policies that have an adverse impact upon a protected group unless such practices, procedures, or policies are justified by a business necessity; and

(2) to avoid the results of any available artificially limited labor pools.

Accordingly, the IVSSN shall have the director develop an affirmative action plan, which shall contain a set of specific and result-oriented procedures in order to accomplish these goals, based upon the guidelines set forth below. Additionally, the IVSSN commits itself to apply a good faith effort to meet these goals through the implementation of the affirmative action plan. Procedures without the effort to make them work are meaningless, and effort undirected by specific and meaningful procedures is inadequate.

IVSSN Personnel—Affirmative Action Administrative Procedures

General Personnel - Affirmative Action

The ultimate goal of the IVSSN is the maintenance of the highest possible professional and academic standards in all its educational programs and services. In order to meet this goal, the IVSSN affirms and strictly adheres to its policy of equal opportunity in all aspects of employment.

Self-Analysis and Identification of Problem Areas

The Director shall conduct an annual analysis of the Illinois Vocational Student Services Network's work force and employment practices in order to determine whether employment practices do
exclude, or tend to exclude, disadvantage, restrict or result in adverse impact or disparate treatment of protected groups.

The Director shall first undertake an analysis of the major job groups in order to determine whether any protected group of persons (e.g., women or Blacks) are currently being under-utilized in any of these job groups. A protected group of persons shall be considered under-utilized if a particular job group has fewer such persons than would be reasonably expected by their availability.

Additionally, the Director shall undertake an in-depth analysis of:

1. The total selection process, including position descriptions, position titles, position specifications, interview procedures, final selection process and similar factors;
2. Transfer and promotion practices;
3. Work force attitude.

Reasonable Basis for Concluding that Affirmative Action is Appropriate

If the self-analysis shows that one or more employment practices have or tend to have an adverse effect on employment opportunities of protected groups or groups whose employment opportunities have been artificially limited, then the IVSSN must proceed with appropriate reasonable action. The IVSSN specifically notes it is not necessary that the director finds a violation of any applicable administrative statute in order to conclude that action is appropriate. Specific
examples of findings which could lead the director to conclude that action is appropriate may include:

1. There is an underutilization of minorities or women in specific job groups.
2. Position descriptions are inaccurate in relation to actual functions and duties.
3. No formal techniques established for evaluating effectiveness of EEO programs.
4. The selection process eliminates a significantly higher percentage of minorities or women than nonminorities or men.

**Reasonable Action**

If the Director concludes that reasonable action is necessary, the affirmative action taken pursuant to this directive must be reasonable in relation to the problems disclosed by the self-analysis. Such reasonable affirmative action may involve the adoption and implementation of employment practices that will eliminate any actual or potential adverse impact or disparate treatment by providing opportunities for members of groups which have been excluded, regardless of whether the persons benefited were themselves the victims of prior policies or procedures that produced the adverse impact of disparate treatment of that perpetuated past discrimination.

Examples of reasonable affirmative action include:

1. The establishment of short-range interim goals and timetables for the specific job classification or groups, all of which should take into account the availability of basically qualified persons in the relevant job market;
Internal Audit and Reporting Systems

The Director shall monitor records of referrals, placements, transfers, promotions, and terminations at all levels of employment to ensure that a nondiscriminatory policy is carried out.

The Director shall advise the Fiscal Agent of program effectiveness and submit recommendations to improve unsatisfactory performance.

Implementation of Policy and Development and Administration of the Affirmative Action Plan

The Director shall administer the IVSSN's equal opportunity program. His/her responsibilities shall include implementing this policy on the development of an affirmative action plan, which shall, upon completion, be submitted to the Fiscal Agent for final approval. After the Fiscal Agent's approval, the director shall be responsible for administration of the plan. In both the implementation of this policy and in the administration of the plan, he/she shall be given the necessary administrative support and staffing support, and the director may delegate responsibilities and duties as necessary.

Formal Internal and External Dissemination of Policy and Affirmative Action Plan

1. Copies of this Policy and affirmative action plan shall be made available to all applicants and employees.

2. Reports dealing with the nature and implementation of the IVSSN's equal opportunity policies will be made to the Fiscal Agent in open meetings.
3. Equal Employment Opportunity information and other pertinent brochures will be posted in appropriate places in the seven sites.

4. Meetings will be held for IVSSN coordinating regional superintendents and employees to disseminate, discuss, and assess the implementation of equal opportunity policies and affirmative action plans.

5. All direct sources of IVSSN recruitment for employment will be informed of the IVSSN's equal opportunity policy and will be asked to participate in its affirmative action program.

IVSSN Personnel Employment Procedures

The goal of the IVSSN is to establish an employment procedure that strictly addresses the policy of equal opportunity/affirmative action in all employment practices.

EMPLOYMENT PROCEDURE

The Director shall utilize the following 8 steps in employment.

1. Job descriptions and qualifications will be reviewed annually. Job descriptions and qualifications were established by the ISBE/DAVTE in the initial grant.

2. All vacancies shall be listed with all state college and university placement offices. Vacancy advertisements shall also be placed with major newspapers in the region. All advertisements shall state that the Illinois Vocational Student Services Network is an equal opportunity/affirmative action employer.

3. Each applicant shall be required to submit a letter of application, a resume listing references, transcripts from all higher educational institutions and proof of proper certification from the
ISBE when it is a bona fide occupational qualification. False or misleading statements shall be grounds for rejection of an application. All information supplied by the applicant is subject to verification.

4. The Director and two representatives from ISBE/DAVTE shall make up the screening committee. The job description will be the basis for screening.

5. Interview committee composed of the Director, two ISBE/DAVTE representatives, a Coordinating Regional Superintendent, a regionalized vocational systems director and a community college representative from the appropriate ISBE/DAVTE established region will interview the top applicants for the professional position.

6. A series of questions shall be developed and asked of each applicant. These questions shall be developed from the job description and qualifications. These questions shall also be reviewed annually to assure their appropriateness to the job.

7. After each interview, the interviewee will be discussed and rated. If agreeable to the majority present, the candidate with the highest rating shall be offered the position. The committee maintains the right to readvertise for the position, if in the opinion of fifty percent of the committee, the interviewees do not meet the standards of the IVSSN.

8. Upon selection, the candidate will be offered the position at a salary based upon IVSSN salary schedule, with benefits that are listed in the policy manual.
ILLINOIS VOCATIONAL STUDENT SERVICES NETWORK

ADMINISTRATIVE FLOW CHART

Charles N. Butten
Fiscal Agent

Marty Barrett
Director

Consultants
Area 1  Area 2  Area 3  Area 4  Area 5  Area 6  Lake and Cook