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Affirmative Action

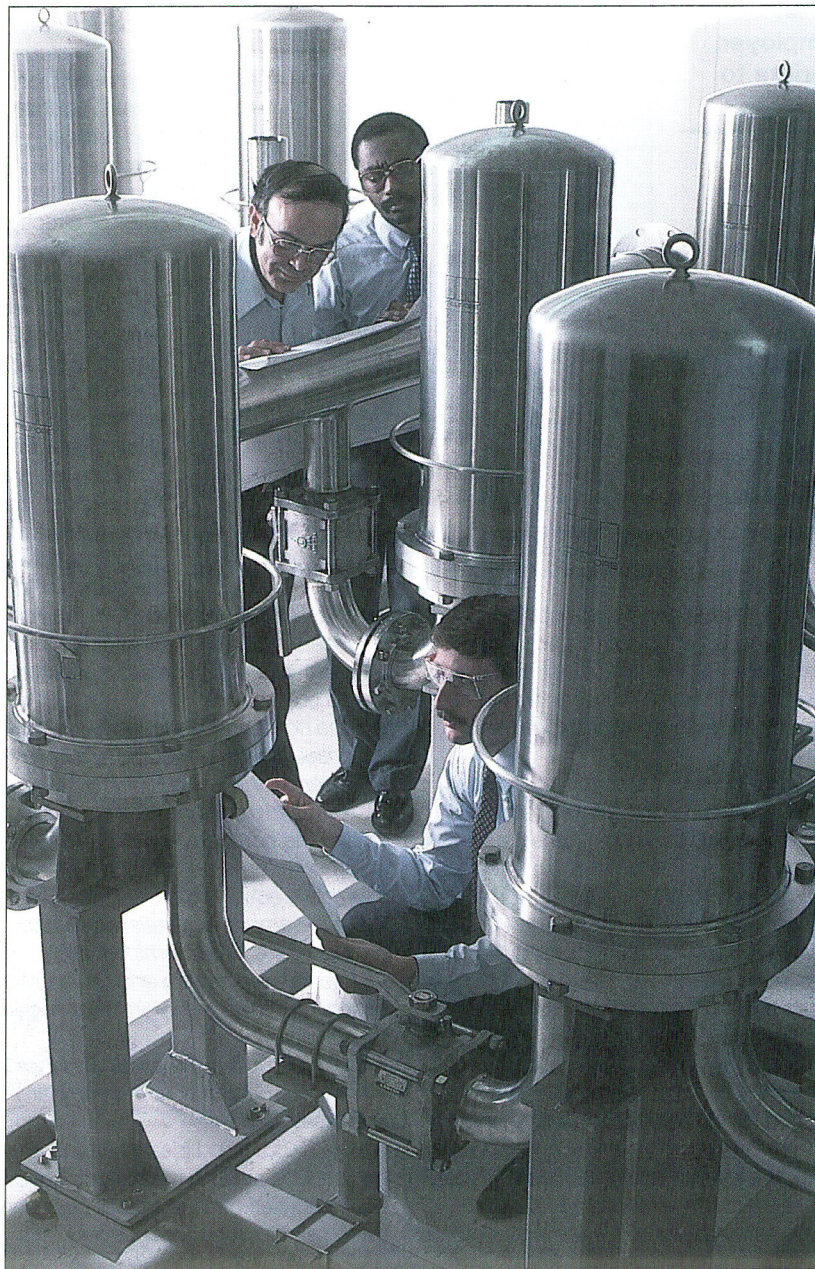
Is It A Fair Shake Or A Dead Issue?

The laws haven't changed, but the workplace setting where they are practiced reflects changes of the '90s

Legally, affirmative action policies and requirements are not a dead issue, but 1993's graduating class of minority entry-level engineers will find that the setting in which affirmative action takes place has changed from the boom of the '80s.

Then, companies went out of their way to hire and promote minorities. But the '90s budget cutbacks and business reorganizations are making a greater impact on worker demographics. Now, minorities and non-minority applicants are being forced to do their homework to interview properly and to develop essential skills to look more attractive to potential employers. As one successful minority engineering graduate states, "Although the effect of such policies is to make minorities feel

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comfortable and be given a fair and equal chance, neither affirmative action nor equal employment translates to a free ride."

Minority engineering applicants or employees can expect legal protection because of a number of federal and state laws designed to prevent discrimination in all phases of the job — from pre-hiring, to promotion, to discharge. (See the sidebar on illegal questions minority engineers might be asked in the interview process.)

The trend today in the corporate community is to attract and cultivate a diverse work force. Legally, affirmative action involves making a specific effort to recruit individuals on the basis of classifications (personal characteristics) such as race, sex, religion, veteran status, etc., when the number of such individuals

within the company is greatly below the number of such individuals within the community where the company is located. Affirmative action also involves taking positive steps to ensure that such individuals, when employed, have an equal opportunity for benefits and promotions within the company.

But what will minority engineering graduates heading into the current job market actually find? How is the economic climate impacting affirmative action? Have the laws changed in this area? Are companies as careful about discriminatory hiring practices now that there is a glut of engineers on the market, or can minority engineers look to affirmative action to help them get a fair shake?

Understand the legal background. Initially, affirmative action programs were begun in compliance with federal regulations. Such regulations were imposed upon

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employers having government contracts or subcontracts worth in excess of \$10,000.

As a result of recent Supreme Court decisions, an employer's voluntary affirmative action plan will be legal if: there is a "manifest imbalance" in the makeup of the employer's work force for a particular job category; the plan has a limited duration; and the legitimate expectations of other workers are not trampled upon.

Voluntary reasonable affirmative action programs established by employers will not be found to constitute reverse discrimination provided company plans have flexible goals and not rigid quotas which exclude a whole class of applicants (e.g., white males). Additionally, a company must be able to justify, by statistics or otherwise, the need for an affirmative action plan, and the plan must be capable of being eliminated or altered when certain goals are met.

In the Equal Employment Opportunity Commission's view by the enactment of Title VII, Congress clearly intended to encourage voluntary race, sex or national origin conscious affirmative action plans or programs in order to attain equal employment opportunity. Fortunately, the "backlash" from non-minorities over the legality of such plans has diminished quite a bit since the late 1970s when the first cases upholding the legality of such plans were announced.

What's going on today in affirmative action? Recruiters and career experts agree that more employers are implementing such plans out of fairness and the desire to increase the number of minorities within their companies. However, there is no private duty for companies hiring minority engineers to institute affirmative action policies, and in today's tough job market, companies are looking for the best possible candidate. If it happens that the company would prefer choosing the minority candidate with equal credentials over the non-minority engineering applicant, so much the better.

So if minorities are underrepresented at a company they wish to work for but no affirmative action plan exists, they will be considered solely on their qualifications (as compared with other applicants). They may not care since many minority engineers want to be hired on merit anyway.

Although the laws have not changed dramatically during the past few years regarding the legality of affirmative action plans, the current economic climate is making it far more difficult for minority engineering applicants to utilize such plans because fewer companies are hiring engineers, minority or otherwise.

Therefore, it is probably unrealistic to hope that affirmative action plans will give minorities a fair shake unless they interview with a firm that specifically is looking for a minority engineer to fill such a plan currently in place.

How can minority engineers find a company committed to affirmative action?

Information about affirmative action/diversity programs is available through many sources. The school's Office of Career Placement and Planning is a good place to start. Minority engineering job seekers may be able to obtain information from resource people who have contacts with recruiters and company owners. They can request corporate literature from the placement office or directly from a company they may be interested in working for.

When speaking with employment agencies, career counselors and search firms, they should inquire about the identity of firms that have specifically stated a preference for hiring minority applicants as a result of an established affirmative action plan.

At the interview, they should discuss the needs of the company in filling such a plan. When asked, recruiters can direct questions about their company's commitment to affirmative action and

diversity. African-American, Hispanic and American Indian engineers should not be afraid to inquire why the company is an affirmative action employer. It's perfectly appropriate to want to find out:

• *Is the company managed by minorities or represented by minorities in high positions, or would the entry-level minority engineer be the token minority? (Ask for specific examples.)*

Also, look for signs of the number of minority workers when visiting the company's plant and facilities. Talking to potential co-workers on-site will also give an indication of the company's affirmative action policies.

• *Are the employees satisfied with the work environment and promotions offered to minorities?*

Friends, professors and alumni of the minority engineer's school can also give information regarding prospective employers.

• *Are the employees happy with their jobs and companies?*

• *Are there openings at the company for other minority professionals?*

It is also a good idea to attend meetings of professional engineering societies at school, because companies looking to hire minorities often attend or sponsor such meetings and use them as a source of recruitment.

Even though a company may have instituted an affirmative

Questions Not To Answer

Entry-level minority engineers would be wise to recognize when they are being asked discriminatory questions at the hiring interview. The following questions constitute race discrimination and cannot be asked:

- What is your skin coloring?
- What is your ancestry?
Place of birth?
- What is your mother's native language?
- What is your spouse's nationality?
- What is your maiden name?
- Of what country are you a citizen?
- What is your native language?
- How did you acquire the ability to read, write and speak a foreign language?

action program and desires to hire minorities, that does not mean that the job is necessarily a good one for the particular minority engineer. Talking to as many people as possible can help them decide if they want to accept the position being offered and whether they would be comfortable working for that company.

Before the minority engineer takes the job. A minority sophomore engineering major who interviewed for a summer internship at a leading company learned that the company had instituted a scholarship program designed to help minority students. After working at the company for two summers, and even with the existence of such a program, he still chose to take a position with another leading company after graduation because he felt the other company offered "greater challenges and growth potential."

No matter what type of job minority engineers are considering, it is important to investigate the potential employer even if they desperately need the job. This should always be done before accepting employment. Typical information they should learn includes facts regarding the employer's business reputation, rate of employee turnover, moral problems with other engineers and financial status.

For example, if the minority engineer is being hired to replace someone in an important position, he or she should try to obtain the name of the person being replaced and find out why the individual is no longer there. Better still, by speaking to that person the minority engineer could learn valuable information to influence his or her decision. Many applicants who follow this advice discover that the individual decided to

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resign because he or she was being harassed on the job by a supervisor, the job was long and tedious or promised raises, promotions, bonuses and other benefits were not given.

It is particularly important for the African-American, Hispanic or American Indian entry-level engineer to do their homework when they are being offered an important position that includes long-term employment, stock options, profit sharing and other valuable financial

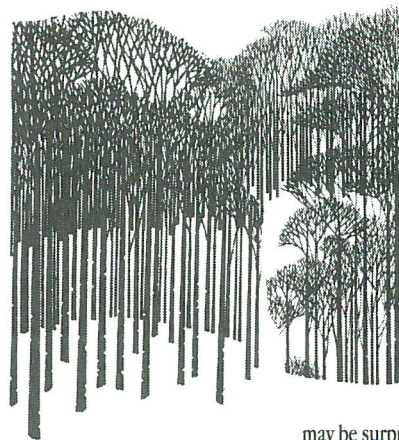
benefits. Such an investigation should be made to learn whether the employer has sufficient assets to pay these benefits and whether the employer will still be around in a few years to make good on such promised benefits.

Key questions to ask in this area include the company's legal form (i.e., a corporation or partnership), the names of the principal shareholders or partners, the financial history of the company, and whether the employer offers generous benefits. These include such items as

liberal sick days and vacation policies, paid maternity and paternity leaves, ample health and related insurance, etc.

It is also important to determine how raises and promotions are given, the opportunities and frequency for promotions that other minorities have received and specific time frames when this may be implemented. They will be able to measure their potential career growth by gaining insights into corporate philosophy on minority hiring practices and programs. □

What Do You See?



If you see the forest, not just the trees...

You can easily grasp the broad meaning of a situation. You understand the point of an argument without becoming entangled in fine details. You know how to look beyond what's immediately apparent.

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