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About The Author

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Equal Employment Opportunity, Diversity, And Better Government

In a society based on merit, everyone would be judged by their qualifications and would have equal access to employment opportunities, without limitations based on gender, race, ethnicity, national origin, accent, sexual orientation, and similar protected or non-protected traits. Ideally, the diversity of a workforce would match the make-up of the population, and most importantly, diversity would be scattered proportionally across all income levels.

This paper is examining access to equal opportunity through the example of the federal government. As the nation's largest employer, the government of the United States has not only an opportunity to demonstrate how access to *Equal Employment Opportunities* is supposed to work, but also the duty, as it should be a leader in enforcing the laws of the country, complying with American ideals, and demonstrating accountability toward the people who fund the government jobs. Additionally, a government workforce that represents the diversity of the people it serves makes a better government from which everyone benefits.

A thorough analysis of various data shows, however, that a merit-based society and access to equal employment opportunities are worthy ideals that have little to do with reality as social networks and historical structures continue to determine access to opportunities in the United States.

Current State Of Diversity In The Federal Government Workforce

As the nation's largest employer, the federal government [employs approximately 2.7 million people](#)¹. At first sight, it appears that its workforce is relatively diverse. However, further analyses show that the federal employer is met with challenges. Diversity overall is [lacking in senior levels of the federal government](#)², putting women and other minorities at a disadvantage. Hispanics are under-represented, for example. They make-up [8.2 percent of the permanent federal civilian workforce](#)³, [compared to 16 percent of the overall U.S. workforce](#)⁴. The federal government is additionally struggling with a [lack of generational diversity](#)⁵; [people younger than 30 make-up only 9 percent of the federal workforce, compared to 23 percent of the nation's total workforce](#)⁶. Barriers for women exist not only in senior level positions, but also in other areas such as the roles they occupy. To date, they are [over-represented in traditional female roles](#)⁷ such as secretarial positions (see "administrative assistant" and other similar

terms used) or nursing, but under-represented in traditional male roles: among the new hires, [males account for 80 percent of information technology, 83 percent engineering, and 92 percent police officer occupations](#)⁸.

African Americans are slightly over-represented in the overall federal workforce, however, under-represented in the senior levels: [African Americans account for 17.97 percent](#)⁹ of the total federal workforce. They make-up 9 percent of the senior level positions while representing approximately 13 percent of the overall workforce in the nation.

White Males Disproportionately Dominate Senior Level Positions Within The Federal Government

As mentioned above, critical to diversity is the appropriate distribution across various hierarchical levels. In that respect, white males are, to date, consistently, disproportionately dominating above other groups. For example, the [“Race/Ethnicity and Sex Representation of General Schedule \(GS\) Employees in the Civilian Workforce of DoD”](#)¹⁰ illustrates the following: Hispanics make up 6.5 percentage of the total, however only 2.7 percentage of the Senior Executive Service (SES), Caucasians 68.8 percentage, but 87.3 percentage of the SES, African Americans 17 percentage, however only 6.2 percentage of SES. Overall, men account for 59.2 percentage of the total workforce, but 76.3 percentage of SES, while women account for 40.8 percentage, but only 23.7 of SES.

Similar conditions exist in the [Department of State](#)¹¹ where Caucasians make-up 61.22 percentage of the total workforce, but 83.71 percentage of Senior Level Officials/Managers, and African Americans make up 28.27 percentage of the total workforce, but only 8.57 percentage of Senior Level Officials/Managers.

White males also continue to disproportionately occupy leading positions in the [Department of Veterans Affairs](#)¹² and the [Environmental Protection Agency](#)¹³. Information on additional agencies, in which the conditions are similar, can be found on the U.S. Equal Employment Opportunity Commission’s website, under [“Profiles for Selected Federal Agencies”](#)¹⁴.

This level of overrepresentation of Caucasian males has little to do with qualifications, but more to do with being less likely to be obstructed by prejudices and biases based on their race or gender in their careers. Additionally, Caucasian males are [more likely to have networks that reward them with job opportunities](#)¹⁵ which have a domino effect over their life-time careers, while the opposite is true for many minorities.

Data Gathering – Exclusion Of Many Disadvantaged Groups

The federal government spends a lot of resources to collect and process data on workforce diversity. However, the categories on which data is gathered needs updating and should be adjusted to be more inclusive so that we can better measure to what degree access to opportunities are determined by race, ethnicity and other similar traits, and track developments in this area over time.

a) People Of “Middle East” Descent Misidentified

In [applicant demographics surveys that federal agencies use](#)¹⁶ to track race, ethnicity and gender of their workforce, people of “Middle Eastern” descent are expected to identify themselves as “white,” even though they do not enjoy the same privileges as “whites” and therefore [should not be categorized the same](#)¹⁷. Particularly, given the current political climate, the widespread biases against people of Middle East descent, it is necessary to collect data on their access to employment opportunities to determine their level of integration within the federal workforce.

It must be noted, that people of “Middle Eastern” descent — among the current race categories provided in federal employment surveys — are more likely to identify themselves as “Asian” rather than “white,” given that the ethnic background of many goes back to the continent Asia — consequences of which will not be discussed in detail here, as it is beyond the scope of this paper. However, it is important to note that the lack of proper identification of this group leads to challenges in determining its access to equal employment opportunities which must be properly addressed.

b) Not All Americans Are Equal—Naturalized Citizens In The Federal Government

Many groups, some of which are protected, that are likely to be discriminated against based on accent, sexual orientation, national origin, and the list goes on, are not included in the applicant demographic

data gathering. One such group is naturalized citizens who don't enjoy the same access to opportunities in the United States as natural born Americans. They [were officially denied access to employment opportunities within the federal government until as late as 1988](#)¹⁸ and were awarded [monetary benefits of \\$31 million](#)¹⁹ resulting from Equal Employment Opportunity complaints in 2014 alone.

Distrust against naturalized citizens is anchored in the U.S. Constitution, [Article II, Section 1](#)²⁰: “No Person except a natural born Citizen, [...] shall be eligible to the Office of President [...]” Even though the U.S. Constitution does not define “natural born citizen,” there is consensus that it is someone who does not need to go through a naturalization process to become an American citizen — [someone who is either born on U.S. soil, or abroad to a U.S. parent](#),²¹ which excludes naturalized citizens. Even in countries such as Germany (see [Basic Law, Article 54, Section 1](#)²² (President) and [Article 64](#) (Chancellor)) or Turkey ([Law Nr. 6271, Section 6](#)²³; Basic Law ([Anayasa, Madde 76](#)²⁴)), where diversity and inclusion, or the idea of the “melting pot,” is less of the national identity, any citizen, without a distinction based on naturalization, is trusted to lead the country, indicating a deficiency in the U.S. Constitution.

Today, discrimination against naturalized citizens contradicts our equality concepts. A combination of [laws](#)²⁵ and regulations that are in place should ideally protect this group. However, this is not always the case. Despite U.S. citizenship, many natural born Americans don't perceive naturalized Americans as their equals, or even confuse them with “foreign nationals.” Moreover, partly due to naturalized citizens' accents, their cultural belonging, allegiance, English-language skills, as well as other qualifications, are questioned, adversely affecting their employment opportunities. As the below excerpt from an official document confirms, since 9/11, there is an [increased concern with naturalized citizens](#)²⁶ within the federal government even though such concerns are based on significantly [limited number of cases](#)²⁷:

“Furthermore, the attacks of 9/11 have reoriented and focused attention on issues of divided loyalties and how they could threaten national security. One element in the new security environment, exacerbated by the wars in Iraq and Afghanistan, has been a need for many more individuals with skill in languages that have rarely been taught in American schools (Department of Defense, 2005). This need puts a premium on immigrant and naturalized native speakers (“heritage Americans”), and as their numbers with access have increased, concern has increased about how to predict their loyalties.”

It is our duty as Americans to acknowledge that such sentiments against naturalized citizens play a role in the federal hiring and find out to what degree they influence unlawful obstructing of access to employment opportunities.

Adding a category for naturalized citizens in applicant demographic surveys and gathering data on their participation in the government workforce is one step in the right direction, to be followed by many other steps to establish equal access to opportunities for naturalized citizens.

c) Outdated Gender Categories

To date, the [federal government collects data only on two gender categories](#)²⁸. However, we know that this two-category system is outdated. Therefore, they need to be expanded. Even though it may be difficult to list all possible gender categories, applicant EEO surveys should at least indicate that gender is not limited to two gender categories to be more inclusive.

d) Acknowledging That Race Is A Social Construct

Given that race is a social construct and there is no such thing as “race” among humans, there are no particularly right or wrong categories apart from accurately identifying groups that are likely to be discriminated against and don’t enjoy the same privileges as Caucasians. Current race categories that the federal government uses should be revisited and alternatives to the word “race” considered, given that such language has an impact on social consciousness and subsequently can perpetuate discrimination.

Veterans’ Preference And Diversity – Military Versus Civilian Government

In 2013, veterans made-up [31 percent of all new federal hires](#)²⁹. Moreover, in the same year, they represented [63 percent of all “Non-Seasonal Full-time Permanent New Hires”](#)³⁰ in the Department of Defense (DoD). Responsible for the disproportionate number of veterans in the federal workforce and

the recent increase is, among other, [Special Hiring Authorities for Veterans](#)³¹ and President Obama's 2009 [Executive Order "Employment of Veterans in the Federal Government"](#)³². We must ask ourselves not only how such preferences, no matter how noble, affect fair and open competition for government jobs, but also diversity.

Ensuring that veterans find proper employment after serving is an appropriate priority of this nation. However, when the goal leads to the accumulation of a group, such as in this case, in particular government agencies, it adversely affects diversity. The power of diversity lies within the differences in personal and professional experiences, minds-sets, and approaches to problem-solving. On the one hand, veterans, with their various backgrounds, add to diversity in the federal workforce, particularly also due to their diverse racial and ethnic backgrounds. However, the accumulation of veterans disproportionately in certain areas of the federal government raises serious concerns, also, because the military is a strict hierarchical structure that understandably nurtures certain a philosophy and mindset that is crucial to its mission. Besides from challenges to diversity and fair and open competition, we also have to ask ourselves how much "military" is suitable for civilian government.

Perspective Differences; Application Processes Favor The Dominant Culture

Even though, hiring is primarily conducted via networks, expectations of resumes, cover letters and other elements of written applications are crucial to the hiring processes, as applicants are generally required to submit formal applications.

Resume and cover letter writing is not an objective writing skill, they are strongly influenced by the dominant culture perspective. Moreover, U.S. applications are very "sales focused;" they encourage significant inflation of experiences and qualifications which may not be acceptable in other cultures, leading to a gap in competitiveness between dominant culture and diverse candidates. This gap widens even more as applicants who have the skills to excel on the job for which they are applying may not always have the necessary perspective to communicate their qualifications "effectively," even though they may be effective communicators otherwise. Associates involved in the federal applicant processing should be aware of these phenomena.

Depreciating Degrees: When Hiring Is Primarily Based On Communicating One's (Claimed) Skills And Experiences

In countries such as Germany, formal education and degrees determine job opportunities, which on the one hand limits the career opportunities of applicants, but on the other hand, helps hiring managers make more objective decisions and lead to hiring candidates that have at least a basic level of applicable education.

Even though federal government applications in the U.S. generally allow replacing experience with education, a specific degree is not the primary criteria for hiring, in spite of its positive aspects, making the process vulnerable to inaccurate depictions of skills and qualifications. For better outcomes and more inclusion, candidates should be judged not only by their (claimed) experiences, but also if they have any education that is directly related to the job.

Management Directive (MD)—715; What Are The Consequences For Not Complying with the Mandate?

[Management Directive \(MD\)—715](#)³³ mandates that federal agencies submit annual EEO reports with the intent of ensuring “[...] that all employees and applicants for employment enjoy equality of opportunity in the federal workplace regardless of race, sex, national origin, color, religion, disability or reprisal for engaging in prior protected activity.” However, in 2009, approximately [one fifth of federal agencies didn't submit a report](#)³⁴.

Carol Dawson, President of EEO Guidance, asserts that “[[t\]here is absolutely no accountability for those agencies who do not wish to comply with the regulations](#)”³⁵ [...]” According to their own accounts, the U.S. EEOC has several approaches for addressing those agencies:

First, EEOC will schedule a technical assistance visit with the EEO office of those agencies to assist them with technical issues followed up by a feedback letter to the agency head and the EEO Director with findings and recommendations.

Second, EEOC could conduct a program evaluation of the agency. This evaluation could involve collecting documents and interviewing witnesses. EEOC would issue a report with findings and

recommendations to the agency as well as Congress. When EEOC finds that an agency's EEO program is not in compliance with an EEOC issuance, the Chair may issue a notice to the agency head and then publicly identify the non-compliant agency.

It must be noted here, that the language above does not suggest that any action, particularly the latter, is in fact taken, but rather that such options exist. For further clarification, repeated inquiries were sent to various EEO offices and Senate Appropriation Committee. A list of agencies that have not submitted a report in a given year and documentation of actions that were taken against agencies since the coming into effect of MD-715 in 2003 was requested. However, none of the requested information could be obtained from any of the offices. No information was provided to clarify non-compliance with researcher request.

Conclusion

Admittedly, it is not easy to live up to the American ideals of equal opportunity, fair and open competition for jobs, leading to a merit based society as much as it is promoted theoretically in the U.S.A. As network recruitment is often not only the most practiced, but also the more feasible way of hiring, especially when hundreds of resumes reach the desks of selection associates, which can easily be the case in the current job market.

In spite of the challenges, however, equal opportunity and merit based society ideals are worthy causes. The U.S.A. is *the* leader in research and know-how in this arena. She has some of the most progressive policies and procedures in place to help create opportunities for disadvantaged groups, if only such policies and procedures were enforced more.

In summary, in the U.S.A., we have the knowledge and resources to create a society with more access to equal opportunities. What we additionally need is the political will to make it happen. In that regard, the question that we have to ask ourselves is: Can political interests of existing networks be overcome to apply the know-how to ensure that all Americans enjoy opportunities that are offered and have a fair shot at shaping their government?

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