
**NEW YORK 1999
INTENTIONAL JOB DISCRIMINATION
IN
METROPOLITAN AREAS**

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By the same authors

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The views expressed are those of the authors,
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§1. ABOUT THE AUTHORS

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He has written MODERN LAW: THE LAW TRANSMISSION SYSTEM AND EQUAL EMPLOYMENT OPPORTUNITY, (1993, University of Wisconsin Press); BLACK EMPLOYMENT AND THE LAW (1971, Rutgers University

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§3. DEDICATION

To the memory of all those who shared in the adoption of the Northwest Ordinance of 1787 that prohibited slavery and provided that “schools and the means of education shall forever be encouraged.”

§4. TABLE OF CONTENTS

NEW YORK 1999 INTENTIONAL JOB DISCRIMINATION IN METROPOLITAN AREAS	1
§1. <i>About the Authors</i>	2
A. Prof. Alfred W. Blumrosen	2
B. Prof. Ruth G. Blumrosen	4
§2. <i>Acknowledgements</i>	5
§3. <i>Dedication</i>	6
§4. <i>Table of Contents</i>	7
§5. <i>Table of Tables</i>	8
§6. <i>Introduction</i>	9
§7. <i>Summary of Findings</i>	9
A. Statewide Discrimination	9
B. Hard Core Discrimination	12
C. Geographic Distribution of Discrimination	13
D. Discrimination by Occupation	14
E. Discrimination by Industry	15
§8. <i>Background of This Study</i>	16
§9. <i>Intentional Discrimination</i>	18
§10. <i>The Significance of the EEO-1 Labor force</i>	20
§11. <i>The Effect of change -- 1975 to 1999</i>	22
A. Race/Ethnicity	23
B. Gender and Race/Ethnicity	26
§12. <i>Intentional Discrimination in Nine Occupational Categories Against Women and Minorities, and Against Blacks, Hispanics and Asians</i>	27
§13. <i>Intentional Discrimination by Industries in Metropolitan Areas Among Establishments with Fifty or More Employees</i>	30
§14. <i>The Bottom Line of visible Intentional Job Discrimination in this State</i>	59
§15. <i>Conclusions and Recommendations</i>	60
§16. <i>Glossary</i>	62
§17. <i>APPENDIX A EXECUTIVE SUMMARY OF THE NATIONAL REPORT – THE REALITY OF INTENTIONAL JOB DISCRIMINATION IN METROPOLITAN AMERICA – 1999</i>	68
A. BACKGROUND OF THE STUDY	69
B. THE BURDEN OF DISCRIMINATION	71
C. BLACK WORKERS MOST SERIOUSLY AFFECTED	71
D. IMPROVEMENT IN PROPORTION OF MINORITIES AND WOMEN EMPLOYED BETWEEN 1975 AND 1999	72
E. FORTY INDUSTRIES THAT WERE ‘EQUAL OPPORTUNITY DISCRIMINATORS’	72
F. AFFIRMATIVE ACTION STILL NECESSARY	74
G. RECOMMENDATIONS	74
§18. <i>Endnotes</i>	76

§5. TABLE OF TABLES

TABLE 1. DISCRIMINATING ESTABLISHMENTS AND AFFECTED WORKERS – 1999	10
TABLE 2. HARD CORE DISCRIMINATORS AND AFFECTED WORKERS – 1999	12
TABLE 3. MAIN MSAs IN NEW YORK	13
TABLE 4. OCCUPATIONAL DISCRIMINATION IN NEW YORK – 1999	14
TABLE 5. TOP TEN DISCRIMINATORY INDUSTRIES IN NUMBER OF AFFECTED WORKERS -- NEW YORK, 1999.....	15
TABLE 6. SORE THUMB EXAMPLE: PERCENT FEMALES AMONG SALES EMPLOYEES SECURITY DEALERS AND BROKERS IN THE SEATTLE METROPOLITAN AREA, 1997.....	17
TABLE 7. PROBABILITIES OF DISCRIMINATION AND LEGAL PRESUMPTIONS	19
TABLE 8. NEW YORK ADULT POPULATION, EEO-1 POPULATION AND LABOR FORCE BY SEX, RACE, AND HISPANIC ORIGIN – 1999.....	21
TABLE 9. THE NEW YORK EEO-1 LABOR FORCE BY SUB CATEGORIES OF RACE, SEX, AND ETHNICITY: SHOWING PROPORTIONS OF MINORITIES IN EACH GENDER, AND PROPORTIONS OF EACH GENDER AMONG MINORITIES	22
TABLE 10. NEW YORK EEO-1 LABOR FORCE IN 1975 AND 1999.....	23
TABLE 10A. THE RISING TIDE: BLACK, HISPANIC, ASIAN-PACIFIC ORIGIN, AND NATIVE AMERICAN WORKERS	23
TABLE 10B. EFFECT OF CHANGE ON WOMEN, WHITE WOMEN, MINORITY WOMEN AND MEN	26
TABLE 11. NEW YORK DISCRIMINATORS BY SEX, RACE/ETHNICITY, OCCUPATION & HARD CORE	28
TABLE 12. DISCRIMINATION AGAINST WOMEN BY MSA & INDUSTRY IN NEW YORK	32
TABLE 13. DISCRIMINATION AGAINST MINORITIES BY MSA & INDUSTRY IN NEW YORK	39
TABLE 14. DISCRIMINATION AGAINST BLACKS BY MSA & INDUSTRY IN NEW YORK	46
TABLE 15. DISCRIMINATION AGAINST HISPANICS BY MSA & INDUSTRY IN NEW YORK	52
TABLE 16. DISCRIMINATION AGAINST ASIANS BY MSA & INDUSTRY IN NEW YORK	56
TABLE 17. BOTTOM LINE OF DISCRIMINATION IN NEW YORK	59

§6. INTRODUCTION

This study identifies intentional employment discrimination in New York by applying legal standards to the race, sex and ethnic composition of medium and large employers. It is based on information supplied by employers to the Federal Government, filed by 6,297 establishments in this state. To preserve confidentiality, the information on which this report is based does not include the names or identifying addresses of employers.

With a grant from the Ford Foundation to Rutgers Law School, we have compared the employment of minorities and women in the same labor market, industry and occupational categories among establishments with 50 or more employees. The minorities are Black, Hispanic, Asian and Native Americans. When these comparisons show that an establishment is so far below the average utilization of minorities or women that it is unlikely to have occurred by chance, the law identifies apparent intentional job discrimination.

Intentional discrimination exists “when a complaining party demonstrates that race, color, religion, sex or national origin was a motivating factor for any employment practice, even though other factors also motivated the practice.”¹ This means that intent need not be the sole factor in an employment decision. It is enough to show that it was one of the motivating factors. If an employer has both a legitimate reason for its practices and also a discriminatory reason, then it is engaged in discrimination under the Civil Rights Act. This discrimination may be established with employment statistics, which minimize the role of chance.

§7. SUMMARY OF FINDINGS

(Terms defined in glossary at end of this Report.)

A. STATEWIDE DISCRIMINATION

Minority and Female workers in metropolitan New York faced substantial likelihood of intentional job discrimination when seeking an employment opportunity in 1999. **Minorities** faced this risk thirty one percent of the time they sought job opportunities; **Women** faced this risk more than one third of the time they sought job opportunities.

Table 1. Discriminating Establishments and Affected Workers – 1999

New York: Discriminating Establishments and Affected Workers – 1999			
Group	All Discriminating Estab.		Affected Workers*
	#	% of all Estab.	#
White Women*	2,138	33%	31,125
Black	3,304	34%	51,648
Hispanic	1,699	26%	21,566
Asian-Pac.	1,102	29%	12,160
Totals	8,243		116,499
<p>**"Affected workers" are the difference between the members of an affected group employed in an establishment that is 2 standard deviations or more below the average utilization in the MSA, Industry and Occupation, and the number who would have been employed if members of that group had been employed at that average.</p>			
<p>** White Women as % of All Women: 64.61% They are reported here. Minority Women are reported in each minority group. [See Table 9]</p>			

- **71,000 minority workers were adversely affected by discrimination in 2,600 establishments.** There was a 31% chance that a minority person would face intentional discrimination when seeking an employment opportunity in one of the nine occupational categories. [Table 11] **This was nearly one third of the time a minority worker sought an employment opportunity.**² That opportunity may have consisted of obtaining employment, or of any condition or privilege of employment once obtained including promotion, pay, training, transfer, discipline, layoff and discharge. This was the burden imposed because of race or national origin on every minority worker seeking an employment opportunity.
- **51,000 Black workers** were affected by discrimination in **2,400** establishments. This was 43% of the establishments reporting concerning Black workers. **The risk of discrimination existed 34% or more than one third of the time a Black worker sought an employment opportunity.** [Table 14]
- **21,500 Hispanic workers** were affected by discrimination in **1,300** establishments. This was one third of the establishments reporting concerning Hispanic workers. **The risk of discrimination existed 26% or one quarter of the time a Hispanic worker sought an employment opportunity.** [Table 15]

- **12,100 Asian workers** were affected by discrimination in 827 establishments. This was 39% of the establishments reporting concerning Asian workers. **The risk of discrimination existed 29% or more than a quarter of the time an Asian worker sought an employment opportunity.** [Table 16]
- **48,000 Women** were affected by intentional job discrimination in 2,138 establishments. This was 33% of all establishments reporting concerning women workers. [Table 12] **The risk of discrimination was 22% or one fifth of the time a woman sought an employment opportunity.** [Table 12]

Women were 65% White, 20% Black, 9% Hispanic, 6% Asian Pacific.

To avoid double counting women in this summary, the following five tables report 65% of women workers as White. [Table 9] The remaining 35% of women are included under Black, Hispanic, and Asian headings.

B. HARD CORE DISCRIMINATION

Table 2. Hard Core Discriminators and Affected Workers – 1999

New York -- 1999 Hard Core Establishments* & Affected Workers**				
Group	Hard Core Estab.		Affected Workers	
	#	% of all Estab.	# of Workers	% of all Affected Workers in Group
White Women***	593	9.24%	13,839	44.46%
Black	796	14.24%	29,952	57.99%
Hispanic	313	7.92%	9,740	45.16%
Asian-Pacific	170	7.98%	4,931	40.55%
Totals			58,462	

* Discrimination at 2.5 standard deviations or more below average in MSA, industry and occupation over at least 9 years.

**Affected workers are the difference between the number of members of an affected group employed in an establishment, and the number of such workers who would have been employed if the employer had employed that group at the average.

*** White Women as % of All Women: 64.61%
 They are reported here.
 Minority Women are reported in each minority group. [See Table 9]

- **920 Hard Core discriminators accounted for nearly sixty percent of the minority workers affected by discrimination.** [Table 11] They accounted for **29,000 Black workers (58%), 9,700 Hispanic workers (45%), and nearly 5,000 Asian workers (40%).**

C. GEOGRAPHIC DISTRIBUTION OF DISCRIMINATION

Table 3. Main MSAs in New York

Affected Workers* in EEO-1 Labor Force in the Largest Metro Statistical Areas – New York					
* "Affected Workers" are the difference between the number of members of an affected group employed in an establishment, and the number of such workers who would have been employed if the employer had employed that group at the average.					
*64.61% of All Women are White. They are reported here. Minority Women are reported in each minority group. [See Table 9]					
	New York MSA		Nassau-Suffolk MSA		State Totals
	Affected Workers		Affected Workers		
	#	%	#	%	
W. Women*	20,475	66%	4,396	14%	31,125
Blacks	34,295	66%	8,305	16%	51,648
Hispanics	17,881	83%	2,758	13%	21,566
Asian-Pac	10,268	84%	1,294	11%	12,160
Total	82,919	71%	16,753	14%	116,499

These two MSAs account for 85% of all affected workers in this state.

D. DISCRIMINATION BY OCCUPATION

- **Discrimination against each group occurred in each of the nine occupational categories.**

Table 4. Occupational Discrimination in New York – 1999

DISCRIMINATION* IN OCCUPATIONS -- NEW YORK -- 1999								
Occupation	WHITE WOMEN**		BLACKS		HISPANICS		ASIAN PACIFIC	
	Risk of Disc. %	Affected Workers** #	Risk of Disc. %	Affected Workers #	Risk of Disc. %	Affected Workers #	Risk of Disc. %	Affected Workers #
O & M	20.00%	3,630	28.20%	2,205	22.06%	806	28.06%	1,102
Prof	22.73%	7,526	29.25%	6,918	23.07%	1,565	27.78%	5,572
Tech	22.79%	1,532	29.07%	2,690	22.67%	799	30.58%	1,191
Sales	21.03%	3,635	44.24%	9,231	28.77%	2,889	31.40%	708
O & C	18.64%	5,545	29.94%	10,737	21.72%	4,616	22.28%	1,521
Craft	39.84%	824	27.64%	1,526	24.37%	754	30.59%	195
Oper	33.10%	2,299	34.78%	2,852	32.90%	2,133	41.88%	752
Labor	23.68%	870	33.41%	1,520	30.60%	1,413	35.29%	137
Service	23.55%	5,262	40.52%	13,969	32.75%	6,592	46.60%	982
Any Occ	33.31%	31,125	43.10%	51,648	33.05%	21,566	38.83%	12,160
TOTAL AFFECTED WHITE WOMEN, BLACKS, HISPANICS AND ASIANS = 116,499								
* Discrimination at 1.65 standard deviations or more below average in industry and MSA.								
** 64.61% of Women are White. They are reported here. Minority Women are reported in each minority group. [See Table 9]								
*** Affected workers are the difference between the members of a group employed in an establishment that is 2 standard deviations or more below the average utilization of that group in the same MSA, Industry and Occupation, and the number of members who would have been employed if members had been employed at the average utilization.								

E. DISCRIMINATION BY INDUSTRY

- New York is similar to the national pattern of industries engaged in intentional discrimination, with few exceptions. The top ten industries in terms of affected workers nationally are: Hospitals, Department Stores, Eating and Drinking Places, Computer and Data Processing, Telephone Communications, Grocery stores, Commercial banks, Motor Vehicles and Accessories, Scheduled Air Transportation, and Nursing and personal care facilities. These industries have large numbers of employees. They discriminate against Women, Blacks, Hispanics and Asians. As the following summary table shows, New York varies little from the pattern.

**Table 5. Top Ten Discriminatory Industries in Number of Affected Workers -
- New York, 1999**

Blacks, Hispanics, Asians	# Affected Workers	# Estab.
Hospitals	19,476	266
Nursing & Pers. Care Facilities	6,491	269
Department Stores	5,591	275
Grocery Stores	4,883	418
Eating & Drinking Places	4,430	288
Commercial Banks	4,408	219
Telephone Communication	2,839	140
Security Brokers & Dealers	2,473	122
Hotels & Motels	2,340	122
Air Transport., Scheduled	1,866	69
Grand Totals	54,797	2,188

White Women	# Affected White Women Workers	# Estab.
Hospitals	5,263	109
Security Brokers & Dealers	2,220	84
Commercial Banks	2,053	104
Department Stores	1,462	118
Eating & Drinking Places	1,137	105
Nursing & Pers. Care Facilities	1,136	79
Telephone Communication	938	124
Grocery Stores	879	86
Air Transport., Scheduled	864	29
Research & Testing Svcs.	815	23
Grand Totals	16,767	861

§8. BACKGROUND OF THIS STUDY

Each year, private sector employers of more than 100 employees and government contractors of more than 50 employees are required to file a report, named EEO-1, on the race, sex, and ethnic composition of its workforce by nine occupational categories.

This study describes the extent of intentional job discrimination among private sector establishments in metropolitan areas with 50 or more employees who have filed EEO-1 reports in metropolitan statistical areas (MSA's). It includes discrimination by occupational category and by industries for which we have sufficient data. The industries are identified by the Standard Industrial Classification system, 1987 (SIC). The definitions of MSA and SIC are set forth in Part I of the National Report, and in its Appendix.³

The analysis of employer EEO-1 reports is explained in Part I of the National Report. See the National Report, Part I for a full explanation of the definitions and methodology used in this study.

This study has identified the average – mean – use of minorities or women by all establishments in the same labor market, industry and occupation. All establishments that have 20 or more employees in that industry and occupation are then compared to the mean.⁴ Table 1 is an example of such a comparison, taken from an earlier report in the State of Washington. It graphically explains why we call this a “sore thumb” diagram.

Table 6. Sore Thumb Example: Percent Females Among Sales Employees Security Dealers and Brokers in the Seattle Metropolitan Area, 1997

Number of Establishments	4																								
	3																								
	2																								
	1	Sore thumb																							
	0	2	4	6	8	10	12	14	16	18	20 *	22	24	26	28	30	32	34	36	38	40	42	44	46	48
<p align="center">Percent of Employees in Each Establishment * 20 is the Average (Mean) due to variations in establishment sizes</p>																									

To determine whether the utilization of minorities or women by an establishment, such as in the above table, has occurred by chance, statisticians use a measurement device called “standard deviations.” The greater the standard deviations below the average, the less likely it is that the observed event occurred by chance. The law uses this concept to identify a pattern of intentional job discrimination. The greater the deviations, the stronger the evidence of intentional job discrimination.

§9. INTENTIONAL DISCRIMINATION⁵

“Intentional Discrimination” exists “when a complaining party demonstrates that **race, color, religion, sex or national origin was a motivating factor for any employment practice, even though other factors also motivated the practice.**”⁶

This means that the intent need not be the sole factor in an employment decision. It is enough to show that it was one of the motivating factors. If an employer has both a legitimate reason for its practices and also a discriminatory reason, then it is engaged in intentional discrimination under the Civil Rights Act.

The Supreme Court held in 1977 that a “pattern or practice” of intentional job discrimination exists when an employer treats some people less favorably than others as a “standard operating procedure – the regular rather than the unusual practice.”⁷ When there is statistical evidence that an establishment is employing minorities or women in such small numbers that the pattern is unlikely to have occurred by chance, the law presumes that the discrimination is intentional.⁸ The Supreme Court has explained that “[a statistical] imbalance is often a telltale sign of purposeful discrimination.... In many cases the only available avenue of proof is the use of racial statistics to uncover clandestine and covert discrimination...”⁹

Statisticians have developed concepts to determine when it is unlikely that a given result occurred by chance. In many analyses, including this study, an event qualifies as “statistically significant” if there is less than one chance in twenty (5%) that it would have occurred by chance. This probability is defined as “two standard deviations.” In some parts of this study, the value of 2.5 standard deviations is used. This value translates into one chance in 100 that the event observed occurred by chance, or a 99% certainty that it did not occur by chance. We apply these concepts to find the “sore thumbs” in each metropolitan area and in each industry and each job category.

Table 7. Probabilities of Discrimination and Legal Presumptions

Standard Deviations	Probability		Described in this study as:	Legal effect
	Chance	Not chance		
1.65	1 in 10	90%	At Risk	Admissible if relevant; weighed with all other evidence; worker must prove that he/she was discriminated against.
2.0	1 in 20	95%	Presumed	Admissible; creates presumption of discrimination; employer must prove it had only legitimate non-discriminatory reasons. As the probability of result occurring by chance declines, the presumption of discrimination strengthens and raises the risk that employer will lose litigation; most such cases settle.
2.5	1 in 100	99%	Clearly Visible	
2.5 over 10yrs			Hard Core	

This study identifies four degrees of intentional job discrimination depending on the statistics in particular situations.

1. **AT RISK DISCRIMINATORS.** So far below average in an occupation that there is only a one in ten (10%) chance that the result occurred by accident (1.65 standard deviations) in 1999 plus fact specific evidence relating individual complainants to the occupation addressed by the statistics. The statistics play a supporting role. We do not know the specific facts in those situations and therefore report no “affected workers” in this category.
2. **PRESUMED DISCRIMINATORS.** So far below average in an occupation that there is only a one in twenty (5%) chance that the result occurred by accident (2 standard deviations). Intentional discrimination is presumed by law at this level, subject to the employer demonstrating that it had a legitimate non-discriminatory reason and overcoming the presumption of discrimination. Number of affected workers is identified.
3. **CLEARLY VISIBLE DISCRIMINATORS.** So far below average in an occupation that there is only a one in one hundred (1%) chance that the result occurred by accident (2.5 standard deviations) in 1999. Number of affected workers is identified.
4. **HARD CORE DISCRIMINATORS.** These establishments demonstrate a severe statistical case of discrimination that has existed over a long period of time. They are so far below average in an occupation that there is only a one in one hundred chance that the result occurred by accident (2.5 standard deviations) in 1999 and either 1998 or 1997, and at least one year between 1991 and 1996, and not above average between 1991 to 1996. Included are

establishments that are more than 2.5 standard deviations below the mean and have been so for longer than ten years.

§10. THE SIGNIFICANCE OF THE EEO-1 LABOR FORCE

Table 8 describes the **Total Population** eighteen years and older of the state in the categories of Male, Female, White, Black, Hispanic, Asian and Native American.¹⁰ It also describes the **EEO-1 Population** of the state, being all workers employed by establishments that file EEO-1 reports for this state, including those outside any MSA. Finally, it describes the **EEO-1 Labor Force**, all employees of establishments located in metropolitan areas (MSA's) with 50 or more employees that file EEO-1 reports for this state.

The EEO-1 Population and Labor Force are based only on the actual numbers reported by establishments. Thus the state study does not include from 20 to 30% of establishments that were obligated to, but failed to file such reports.¹¹ Readers may assume, with caution, that the statistics reported here reflect from 70% to 80% of the intentional visible job discrimination in this state.

Table 8. New York Adult Population, EEO-1 Population and Labor Force by Sex, Race, and Hispanic Origin – 1999

New York	TOTAL POPULATION 18 AND OVER*		EEO-1 POPULATION		EEO-1 LABOR FORCE	
Total	14,286,350	75.3%	2,614,025		2,477,352	
Male	6,744,091	35.5%	1,318,061	50.4%	1,251,774	50.5%
Female	7,542,259	39.7%	1,295,964	49.6%	1,225,578	49.5%
	#	% of Total	#	% of Total	#	% of Total
White	10,005,390	70.0%	1,796,059	68.7%	1,669,202	67.4%
Black	2,110,598	14.8%	424,175	16.2%	419,517	16.9%
Hispanic	1,974,551	13.8%	243,871	9.3%	241,334	9.7%
Asian	813,846	5.7%	140,073	5.4%	138,052	5.6%
Nat. Amer.	55,148	0.4%	9,847	0.4%	9,247	0.4%
Comments	* Census treats Hispanics as of any race, so totals may exceed 100%		EEO-1 Population includes employees working both inside and outside of MSAs and for employers of any size workforce.		EEO-1 Labor Force includes employees working inside an MSA for an employer of 50 or more employees.	
Employed Labor Force	The employed labor force is: 8,424,000		The EEO-1 Population is: 31.03% of the employed labor force		The EEO-1 Labor Force is: 94.77% of the EEO-1 Population, and 29.41% of the employed labor force.	

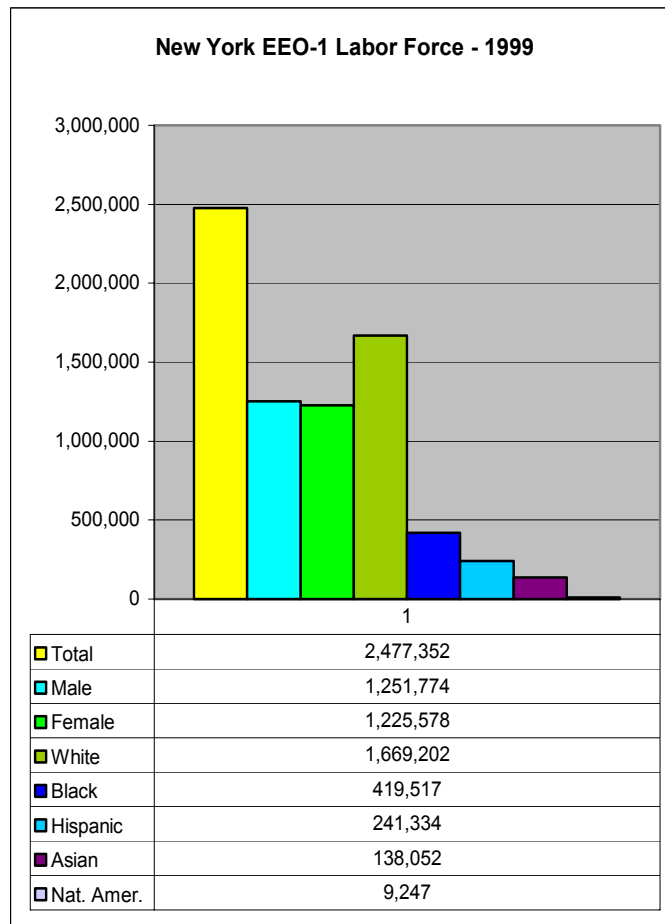
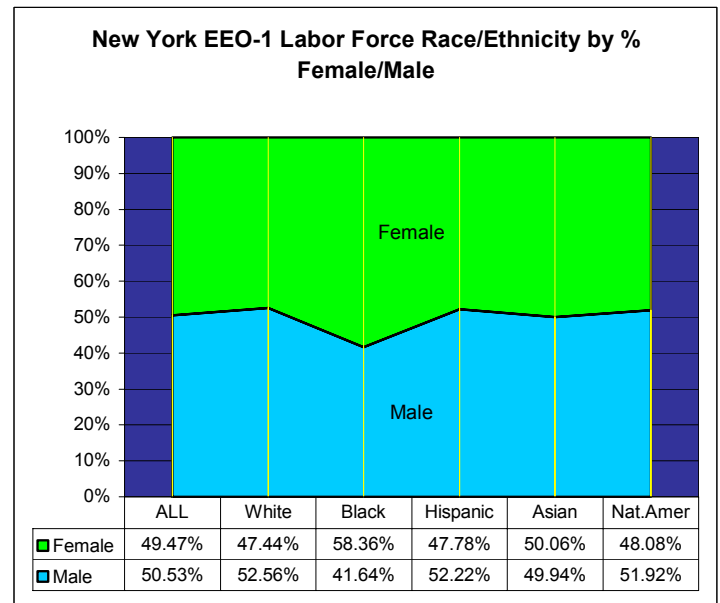
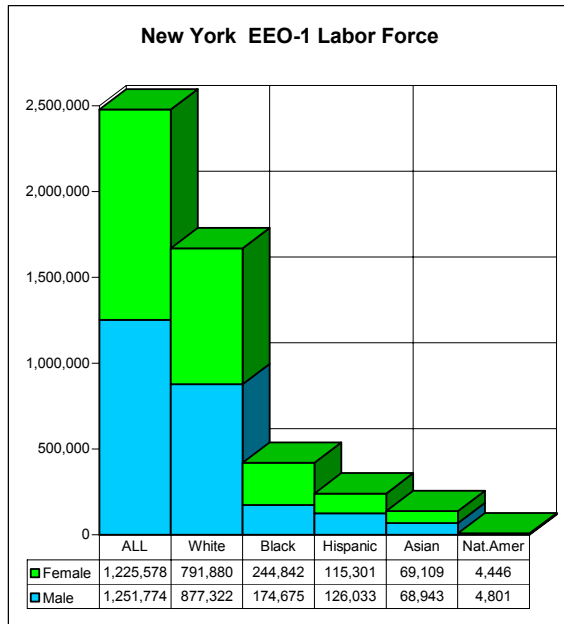


Table 9. The New York EEO-1 Labor Force by sub categories of race, sex, and ethnicity: Showing proportions of minorities in each gender, and proportions of each gender among minorities

New York EEO-1 LABOR FORCE MALE/FEMALE					
	Total	Female	Male	Percentages	
				Female	Male
ALL	2,477,352	1,225,578	1,251,774	49.47%	50.53%
White	1,669,202	791,880	877,322	47.44%	52.56%
Black	419,517	244,842	174,675	58.36%	41.64%
Hispanic	241,334	115,301	126,033	47.78%	52.22%
Asian	138,052	69,109	68,943	50.06%	49.94%
Nat.Amer.	9,247	4,446	4,801	48.08%	51.92%

This table provides an overall assessment of the proportion of women and men in each racial/ethnic category.
For example, 50.06% of Asians are Female.
A chart below shows that 5.6% of Females are Asian.

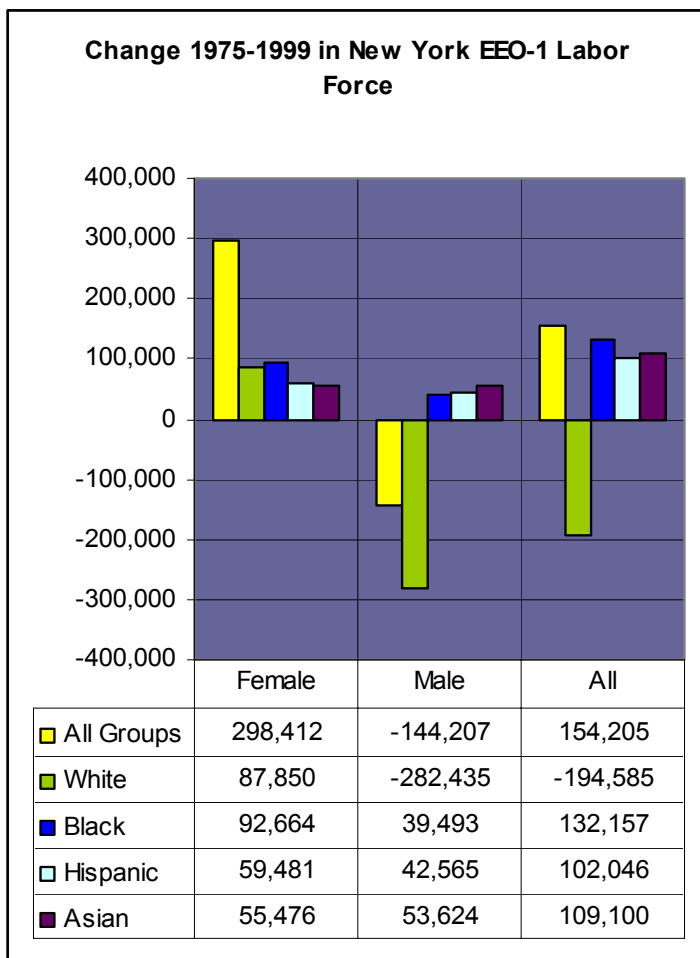


§11. THE EFFECT OF CHANGE -- 1975 TO 1999

The EEO-1 Labor Force consists of employees of employers who have filed EEO-1 forms and (a) are located in metropolitan areas and (b) have 50 or more employees. This labor force has changed dramatically in the years between 1975 and 1999.

Table 10. New York EEO-1 Labor Force in 1975 and 1999

New York Employment in MSAs in Establishments over size 50								
	Number				%	Percent of Total		
	Female	Male	All			Female	Male	All
1975								
All Groups	927,166	1,395,981	2,323,147		39.91%	100.00%	100.00%	100.00%
White	704,030	1,159,757	1,863,787		37.77%	75.93%	83.08%	80.23%
Black	152,178	135,182	287,360		52.96%	16.41%	9.68%	12.37%
Hispanic	55,820	83,468	139,288		40.08%	6.02%	5.98%	6.00%
Asian	13,633	15,319	28,952		47.09%	1.47%	1.10%	1.25%
Native American	1,505	2,255	3,760		40.03%	0.15%	86.17%	210.06%
1999								
All Groups	1,225,578	1,251,774	2,477,352		49.47%	100.00%	100.00%	100.00%
White	791,880	877,322	1,669,202		47.44%	64.61%	70.09%	67.38%
Black	244,842	174,675	419,517		58.36%	19.98%	13.95%	16.93%
Hispanic	115,301	126,033	241,334		47.78%	9.41%	10.07%	9.74%
Asian	69,109	68,943	138,052		50.06%	5.64%	5.51%	5.57%
Native American	4,446	4,801	9,247		48.08%	0.36%	0.38%	0.37%



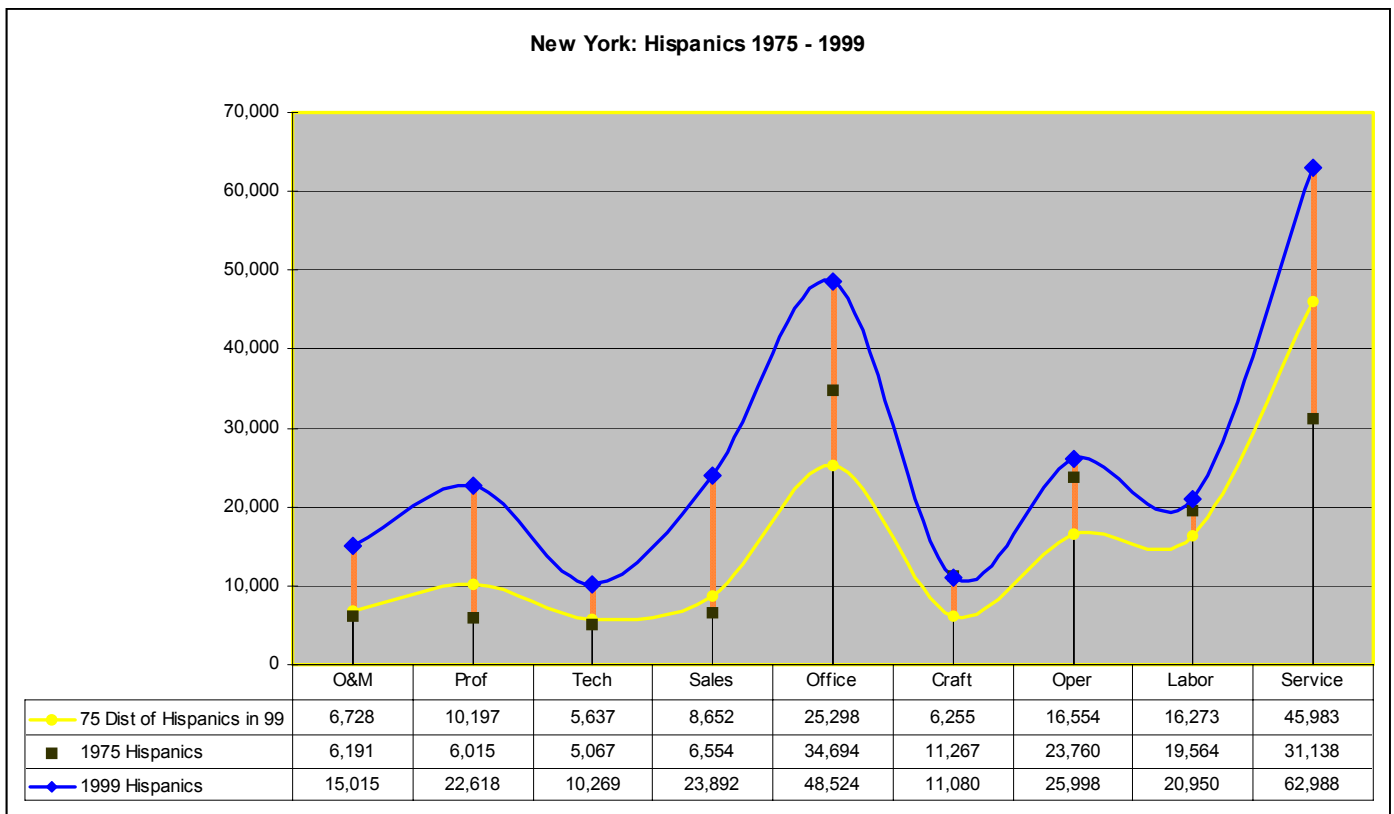
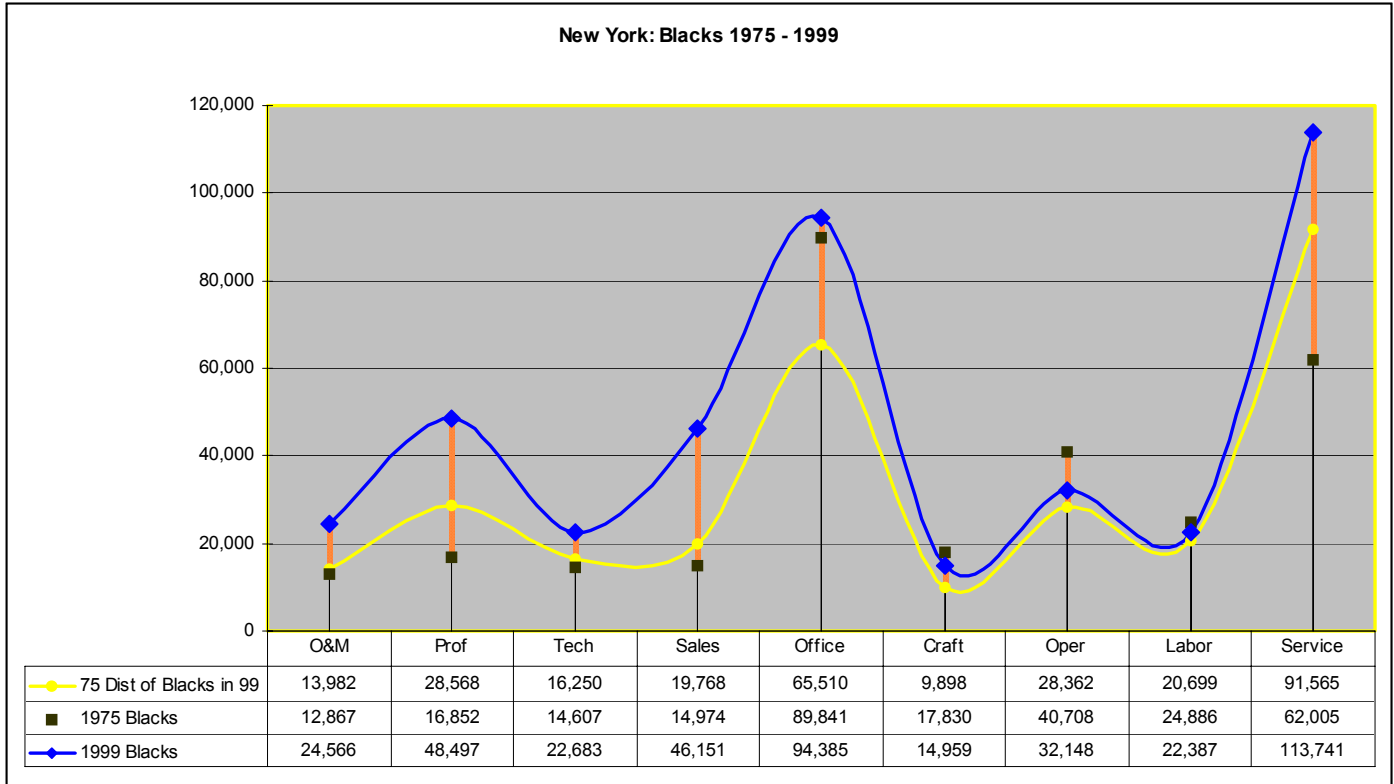
The increase in proportions of Women, Black, Hispanic and Asian employees is also evident in the adjoining chart showing the same data as above with emphasis on the changes between '75 and '99.

A. RACE/ETHNICITY

The following charts show the rising tide of employment among Blacks, Hispanics, Asian-Pacific Origin, and Native American workers from 1975 to 1999, often exceeding in 1999 (the blue line) the distribution that would have been expected had the distribution of jobs continued in the same proportions as in 1975 (the yellow line).

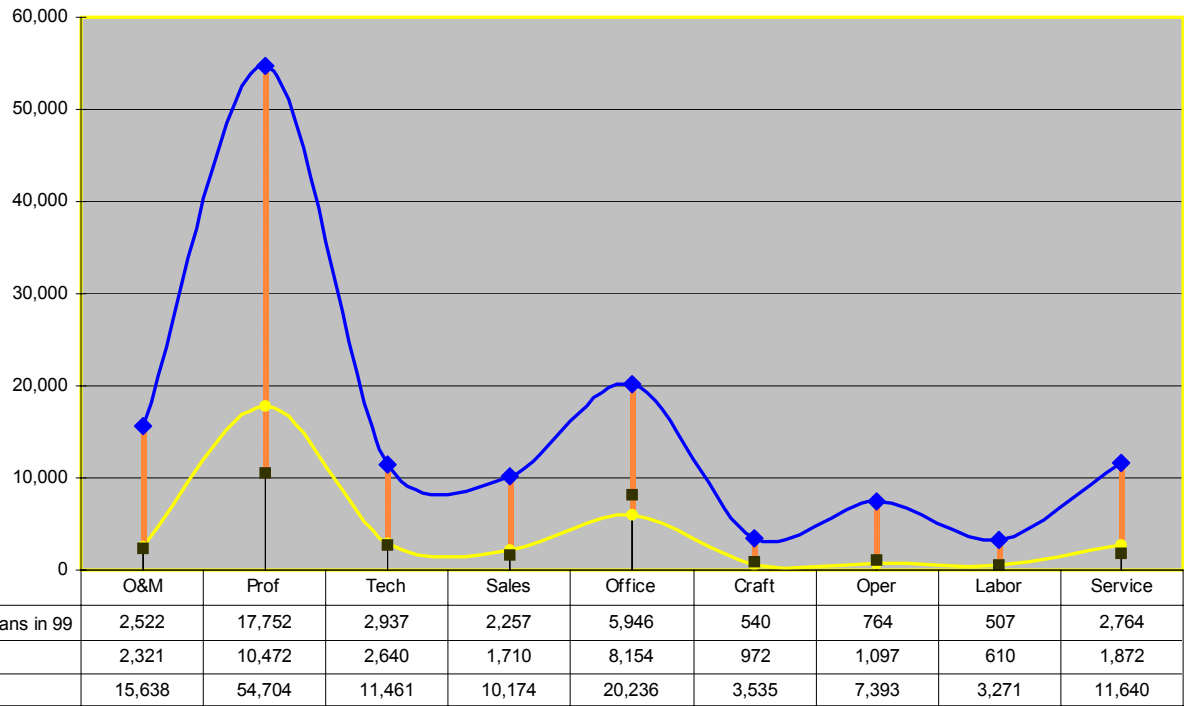
Table 10a. The Rising Tide: Black, Hispanic, Asian-Pacific Origin, and Native American Workers

[Next Page.]

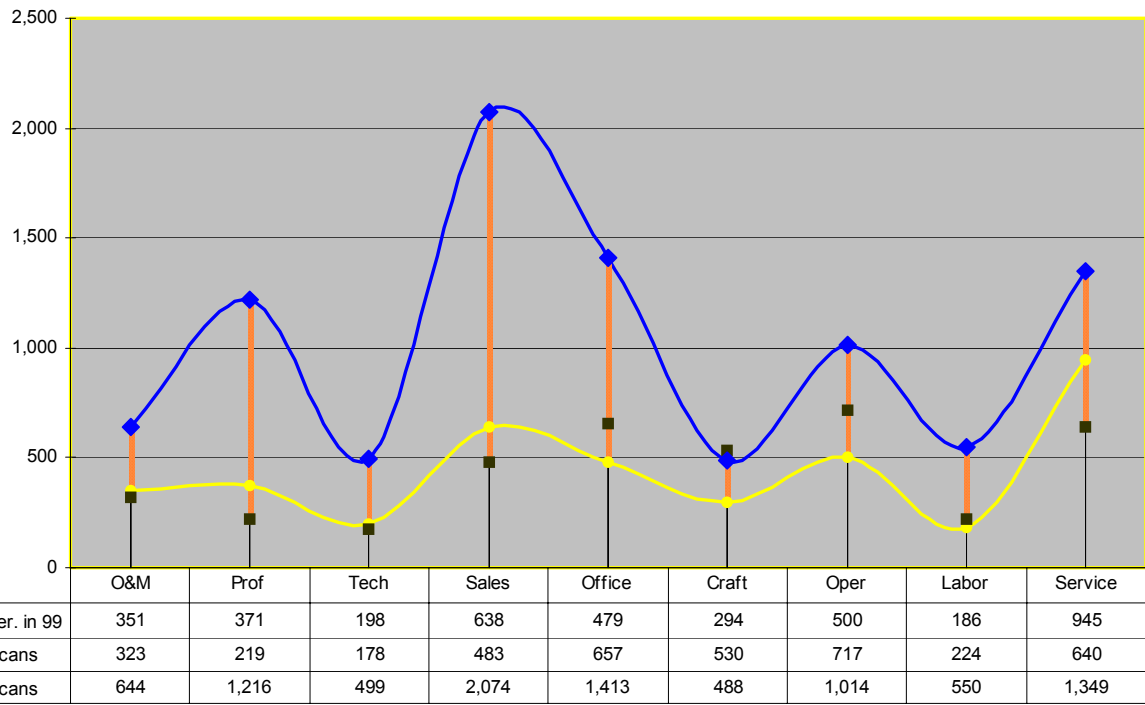


New York 1999

New York: Asians 1975 - 1999



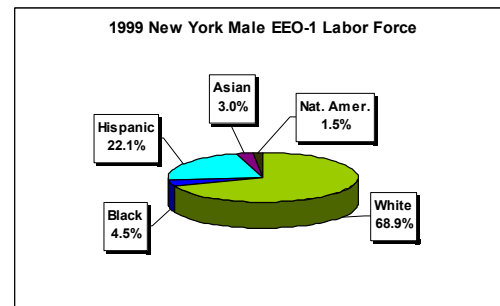
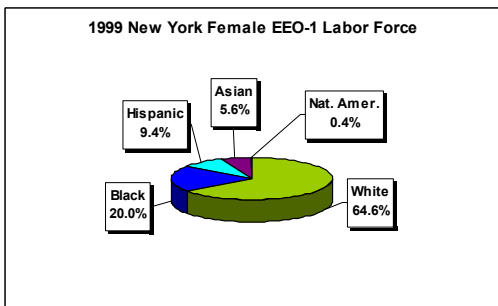
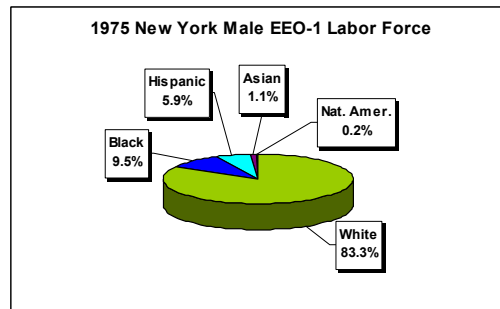
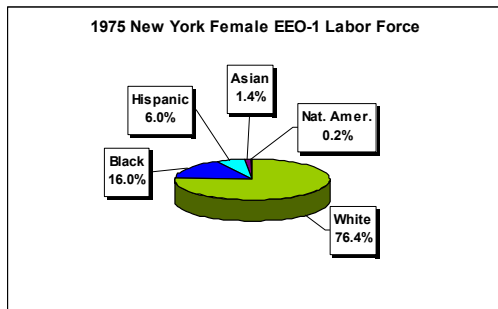
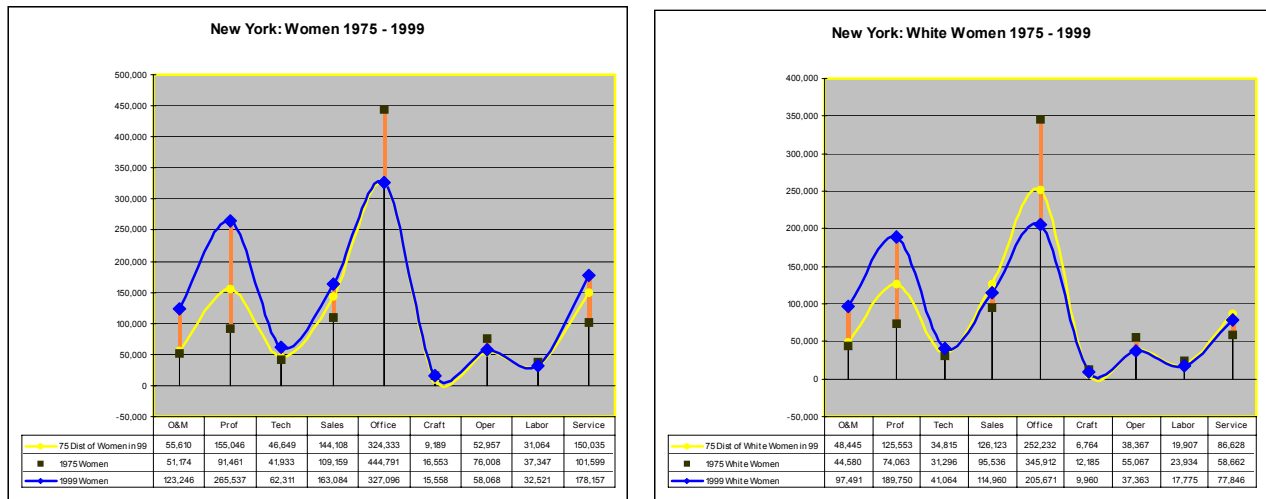
New York: Native Americans 1975 - 1999



B. GENDER AND RACE/ETHNICITY

In New York, changes in proportions of White Women in the workforce mirrored changes both for Women and for Whites. The lines on the following two “rising tides” charts show the effects of change for all Women and for White Women. The following four pie charts show that the proportion of White Women to all women was about the same as the proportion of White Men to all Men both in 1975 and in 1999, although the proportion of Whites (both male and female) to other groups changed over that period of time.

Table 10b. Effect of change on Women, White Women, Minority Women and Men.



This study examines how employers have addressed the emerging reality described above: that the number and proportion of qualified minority and female workers has been increasing. Many employers changed exclusionary practices and informally included more minorities and women. Others adopted more formal affirmative action programs. During this period, many reduced their use of pro forma screening devices such as written tests. They increased reliance on subjective judgments of supervisors that may harbor discrimination.¹² The discriminatory character of these judgments may become visible only when a pattern of similar activity is observed—often when the employer is compared to similar establishments. When the comparison yields a significant disparity, the Supreme Court has concluded that there is “substantial reason, based upon the statistical manifestations of the net effects of the employer’s practices, to believe that the employer has violated Title VII on a continuing basis.”¹³

Using this principle we have evaluated establishments in each industry and each metropolitan statistical area for which we have data. This enables us to identify those that are so far below the average utilization of minorities and women in particular occupations that the law presumes that intentional discrimination has taken place.¹⁴

§12. INTENTIONAL DISCRIMINATION IN NINE OCCUPATIONAL CATEGORIES AGAINST WOMEN AND MINORITIES, AND AGAINST BLACKS, HISPANICS AND ASIANS

The following table describes the probability that a worker will face discrimination in seeking an employment opportunity in one of the nine occupational categories reported in form EEO-1.¹⁵ They are: O& M = Official & Managers, Prof = Professionals, Tech = Technical workers, Sales = Sales workers, O & C = Office and Clerical, Craft = Craft workers-skilled, Oper = Operatives - semi skilled, Labor = Laborers - unskilled, Service = Service workers.

The likelihood of discrimination is found under the heading “**All Discriminating Establishments**” in bold face. This percentage represents the probability that a person with the race, sex, or ethnic characteristic listed will face intentional job discrimination when seeking an employment opportunity in any of the nine occupational categories. That opportunity may consist of obtaining employment, or of any condition or privilege of employment once obtained, including promotion, pay, training, transfer, discipline, layoff and discharge. This

is the burden imposed on every member of each group because of his or her identification with that group when seeking an employment opportunity.

The last four columns in the table examine the extent of “Hard Core” discrimination as defined above and in Part I of the National Report. These establishments are so far below average in an occupation that there is less than one in one hundred chances that the result occurred by accident (2.5 standard deviations) in 1999 and either 1998 or 1997, and in at least one year between 1991 and 1996, and was never above average between 1991 and 1996. This category includes establishments that are 2.5 standard deviations or more below the average, and have been so for ten years or longer. It also includes establishments where the discrimination far exceeds 2.5 standard deviations. Hard Core establishments are a sub-set of discriminating establishments.

“Hard Core” establishments impose 60% of the burden of discrimination on minorities. 45% percent of the burden on women flows from “Hard Core” establishments.

Table 11. New York Discriminators by Sex, Race/Ethnicity, Occupation & Hard Core

[See next page.]

Occupational Discrimination in New York								
Group	Occupation	All Discriminators			Hard Core Discriminators			
		Establishments		Affected Workers	Establishments		Affected Workers	
		#	%	#	#	%	#	% of all Affected Workers
Female	O & M	419	20.00%	5,620	98	4.68%	2,166	38.55%
	Prof	517	22.73%	11,651	122	5.36%	5,744	49.30%
	Tech	183	22.79%	2,371	42	5.23%	1,086	45.81%
	Sales	448	21.03%	5,626	95	4.46%	2,065	36.70%
	O & C	459	18.64%	8,584	135	5.48%	4,293	50.01%
	Craft	153	39.84%	1,276	34	8.85%	614	48.11%
	Oper	235	33.10%	3,560	80	11.27%	2,103	59.09%
	Labor	90	23.68%	1,347	24	6.32%	476	35.36%
	Service	350	23.55%	8,146	87	5.85%	2,874	35.28%
	Any Occ	2,138	33.31%	48,181	593	9.24%	21,422	44.46%
Minority	O & M	411	25.20%	4,863	88	5.40%	2,223	45.72%
	Prof	537	26.56%	12,036	155	7.67%	7,435	61.77%
	Tech	226	28.32%	3,550	81	10.15%	2,177	61.32%
	Sales	776	39.53%	12,678	280	14.26%	7,470	58.92%
	O & C	730	30.44%	14,943	276	11.51%	9,088	60.82%
	Craft	160	29.25%	2,374	52	9.51%	1,444	60.82%
	Oper	266	32.44%	4,415	91	11.10%	2,337	52.92%
	Labor	127	28.93%	1,843	31	7.06%	830	45.00%
	Service	531	35.59%	14,706	225	15.08%	9,365	63.68%
	Any Occ	2,612	41.48%	71,408	922	14.64%	42,367	59.33%
Black	O & M	247	28.20%	2,205	48	5.48%	927	42.03%
	Prof	396	29.25%	6,918	108	7.98%	4,183	60.46%
	Tech	198	29.07%	2,690	62	9.10%	1,457	54.16%
	Sales	707	44.24%	9,231	233	14.58%	5,316	57.59%
	O & C	673	29.94%	10,737	242	10.77%	6,312	58.79%
	Craft	123	27.64%	1,526	35	7.87%	899	58.88%
	Oper	233	34.78%	2,852	56	8.36%	1,195	41.91%
	Labor	137	33.41%	1,520	35	8.54%	637	41.91%
	Service	590	40.52%	13,969	239	16.41%	9,026	64.62%
	Any Occ	2,410	43.10%	51,648	796	14.24%	29,952	57.99%
Hispanic	O & M	92	22.06%	806	13	3.12%	217	26.95%
	Prof	149	23.07%	1,565	26	4.02%	556	35.56%
	Tech	85	22.67%	799	18	4.80%	365	45.70%
	Sales	292	28.77%	2,889	63	6.21%	1,329	46.00%
	O & C	376	21.72%	4,616	89	5.14%	2,338	50.64%
	Craft	96	24.37%	754	16	4.06%	278	36.82%
	Oper	178	32.90%	2,133	37	6.84%	729	34.20%
	Labor	97	30.60%	1,413	20	6.31%	550	38.89%
	Service	334	32.75%	6,592	109	10.69%	3,378	51.25%
	Any Occ	1,306	33.05%	21,566	313	7.92%	9,740	45.16%
Asian	O & M	133	28.06%	1,102	23	4.85%	374	33.91%
	Prof	355	27.78%	5,572	75	5.87%	2,731	49.01%
	Tech	126	30.58%	1,191	32	7.77%	532	44.69%
	Sales	92	31.40%	708	10	3.41%	195	27.54%
	O & C	176	22.28%	1,521	22	2.78%	424	27.88%
	Craft	26	30.59%	195	4	4.71%	68	35.13%
	Oper	80	41.88%	752	16	8.38%	280	37.29%
	Labor	18	35.29%	137	3	5.88%	35	25.14%
	Service	96	46.60%	982	18	8.74%	292	29.74%
	Any Occ	827	38.83%	12,160	170	7.98%	4,931	40.55%

§13. INTENTIONAL DISCRIMINATION BY INDUSTRIES IN METROPOLITAN AREAS AMONG ESTABLISHMENTS WITH FIFTY OR MORE EMPLOYEES¹⁶

These tables describe intentional job discrimination in each industry in a metropolitan statistical area for Minorities, Women and each group included among minorities. The Metropolitan Areas are ranked by the number of affected workers, which is normally related to the number of employees and establishments in the area. The industries are described at the three digit SIC level. Each industry has a possibility of discriminating in each of the occupations for which it has sufficient employees for a comparison. The average which is the benchmark against which each establishment is measured is the average employment in the industry of each group of minorities and women for each occupational category. The percentage of discriminating establishments may exceed 50% of all the reporting establishments.

Discrimination is defined as 1.65 standard deviations or more below the average utilization in the same MSA, SIC and Occupational Category. **Comparisons** are between establishments in same MSA and SIC and Occupational Category. **Affected Workers** represents the difference between the actual utilization by a discriminating establishment that is at least two standard deviations below the average and the utilization that would exist if the discriminating establishment employed at the average in the same MSA, SIC and occupational category. Each table is arranged by the number of affected workers. The industries are titled so that the SIC numbers, which appear in the Appendix to the National Report, can be consulted.

The percent and number of comparisons are helpful in assessing this data. The number of comparisons informs as to the amount of data available in a particular industry. The percentage of discrimination found under the heading “**Comparisons With Discrimination, %**” (in bold face) represents the probability that a person with the listed race, sex, or ethnic characteristics will face intentional job discrimination when seeking an employment opportunity in that industry and Metropolitan Statistical Area in any occupation. This is the burden imposed on every member of each group because of his or her identification with that group when seeking an employment opportunity. That opportunity may consist of obtaining employment, or of any condition or privilege of employment once obtained.

The **Discriminating Establishments** section of the table includes the number of establishments that appear to discriminate. It also contains the

percentage that that number is of all reporting establishments in that industry and MSA. The percentage probability of discrimination may be smaller than percentage of discriminating establishments because each discriminating establishment is counted once, regardless of the number of comparisons in that establishment showing discrimination. This may result where, for example, there are three establishments in an industry. Each has three comparisons, only one of which showed discrimination. All three establishments would all be counted as discriminators (100% of all the establishments), but the percentage of comparisons would only be 33%. The probability of discrimination is based on those categories where discrimination is found, but each establishment is listed as a discriminator.

These tables are presented for Women, Minorities, Blacks, Hispanics and Asians, and Native Americans where available. More information on each group may be found in corresponding chapters of the National Report. In MSAs with many occupations the highest 10 percent of comparisons showing discrimination are indicated by a red number on yellow background and the lowest 10 percent by a brown number on yellow background.

Table 12. Discrimination against Women by MSA & Industry in New York

DISCRIMINATION AGAINST WOMEN		Comparisons w/Discrimination		Affected Workers	Discriminating Establishments	
MSA	Industry	#	%	#	#	%
New York, NY	Hospitals	127	30%	5,859	59	69%
	Security Brokers & Dealers	128	30%	3,388	81	51%
	Commercial Banks	98	27%	2,389	60	44%
	Air Transport., Scheduled	46	29%	1,296	26	37%
	Nursing, Personal Care Facilities	59	16%	1,214	40	35%
	Telephone Communication	98	31%	1,106	86	49%
	Department Stores	62	26%	992	45	48%
	Eating & Drinking Places	66	30%	968	56	35%
	Legal Svcs.	62	22%	866	51	42%
	Acct., Auditing, Bookkeeping	19	32%	699	13	54%
	Hotels & Motels	46	19%	649	29	39%
	Periodicals	41	27%	553	23	49%
	Resid. Care	27	27%	548	19	45%
	Computer, Data Proc. Svcs.	42	23%	544	34	36%
	Health & Allied Svcs.	25	32%	525	19	54%
	Life Ins.	17	18%	466	13	34%
	Research & Testing Svcs.	11	20%	448	7	28%
	Medical Svc. & Health Ins.	13	22%	384	9	53%
	Drugs, Proprietaries & Sundries	8	25%	358	5	36%
	Airports, Flying Fields & Svcs.	6	25%	315	5	42%
	Prof. & Commercial Equip.	16	27%	306	14	58%
	Investment Offices	17	31%	298	11	55%
	Grocery Stores	27	13%	281	25	14%
	Ins. Agents, Brokers, Svc.	27	20%	256	16	30%
	Misc. Shopping Goods Stores	28	27%	253	22	29%
	Misc. Publishing	16	23%	248	9	38%
	Newspapers	15	26%	218	8	57%
	Trucking, Courier Svc., Ex. Air	6	23%	213	6	38%
	Social Svcs.	18	25%	206	12	40%
	Apparel, Piece Goods & Notions	17	33%	203	10	43%
	Books	17	18%	196	12	38%
	Prof. Organizations	13	50%	194	7	70%
	Civic & Social Associations	11	18%	188	7	24%
Individual & Family Svcs.	18	18%	184	11	26%	
Engineering, Architectural Svcs.	24	21%	182	17	35%	
Foreign Bank/Branches/Agencies	14	20%	181	9	33%	
Computer, Office Equip.	13	33%	180	8	47%	
Soap, Cleaners & Toilet Goods	13	25%	172	11	55%	
Radio & TV Broadcasting	14	26%	169	11	50%	
Cable & Other Pay TV Svcs.	15	28%	162	10	50%	
Real Estate Agents, Managers	16	38%	149	11	65%	
Mailing, Reproduction, Steno.	11	26%	147	8	42%	
Sugar & Confectionery Prods.	6	60%	146	4	50%	

DISCRIMINATION AGAINST WOMEN		Comparisons w/Discrimination		Affected Workers	Discriminating Establishments	
MSA	Industry	#	%	#	#	%
	Museums & Art Galleries	11	26%	146	8	73%
	Fire, Marine, Casualty Ins.	18	17%	140	17	35%
	Electric Svcs.	13	31%	136	7	44%
	Commercial Printing	14	26%	131	8	44%
	Producers, Orchestras, Entertainers	8	18%	125	4	29%
	Drugs	9	19%	108	7	44%
	Misc. Apparel & Accessory Stores	10	14%	106	10	17%
	Nonstore Retailers	9	28%	99	7	50%
	Beverages	12	29%	85	10	53%
	Misc. Plastics Prods.	9	45%	83	7	50%
	Security & Commodity Exchanges	5	24%	79	4	50%
	Motion Picture Production & Svcs.	8	31%	77	6	50%
	Household Audio & Video Equip.	6	24%	77	6	67%
	Medical Instruments & Supplies	9	29%	75	5	50%
	Local & Suburban Transport.	5	23%	74	4	36%
	Passenger Transport Arrangement	4	19%	74	4	36%
	Offices, Clinics of MDs	3	10%	62	3	23%
	Commercial Sports	5	38%	57	3	75%
	Women Accessory/Specialty Store	6	33%	54	6	67%
	NonResid. Building Construction	3	16%	54	3	38%
	Family Clothing Stores	3	17%	50	1	11%
	Communication Svcs.	6	17%	46	6	40%
	Savings Institutions	4	10%	46	3	14%
	Automotive Rentals, No Drivers	3	15%	43	3	25%
	Men's & Boys' Furnishings	5	24%	40	4	40%
	Lumber, Other Building Materials	3	23%	39	3	25%
	Jewelry, Silverware & Plated Ware	3	25%	39	2	40%
	Communications Equip.	4	25%	38	3	38%
	Business Credit Institutions	4	12%	36	4	33%
	Ornamental Shrub, Tree Svcs.	4	24%	34	4	24%
	Women's & Misses' Outerwear	4	13%	33	4	36%
	Freight Transport Arrangement	4	21%	31	4	33%
	Home Health Care Svcs.	4	14%	30	3	21%
	Holding Offices	3	15%	30	2	20%
	Job Training & Related Svcs.	3	14%	28	2	20%
	Libraries	4	15%	27	3	33%
	Furn., Homefurnishings Stores	3	20%	26	3	30%
	Combination Utility Svcs.	7	19%	25	4	24%
	Religious Organizations	4	15%	25	4	36%
	Electrical Goods	4	14%	22	3	15%
	Paper & Paper Prods.	3	19%	22	3	43%
	Gas Production & Distribution	4	33%	21	3	75%
	Child Day Care Svcs.	2	20%	20	2	33%
	Labor Organizations	2	13%	19	2	33%
	Beer, Wine, Distilled Beverages	4	21%	15	3	38%

DISCRIMINATION AGAINST WOMEN		Comparisons w/Discrimination		Affected Workers	Discriminating Establishments	
MSA	Industry	#	%	#	#	%
	Drug & Proprietary Stores	1	4%	15	1	4%
	Radio, TV & Computer Stores	3	18%	8	3	19%
	Women's Clothing Stores	1	8%	8	1	10%
	Misc. General Merchandise Stores	2	6%	0	2	20%
	SICs with <10 comparisons	65	29%	738	56	33%
New York, NY Total		1,706	24%	31,695	1,209	38%
Nassau-Suffolk, NY	Hospitals	25	19%	998	13	46%
	Department Stores	26	16%	617	20	29%
	Research & Testing Srvcs.	10	24%	567	6	43%
	Eating & Drinking Places	21	20%	341	21	20%
	Prof. & Commercial Equip.	22	35%	310	12	67%
	Commercial Banks	17	23%	262	14	44%
	Electronic Components & Acc.	11	20%	256	5	25%
	School Buses	9	33%	240	9	47%
	Grocery Stores	25	14%	220	22	13%
	Computer, Data Proc. Srvcs.	14	26%	218	10	48%
	Fire, Marine, Casualty Ins.	11	17%	155	11	34%
	Furn., Homefurnishings Stores	10	36%	150	7	41%
	Telephone Communication	23	38%	148	22	50%
	Drugs	9	27%	131	6	50%
	Misc. Shopping Goods Stores	9	26%	117	8	25%
	Electrical Goods	10	30%	116	8	50%
	Health & Allied Srvcs.	8	26%	116	5	36%
	Cable & Other Pay TV Srvcs.	10	29%	113	7	54%
	Soap, Cleaners & Toilet Goods	6	26%	112	3	50%
	Electric Srvcs.	11	42%	108	8	67%
	Aircraft & Parts	12	35%	106	7	58%
	Nursing, Personal Care Facilities	11	11%	101	8	20%
	Mailing, Reproduction, Steno.	6	27%	101	3	38%
	Computer, Office Equip.	6	25%	95	4	50%
	Misc. Electrical Equip. & Supplies	8	38%	83	4	57%
	Measuring & Controlling Devices	7	28%	74	7	78%
	Misc. Publishing	3	30%	65	2	50%
	Resid. Care	4	31%	54	4	57%
	Ins. Agents, Brokers, Svc.	5	11%	52	5	29%
	Misc. Converted Paper Prods.	3	25%	51	3	43%
	Freight Transport Arrangement	2	13%	50	1	11%
	Acct., Auditing, Bookkeeping	4	21%	48	2	22%
	Hotels & Motels	2	10%	46	2	20%
	Savings Institutions	6	23%	45	6	55%
	Medical Instruments & Supplies	6	33%	34	5	71%
	Air Transport., Scheduled	3	15%	33	3	23%
	Medical & Dental Laboratories	2	10%	32	1	17%
	Family Clothing Stores	2	17%	28	2	17%

DISCRIMINATION AGAINST WOMEN		Comparisons w/Discrimination		Affected Workers	Discriminating Establishments	
MSA	Industry	#	%	#	#	%
	Security Brokers & Dealers	4	9%	27	3	13%
	Drugs, Proprietaries & Sundries	3	23%	27	3	38%
	Search & Navigation Equip.	3	13%	23	3	50%
	Medical Srvc. & Health Ins.	3	21%	18	3	43%
	Misc. General Merchandise Stores	3	8%	17	3	25%
	General Industrial Machinery	1	8%	17	1	25%
	Misc. Apparel & Accessory Stores	3	17%	14	3	17%
	Radio, TV & Computer Stores	2	14%	11	2	22%
	Periodicals	2	15%	10	2	40%
	Communications Equip.	3	9%	10	3	25%
	Drug & Proprietary Stores	2	11%	10	2	11%
	Job Training & Related Srvc.	1	9%	7	1	14%
	Life Ins.	3	12%	6	3	20%
	Offices, Clinics of MDs	2	13%	6	2	22%
	Engineering, Architectural Srvc.	3	19%	0	2	29%
	Lumber, Other Building Materials	2	13%	0	2	13%
	SICs with <10 comparisons	24	25%	212	24	30%
Nassau-Suffolk, NY Total		443	21%	6,805	348	30%
Rochester, NY	Photographic Equip. & Supplies	11	46%	573	4	80%
	Hospitals	11	17%	300	7	39%
	Prof. & Commercial Equip.	12	22%	286	9	33%
	Department Stores	11	15%	210	11	24%
	Misc. Plastics Prods.	12	44%	169	7	54%
	Grocery Stores	7	9%	144	6	12%
	Eating & Drinking Places	7	14%	101	7	15%
	Resid. Care	2	18%	89	1	20%
	Preserved Fruits & Vegetables	7	32%	85	6	55%
	Hardware Stores	7	58%	82	7	58%
	Nursing, Personal Care Facilities	9	15%	77	7	27%
	Commercial Banks	9	27%	75	7	58%
	Telephone Communication	6	17%	74	5	33%
	Research & Testing Srvc.	3	27%	63	2	40%
	Computer, Data Proc. Srvc.	8	29%	56	8	44%
	Misc. Shopping Goods Stores	5	45%	41	5	45%
	Computer, Office Equip.	6	21%	39	5	45%
	Health & Allied Srvc.	4	19%	32	3	27%
	Job Training & Related Srvc.	3	14%	29	3	27%
	Fabricated Structural Metal Prods.	3	25%	29	3	50%
	Home Health Care Srvc.	2	15%	22	2	40%
	Acct., Auditing, Bookkeeping	2	14%	17	2	33%
	Ophthalmic Goods	2	17%	15	2	40%
	Engineering, Architectural Srvc.	3	27%	12	3	50%
	Measuring & Controlling Devices	3	21%	10	3	30%
	Mailing, Reproduction, Steno.	1	10%	9	1	20%

DISCRIMINATION AGAINST WOMEN		Comparisons w/Discrimination		Affected Workers	Discriminating Establishments	
MSA	Industry	#	%	#	#	%
	Hotels & Motels	1	7%	6	1	10%
	Communications Equip.	3	11%	0	2	25%
	Radio & TV Broadcasting	1	8%	0	1	13%
	SICs with <10 comparisons	34	25%	453	29	26%
Rochester, NY Total		195	21%	3,100	159	30%
Buffalo-Niagra Falls, NY	Hospitals	15	21%	367	8	47%
	Commercial Banks	13	28%	268	8	44%
	Motor Vehicles & Equip.	7	26%	218	4	44%
	Grocery Stores	14	14%	200	11	18%
	Eating & Drinking Places	9	15%	185	9	15%
	Department Stores	15	18%	164	15	25%
	Nursing, Personal Care Facilities	13	17%	152	8	28%
	Research & Testing Svcs.	9	36%	147	4	50%
	Bakery Prods.	6	35%	85	4	67%
	Misc. Plastics Prods.	5	38%	61	4	50%
	Computer, Data Proc. Svcs.	5	29%	47	3	30%
	Industrial Inorganic Chemicals	9	41%	45	8	89%
	Offices, Clinics of MDs	5	31%	40	4	40%
	Telephone Communication	4	19%	38	4	31%
	Misc. Nonmetallic Mineral Prods.	4	29%	37	4	50%
	Groceries & Related Prods.	2	18%	34	2	18%
	Hotels & Motels	2	8%	34	2	13%
	School Buses	2	14%	32	2	18%
	Dairy Prods.	3	30%	27	3	60%
	Individual & Family Svcs.	4	15%	26	3	27%
	Grain Mill Prods.	5	42%	16	4	80%
Home Health Care Svcs.	1	8%	11	1	17%	
Engineering, Architectural Svcs.	2	13%	9	2	25%	
Automotive Svcs., not Repair	1	8%	5	1	13%	
Machinery, Equip. & Supplies	1	6%	0	1	17%	
SICs with <10 comparisons	46	28%	616	43	31%	
Buffalo-Niagra Falls, NY Total		202	22%	2,864	162	29%

DISCRIMINATION AGAINST WOMEN		Comparisons w/Discrimination		Affected Workers	Discriminating Establishments	
MSA	Industry	#	%	#	#	%
Albany-Schenectady-Troy, NY	Hospitals	17	23%	269	7	41%
	Commercial Banks	15	35%	146	11	61%
	Grocery Stores	8	13%	112	8	13%
	Eating & Drinking Places	6	13%	111	6	13%
	Nursing, Personal Care Facilities	7	12%	73	5	23%
	Department Stores	8	13%	71	7	19%
	Telephone Communication	4	22%	70	4	33%
	Ins. Agents, Brokers, Svc.	5	31%	55	5	71%
	Job Training & Related Srvcs.	4	14%	54	3	27%
	Computer, Data Proc. Srvcs.	5	26%	42	5	42%
	Resid. Care	3	20%	40	1	13%
	Fire, Marine, Casualty Ins.	6	38%	36	5	56%
	Misc. Shopping Goods Stores	5	50%	35	5	50%
	Research & Testing Srvcs.	4	20%	29	4	80%
	Medical Svc. & Health Ins.	2	11%	28	2	22%
	Groceries & Related Prods.	3	21%	26	3	50%
	Individual & Family Srvcs.	2	12%	19	2	33%
	Radio & TV Broadcasting	1	10%	6	1	17%
	Hotels & Motels	0	0%	0	0	0%
	Engineering, Architectural Srvcs.	0	0%	0	0	0%
SICs with <10 comparisons	23	28%	192	22	32%	
Albany-Schenectady-Troy, NY Total		128	20%	1,413	106	28%
Syracuse, NY	Grocery Stores	10	15%	144	6	12%
	Hospitals	5	15%	133	4	50%
	Medical Svc. & Health Ins.	2	18%	120	2	40%
	Computer, Data Proc. Srvcs.	2	14%	86	1	13%
	Department Stores	8	16%	86	7	18%
	Fire, Marine, Casualty Ins.	6	18%	51	6	40%
	Misc. Plastics Prods.	2	17%	47	2	25%
	Nursing, Personal Care Facilities	4	10%	45	3	20%
	Medical Instruments & Supplies	5	33%	41	3	100%
	Eating & Drinking Places	4	12%	32	4	12%
	Engineering, Architectural Srvcs.	3	21%	10	3	38%
	Telephone Communication	3	20%	6	3	38%
	Commercial Banks	3	17%	0	3	38%
SICs with <10 comparisons	24	26%	273	22	29%	
Syracuse, NY Total		81	18%	1,074	69	24%

DISCRIMINATION AGAINST WOMEN		Comparisons w/Discrimination		Affected Workers	Discriminating Establishments	
MSA	Industry	#	%	#	#	%
Newburgh, NY-PA	Grocery Stores	5	13%	221	4	17%
	Hospitals	4	15%	36	4	67%
	Department Stores	2	11%	0	2	14%
	Eating & Drinking Places	1	10%	0	1	10%
	SICs with <10 comparisons	10	29%	75	9	33%
Newburgh, NY-PA Total		22	17%	333	20	25%
Utica-Rome, NY	Hospitals	5	20%	70	3	60%
	Department Stores	2	13%	29	2	17%
	Nursing, Personal Care Facilities	3	13%	27	2	22%
	Nonferrous Rolling & Drawing	3	23%	23	3	50%
	Commercial Banks	1	9%	19	1	17%
	Grocery Stores	1	8%	9	1	8%
	SICs with <10 comparisons	6	29%	112	5	29%
Utica-Rome, NY Total		21	17%	289	17	25%
Binghamton, NY	Electronic Components & Acc.	9	23%	132	4	36%
	Department Stores	2	20%	36	2	20%
	Nursing, Personal Care Facilities	2	11%	23	2	29%
	Eating & Drinking Places	1	9%	11	1	9%
	Grocery Stores	0	0%	0	0	0%
	SICs with <10 comparisons	4	36%	47	3	38%
Binghamton, NY Total		18	17%	248	12	19%
Dutchess County, NY	Hospitals	6	33%	65	4	100%
	Department Stores	4	40%	29	4	40%
	Nursing, Personal Care Facilities	2	12%	27	2	33%
	Grocery Stores	3	13%	21	3	17%
	SICs with <10 comparisons	7	23%	93	7	23%
Dutchess County, NY Total		22	22%	235	20	29%
Jamestown, NY	Department Stores	3	30%	16	3	30%
	Nursing, Personal Care Facilities	2	20%	9	2	33%
	SICs with <10 comparisons	2	7%	15	2	8%
Jamestown, NY Total		7	14%	40	7	17%
Elmira, NY	SICs with <10 comparisons	5	18%	36	5	19%
Elmira, NY Total		5	18%	36	5	19%
Glens Falls, NY	SICs with <10 comparisons	4	15%	50	4	17%
Glens Falls, NY Total		4	15%	50	4	17%
NY Women Totals		2,854	22%	48,181	2,138	33%

Table 13. Discrimination against Minorities by MSA & Industry in New York

DISCRIMINATION AGAINST MINORITIES		Comparisons w/ Discrimination		Affected Workers	Discriminating Establishments	
MSA	Industry	#	%	#	#	%
New York, NY	Hospitals	174	38%	10,864	54	63%
	Commercial Banks	119	33%	2,957	63	47%
	Security Brokers & Dealers	123	30%	2,547	74	47%
	Telephone Communication	98	31%	2,502	62	35%
	Department Stores	71	30%	2,347	43	46%
	Nursing & Personal Care Facilities	91	25%	2,001	47	41%
	Grocery Stores	75	36%	1,837	67	37%
	Air Transport., Scheduled	58	34%	1,834	31	42%
	Eating & Drinking Places	60	26%	1,694	52	33%
	Legal Svcs.	72	25%	820	58	48%
	Hotels & Motels	46	19%	798	25	34%
	Computer & Data Proc. Svcs.	44	25%	704	31	33%
	Medical Svc. & Health Ins.	18	31%	646	9	53%
	Health & Allied Svcs.	21	27%	600	15	43%
	Civic & Social Associations	26	42%	598	15	52%
	Cable & Other Pay TV Svcs.	35	56%	560	16	76%
	Trucking & Courier Svcs., Ex. Air	20	50%	556	10	45%
	Life Ins.	32	33%	518	20	53%
	Misc. Shopping Goods Stores	35	34%	510	30	40%
	Individual & Family Svcs.	30	30%	434	15	36%
	Newspapers	22	35%	422	11	79%
	Foreign Bank/Branches/Agencies	28	39%	414	15	56%
	Misc. Apparel & Accessory Stores	17	23%	387	15	26%
	Airports, Flying Fields & Svcs.	6	21%	372	5	42%
	Ins. Agents, Brokers & Svc.	25	21%	369	16	31%
	Acct., Auditing & Bookkeeping	15	26%	350	10	42%
	Social Svcs.	18	25%	344	10	33%
	Electric Svcs.	25	38%	333	11	50%
	Resid. Care	25	25%	327	14	33%
	Periodicals	25	20%	319	17	38%
	Drugs	11	24%	319	6	38%
Beverages	24	33%	288	16	64%	
Prof. & Commercial Equip.	19	29%	267	13	48%	
Museums & Art Galleries	16	37%	265	7	64%	
Combination Utility Svcs.	22	26%	242	12	36%	
Producers, Orchestras, Entertainers	14	33%	242	7	50%	
Computer & Office Equip.	13	32%	236	8	47%	
Apparel, Piece Goods & Notions	18	35%	224	9	39%	
Lumber & Other Building Materials	7	23%	224	4	33%	
Home Health Care Svcs.	14	30%	223	10	42%	
Research & Testing Svcs.	16	29%	218	11	44%	
Local & Suburban Transport.	7	25%	209	4	36%	
Radio & Television Broadcasting	13	25%	202	6	27%	

DISCRIMINATION AGAINST MINORITIES		Comparisons w/ Discrimination		Affected Workers	Discriminating Establishments	
MSA	Industry	#	%	#	#	%
	Savings Institutions	12	31%	181	9	41%
	Investment Offices	11	22%	172	7	37%
	Fire, Marine & Casualty Ins.	21	20%	158	17	35%
	Religious Organizations	8	31%	144	5	45%
	Mailing, Reproduction, Steno.	13	31%	143	9	47%
	Books	16	20%	140	13	41%
	Engineering & Architectural Svcs.	15	13%	139	11	22%
	Drug Stores & Proprietary Stores	9	32%	128	9	32%
	Misc. General Merchandise Stores	6	19%	126	2	20%
	Labor Organizations	6	40%	124	3	50%
	Women's & Misses' Outerwear	7	26%	121	3	27%
	Prof. Organizations	4	17%	119	2	20%
	Offices & Clinics Of MDs	5	17%	119	5	38%
	Electrical Goods	10	36%	113	6	30%
	Beer, Wine & Distilled Beverages	9	36%	113	4	50%
	Ornamental shrub & tree Svcs.	5	29%	112	5	29%
	Soap, Cleaners & Toilet Goods	11	23%	107	7	35%
	Misc. Publishing	14	23%	106	11	46%
	Freight Transport. Arrangement	6	32%	101	5	42%
	Bakery Prods.	6	30%	100	3	25%
	Business Credit Institutions	6	19%	99	4	33%
	Furn. & Homefurnishings Stores	5	33%	92	5	50%
	Real Estate Agents & Managers	9	23%	92	7	44%
	Men's & Boys' Furnishings	5	29%	87	5	56%
	Nonstore Retailers	9	28%	80	7	50%
	Communication Svcs.	6	19%	80	4	27%
	Automotive Rentals, No Drivers	4	13%	78	3	18%
	Job Training & Related Svcs.	5	24%	77	2	20%
	Radio, Television & Computer Stores	8	40%	75	7	44%
	Security & Commodity Exchanges	4	19%	74	2	25%
	Medical Instruments & Supplies	7	26%	72	5	50%
	Family Clothing Stores	6	33%	68	5	56%
	Sanitary Svcs.	7	35%	66	5	42%
	Drugs, Proprietaries & Sundries	7	23%	64	5	36%
	Holding Offices	7	35%	63	5	50%
	Commercial Printing	8	16%	59	6	35%
	Groceries & Related Prods.	6	46%	57	6	60%
	Libraries	6	23%	57	4	44%
	Commercial Sports	5	38%	55	3	75%
	Women Accessory/Specialty Store	5	28%	54	3	33%
	Gas Production & Distribution	4	20%	53	3	43%
	Electrical Work	9	35%	51	7	58%
	Communications Equip.	6	32%	49	6	67%
	Passenger Transport. Arrangement	6	29%	48	5	45%
	Misc. Plastics Prods.	7	29%	43	7	47%

DISCRIMINATION AGAINST MINORITIES		Comparisons w/ Discrimination		Affected Workers	Discriminating Establishments	
MSA	Industry	#	%	#	#	%
	Household Audio & Video Equip.	4	16%	40	4	44%
	Motion Picture Production & Svcs.	4	15%	38	3	25%
	Sugar & Confectionery Prods.	3	30%	30	3	38%
	Misc. Converted Paper Prods.	2	17%	24	1	17%
	Jewelry, Silverware & Plated Ware	3	25%	24	2	40%
	Child Day Care Svcs.	4	40%	22	3	50%
	Women's Clothing Stores	4	31%	19	3	30%
	NonResid. Building Construction	2	10%	18	2	25%
	Measuring & Controlling Devices	3	27%	16	2	40%
	Paper & Paper Prods.	2	15%	15	2	29%
	SICs with <10 comparisons	58	27%	783	54	34%
New York, NY Total		2,088	29%	47,414	1,310	40%
Nassau- Suffolk, NY	Hospitals	54	39%	2,152	18	64%
	Department Stores	61	39%	1,449	37	54%
	Grocery Stores	85	47%	1,126	83	47%
	Nursing & Personal Care Facilities	40	40%	768	20	50%
	Eating & Drinking Places	46	43%	732	46	45%
	Commercial Banks	31	41%	451	21	66%
	Research & Testing Svcs.	11	26%	332	6	40%
	Telephone Communication	16	28%	269	15	34%
	Misc. Shopping Goods Stores	18	51%	268	16	50%
	Soap, Cleaners & Toilet Goods	6	27%	258	1	20%
	School Buses	13	48%	249	10	53%
	Lumber & Other Building Materials	10	37%	241	7	47%
	Drugs	9	27%	187	3	25%
	Computer & Data Proc. Svcs.	13	26%	180	9	43%
	Misc. General Merchandise Stores	19	50%	169	9	75%
	Resid. Care	7	44%	163	4	57%
	Prof. & Commercial Equip.	17	28%	160	10	56%
	Health & Allied Svcs.	9	29%	148	8	57%
	Trucking & Courier Svcs., Ex. Air	2	20%	137	2	22%
	Misc. Apparel & Accessory Stores	9	50%	127	9	50%
Furn. & Homefurnishings Stores	11	41%	126	8	47%	
Electronic Components & Acc.	14	26%	124	7	35%	
Aircraft & Parts	8	22%	117	3	21%	
Savings Institutions	9	39%	111	7	64%	
Misc. Electrical Equip. & Supplies	7	33%	92	4	57%	
Ins. Agents, Brokers & Svcs.	16	36%	89	7	41%	
Fire, Marine & Casualty Ins.	9	17%	87	7	22%	
Computer & Office Equip.	8	32%	71	6	67%	
Medical & Dental Laboratories	5	25%	70	4	67%	
Family Clothing Stores	6	50%	69	6	50%	
Medical Instruments & Supplies	6	33%	69	4	57%	
Electrical Goods	8	30%	66	5	31%	

DISCRIMINATION AGAINST MINORITIES		Comparisons w/ Discrimination		Affected Workers	Discriminating Establishments	
MSA	Industry	#	%	#	#	%
	Job Training & Related Svcs.	7	64%	58	4	57%
	Home Health Care Svcs.	4	33%	54	4	36%
	Air Transport., Scheduled	6	30%	49	4	31%
	Mailing, Reproduction, Steno.	3	14%	49	2	25%
	Freight Transport. Arrangement	8	53%	47	6	67%
	Communications Equip.	4	15%	45	3	30%
	Offices & Clinics Of MDs	3	20%	43	2	22%
	Drug Stores & Proprietary Stores	5	28%	42	5	28%
	Medical Svcs. & Health Ins.	3	30%	40	2	33%
	Hotels & Motels	5	26%	37	4	40%
	Misc. Publishing	3	30%	33	2	50%
	General Industrial Machinery	3	18%	29	3	50%
	Radio, Television & Computer Stores	4	29%	20	4	44%
	Drugs, Proprietaries & Sundries	3	23%	20	3	38%
	Engineering & Architectural Svcs.	3	21%	19	2	29%
	Acct., Auditing & Bookkeeping	2	14%	19	2	22%
	Plumbing, Heating, Air-conditioning	3	30%	18	3	50%
	Misc. Converted Paper Prods.	2	15%	15	2	29%
	Cable & Other Pay TV Svcs.	3	9%	15	3	25%
	Electric Svcs.	3	11%	15	3	21%
	Measuring & Controlling Devices	1	4%	12	1	11%
	Life Ins.	2	9%	8	2	13%
	Periodicals	2	20%	7	1	25%
	Search & Navigation Equip.	2	9%	5	2	33%
	Security Brokers & Dealers	1	8%	0	1	8%
	SICs with <10 comparisons	29	32%	339	27	35%
Nassau-Suffolk, NY Total		697	33%	11,693	499	43%
Rochester, NY	Grocery Stores	31	61%	708	31	61%
	Hospitals	37	59%	575	13	72%
	Nursing & Personal Care Facilities	18	31%	456	13	52%
	Department Stores	28	47%	289	24	53%
	Preserved Fruits & Vegetables	10	40%	241	7	54%
	Misc. Plastics Prods.	6	33%	150	5	38%
	Photographic Equip. & Supplies	6	26%	148	3	60%
	Eating & Drinking Places	17	39%	119	17	39%
	Commercial Banks	9	36%	74	6	55%
	Health & Allied Svcs.	8	40%	70	7	64%
	Hotels & Motels	5	33%	64	4	40%
	Prof. & Commercial Equip.	8	16%	50	6	23%
	Hardware Stores	6	55%	48	6	55%
	Home Health Care Svcs.	3	25%	46	2	40%
	Telephone Communication	7	23%	40	6	40%
	Communications Equip.	5	29%	38	4	57%
	Computer & Office Equip.	3	13%	22	3	27%

DISCRIMINATION AGAINST MINORITIES		Comparisons w/ Discrimination		Affected Workers	Discriminating Establishments	
MSA	Industry	#	%	#	#	%
	Computer & Data Proc. Svcs.	2	11%	13	2	12%
	Measuring & Controlling Devices	2	18%	13	2	22%
	Mailing, Reproduction, Steno.	2	20%	4	2	40%
	Ophthalmic Goods	1	10%	4	1	25%
	SICs with <10 comparisons	50	28%	510	44	31%
Rochester, NY Total		264	34%	3,681	208	42%
Buffalo-Niagra Falls, NY	Hospitals	41	53%	928	13	76%
	Grocery Stores	37	58%	515	36	58%
	Nursing & Personal Care Facilities	21	36%	490	14	50%
	Commercial Banks	13	38%	326	10	63%
	Eating & Drinking Places	19	31%	311	19	31%
	Motor Vehicles & Equip.	11	32%	276	7	78%
	Department Stores	32	45%	222	30	49%
	School Buses	7	50%	174	6	55%
	Hotels & Motels	7	32%	125	7	44%
	Research & Testing Svcs.	12	50%	123	6	75%
	Individual & Family Svcs.	8	33%	86	6	55%
	Home Health Care Svcs.	4	36%	62	3	60%
	Bakery Prods.	5	42%	57	4	67%
	Blast Furnace & Basic Steel Prods.	3	21%	41	3	33%
	Misc. Plastics Prods.	3	25%	34	3	38%
	Offices & Clinics Of MDs	6	46%	24	5	63%
	Telephone Communication	2	20%	21	2	33%
	Trucking & Courier Svcs., Ex. Air	4	33%	20	4	40%
	Automotive Svcs., not Repair	7	50%	18	6	75%
	Industrial Inorganic Chemicals	4	21%	11	4	44%
Grain Mill Prods.	2	17%	9	2	40%	
SICs with <10 comparisons	45	28%	349	43	31%	
Buffalo-Niagra Falls, NY Total		293	38%	4,222	233	46%

DISCRIMINATION AGAINST MINORITIES		Comparisons w/ Discrimination		Affected Workers	Discriminating Establishments	
MSA	Industry	#	%	#	#	%
Albany-Schenectady -Troy, NY	Grocery Stores	24	40%	365	24	40%
	Nursing & Personal Care Facilities	23	47%	331	13	59%
	Hospitals	22	50%	253	11	73%
	Eating & Drinking Places	20	44%	187	20	44%
	Department Stores	21	39%	115	18	49%
	Research & Testing Srvcs.	8	40%	102	4	80%
	Commercial Banks	11	39%	76	9	53%
	Job Training & Related Srvcs.	9	43%	72	6	60%
	Hotels & Motels	3	23%	48	3	38%
	Individual & Family Srvcs.	3	27%	47	2	33%
	Groceries & Related Prods.	5	50%	41	4	67%
	Resid. Care	3	23%	36	3	38%
	Computer & Data Proc. Srvcs.	3	27%	22	3	33%
	Medical Srvc. & Health Ins.	2	17%	7	2	22%
	Railroads	1	10%	7	1	17%
	Misc. Shopping Goods Stores	3	30%	6	3	30%
SICs with <10 comparisons	25	29%	170	24	31%	
Albany-Schenectady-Troy, NY Total		186	37%	1,884	150	43%
Syracuse, NY	Grocery Stores	30	56%	253	29	58%
	Nursing & Personal Care Facilities	12	41%	251	9	60%
	Eating & Drinking Places	19	58%	139	19	58%
	Department Stores	21	49%	128	18	47%
	Hospitals	5	26%	67	2	29%
	Fire, Marine & Casualty Ins.	4	21%	32	4	33%
	SICs with <10 comparisons	32	34%	297	30	35%
Syracuse, NY Total		123	42%	1,166	111	46%
Newburgh, NY-PA	Grocery Stores	15	42%	166	13	57%
	Hospitals	5	20%	73	3	50%
	Eating & Drinking Places	4	40%	58	4	40%
	Nursing & Personal Care Facilities	5	45%	54	4	67%
	Department Stores	2	11%	40	2	14%
	SICs with <10 comparisons	6	24%	38	6	26%
Newburgh, NY-PA Total		37	30%	429	32	39%
Dutchess County, NY	Nursing & Personal Care Facilities	5	29%	141	2	33%
	Grocery Stores	10	48%	80	10	56%
	Hospitals	5	29%	69	2	50%
	Department Stores	1	10%	11	1	10%
	SICs with <10 comparisons	13	46%	254	13	46%
Dutchess County, NY Total		34	37%	556	28	42%
Utica-Rome, NY	Grocery Stores	6	55%	15	6	55%

DISCRIMINATION AGAINST MINORITIES		Comparisons w/ Discrimination		Affected Workers	Discriminating Establishments	
MSA	Industry	#	%	#	#	%
	Department Stores	2	14%	13	2	17%
	SICs with <10 comparisons	11	33%	142	10	32%
Utica-Rome, NY Total		19	33%	170	18	33%
Binghamton, NY	Electronic Components & Acc.	2	14%	71	2	22%
	Eating & Drinking Places	7	64%	38	7	64%
	Grocery Stores	2	18%	19	2	18%
	Department Stores	2	20%	7	2	20%
	SICs with <10 comparisons	3	30%	38	3	30%
Binghamton, NY Total		16	29%	173	16	31%
Elmira, NY	SICs with <10 comparisons	3	14%	8	3	14%
Elmira, NY Total		3	14%	8	3	14%
Jamestown, NY	SICs with <10 comparisons	4	24%	11	4	25%
Jamestown, NY Total		4	24%	11	4	25%
NY Minorities Totals		3,764	31%	71,408	2,612	41%

Table 14. Discrimination against Blacks by MSA & Industry in New York

DISCRIMINATION AGAINST BLACKS		Comparisons w/Discrimination		Affected Workers	Discriminating Establishments	
MSA	Industry	#	%	#	#	%
New York, NY	Hospitals	193	42%	8,590	64	74%
	Nursing & Personal Care Facilities	121	33%	2,400	63	55%
	Commercial Banks	134	40%	2,117	75	56%
	Department Stores	79	35%	2,051	46	51%
	Telephone Communication	103	33%	1,990	69	39%
	Eating & Drinking Places	91	40%	1,520	73	46%
	Grocery Stores	81	40%	1,401	76	42%
	Security Brokers & Dealers	60	28%	1,236	48	34%
	Air Transport., Scheduled	54	37%	1,142	33	47%
	Civic & Social Associations	30	48%	575	16	55%
	Hotels & Motels	42	18%	533	27	36%
	Legal Svcs.	58	25%	501	46	41%
	Home Health Care Svcs.	13	28%	425	8	33%
	Resid. Care	28	28%	400	19	45%
	Medical Svcs. & Health Ins.	16	29%	396	9	53%
	Trucking & Courier Svcs., Ex. Air	21	53%	387	12	55%
	Cable & Other Pay TV Svcs.	29	48%	374	15	75%
	Airports, Flying Fields & Svcs.	8	28%	358	6	50%
	Social Svcs.	28	39%	356	16	53%
	Individual & Family Svcs.	34	34%	356	20	48%
	Health & Allied Svcs.	21	27%	353	14	40%
	Misc. Shopping Goods Stores	28	29%	336	25	33%
	Life Ins.	22	27%	323	15	45%
	Misc. Apparel & Accessory Stores	19	26%	292	17	29%
	Computer & Data Proc. Svcs.	29	28%	262	24	35%
	Newspapers	17	31%	239	11	85%
	Electric Svcs.	25	43%	200	12	55%
	Ins. Agents, Brokers & Svcs.	14	17%	189	11	22%
	Producers, Orchestras, Entertainers	10	29%	181	5	36%
	Local & Suburban Transport.	10	36%	172	7	64%
	Lumber & Other Building Materials	12	40%	167	7	58%
	Museums & Art Galleries	12	36%	164	7	64%
	Research & Testing Svcs.	16	42%	154	11	50%
	Periodicals	14	18%	146	12	27%
Prof. & Commercial Equip.	12	20%	139	9	33%	
Acct., Auditing & Bookkeeping	9	27%	135	7	37%	
Drugs	10	26%	128	8	57%	
Labor Organizations	5	33%	124	3	50%	
Ornamental shrub & tree Svcs.	8	47%	120	8	47%	
Savings Institutions	10	33%	118	10	45%	
Combination Utility Svcs.	17	24%	113	11	33%	
Fire, Marine & Casualty Ins.	14	15%	113	11	23%	

DISCRIMINATION AGAINST BLACKS		Comparisons w/Discrimination		Affected Workers	Discriminating Establishments	
MSA	Industry	#	%	#	#	%
	Apparel, Piece Goods & Notions	10	31%	107	8	38%
	Beverages	15	22%	105	12	48%
	Bakery Prods.	10	50%	100	7	58%
	Soap, Cleaners & Toilet Goods	5	22%	86	4	27%
	Automotive Rentals, No Drivers	8	25%	86	7	41%
	Foreign Bank/Branches/Agencies	11	22%	86	9	35%
	Computer & Office Equip.	8	29%	84	6	50%
	Misc. Plastics Prods.	7	32%	83	6	40%
	Religious Organizations	7	27%	83	5	45%
	Business Credit Institutions	7	32%	79	3	27%
	Misc. General Merchandise Stores	9	28%	77	5	50%
	Drug Stores & Proprietary Stores	11	39%	74	11	39%
	Furn. & Homefurnishings Stores	6	40%	73	6	60%
	Offices & Clinics Of MDs	8	29%	68	6	46%
	Household Audio & Video Equip.	6	26%	64	4	44%
	Prof. Organizations	3	17%	62	1	11%
	Freight Transport. Arrangement	6	46%	58	5	42%
	Security & Commodity Exchanges	4	20%	58	2	25%
	Real Estate Agents & Managers	6	25%	56	6	43%
	Investment Offices	5	14%	54	4	22%
	Commercial Printing	8	20%	52	7	44%
	Gas Production & Distribution	4	24%	48	3	43%
	Books	8	19%	48	6	19%
	Misc. Publishing	6	16%	47	6	30%
	Mailing, Reproduction, Steno.	9	32%	46	7	47%
	Sanitary Svcs.	4	20%	43	4	33%
	Family Clothing Stores	4	27%	42	4	50%
	Medical Instruments & Supplies	5	31%	40	4	44%
	Libraries	5	21%	39	4	44%
	Women's Clothing Stores	5	38%	36	5	50%
	Radio, Television & Computer Stores	5	25%	33	5	31%
	Nonstore Retailers	5	18%	33	5	38%
	Engineering & Architectural Svcs.	7	12%	31	6	19%
	Electrical Goods	6	25%	29	6	33%
	Job Training & Related Svcs.	6	29%	28	3	30%
	Child Day Care Svcs.	4	40%	26	2	33%
	Women Accessory/Specialty Store	3	17%	25	3	33%
	Electrical Work	6	32%	25	6	50%
	Women's & Misses' Outerwear	2	18%	25	2	29%
	Radio & Television Broadcasting	6	18%	23	5	31%
	Commercial Sports	2	18%	18	1	25%
	Motion Picture Production & Svcs.	3	15%	18	2	20%
	Passenger Transport. Arrangement	3	18%	18	3	33%
	Holding Offices	3	27%	16	2	25%
	Misc. Converted Paper Prods.	2	17%	16	2	33%

DISCRIMINATION AGAINST BLACKS		Comparisons w/Discrimination		Affected Workers	Discriminating Establishments	
MSA	Industry	#	%	#	#	%
	Groceries & Related Prods.	3	23%	16	3	30%
	Beer, Wine & Distilled Beverages	1	7%	16	1	14%
	Drugs, Proprietaries & Sundries	2	18%	9	2	22%
	NonResid. Building Construction	2	17%	7	2	29%
	Communication Srvcs.	6	35%	0	5	38%
	SICs with <10 comparisons	47	23%	627	45	28%
New York, NY Total		1891	31%	34,295	1264	41%
Nassau-Suffolk, NY	Hospitals	49	37%	1,586	15	56%
	Department Stores	66	46%	1,323	44	64%
	Grocery Stores	86	48%	786	85	48%
	Nursing & Personal Care Facilities	32	37%	625	17	45%
	Eating & Drinking Places	52	51%	428	52	51%
	Commercial Banks	25	36%	336	17	53%
	Telephone Communication	13	33%	242	12	36%
	Misc. Shopping Goods Stores	18	51%	226	17	53%
	Lumber & Other Building Materials	12	44%	217	9	60%
	Misc. General Merchandise Stores	18	51%	152	8	67%
	Resid. Care	7	44%	151	4	57%
	Health & Allied Srvcs.	9	35%	151	6	43%
	School Buses	9	35%	151	7	37%
	Savings Institutions	12	55%	126	7	64%
	Soap, Cleaners & Toilet Goods	4	29%	109	1	20%
	Research & Testing Srvcs.	6	33%	107	4	44%
	Hotels & Motels	7	44%	94	6	60%
	Misc. Apparel & Accessory Stores	10	56%	88	10	56%
	Prof. & Commercial Equip.	10	28%	77	8	47%
	Computer & Data Proc. Srvcs.	6	29%	75	3	30%
	Mailing, Reproduction, Steno.	4	22%	71	3	38%
	Furn. & Homefurnishings Stores	10	45%	71	8	47%
	Drugs	7	32%	67	3	30%
	Family Clothing Stores	6	50%	60	6	50%
	Electronic Components & Acc.	7	21%	55	7	44%
	Medical & Dental Laboratories	7	47%	53	4	67%
	Fire, Marine & Casualty Ins.	8	18%	52	7	24%
	Home Health Care Srvcs.	4	36%	50	4	36%
Medical Instruments & Supplies	7	47%	49	4	57%	
Ins. Agents, Brokers & Srvcs.	8	24%	46	6	38%	
Job Training & Related Srvcs.	5	45%	37	4	57%	
Freight Transport. Arrangement	4	36%	36	4	44%	
General Industrial Machinery	2	17%	19	2	50%	
Radio, Television & Computer Stores	2	18%	18	2	22%	
Air Transport., Scheduled	4	36%	15	3	33%	
Measuring & Controlling Devices	3	27%	10	3	38%	
Drug Stores & Proprietary Stores	5	28%	10	5	28%	

DISCRIMINATION AGAINST BLACKS		Comparisons w/Discrimination		Affected Workers	Discriminating Establishments	
MSA	Industry	#	%	#	#	%
	Computer & Office Equip.	3	23%	9	3	43%
	Search & Navigation Equip.	2	20%	8	1	20%
	Cable & Other Pay TV Svcs.	5	25%	8	4	44%
	Aircraft & Parts	2	13%	7	2	17%
	Electrical Goods	2	18%	6	1	11%
	Electric Svcs.	3	17%	5	3	27%
	Communications Equip.	1	10%	4	1	25%
	Drugs, Proprietaries & Sundries	0	0%	0	0	0%
	Life Ins.	2	13%	0	2	18%
	SICs with <10 comparisons	44	32%	490	42	36%
Nassau-Suffolk, NY Total		608	37%	8,305	466	45%
Buffalo-Niagara Falls, NY	Hospitals	31	55%	813	12	71%
	Nursing & Personal Care Facilities	20	39%	461	13	46%
	Grocery Stores	36	58%	405	36	59%
	Eating & Drinking Places	24	39%	292	24	39%
	Motor Vehicles & Equip.	9	30%	267	6	67%
	Commercial Banks	10	48%	261	8	53%
	Department Stores	32	47%	210	31	53%
	School Buses	8	57%	172	6	55%
	Hotels & Motels	8	42%	132	8	50%
	Individual & Family Svcs.	8	33%	78	6	55%
	Home Health Care Svcs.	6	55%	72	3	60%
	Bakery Prods.	5	50%	43	4	67%
	Research & Testing Svcs.	5	38%	33	4	57%
	Blast Furnace & Basic Steel Prods.	3	27%	30	3	38%
	Misc. Plastics Prods.	3	27%	30	3	38%
	Automotive Svcs., not Repair	8	62%	22	6	75%
	Grain Mill Prods.	2	17%	4	2	40%
Industrial Inorganic Chemicals	1	8%	4	1	11%	
	SICs with <10 comparisons	37	31%	324	35	32%
Buffalo-Niagara Falls, NY Total		256	41%	3,653	211	47%

DISCRIMINATION AGAINST BLACKS		Comparisons w/Discrimination		Affected Workers	Discriminating Establishments	
MSA	Industry	#	%	#	#	%
Rochester, NY	Grocery Stores	29	58%	528	29	58%
	Nursing & Personal Care Facilities	20	38%	418	15	60%
	Hospitals	29	64%	397	12	71%
	Department Stores	28	51%	216	25	56%
	Eating & Drinking Places	15	37%	99	15	37%
	Photographic Equip. & Supplies	3	25%	60	2	67%
	Misc. Plastics Prods.	4	29%	51	3	25%
	Commercial Banks	6	38%	50	5	45%
	Prof. & Commercial Equip.	6	17%	48	5	26%
	Health & Allied Svcs.	6	30%	47	6	55%
	Telephone Communication	7	35%	44	5	36%
	Hotels & Motels	5	42%	40	4	40%
	Preserved Fruits & Vegetables	4	33%	24	3	43%
	Hardware Stores	5	45%	22	5	45%
SICs with <10 comparisons	46	30%	399	43	35%	
Rochester, NY Total		213	39%	2,444	177	44%
Albany-Schenectady-Troy, NY	Grocery Stores	30	55%	340	30	55%
	Nursing & Personal Care Facilities	22	55%	288	14	64%
	Hospitals	21	55%	221	12	80%
	Eating & Drinking Places	20	44%	165	20	44%
	Department Stores	16	41%	96	14	45%
	Job Training & Related Svcs.	7	47%	65	4	57%
	Resid. Care	3	25%	34	3	38%
	Commercial Banks	7	50%	34	7	50%
	Research & Testing Svcs.	5	29%	20	3	60%
	Hotels & Motels	4	36%	20	4	50%
SICs with <10 comparisons	32	34%	215	29	35%	
Albany-Schenectady-Troy, NY Total		167	44%	1,498	140	48%
Syracuse, NY	Nursing & Personal Care Facilities	10	42%	231	8	53%
	Grocery Stores	26	57%	202	25	56%
	Department Stores	21	50%	108	17	46%
	Eating & Drinking Places	15	48%	96	15	48%
	Hospitals	5	36%	54	2	33%
	SICs with <10 comparisons	22	44%	168	22	44%
Syracuse, NY Total		99	48%	858	89	48%
Newburgh, NY-PA	Hospitals	6	40%	57	3	60%
	Grocery Stores	9	39%	44	9	43%
	Department Stores	5	28%	33	5	36%
	Eating & Drinking Places	3	30%	25	3	30%
	SICs with <10 comparisons	8	32%	44	8	36%
Newburgh, NY-PA Total		31	34%	204	28	39%

DISCRIMINATION AGAINST BLACKS		Comparisons w/Discrimination		Affected Workers	Discriminating Establishments	
MSA	Industry	#	%	#	#	%
Dutchess County, NY	Nursing & Personal Care Facilities	4	27%	106	2	33%
	Grocery Stores	8	62%	69	8	62%
	Hospitals	4	36%	49	2	50%
	Department Stores	1	10%	14	1	10%
	SICs with <10 comparisons	8	36%	25	8	36%
Dutchess County, NY Total		25	35%	263	21	38%
Utica-Rome, NY	SICs with <10 comparisons	8	35%	91	8	35%
Utica-Rome, NY Total		8	35%	91	8	35%
Binghamton, NY	SICs with <10 comparisons	5	31%	34	5	31%
Binghamton, NY Total		5	31%	34	5	31%
Jamestown, NY	SICs with <10 comparisons	1	33%	3	1	33%
Jamestown, NY Total		1	33%	3	1	33%
NY Blacks Totals		3,304	34%	51,648	2,410	43%

Table 15. Discrimination against Hispanics by MSA & Industry in New York

DISCRIMINATION AGAINST HISPANICS		Comparisons w/Discrimination		Affected Workers	Discriminating Establishments	
MSA	Industry	#	%	#	#	%
New York, NY	Hospitals	168	38%	3,818	56	65%
	Eating & Drinking Places	58	26%	1,319	51	32%
	Department Stores	57	27%	1,020	40	44%
	Hotels & Motels	50	22%	951	33	45%
	Nursing & Personal Care Facilities	75	30%	907	55	49%
	Commercial Banks	66	23%	810	47	38%
	Grocery Stores	75	37%	759	67	37%
	Air Transport., Scheduled	36	26%	610	23	33%
	Security Brokers & Dealers	34	17%	517	31	24%
	Telephone Communication	55	25%	516	47	31%
	Home Health Care Svcs.	17	50%	497	17	74%
	Misc. Shopping Goods Stores	28	31%	301	26	35%
	Airports, Flying Fields & Svcs.	12	41%	276	8	67%
	Misc. Apparel & Accessory Stores	18	25%	244	17	29%
	Health & Allied Svcs.	15	25%	236	12	36%
	Individual & Family Svcs.	22	24%	233	15	36%
	Legal Svcs.	22	18%	227	22	20%
	Civic & Social Associations	14	25%	227	12	41%
	Radio & Television Broadcasting	13	43%	186	6	43%
	Trucking & Courier Svcs., Ex. Air	14	35%	154	11	50%
	Cable & Other Pay TV Svcs.	13	25%	146	8	42%
	Newspapers	16	37%	139	7	54%
	Misc. Plastics Prods.	11	46%	138	7	47%
	Resid. Care	19	26%	137	11	28%
	Social Svcs.	11	18%	131	8	27%
	Computer & Data Proc. Svcs.	10	25%	127	8	26%
	Beverages	17	27%	126	14	56%
	Apparel, Piece Goods & Notions	11	30%	111	7	35%
	Life Ins.	10	20%	109	7	26%
	Local & Suburban Transport.	9	35%	97	4	36%
	Medical Svcs. & Health Ins.	7	17%	91	7	41%
	Museums & Art Galleries	9	33%	88	6	55%
	Bakery Prods.	5	25%	87	2	17%
	Drugs	7	33%	84	5	38%
	Ornamental shrub & tree Svcs.	5	29%	77	5	29%
	Prof. & Commercial Equip.	11	26%	77	8	33%
	Combination Utility Svcs.	7	14%	73	6	20%
	Lumber & Other Building Materials	5	17%	73	3	25%
	Foreign Bank/Branches/Agencies	9	18%	71	9	35%
	Sanitary Svcs.	8	40%	69	6	50%
	Misc. General Merch&ise Stores	10	31%	64	6	60%
	Drug Stores & Proprietary Stores	8	29%	60	8	29%
	Groceries & Related Prods.	4	31%	51	4	40%

DISCRIMINATION AGAINST HISPANICS		Comparisons w/Discrimination		Affected Workers	Discriminating Establishments	
MSA	Industry	#	%	#	#	%
	Ins. Agents, Brokers & Srvc.	7	17%	51	7	18%
	Business Credit Institutions	1	7%	50	1	10%
	Women's & Misses' Outerwear	5	29%	45	4	40%
	Electric Srvc.	10	26%	45	8	42%
	Periodicals	9	26%	43	9	28%
	Soap, Cleaners & Toilet Goods	5	20%	43	5	33%
	Beer, Wine & Distilled Beverages	4	21%	40	3	38%
	Job Training & Related Srvc.	4	25%	40	1	10%
	Jewelry, Silverware & Plated Ware	5	42%	39	3	60%
	Investment Offices	2	13%	35	2	13%
	Libraries	3	18%	35	2	25%
	Automotive Rentals, No Drivers	6	22%	34	6	35%
	Commercial Printing	8	24%	34	6	38%
	Misc. Publishing	6	25%	32	6	40%
	Savings Institutions	6	25%	30	6	27%
	Religious Organizations	3	17%	30	3	27%
	Research & Testing Srvc.	4	24%	30	3	20%
	Electrical Goods	4	20%	28	3	18%
	Books	5	29%	27	5	29%
	Misc. Converted Paper Prods.	3	25%	27	2	33%
	Security & Commodity Exchanges	3	23%	27	3	38%
	Nonstore Retailers	3	14%	24	3	25%
	Producers, Orchestras, Entertainers	3	15%	23	3	25%
	Freight Transport. Arrangement	3	21%	23	3	25%
	Offices & Clinics Of MDs	3	14%	23	3	25%
	Women's Clothing Stores	2	17%	23	2	20%
	Prof. Organizations	2	18%	21	1	13%
	Furn. & Homefurnishings Stores	4	27%	19	4	40%
	Women Accessory/Specialty Store	4	40%	19	4	50%
	Radio, Television & Computer Stores	5	25%	19	5	31%
	Child Day Care Srvc.	2	20%	19	1	17%
	Labor Organizations	3	20%	16	2	33%
	Holding Offices	2	20%	15	2	29%
	Motion Picture Production & Srvc.	2	11%	14	2	20%
	Household Audio & Video Equip.	3	16%	14	2	25%
	Family Clothing Stores	2	14%	14	2	25%
	Fire, Marine & Casualty Ins.	6	11%	13	6	16%
	Real Estate Agents & Managers	3	16%	12	3	21%
	Medical Instruments & Supplies	2	18%	12	2	25%
	Mailing, Reproduction, Steno.	3	13%	9	3	23%
	Electrical Work	3	16%	9	2	17%
	NonResid. Building Construction	1	9%	8	1	14%
	Communication Srvc.	2	14%	7	1	9%
	Engineering & Architectural Srvc.	4	7%	6	3	10%
	Passenger Transport. Arrangement	3	25%	0	2	22%

DISCRIMINATION AGAINST HISPANICS		Comparisons w/Discrimination		Affected Workers	Discriminating Establishments	
MSA	Industry	#	%	#	#	%
	Gas Production & Distribution	1	7%	0	1	14%
	Acct., Auditing & Bookkeeping	0	0%	0	0	0%
	SICs with <10 comparisons	68	31%	720	63	34%
New York, NY Total		1,313	26%	17,881	966	34%
Nassau-Suffolk, NY	Eating & Drinking Places	31	30%	439	31	30%
	Hospitals	21	29%	367	12	46%
	Grocery Stores	43	26%	229	41	25%
	Soap, Cleaners & Toilet Goods	4	29%	148	2	40%
	Department Stores	19	21%	137	18	27%
	School Buses	13	52%	107	10	53%
	Electronic Components & Acc.	7	16%	93	5	28%
	Misc. Converted Paper Prods.	3	17%	75	2	22%
	Medical Instruments & Supplies	8	53%	74	5	71%
	Aircraft & Parts	7	28%	69	4	31%
	Hotels & Motels	2	17%	69	2	20%
	Misc. Electrical Equip. & Supplies	5	33%	64	4	67%
	Prof. & Commercial Equip.	8	32%	63	7	50%
	Nursing & Personal Care Facilities	13	33%	59	13	35%
	Drugs	5	21%	50	3	27%
	Mailing, Reproduction, Steno.	4	24%	48	3	38%
	General Industrial Machinery	5	50%	35	4	67%
	Measuring & Controlling Devices	2	14%	30	2	22%
	Computer & Office Equip.	5	38%	29	4	57%
	Commercial Banks	3	13%	28	3	19%
	Misc. General Merch&ise Stores	5	21%	25	3	30%
	Furn. & Homefurnishings Stores	4	36%	24	4	44%
	Research & Testing Srvcs.	2	18%	24	2	22%
	Medical & Dental Laboratories	4	29%	23	2	33%
	Computer & Data Proc. Srvcs.	2	14%	22	2	20%
	Misc. Shopping Goods Stores	4	16%	16	4	16%
Ins. Agents, Brokers & Srvc.	2	18%	15	2	18%	
Communications Equip.	2	18%	12	2	40%	
Telephone Communication	2	12%	7	2	14%	
Misc. Apparel & Accessory Stores	3	17%	0	3	17%	
Lumber & Other Building Materials	1	7%	0	1	7%	
SICs with <10 comparisons	41	21%	376	38	23%	
Nassau-Suffolk, NY Total		280	25%	2,758	240	28%
Rochester, NY	Preserved Fruits & Vegetables	12	52%	246	7	64%
	Hospitals	8	53%	59	8	62%
	Nursing & Personal Care Facilities	4	20%	35	4	20%
	Misc. Plastics Prods.	3	27%	24	3	30%
	SICs with <10 comparisons	16	29%	95	16	29%
Rochester, NY Total		43	35%	460	38	35%

DISCRIMINATION AGAINST HISPANICS		Comparisons w/Discrimination		Affected Workers	Discriminating Establishments	
MSA	Industry	#	%	#	#	%
Newburgh, NY-PA	Grocery Stores	13	54%	119	12	55%
	Eating & Drinking Places	4	40%	46	4	40%
	Department Stores	5	31%	24	5	38%
	Hospitals	2	13%	11	2	40%
	SICs with <10 comparisons	7	28%	32	7	30%
Newburgh, NY-PA Total		31	34%	233	30	41%
Dutchess County, NY	SICs with <10 comparisons	14	47%	136	14	47%
Dutchess County, NY Total		14	47%	136	14	47%
Albany- Schenectady- Troy, NY	SICs with <10 comparisons	14	54%	74	14	58%
Albany-Schenectady-Troy, NY Total		14	54%	74	14	58%
Buffalo- Niagra Falls, NY	SICs with <10 comparisons	2	25%	8	2	33%
Buffalo-Niagra Falls, NY Total		2	25%	8	2	33%
Syracuse, NY	SICs with <10 comparisons	2	67%	16	2	67%
Syracuse, NY Total		2	67%	16	2	67%
NY Hispanics Totals		1,699	26%	21,566	1,306	33%

Table 16. Discrimination against Asians by MSA & Industry in New York

DISCRIMINATION AGAINST ASIANS		Comparisons w/Discrimination		Affected Workers	Discriminating Establishments	
MSA	Industry	#	%	#	#	%
New York, NY	Hospitals	104	34%	3,085	52	60%
	Nursing & Personal Care Facilities	96	34%	930	60	55%
	Commercial Banks	87	29%	772	57	47%
	Security Brokers & Dealers	65	26%	720	43	39%
	Hotels & Motels	48	28%	502	38	52%
	Computer & Data Proc. Svcs.	39	32%	411	33	38%
	Foreign Bank/Branches/Agencies	37	54%	384	19	70%
	Department Stores	34	34%	360	29	41%
	Drugs	8	26%	214	5	38%
	Medical Svcs. & Health Ins.	13	31%	200	7	41%
	Life Ins.	22	40%	191	19	54%
	Acct., Auditing & Bookkeeping	13	23%	165	8	33%
	Legal Svcs.	24	13%	128	21	22%
	Prof. & Commercial Equip.	14	33%	113	7	33%
	Health & Allied Svcs.	16	36%	107	15	48%
	Research & Testing Svcs.	11	37%	101	11	52%
	Air Transport., Scheduled	12	27%	99	10	30%
	Investment Offices	6	18%	95	4	25%
	Engineering & Architectural Svcs.	14	16%	89	13	27%
	Offices & Clinics Of MDs	5	25%	82	5	42%
	Fire, Marine & Casualty Ins.	24	41%	77	18	55%
	Resid. Care	8	38%	74	8	42%
	Apparel, Piece Goods & Notions	13	42%	70	9	53%
	Computer & Office Equip.	8	36%	67	6	50%
	Ins. Agents, Brokers & Svcs.	12	21%	63	11	30%
	Civic & Social Associations	9	39%	46	9	47%
	Periodicals	6	11%	42	6	19%
	Telephone Communication	5	19%	41	5	19%
	Mailing, Reproduction, Steno.	4	25%	40	3	25%
	Misc. Apparel & Accessory Stores	10	23%	40	10	26%
	Libraries	5	28%	37	5	63%
	Labor Organizations	5	50%	35	4	80%
	Museums & Art Galleries	5	23%	32	5	56%
	Misc. Publishing	6	21%	31	6	32%
	Soap, Cleaners & Toilet Goods	3	19%	31	3	27%
	Business Credit Institutions	4	15%	29	4	33%
	Medical Instruments & Supplies	4	36%	25	4	40%
	Electrical Goods	5	25%	20	4	24%
	Freight Transport. Arrangement	3	18%	20	3	25%
	Women's & Misses' Outerwear	2	10%	19	2	20%
	Drug Stores & Proprietary Stores	5	24%	19	5	24%
	Electric Svcs.	6	50%	16	5	56%
	Religious Organizations	3	27%	16	3	38%

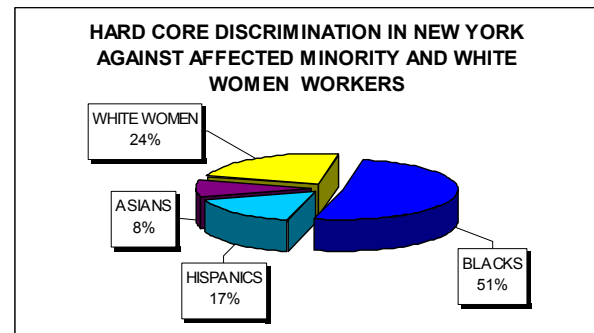
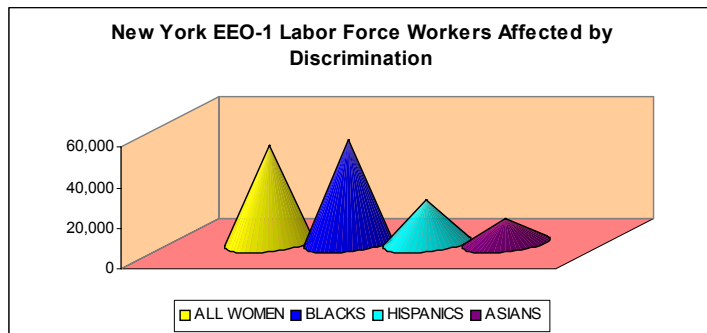
DISCRIMINATION AGAINST ASIANS		Comparisons w/Discrimination		Affected Workers	Discriminating Establishments	
MSA	Industry	#	%	#	#	%
	Family Clothing Stores	5	29%	15	4	50%
	Passenger Transport. Arrangement	2	13%	12	2	25%
	Commercial Printing	3	16%	12	2	18%
	Cable & Other Pay TV Srvcs.	2	20%	11	2	25%
	Individual & Family Srvcs.	2	14%	9	2	14%
	Books	2	8%	9	2	13%
	Nonstore Retailers	2	13%	8	2	20%
	NonResid. Building Construction	1	9%	5	1	25%
	Women Accessory/Specialty Store	2	14%	5	2	29%
	Misc. Shopping Goods Stores	2	13%	0	2	20%
	Radio, Television & Computer Stores	2	14%	0	2	15%
	SICs with <10 comparisons	79	31%	541	70	33%
New York, NY Total		927	28%	10,268	687	39%
Nassau-Suffolk, NY	Hospitals	22	47%	369	14	54%
	Research & Testing Srvcs.	8	33%	243	4	33%
	Electronic Components & Acc.	16	44%	148	13	68%
	Prof. & Commercial Equip.	14	52%	115	8	62%
	Drugs	10	45%	98	5	45%
	Computer & Data Proc. Srvcs.	9	39%	70	8	62%
	Misc. Electrical Equip. & Supplies	6	43%	38	4	57%
	Mailing, Reproduction, Steno.	3	30%	33	3	38%
	Nursing & Personal Care Facilities	5	33%	30	5	33%
	Medical & Dental Laboratories	3	30%	21	3	50%
	Aircraft & Parts	4	36%	12	4	44%
	Life Ins.	2	18%	5	2	20%
	Measuring & Controlling Devices	1	10%	4	1	14%
	Computer & Office Equip.	2	18%	4	2	33%
	SICs with <10 comparisons	23	24%	103	22	25%
Nassau-Suffolk, NY Total		128	35%	1,294	98	39%
Rochester, NY	Misc. Plastics Prods.	6	55%	79	6	55%
	Prof. & Commercial Equip.	1	9%	8	1	9%
	SICs with <10 comparisons	8	22%	32	8	23%
Rochester, NY Total		15	25%	118	15	26%
Buffalo-Niagra Falls, NY	Research & Testing Srvcs.	9	56%	97	6	75%
	SICs with <10 comparisons	2	22%	8	2	22%
Buffalo-Niagra Falls, NY Total		11	44%	105	8	47%
Albany-Schenectady-Troy, NY	Research & Testing Srvcs.	7	50%	73	5	100%
	SICs with <10 comparisons	2	50%	8	2	50%

DISCRIMINATION AGAINST ASIANS		Comparisons w/Discrimination		Affected Workers	Discriminating Establishments	
MSA	Industry	#	%	#	#	%
Albany-Schenectady-Troy, NY Total		9	50%	81	7	78%
Syracuse, NY	SICs with <10 comparisons	5	56%	60	5	56%
Syracuse, NY Total		5	56%	60	5	56%
Dutchess County, NY	SICs with <10 comparisons	3	50%	173	3	50%
Dutchess County, NY Total		3	50%	173	3	50%
Binghamton, NY	SICs with <10 comparisons	2	40%	42	2	40%
Binghamton, NY Total		2	40%	42	2	40%
Utica-Rome, NY	SICs with <10 comparisons	2	50%	18	2	50%
Utica-Rome, NY Total		2	50%	18	2	50%
Newburgh, NY-PA	SICs with <10 comparisons	0	0%	0	0	0%
Newburgh, NY-PA Total		0	0%	0	0	0%
NY Asian Totals		1,102	29%	12,160	827	39%

§14. THE BOTTOM LINE OF VISIBLE INTENTIONAL JOB DISCRIMINATION IN THIS STATE

Table 17. Bottom Line of Discrimination in New York.

Bottom Line of Discrimination in New York	Comparisons with Discrimination		Affected Workers	Discriminating Establishments		Hard Core Discriminators				
	#	%		#	#	%	Establishments		Workers	
							#	%	#	% of Affected Workers
WOMEN	2,854	22%	48,181	2,138	33%	593	9.24%	21,422	44.46%	
MINORITIES	3,764	31%	71,408	2,612	41%	922	14.64%	42,367	59.33%	
BLACKS	3,304	34%	51,648	2,410	43%	796	14.24%	29,952	57.99%	
HISPANICS	1,699	26%	21,566	1,306	33%	313	7.92%	9,740	45.16%	
ASIANS	1,102	29%	12,160	827	39%	170	7.98%	4,931	40.55%	



Every time a Black worker sought an employment opportunity in 1999, he or she had a 34% chance of facing discrimination – more than one third of the time. A Hispanic worker faced this risk 26% of the time, while Asian workers faced it 29% of the time. White Women faced the risk of discrimination 22% or nearly a fifth of the time.

The New York and Nassau-Suffolk MSAs included 105,650 affected workers or 90.6% of all affected workers in the state.

§15. CONCLUSIONS AND RECOMMENDATIONS

This state study has the same objectives as the National Study: (1) to assist the public in deciding whether discrimination is still so severe that affirmative action continues to be necessary to raise the status of minorities and women to that of equality; (2) to enable those employers whose practices appear discriminatory to understand their situations and take actions they deem appropriate; (3) to enable public and private agencies to address the continuation of intentional job discrimination; and, (4) to bring a modest element of predictability and stability to the law of employment discrimination.¹⁷

1. The necessity for continued affirmative action is established by the statistics in this state. The playing field of employment in this state is clearly not level. The only way this massive problem of intentional discrimination can be usefully and practically addressed is by encouraging establishments to recruit, hire, train, assign, promote, pay and treat qualified minorities and women as they treat qualified whites and males. This is all that affirmative action programs have ever expected. We know that there are qualified minorities and women in this state, because they are currently working for employers who did not discriminate against them. The establishments currently discriminating are in as good or better a position to find qualified workers, as were those who found them in earlier years.
 2. Employers in this state are entitled to know where they stand vis-a-vis other similar employers. The Federal government, which has this information, has not supplied it to them. Without that knowledge, they cannot address their situation, either by preparing justifications or by taking steps to get out of the statistical trap they are in. They should attempt to secure the kind of analysis in this study from Federal or State Agencies. Failing that, employers may seek further information on obtaining this information by examining the EEO1.com website.
 3. The State agencies charged with enforcing the equal employment opportunity laws of this state should:
 - A. Request from EEOC the statistical information with the identification of the establishments described in this study, and develop a plan to address them in cooperation with other agencies and organizations.
 - B. This plan should include:
-

- (1) Adopting a systemic analysis of EEO-1 data for this state, updated annually, to identify establishments that may be discriminating;
 - (2) Advising employers if they are at risk of a finding of discrimination against them, based on these statistics;
 - (3) Making clear to such employers that they may take affirmative action to reduce or eliminate the risk of findings of discrimination against them;
 - (4) Encouraging them to report the results of their efforts to the Federal/State/local agency involved;
 - (5) Instituting formal proceedings against those employers who decline without justification to:
 - (a) File EEO-1 reports.
 - (b) Undertake enforceable affirmative action programs to address the apparent discrimination.
 - (6) Invite private counsel to participate in programs of advice to employers.
 - (7) Seek binding obligations from these employers to increase their utilization of qualified minority and female employees, while leaving litigation over damage issues primarily to private counsel.
4. Private organizations seeking to improve opportunities for women and minorities should press the government agencies to secure enforceable and reviewable promises to increase utilization of minority and female employees, in preference to securing damages for victims of discrimination that can be obtained by private counsel. These organizations and agencies should evaluate the government by how many jobs and promotions are obtained for how many workers, rather than by how much money is obtained for a few.

The result of the foregoing strategy should be the reduction of intentional discrimination in this state and the improvement of equality, not only in employment opportunity, but also in other areas of life where those who are fairly employed can further opportunities for themselves and their posterity.

§16. GLOSSARY

AFFECTED WORKERS. The number of additional workers who would have been employed by an establishment that was more than two standard deviations below the mean in utilization of minority or female employees if the establishment had employed them at the local industry and occupational level. This remedy is appropriate where intentional discrimination has been established.

AFFIRMATIVE ACTION. Any action taken by an employer, other than cessation of discriminatory actions, practices, procedures or tests, which has the intent or effect of improving employment opportunities for minorities and/or women. Such action may be informal as in more careful examination of relative qualifications of competing candidates, or more formal as in the adoption and implementation of plans which require examination of practices, procedures and tests to assure that they provide equal employment opportunity and to modify and correct those that do not. Such actions may include changing recruitment and other ways of doing business so as to include minorities and/or women.

Affirmative Action Plans may include “goals and timetables” as “benchmarks for measuring compliance with Title VII and eliminating the lingering effects of past discrimination,” but may not include a “quota” or “preference” which is a “rigid numerical requirement which must unconditionally be met.” Affirmative action, either formal or informal, is justified when an employer’s work force shows a “manifest imbalance” in the employment of minorities or women, when measured against appropriate peer establishments or the relevant labor market and whenever the employer reasonably believes that its existing employment pattern puts it in jeopardy of a finding of a “pattern or practice” of discrimination, a class action finding of discrimination or a finding of discrimination in individual cases.

All of these uses of statistics to identify and remedy discrimination have been approved by the Supreme Court. See *Sheetmetal Workers Local 28 v. EEOC*, 478 U.S. 421, 495 (1986); *United Steelworkers v. Weber*, 433 U.S. 193 (1979); *Johnson v. Transportation Agency, Santa Clara County*, 480 U.S. 616 (1987); *Wygant v. Jackson Board of Education*, 476 U.S. 267 (1986); *McDonnell Douglas v. Green*, 411 U.S. 792 (1973); *EEOC v. Shell Oil Company*, 466 U.S. 54 (1984).

ASIAN-PACIFIC ISLANDERS. See “Groups.”

BLACKS. See “Groups.”

COMPARISON. In this study, comparing the utilization of women or minorities in an occupational group at one establishment with the average utilization in that category at other establishments in the same industry and labor market. See Peer Establishments and Statistical Significance.

EEO1 LABOR FORCE. In this study, establishments with 50 or more employees in metropolitan areas that report on Form EEO-1.

EEO-1 REPORT. All employers with 100 or more employees and many with fifty or more, have been required to file reports on the composition of their work forces since 1966 on a form called EEO-1. This employer reporting system has enabled the continuous annual collection of information on the race, sex, national origin, and occupation of employees. The Office of Federal Contract Compliance Programs (OFCCP) has required government contractors to file identical reports with respect to establishments of 50 or more employees.¹⁸ The reports require information on the number of employees who are men and women, Black, Hispanic, Asian Pacific and Native American.

EEOC. The initials of the Equal Employment Opportunity Commission, an independent federal agency charged with enforcing Title VII of the Civil Rights Act of 1964, prohibiting discrimination on the basis of race, color, religion, sex or national origin, and other statutes prohibiting discrimination based on sex, age and disability. Title VII expressly authorizes the EEOC to require reports from the institutions it regulates.

EMPLOYMENT OPPORTUNITY. An “employment opportunity” may consist of obtaining employment, or of any condition or privilege of employment once obtained including promotion, pay, training, transfer, discipline, layoff and discharge.

ESTABLISHMENT. An economic unit, usually at a single physical location, that produces goods or services, such as a manufacturing plant, office, or retail store. An employer may have one or more establishments.

GLASS CEILING. The level in an employer’s hierarchy of work positions at which members of discriminated-against groups face restrictions in their opportunities to obtain higher-level, managerial, decision-making, or better-paid employment. Also, the barriers that these groups face as they seek to advance into those higher-level positions.

GROUPS (RACE/ETHNICITY).

The EEOC defines White, Black, Hispanic, Asian-Pacific Islander, and Native American in the instructions to the EEO-1 form as follows:

"Race/ethnic designations as used by the Equal Employment Opportunity Commission do not denote scientific definitions of anthropological origins. For the purposes of this report, an employee may be included in the group to which he or she appears to belong, identifies with, or is regarded in the community as belonging. However, no person should be counted in more than one race/ethnic group.

"The race/ethnic categories for this survey are:

"**White** (Not of Hispanic origin)-All persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.

"**Black** (Not of Hispanic origin)-All persons having origins in any of the Black racial groups of Africa.

"**Hispanic** - All persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

"**Asian or Pacific Islander** - All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes, for example, China, India, Japan, Korea, the Philippine Islands, and Samoa.

"**American Indian or Alaskan Native** - All persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition."

HISPANICS. See "Groups" above.

INTENTIONAL DISCRIMINATION. "Intentional Discrimination" exists "when a complaining party demonstrates that **race, color, religion, sex or national origin was a motivating factor for any employment practice, even though other factors also motivated the practice.**"¹⁹ This means that the intent need not be the sole factor in an employment decision. It is enough to show that it was one of the motivating factors. If an employer has both a legitimate reason for its practices and also a discriminatory reason, then it is engaged in intentional discrimination under the Civil Rights Act. See Statistical Significance.

METROPOLITAN STATISTICAL AREA (MSA). A geographical area, usually defined in terms of counties, designated by the U. S. Bureau of Census to represent a large concentration of population that functions as a geographically-integrated labor market.

OCCUPATIONAL GROUP or CATEGORY. One of nine job categories used in reporting employment utilization in EEO-1 reports: Officials and managers, Prof.s, technicians, sales workers, office and clerical workers, craft workers (skilled), operatives (semi-skilled), laborers (unskilled), and service workers.

The EEOC, in the instructions to the EEO-1 form, provides the following definitions for each category:

"Officials and managers. - Occupations requiring administrative and managerial personnel who set broad policies, exercise overall responsibility for execution of these policies, and direct individual departments or special phases of a firm's operations. Includes: officials, executives, middle management, plant managers, department managers, and superintendents, salaried supervisors who are members of management, purchasing agents and buyers, railroad conductors and yard masters, ship captains, mates and other officers, farm operators and managers, and kindred workers.

"Professionals. - Occupations requiring either college graduation or experience of such kind and amount as to provide a comparable background. Includes: accountants and auditors, airplane pilots and navigators, architects, artists, chemists, designers, dietitians, editors, engineers, lawyers, librarians, mathematicians, natural scientists, registered professional nurses, personnel and labor relations specialists, physical scientists, physicians, social scientists, teachers, surveyors and kindred workers.

"Technicians. - Occupations requiring a combination of basic scientific knowledge and manual skill which can be obtained through 2 years of post high school education, such as is offered in many technical institutes and junior colleges, or through equivalent on-the-job training. Includes: computer programmers, drafters, engineering aides, junior engineers, mathematical aides, licensed, practical or vocational nurses, photographers, radio operators, scientific assistants, technical illustrators, technicians (medical, dental, electronic, physical science), and kindred workers.

"Sales. - Occupations engaging wholly or primarily in direct selling. Includes: advertising agents and sales workers, insurance agents and brokers, real estate agents and brokers, stock and bond sales workers, demonstrators, sales workers and sales clerks, grocery clerks, and cashiers/checkers, and kindred workers.

"Office and clerical. - Includes all clerical-type work regard-less of level of difficulty, where the activities are predominantly nonmanual though some manual work not directly involved with altering or transporting the products is included. Includes: bookkeepers, collectors (bills and accounts), messengers and office helpers, office machine operators (including computer), shipping and receiving clerks, stenographers, typists and secretaries, telegraph and telephone operators, legal assistants, and kindred workers.

"Craft Workers (skilled). - Manual workers of relatively high skill level having a thorough and comprehensive knowledge of the processes involved in their work. Exercise considerable independent judgment and usually receive an extensive period of training. Includes: the building trades, hourly paid supervisors and lead operators who are not members of management, mechanics and repairers, skilled machining occupations, compositors and typesetters, electricians, engravers, painters (construction and maintenance), motion picture projectionists, pattern and model makers, stationary engineers, tailors and tailoresses, arts occupations, handpainters, coaters, bakers, decorating occupations, and kindred workers.

"Operatives (semiskilled) - Workers who operate machine or processing equipment or perform other factory-type duties of intermediate skill level which can be mastered in a few weeks and require only limited training. Includes: apprentices (auto mechanics, plumbers, bricklayers, carpenters, electricians, machinists, mechanics, building trades, metalworking trades, printing trades, etc.), operatives, attendants (auto service and parking), blasters, chauffeurs, delivery workers, sewers and stitchers, dryers, furnace workers, heaters, laundry and dry cleaning operatives, milliners, mine operatives and laborers, motor operators, oilers and greasers (except auto), painters (manufactured articles), photographic process workers, truck and tractor drivers, knitting, looping, taping and weaving machine operators, welders and flamecutters, electrical and electronic equipment assemblers, butchers and meatcutters, inspectors, testers and graders, handpackers and packagers, and kindred workers.

"Laborers (unskilled). - Workers in manual occupations which generally require no special training who perform elementary duties that may be learned in a few days and require the application of little or no

independent judgment. Includes: garage laborers, car washers and greasers, groundskeepers and gardeners, farmworkers, stevedores, wood choppers, laborers performing lifting, digging, mixing, loading and pulling operations, and kindred workers.

"*Service workers*. - Workers in both protective and non-protective service occupations. Includes: attendants (hospital and other institutions, professional and personal service, including nurses aides, and orderlies), barbers, charworkers and cleaners, cooks, counter and fountain workers, elevator operators, firefighters and fire protection, guards, door-keepers, stewards, janitors, police officers and detectives, porters, waiters and waitresses, amusement and recreation facilities attendants, guides, ushers, public transportation attendants, and kindred workers."

OCCUPATIONAL SEGREGATION. Patterns of employment that result when opportunities to work in certain occupations are associated with personal characteristics. For example, racial/ethnic occupational segregation is reflected in the exclusion or under-representation of African American or Hispanic workers from occupations historically considered "white jobs" and their over-representation in minority-dominated occupations. Similarly, gender occupational segregation is reflected in the existence of "female dominated" occupations (e.g., nurses and secretaries) and "male dominated" occupations (e.g., carpenters and surgeons).

PEER ESTABLISHMENTS. In this study, a group of establishments employing workers in the same industry, metropolitan statistical area, and occupational group.

MINORITIES identified in EEO-1 reports are Blacks, Hispanics, Asian-Pacific origin and Native Americans. Definitions of these terms appear in "Groups."

NATIVE AMERICANS. See "Groups."

OFCCP. Initials of the Office of Federal Contract Compliance Programs, a division of the Employment Standards Administration in the U.S. Department of Labor that enforces Executive Order 11,246 as amended, prohibiting federal government contractors from discriminating on grounds of race, color, religion, sex, national origin, and on other grounds.

STANDARD DEVIATIONS. See "Statistical Significance."

STATISTICAL SIGNIFICANCE. The likelihood that an observed result occurred by chance is measured in terms of "standard deviations" around an expected outcome. When an observed result (such as the percentage of women employed in a particular job category) has a less than a 1 in twenty chance of having occurred by chance, it constitutes a difference of two standard deviations. This difference is generally considered to be statistically significant. For example, if we expect to see an establishment in the stock brokerage industry employing on average 20% female stock brokers and a particular establishment employs only 4%

women, that difference is deemed statistically significant. It is 2.7 standard deviations from the expected number. This difference is evidence of intentional discrimination. See “**Intentional Discrimination.**”

UTILIZATION. The number or proportion of employees of a demographic group employed by an establishment in an occupational category. For example, if minorities constitute 15 out of 150 managers at an establishment, the utilization of minorities is 15 employees or 10%.

VISIBLE JOB DISCRIMINATION. Discrimination that appears when the EEO-1 reports filed by establishments in the same metropolitan area, the same industry and the same occupational category, show that an establishment is so far below the average use of the minority or female group in an occupational category that it is not likely to have resulted by chance. Such deviations make the offending establishments stick out like sore thumbs in our analysis. This study did not analyze any establishment with fewer than 50 employees, nor any establishment that was located outside a Metropolitan Statistical Area.

§17. APPENDIX A
EXECUTIVE SUMMARY OF THE NATIONAL REPORT –
THE REALITY OF INTENTIONAL JOB DISCRIMINATION IN
METROPOLITAN AMERICA – 1999

(The section numbers have been modified from the original numbering in the National Report to fit this state report.)

Intentional discrimination was “the most obvious evil” that the Civil Rights Act of 1964 was designed to prevent. Is intentional discrimination still a potent force restricting job opportunities for women and minorities? Or, is it what University of California Regent Ward Connerly suggested in 1998, “Black Americans are not hobbled by chains any longer. We’re free to compete. We’re capable of competing. It is an absolute insult to suggest that we can’t.”¹ Which is it: a “level playing field,” or an uphill struggle for women and minorities against intentional job discrimination that favors whites/males?

This question is answered in a four year, 1,400 page study of the race color and sex of employees in large and mid sized private business establishments – THE REALITIES OF INTENTIONAL JOB DISCRIMINATION IN METROPOLITAN AMERICA – 1999, by Rutgers Law School Professor Alfred W. Blumrosen and adjunct Professor Ruth G. Blumrosen. Supported by a grant from the Ford Foundation to Rutgers University, the study is based on employers’ annual reports to the Federal Government involving 160,000 establishments employing 37 million workers. It involved a computer analysis of these reports combined with Supreme Court and Congressional rules to identify “patterns and practices” of intentional job discrimination of the Supreme Court and Congress.

In 1991, Congress confirmed that intentional discrimination exists when “race, color, religion, sex or national origin was a motivating factor for any employment practice, even though other factors also motivated the practice.”² “Intent to discriminate” is not the equivalent of “evil motive,” where a personal wish or desire to oppress women or minorities is the *only* explanation for the harm done. If an employer has both a legitimate reason for its practices and also a discriminatory reason, it is engaged in intentional discrimination.

1. Interview on “60 Minutes” by Mike Wallace, Aug.2, 1998, transcript, p. 22.

2. Sec. 703 (m) of Title VII.

The study found that intentional job discrimination continues on a major scale. Blacks, Hispanics, Asian Pacific workers and White Women who have the knowledge, skills, abilities, and experience to compete are deprived of that opportunity by intentional discrimination between a quarter and a third of the time they seek such opportunities.

- In 1999, intentional discrimination affected two million minority and female workers. It exists in every region of the country, in each of nine occupational categories from officials and managers to labor and service jobs.
- Seventy five thousand establishments discriminated intentionally against 1.3 million minorities; while 60,000 establishments discriminated intentionally against 952,000 women. Despite the persistence of intentional discrimination, the majority of establishments did not appear to engage in it. As a result, minorities and women have increased their participation in the labor force and in their proportion in better paying jobs.
- Forty industries were “equal opportunity discriminators” -- discriminating against 75% of the Blacks, Hispanics, Asian-Pacific workers and White women who were affected. The top ten of these industries were Hospitals, Eating and Drinking Places, Department Stores, Grocery Stores, Nursing and Personal Care Facilities, Computer and Data Processing Services, Hotels and Motels, Telephone Communications, Commercial Banks and Motor Vehicles and Equipment Manufacturing.
- Medical, Drug and Health related industries alone accounted for 20% of Women, Blacks, Hispanics and Asian Pacific workers affected by discrimination.
- Ninety percent of the affected workers were subjected to discrimination that was so severe that there was only one chance in 100 that it occurred by accident. That is far more than enough to trigger a legal presumption of intentional job discrimination.
- Between one third and one half of this discrimination was caused by “hard core” establishments that had been discriminating for at least nine years.

A. BACKGROUND OF THE STUDY

Private employers of 100 or more employees and government contractors of 50 or more employees have been required to file annual reports, called EEO-1 reports, since 1966 with the U.S. Equal Employment Opportunity Commission and

the Department of Labor. The study obtained computerized versions of these reports from the EEOC with the names and identifying addresses of employers expunged to preserve employer confidentiality. The statistics only identify the state and Metropolitan Statistical Area in which establishments are located.

Intentional job discrimination was identified by examining establishment reports in each metropolitan area by industry. Within each industry, nine occupational categories were examined separately. In this way, the average utilization of men and women, Blacks, Hispanics and Asians in each industry and occupational category within each metropolitan area was obtained. Establishments that were so far below the average utilization of minorities or women that it was unlikely to have occurred by chance, stood out “like sore thumbs” in this analysis. They are presumed by law to be intentional discriminators under legal rules developed since 1977. In that year, the Supreme Court explained that a statistical imbalance, “is often a telltale sign of purposeful discrimination.... In many cases the only available avenue of proof is the use of racial statistics to uncover clandestine and covert discrimination...” In law suits, employers would have the opportunity to show that the statistics were inaccurate or that they had only good reasons for the abnormally low utilization, a burden that is difficult to satisfy. The study suggests that most establishments facing these statistics would settle rather than litigate.

Workers affected by this discrimination were measured by the difference between the number actually employed and the number that the apparent discriminator would have employed if it had employed minorities/women at the average. This is the standard the Supreme Court has applied in cases of intentional discrimination. There is no single average in the study. For each occupation in each establishment, the average utilization varies depending on the number of qualified available workers in the labor market, industry and occupation. The average is not a quota—it is a fact, showing how similar employers have employed minorities and women in the same occupation under the same labor market and industrial circumstances.

The study addresses some of the most common employer explanations for such low levels of minority and female employment, such as women aren’t interested in the work, [they are doing the same work for other similar employers]; no qualified workers were available. [qualified workers were available because they were doing the same type of work for other employers.]

B. THE BURDEN OF DISCRIMINATION

What is the risk that a minority or woman will face discrimination because of their race, sex or national origin when seeking an employment opportunity? The study found that the probability of discrimination varied with the kind of job being sought. The table below describes the probability of discrimination by occupational category. The percentages apply each time a person sought an employment opportunity, be it employment, promotion, assignment, layoff, discharge or other employment related activities.

Risk of Discrimination because of race, sex, national origin each time a job opportunity is sought in the occupation.

	Blacks	Hispanics	Asian	Women
Officials and Managers	26.6%	21.8%	24.6%	18%
Professionals	27.6%	20.7%	30.8%	23%
Technical workers	29.1%	21.9%	30.2%	23%
Sales	39.5%	28.1%	27.3%	20%
Office and Clerical	31.8%	21.8%	26.4%	19%
Craft workers (skilled)	28.7%	27.1%	35.0%	37%
Operatives (semi skilled)	33.2%	33.4%	42.8%	38%
Laborers	34.9%	34.4%	43.6%	30%
Service workers	40.3%	34.0%	38.1%	19%
All comparisons	34.1%	35.0%	39.0%	23%

C. BLACK WORKERS MOST SERIOUSLY AFFECTED

Despite the initial focus of the Civil Rights Act on Black workers, and the improvement that has taken place since, Black workers still bear the severest brunt of this discrimination. They constitute less than half of all minority workers reported, but they were 57% of all workers affected by discrimination. Fifteen percent of all Black workers were so affected in 1999, while 11 % of both Hispanics and Asian Pacific workers were affected.

- Thirty five thousand business establishments discriminated against 586,000 Blacks. Ninety percent of these Black workers were affected by establishments that were so far below the average utilization that there was only a 1 in 100 chance that this happened by accident and half by "hard core" employers who had been discriminating for at least nine years.
- Hispanic workers were 33% of minority workers reported, and they constituted 28% of those affected by discrimination or 283,000 workers.

- Asian Pacific workers were 17% of the minorities, and 15% -- or nearly 150,000 -- of those affected by discrimination.
- The data about Native American workers was too sparse to draw conclusions.

D. IMPROVEMENT IN PROPORTION OF MINORITIES AND WOMEN EMPLOYED BETWEEN 1975 AND 1999

The bright spot in this study of intentional discrimination, is that between 1975 and 1999, minorities increased their participation in the labor force by 4.6 million workers beyond the increase resulting from economic growth; and women similarly increased their participation by 3.8 million workers. In absolute numbers, minorities went from 4 million workers in 1975 to more than 11 million in 1999; women went from 8 million workers in '75 to 17.5 million in 1999. More important, all groups increased their share of "better jobs" as officials, managers, professionals, technical and sales workers.

E. FORTY INDUSTRIES THAT WERE 'EQUAL OPPORTUNITY DISCRIMINATORS'

The study identified 40 industries that were "equal opportunity discriminators," discriminating against more than 75% of the Black, Hispanic, Asian, and White Women workers affected by discrimination.

[Continued on next page.]

FORTY INDUSTRIES' INTENTIONAL DISCRIMINATION* AGAINST WOMEN, BLACKS, HISPANICS, AND ASIANS, SHOWING AFFECTED WORKERS** AND DISCRIMINATION RISK BY INDUSTRY***										
SIC	Industry	WOMEN		BLACKS		HISPANICS		ASIANS		AFFECTED WORKERS
		#	% Rsk	#	%Rsk	#	%Rsk	#	%Rsk*	
806	Hospitals	63,908	21%	89,314	41%	19,562	22%	23,719	36%	196,503
581	Eating and Drinking Places	35,370	19%	55,591	43%	43,702	40%	3,530	40%	138,193
531	Department Stores	42,271	22%	50,959	37%	20,615	29%	5,414	31%	119,259
541	Grocery Stores	28,253	14%	53,333	41%	20,681	33%	1,559	24%	103,827
805	Nursing and Personal Care Facilities	13,865	14%	39,429	35%	7,247	34%	5,508	34%	66,049
737	Computer and Data Processing Services	31,114	26%	8,206	28%	1,986	27%	16,637	36%	57,943
701	Hotels and Motels	13,127	17%	17,960	29%	18,651	25%	6,471	32%	56,208
481	Telephone Communication	29,394	30%	19,857	32%	3,654	25%	2,886	33%	55,791
602	Commercial Banks	18,673	18%	20,131	37%	4,006	23%	4,821	30%	47,632
371	Motor Vehicles and Equipment	18,084	32%	14,470	36%	3,206	32%	1,732	37%	37,492
367	Electronic Components and Accessories	11,965	26%	3,001	33%	5,808	23%	11,748	35%	32,522
421	Trucking & Courier Services, Ex. Air	10,119	42%	15,842	35%	5,304	26%	501	32%	31,766
451	Air Transportation, Scheduled	15,651	32%	8,597	30%	4,057	22%	2,768	33%	31,073
308	Miscellaneous Plastics Products	11,109	33%	4,662	33%	7,216	35%	2,559	49%	25,547
514	Groceries and Related Products	11,184	32%	4,783	34%	6,077	32%	534	36%	22,577
809	Health and Allied Services	10,329	21%	6,767	35%	2,063	29%	1,478	32%	20,638
633	Fire, Marine, and Casualty Insurance	7,858	18%	4,012	22%	772	20%	754	32%	13,395
632	Medical Service and Health Insurance	5,733	19%	5,751	28%	914	21%	944	26%	13,341
372	Aircraft and Parts	5,901	29%	1,443	34%	2,611	17%	2,497	35%	12,453
357	Computer and Office Equipment	5,814	27%	1,310	28%	1,066	21%	4,170	32%	12,360
594	Miscellaneous Shopping Goods Stores	6,186	30%	3,216	36%	1,888	33%	619	28%	11,909
621	Security Brokers and Dealers	7,506	21%	2,277	29%	817	23%	1,122	21%	11,723
384	Medical Instruments and Supplies	5,474	25%	1,012	27%	1,821	27%	2,995	31%	11,301
871	Engineering & Architectural Services	6,487	23%	1,792	25%	715	18%	2,235	25%	11,229
504	Professional & Commercial Equipment	6,440	26%	1,984	26%	977	25%	1,632	29%	11,033
366	Communications Equipment	4,500	25%	1,269	20%	978	20%	3,839	36%	10,585
283	Drugs	5,301	23%	1,718	25%	1,185	24%	2,301	31%	10,504
801	Offices & Clinics Of Medical Doctors	4,936	19%	2,987	33%	1,028	22%	1,419	27%	10,370
275	Commercial Printing	4,869	29%	1,984	31%	1,486	31%	878	43%	9,216
201	Meat Products	2,286	32%	1,720	33%	3,517	28%	916	58%	8,439
641	Insurance Agents, Brokers, & Service	3,943	19%	2,768	30%	756	25%	756	25%	8,222
349	Misc. Fabricated Metal Products	3,440	35%	1,511	30%	1,683	29%	835	39%	7,469
836	Residential Care	2,481	21%	3,449	33%	854	28%	378	35%	7,163
267	Misc. Converted Paper Products	3,505	33%	1,511	30%	1,516	33%	456	44%	6,988
344	Fabricated Structural Metal Products	2,242	37%	1,660	33%	2,476	32%	511	48%	6,888
489	Communication Services	2,530	30%	1,322	27%	1,474	29%	1,474	29%	6,800
271	Newspapers	2,924	19%	2,094	37%	1,016	26%	337	31%	6,372
501	Motor Vehicles, Parts, and Supplies	2,579	29%	1,354	30%	1,010	31%	1,010	31%	5,953
209	Misc. Food and Kindred Products	2,024	32%	1,119	35%	2,091	25%	695	43%	5,930
225	Knitting Mills	1,396	34%	1,043	34%	700	46%	414	59%	3,553
Total affected workers		470,773		463,206		207,186		125,052		1,266,217
31% reduction for minority women included in Women totals		(145,940)								1,120,277
Percent of all affected Workers		75%		79%		73%		84%		77%
* Discrimination 1.65 or more standard deviations.										
**Affected Workers are the difference between employment in same labor market and occupation at 2 or more standard deviations below average, and number who would have been employed if establishment had employed at the average.										
***Risk based on proportion of comparisons of establishments in same labor market and occupation.										

Additional highlights of the Study include:

- The largest number of establishments discriminating against both minorities and women employed between 100 and 500 workers. 22,000 establishments of that size discriminated against minorities, 20,000 against women. These establishments contributed about half the intentional job discrimination against both minorities and women.
- Separate studies for each state and each metropolitan area where there is data are included in the nationwide study. “Discrimination, like politics, is essentially local,” the study states. “We hope this material will be studied by

those interested in civil rights to try to address this discrimination in each state and metro area.”

F. AFFIRMATIVE ACTION STILL NECESSARY

The study concludes that intentional discrimination is still so pervasive that affirmative action programs continue to be necessary. “ It is impossible to address the 75,000 establishments through formal law enforcement efforts. Congress was right in 1964 to make voluntary action the preferred means of improving opportunity for minorities and women, and it was right when it reaffirmed that principle in 1991.” Affirmative action programs are intended to allow employers who have reason to be concerned that they might be discriminating to take steps to correct their practices.

The statistics from this study will be helpful to all groups concerned with employment discrimination, the Study concludes. Employers would like to know where they stand compared to others; enforcement agencies and courts may use the information and those interested in civil rights can measure progress using the data. However, the Blumrosens doubt that the Federal Government, under either a Republican or Democratic administration is likely to use the study in ways they have suggested.

To address the needs of employers and workers, the Blumrosens have incorporated as EEO1.Inc., to make information available without identifying the names and addresses of any employer. The Study will be published on the web site, EEO1.com. This site will also include a program, the Discrimination Calculator, to enable workers and their representatives to find the likelihood of discrimination in labor markets, industries and occupations of interest to them without cost. Employers who are interested in comparative data and others who are entitled to it, may consult EEO1.com to find out how to obtain such data.

G. RECOMMENDATIONS

1. **Employers** should demand access to information that will tell them where they stand compared to similar employers so that they can decide whether to take affirmative action; they should insist that they be free to take such action whenever the statistics warrant it. Industries that exhibit serious discrimination should establish programs to assist their members whose employment practices tarnish the industry reputation.
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2. **The Federal Government** should provide statistical information to employers so that they will know where they stand; adopt a five year enforcement program based on the statistical analysis and incorporate state and local government efforts, focusing on the 40 and 206 industries identified in the Study, and seeking increased employment, leaving litigation over damages to the private bar. They should also extend the reporting requirement to all establishments with 50 or more employees.
 3. **Congress** should mandate these federal programs, and provide additional funding to proceed against the 206 industries, and extend the reporting requirements to identify the age of employees, to facilitate enforcement of the age discrimination act.
 4. **The Federal Courts** should recognize the prevalence of intentional job discrimination in constitutional and statutory decisions on affirmative action; reconsider the assumption that employers are likely to adopt rigid programs without individualized proof that such was the case and recognize that intentional discrimination appears to reflect the unwillingness of roughly one third of establishments to work with people who are not “White.”
 5. **State and Local Civil Rights Agencies** should secure EEO-1 data, urge interested groups to examine this study and initiate actions in their state based on the information. In addition, they should cooperate with the federal and other state agencies in enforcement programs; support affirmative action where statistics justify it, and encourage state and federal legislative leaders to address the prevalence of intentional discrimination as identified in this study.
 6. **Civil Rights and Women’s organizations** should use this study in public discussions of discrimination; cooperate with each other in legislative and other public affairs because they have a mutual interest in eliminating job discrimination, particularly in the 40 industries that discriminate against all the groups they represent; evaluate government programs more by how many jobs are obtained and less by how many cases are processed, or how many dollars individual workers obtain; demand a focused set of governmental programs to address the 40/206 industries, and support expansion of the EEO-1 reports to the age act and all establishments of 50 or more workers.
 7. **Lawyers for both workers and employers** should develop a fair arbitration system for dealing with individual discrimination cases, so that resources can be focused on patterns or practices of discrimination.
 8. **Universities, colleges, high schools and research oriented institutions** should make use of this study in research activities, and should integrate this study into the work of other disciplines concerned with labor relations and human behavior.
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§18. ENDNOTES

1. Sec. 703(m) of Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991.
 2. The total for all minorities will be smaller than the sum of individual minority groups because of the differences in the pools of workers being considered.
 3. Alfred W. Blumrosen, Ruth G. Blumrosen, *THE REALITY OF INTENTIONAL JOB DISCRIMINATION IN METROPOLITAN AMERICA* (2001).
 4. See National Report, Part I, Chapters 2-8 and Appendix C for more technical details.
 5. See National Report, Part I, Chapters 5-7.
 6. Sec. 703 (m) of Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991.
 7. *Teamsters v. United States*, 431 US 324, n.15 (1977).
 8. *Teamsters, supra, Hazelwood School District v. United States*, 433 US 299 (1977).
 9. *Teamsters*, 431 US 324, n. 20.
 10. Statistics from Census Bureau. The statistics disregard individual reports that entered more than one race/ethnic category or another race. The average state had fewer than 2% of such reports.
 11. The extrapolation from Census figures used in Part I of the National Report is not available on a state-by-state basis. See Part I, National Report, Chapter 4.
 12. *Watson v. Fort Worth Bank And Trust*, 487 US 977 (1988). Alfred W. Blumrosen, *The Legacy of Griggs: Social Progress and Subjective Judgments*, 63 Chicago Kent L. Rev. 1 (1987).
 13. *EEOC v. Shell Oil Company*, 466 US 54, 71 (1984).
 14. See Table 1.
 15. Details in Appendix A.
 16. *Discrimination* is defined as 1.65 standard deviations or more below the average utilization in the same MSA, SIC and Occupational Category. *Comparisons* are between establishments in same MSA and SIC and Occupational Category. *Affected Workers* represents the difference between the actual utilization by a discriminating establishment that is at least two standard deviations below the average and the utilization that would exist if the discriminating establishment employed at the average in the same MSA, SIC and occupational category. Each table is arranged by the number of affected workers. The industries are titled so that the SIC numbers, which appear in the Appendix to the National Report, can be consulted.
 17. Detailed analysis of these Conclusions and Recommendations is contained in Part I of the National Report, Chapter 17.
 18. The OFCCP is a unit of the Department of Labor. Employers file their forms with the Joint Reporting Committee created by EEOC and OFCCP to simplify the reporting process.
 19. Sec. 703 (m) of Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991.
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