

# HISPANICS NEED NOT APPLY: A FACT SHEET ON HISPANIC UNDERREPRESENTATION IN STATE GOVERNMENT



## THE NEW YORK STATE ASSEMBLY PUERTO RICAN/HISPANIC TASK FORCE



For decades, the alarming underrepresentation of Hispanics in the workforce of New York State government agencies has been a concern. The Task Force has made some gains in solving this problem via the creation of a special commission and via the statutory creation of the Chief Diversity Officer in the Governor's Office. An overview of the problem is presented here.

*Chairman Marcos A. Crespo  
Carl E. Heastie, Speaker*

### Background

*In 2014*, there were less Hispanics working in state government than 10 years ago.

*In 2004*, **6,515** Hispanics composed 3.8% of the state workforce of over 168,000 employees.

*In 2014*, only **6,142** Hispanics were employed out of **state government workforce of over 131,000**.

**Today, we have almost 400 less Hispanics working in state agencies** even though Hispanics share of general workforce and state population have increased substantially over the past decade.

In fact, it is projected that between 2012 thru 2020, Hispanics will account for 75% of the labor force growth across the nation.

Hispanics also have a higher labor force participation rate than all other groups at 67%. The labor force participation rate is measured by the share of population, 16 and older, either employed or looking for work. This means that almost 7 out of every 10 Hispanics are active in the labor force.

Currently, the Hispanic share of the U.S. labor force is 18% and will rise to 21% in 2020. This means almost one in five workers will be Hispanic by 2020.

*In 2015*, today almost 4.1 million Hispanics live in NYS. Yet even with their high workforce participation rates and increased college completion rates, entrenched and biased hiring practices have made Hispanics almost non-existent in the government workforces of the state and its municipalities. The impact is hundreds of millions of dollars in yearly lost wages for Hispanic communities.

### State and County Level Jobs Impacted

**This problem goes beyond New York State agencies.** The Department of Civil Service, via exams, controls over 650,000 municipal jobs throughout the State. The underrepresentation of Hispanics in municipal level workforces is also a pressing problem.

**In 2005, The New York State Assembly Puerto Rican/Hispanic Task Force released** a report documenting the problem and set forward a legislative agenda to help remedy the situation. *“Black and Hispanics Need Not Apply: The Underrepresentation of Minorities in NYS Government Workforce”* created a discussion on the problem and helped one of its proposals to become State law.

Then Governor Pataki signed Chapter 705 of the Laws of 2006, which created the **Commission to Increase Minority Participation in the State Government Workforce**. Part of the Commission's statutorily mandated work was completed but after the 2010 elections, the new Administration failed to reconvene the group as required by law.

# THE UNDERREPRESENTATION OF HISPANICS IN THE NYS GOVERNMENT WORKFORCE

## Legislative Proposals Focused on Correcting Decades of Biased Hiring Practices

**Assembly Bill A08034**  
Relates to reporting the Commission's findings on increasing diversity in the state government workforce to the governor and the legislature.

**Sponsor**  
Assemblyman Marcos Crespo (MS)

**Senate Sponsor**

**Committee Action**  
Referred to governmental employees  
06/04/2015

**Legislation Intent:** A 2005 report by the New York State Assembly Puerto Rican/Hispanic Task Force, a subsequent public hearing and other meetings with minority workers have yielded valuable suggestions that need legislative action to remedy what the 2005 report called, an appalling underrepresentation of minorities in civil service and policy making positions in State government. In 2006, legislation was signed into law creating the Commission on Increasing Diversity in the State Government Workforce. The Commission was mandated to produce three reports to detail findings of problems, outline possible solutions and recommendations and subsequent reports were to examine of the proposals and recommendations for improvements were acted upon by the Executive branch and the Department of Civil Service.

After the initial Commission report, there was a change in governors in New York and the new appointees needed to continue the work of the Commission were never selected by the Executive. This created the inability for the Commission to carry out its mandated duties as required by law and the two other reports it was to complete were never developed. This bill will reconvene the Commission.

**Assembly Bill A08037**  
Relates to implementing equal employment opportunity and affirmative action for classified civil service positions in the service of the state.

**Sponsor**  
Assemblywoman Carmen Arroyo (MS)

**Senate Sponsor**

**Committee Action**  
Referred to governmental employees  
06/04/2015

**Legislation Intent:** A 2005 report by the New York State Assembly Puerto Rican/Hispanic Task Force, a subsequent public hearing and other meetings with minority workers have yielded valuable suggestions that need legislative action to remedy what the 2005 report called, an appalling underrepresentation of minorities in civil service and policy making positions in the Pataki Administration.

The lack of workforce diversity now seen in New York State was created because over the years affirmative action officers/administrators have no job protection, and are marginalized by agency heads. In fact, many of the current employees performing such duties are not AAOs. This legislation reverses this situation and strengthens the role of these employees by providing them with a variety of tools.

**Assembly Bill A08035**  
Requires a SUNY institution using a search firm for candidate recruitment to select a firm with a demonstrated history of recruiting minority candidates; requires the search firm be approved by the board of trustees.

**Sponsor**  
Assemblyman Marcos Crespo (MS)

**Senate Sponsor**

**Committee Action**  
Referred to higher education  
06/04/2015

**Legislation Intent:** The State University of New York is the largest state-operated system of colleges in the nation with over 465,000 students and over 80,000 faculty and staff. Almost 100,000 of its student body are minority students of which over 40% are from the New York City region. Its current African-American and Latino faculty rates are 4.5% and 3.2% respectively. For some time now, there has been considerable concern with the lack of diversity on the SUNY campuses. Currently out of its 64 campuses there are four African American college presidents. None are Latino.

As the number of minority students increases throughout the system and minority students become the majority of high school graduates in the state, the need to increase diversity in SUNY's faculty and administrative ranks is essential.

**Assembly Bill A08038**  
Requires agencies which employ 100 or more employees to employ a competitive class affirmative action officer or administrator.

**Sponsor**  
Assemblyman Victor M. Pichardo (MS)

**Senate Sponsor**

**Committee Action**  
Referred to governmental employees  
06/04/2015

**Legislation Intent:** A 2005 report by the New York State Assembly Puerto Rican/Hispanic Task Force, a subsequent public hearing and other meetings with minority workers have yielded valuable suggestions that need legislative action to remedy what the 2005 report called, an appalling underrepresentation of minorities in civil service and policy making positions in the Pataki Administration. The lack of workforce diversity now seen in New York State was created because over the years affirmative action officers/administrators have no job protection, and are marginalized by agency heads. In fact, many of the current employees performing such duties are not AAOs. This legislation reverses this situation and strengthens the role of these employees requiring as per federal law that every state agency have an AAO.

**Assembly Bill A08039**  
Relates to the creation of an annual report on the race and ethnic data of individuals who have taken a civil service examination.

**Sponsor**  
Assemblyman Phil Ramos (MS)

**Senate Sponsor**

**Committee Action**  
Referred to governmental employees  
06/04/2015

**Legislation Intent:** This legislation requires the creation of an annual report on the race and ethnic data of individuals who have taken civil service exams.

The Department of Civil Service has failed to ensure diversity in state government workforce. Their outreach methods to increase diversity remain unquantifiable and attempts to create a matrix to measure their efforts have been ignored.

The Department of Civil Service continues to assert that they advertise civil service exams via community based groups from diverse communities. Yet when the exam is given, they do not collect any data on the race or ethnicity of the test takers therefore there is no way they can gauge if their pre-test outreach is working.

**Assembly Bill A08036**  
Provides a tax credit for newly hired SUNY college faculty members and administrators who are minorities and who have relocated to New York to work at a SUNY campus.

**Sponsor**  
Assemblyman Marcos Crespo (MS)

**Senate Sponsor**

**Committee Action**  
Referred to ways and means  
06/04/2015

**Legislation Intent:** This legislation provides a tax credit of 30% of gross income for certain newly hired SUNY college faculty members and administrators as a mechanism to help the State University of New York diversify its faculty and professional staff.

This legislation will help our State capitalize on our home-grown talent before it is recruited elsewhere. Currently there are no Latino college presidents in the SUNY system and out of its 80,000 plus faculty members, only 3.2% are Latino.

**Assembly Bill A08040**  
Relates to compensation paid to persons employed in positions requiring foreign language skills; establishes career ladders for persons holding such positions; establishes supervisory positions for persons required to have foreign language skills.

**Sponsor**  
Assemblyman Guillermo Linares (MS)

**Senate Sponsor**

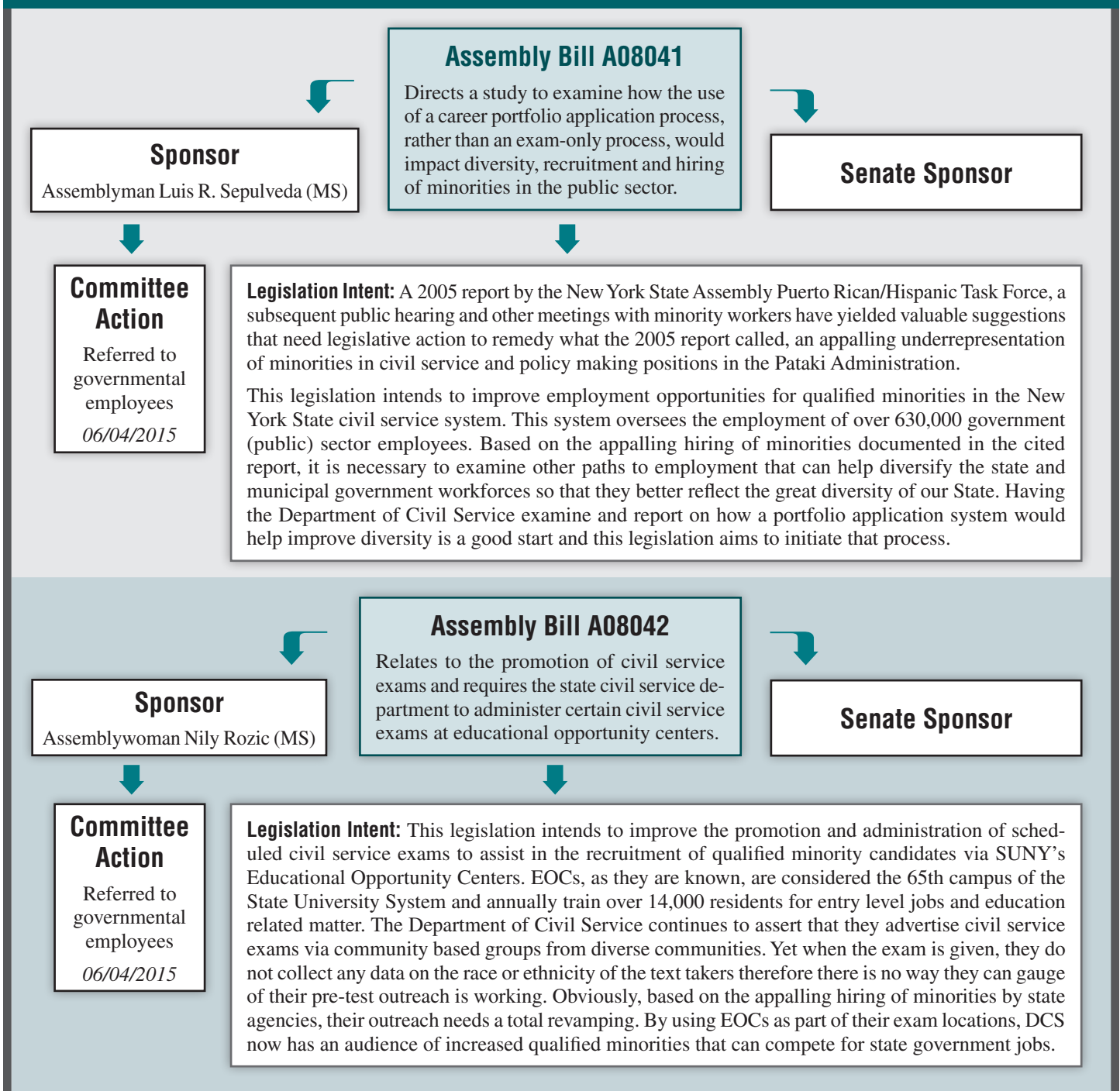
**Committee Action**  
Referred to governmental employees  
06/04/2015

**Legislation Intent:** One of the most discriminatory hiring practices employed by the New York State Civil Service System falls under the title of language parentheticals. These employees need to possess multiple language skills, are not compensated for them, have no opportunity for promotions, are locked into low paying titles and their supervisors are unqualified to supervise them.

This legislation will bring all of the above to an end and create a language parenthetical supervisory title and require a pay differential for multi-language skills of current workers.

For more information on this issue and the proposed package of legislation listed, please contact Guillermo Martinez, Legislative & Communications Director of the Puerto Rican/Hispanic Task Force at 518-455-5514.

# THE UNDERREPRESENTATION OF HISPANICS IN THE NYS GOVERNMENT WORKFORCE



## Timeline

### State Employees Sue New York State and Win \$45 Million in Damages

The underrepresentation of minorities, including the biased hiring and promotion practices of state agencies has been a concern for minority state government workers in the system. The lack of minorities in higher level positions is even more acute. Official complaints to the federal Equal Employment Opportunity Commission (EEOC) on New York's biased pattern of test administration, hiring and promotions led to an investigation by the EEOC.

**In 2000**, the EEOC found that New York was administering a biased civil service exam and ordered that the New York State Department of Civil Service stop the practice. The agency disregarded the directive of the EEOC leading to over 4,000 black and Hispanic employees suing the State for discrimination.

**In 2006**, one year after Puerto Rican/Hispanic Task Force documented rampant discriminatory practices in the employment of minorities by state agencies, Governor Pataki signed Chapter 705 of the Laws

of 2006 which created the Commission to Increase Minority Participation in the State Government Workforce. However, only part of the Commission's statutorily mandated work was completed.

**In 2008** the progress made by the work of the Commission came to a halt. That progress included the impetus for the creation, in law, of the Chief Diversity Officer position now in existence in the Executive Chamber. Statutorily, the Commission needs be reconstituted through appointments by legislative leaders and the governor. Chapter 705 outlines the work that needs to be completed.

**In 2010**, four years after a federal court granted State employees class action status in their law suit, New York State had to pay out \$45 million dollars in damages.

**In 2015**, The pervasive discriminatory patterns that exclude minorities from promotions and hiring continue, and currently there are less Hispanics in state government employment than a decade ago.