

AMERICAN FRIENDS SERVICE COMMITTEE
Northwest Regional Office

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An Issue Whose Time Has Come:
Minority Employment in the Seattle Construction Industry

A dominant topic in news accounts of Seattle, Fall and winter, 1969-70, has been the interactions between black activists, building contractors, and unions. It does not take a very close examination to realize that the situation is a keg of dynamite. One knows by such signals as the fiery flush on the face of the Building Trades Council Executive as he is faced by newsmen, and the large ad published in the Afro-American Journal, stating that there will be no construction in the Central Area unless it is done by the Central Contractors Association.

Though this potentially explosive situation is quite visible now, this has not always been the case. Except for sporadic interest by civil rights groups, the entire issue of minority employment in the Seattle construction industry had been largely ignored until the Central Contractors Association was formed in the summer of 1969. Discussions in the Model Cities Task Force on Employment led to a group coming together to aid the Central Area's small minority contractors. These people were disturbed that existing federal laws requiring contractors to take affirmative action in employing minority workers on government building projects were not being enforced. The C.C.A. determined that through peaceful demonstrations around these building sites, they would fill the vacant place of the compliance officers. After several building sites were successfully closed down, some not so peacefully, the issue of minority employment was very much before the people.

The Urban Affairs Committee of AFSC employed a staff person to take a closer look at the factual components of the situation exposed by the C.C.A. The first thing that became clear was that there is a lot of buck-passing

going on. Contractors shrug off responsibility by stating their willingness to hire non-whites, but pointing to their contract with unions to hire only through the hiring hall. The unions say that, especially while employment is low, the line must be held on numbers in the trades, and high skills level maintained, precluding admission of less skilled non-whites. They insist that their position is not related to race, and refer us back to the contractor to provide more jobs. All blame deficiencies in the non-whites: numbers applying, problems keeping them on the job, and low educational levels.

Much of the hassle is due to the current economic situation. All seem to be in agreement that the 1970s will see an enormous housing shortage, which, if filled, would result in great demand for skilled craftsmen, and plenty of jobs for black and white alike. But Administration's pressures to cut spending indicate that the housing shortage will not be filled, and massive unemployment faces the construction industry. With the scent of unemployment in the air, positions are hardening: the minority groups aware that employment will be twice as scarce for them as for whites, the union members guarding fiercely their own jobs, and the contractors looking toward reduced profits and failing businesses. The confrontation is a vitally important one to all concerned; the arguments of each cannot be passed over lightly. Being aware of this, and hopefully sensitive to the just concerns of each group, we will attempt an objective look at the situation.

The Minorities

We have heard many plaintive stories from people in government agencies dealing with apprenticeship programs, as well as from friendly contractors, about unsuccessful efforts both to get minority persons to enter the programs, and after entering to stay with them. At the community College we are told by students in related training classes, that there is a fair amount of fanfare accompanying each new minority person entering a class, apparently as

proof of recruiting efforts. Sympathetic interpreters of this alleged situation are careful to explain the reasons: there is little interest in doing construction work in the minority community these days (indeed, among young people of any race); educational levels are lower in ghetto schools; conditions of poverty cause problems - such as transportation, inability to buy tools - related to training in the building trades. The entire atmosphere of disillusionment and alienation undoubtedly has an effect on numbers of minority persons interested in applying.

Although this is one which many are all too eager to accept as an excuse, it may be false. Going to the State Employment Service, an obvious place for one to go if one wanted to enter a trade, we see an entirely different picture. There 12 to 15% of the people screened for qualifications for apprenticeships were minority persons. This in an area where minority groups make up 6.3% of the population. After this screening, using the published standards of the various Joint Apprenticeship Training Councils, for the months July, 1969 through January 1970, 34.1% referred to JATCs for indenturing were minorities. All other things being equal, even without laws requiring minority persons to be placed first, which we have, one would expect about that same percentage accepted into programs. In fact, for the same period, 9.7% were accepted; and if one eliminates figures for the month of November, the month of all the demonstrations, when an unprecedented 36% were placed, the figure is 6.7%. The most objective observer must be led to wonder if the missing factor might not be racism.

It appears, in any case, that despite alienation and disinterest, considerable numbers of non-whites are interested in making the effort to get into the building trades.

The Unions

Because the great bulk of construction work in this country is done by

Many non-whites are highly skilled in building trades without having completed formal apprenticeships. As one black man, working for fifteen years on home repair jobs, explained, they may not be able to write it all down, or figure out a job from a written plan, but if you tell them what it is that you need they can do the job. Many of these men learned skills in areas where there is little organized labor, especially in the south. Coming to Seattle a man wanting to continue in this line of work would meet some very real barriers.

Most of the larger contractors cannot hire him due to their hiring hall agreements with the unions. And the union, if it did not want him as a member, could impose rigid standards. These standards, necessary for the maintenance of high skills levels in the trades, are often used selectively. It is well known that friends or relatives of union members have been admitted without regard to these requirements. Some union people maintain that this group probably constitutes up to 80% of the membership. This kind of test can be such that even a highly skilled tradesman will fail. Some tests, according to state agencies administering them, include information only marginally relevant to the trade. For example the State Board Against Discrimination cites a test requiring extensive information on knot-tying for welders in the Ironworkers union.

An unskilled minority person seeking training has two choices. One is a four-year apprenticeship program in which the apprentice works during the day and attends classes four hours a week in the evenings. In this program the unions try to find work for the apprentice so that on the job training is included. The union must accept the apprentice before he starts the program, and is accepted into the union as a journeyman when he completes the program. If the person wanting training can find a contractor who will promise him three months work he is much more likely to be accepted as an apprentice. This promise of work is only feasible for the large contractors, and since minority unskilled workers are not likely to have contacts with these contractors, this

has not provided a significant way for them to enter training programs. The second choice is a one or two year course in which the trainee attends classes six hours a day, sometimes called preapprenticeship or preemployment training. At the end of this time, though we are told that his skills would be equivalent to those of a person completing a four-year apprenticeship, he is not necessarily accepted into membership of the union. An obvious additional problem with this program is that during that period the young man is not earning any money. In both programs the apprentice must buy his own tools, often at considerable cost.

Many more obstacles face the unskilled minority person who wants training in these programs. Age limitations eliminate a good many; some apprenticeship programs are open only to men of ages 18 to 21, others go up to 25 or 27. Openings for jobs and apprenticeships, when they come up, are not advertised or made known to agencies available to such an applicant. Especially in periods of low employment, positions are made known and filled by word of mouth among acquaintances of workers. As with potential journeymen, apprenticeship examinations may be oriented toward white cultural standards. If an applicant makes his way through the exams, he is often placed at the bottom of a waiting list for jobs, the key part of any training program, in that particular trade for a couple of years. If pressures are such that a non-white trainee is put on a job, there are many techniques used to discourage that person from staying. These range from a hands-off treatment, where they are virtually ignored and given no training, or at best given routine, dead-end jobs, to harassment, name-calling, intimidation, and "accidents". These last strategies should not be underestimated; according to Harley Bird and Tyree Scott, many of the 65 black trainees placed on public works jobs as a result of the C.C.A. actions last fall were forced off the job in this way. ^{It should be noted} ~~It should be noted~~ that Mr. Scott and Mrs. Bird added that about half of the trainees placed are no longer working because they were unsuited to the work to begin with. Due to the press

of time; recruiting was done hastily, more on the basis of need for the jobs than aptitude for the trades involved. The trainees were not counseled as to the nature of the work and what was expected of them; nor were related needs, such as transportation, taken into account. This was to be expected given the crisis in which the C.C.A. was operating; they had not been set up to provide any of these services.

The state's community colleges play a special role in the apprenticeship programs, since they provide facilities and instructors. State and federal funds support the bulk of these. Each trade's apprenticeship is set by a Joint Apprenticeship Training Council (JATC or JAC), made up of three members from that union, and three from the employers of members of that union, and although these councils may have small funds available for training programs, the vast majority of the money comes from the state and federal government. According to a newspaper report, the president of Seattle Community College, E.K. Erickson, stated that fewer than 1% of the 2,000 enrollment of the apprenticeship programs represent minorities. "College officials stressed that they do not set the criteria for entrance into these programs." While accepting the logic of JATCs setting entrance standards, we still expect colleges to insure that the programs do not operate in discriminatory ways.

There are laws in Washington saying just this, and at this moment state agencies are investigating minority representation in these apprenticeship programs. The initial report to the legislature concluded that of the 126 JATCs responding to their requests for total numbers of members, apprentices, and minority apprentices, 115 are in compliance with the provisions of the act. Seventy-nine have failed to respond (or have responded that they have turned the request over to their counsel); the majority of these are King County building trades unions. When we look closely at the law we see that its provisions are not effective in increasing minority trainees. Because it provides for minority representation in each apprenticeship class according to the per-

cent non-white population in that city or trade area, minimum compliance is stated in terms of "1 non-white for every x number white", with the x number usually larger than the normal apprenticeship class. For example, the Grays Harbor Machinists must have 1 non-white for every 51.1 white apprentices; since it is likely that that union has only a handful in their apprenticeship class, it is certain that they will remain "in compliance" without ever taking a non-white apprentice. Even a King County union, such as the Ironworkers, which must have 1 non-white to every 19.6 whites, has only seven in its apprenticeship class. So this method of policing discrimination is an unacceptable one.

We are told by students taking related training classes in Seattle Community college that the classroom atmosphere is decidedly hostile to non-white students. One student felt it was even worse in school than out on the job. The college should take some responsibility for changing this situation as well.

The Contractors

The contractors must bear a heavy share of the responsibility for altering the existing minority employment situation. No matter how heavy a case is made against the unions, the fact is that the jobs come from the contractor. Speaking to black men who have made it into the construction industry, one finds their success is often attributable to special contacts with contractors. One man described his situation this way: "I had a natural aptitude for carpentry, and a couple years experience back in Ohio and New York. A friend in a Seattle construction company put me on as a second year apprentice and a couple of months later made me a journeyman."

It is true enough that most contractors have collective bargaining agreements with unions, especially in the Seattle area, [but a contractor may take on any employee, regardless of union status, for seven days,] according to the Taft Hartley Act, ascertain his skills, then refer the worker to the hiring hall for dispatch back to the job. This would indicate that the unions' statements that

the contractor sets the standards are to some degree valid.

Training for unskilled persons wanting to get into the building trades also depends in part upon contractors, in that any union's apprenticeship program requires indenturing to a particular contracting job. It is very common to find resistance to hiring anyone with less training than a journeyman. One contractor, known generally to be a liberal, was asked why he did not employ non-white apprentices, and he responded, "I don't hire any apprentices; it's a selfish attitude, but apprentices just don't pay their way. And as for non-white apprentices, most of my work is FHA, which requires that any apprentices on my jobs must be certified as being involved in a JAC program."

The Law (see also Appendix I)

There is a tremendous amount of legislation being enacted at this moment around the issue of minority employment in the construction industry. At the federal level Johnson's 1967 Executive Order, which required equal employment opportunity, has been supplemented by the controversial Philadelphia Plan, drafted by Washingtonian Arthur Fletcher to implement that order. The law requires all bidders on government contracts of over \$500,000 to submit affirmative action plans with "specific goals" (in terms of numbers) for minority hiring. These "goals" would be judged on the basis of minority population in the area of construction; for the Philadelphia area, for example, contractors agree to utilize minority workers as ironworkers in the following ranges: between 5 and 9 % of the work force by the end of 1970, between 11 and 15 % by the end of 1971, 16 to 20 % by 1972, and 22 to 26 % by 1973. Union bargaining agreements would undoubtedly have to be renegotiated in the light of this law. The plan can be regarded as deficient in that it only applies to six trades, those judged to be most obvious "less than adequate" in numbers of minority members nationally (those unions are: Iron work, plumbing and pipefitting, steamfitting, sheetmetal work, electrical work, and elevator construction work).

The plan would not cover, for instance, the operating engineers, very frequently involved in Seattle disputes and of prime importance in highway construction, a major recipient of federal and state construction funds. The Philadelphia Plan is only invoked in an area if that group of contractors and unions does not effect plans of their own to achieve the same ends.

Threats to the constitutionality of the Philadelphia Plan are based upon the numerical ranges required; critics claim this constitutes a quota system, which is outlawed by the 1964 Civil Rights Act. Interestingly, though unions are generally being made out to be the villains, at this writing the only two suits filed against the new legislation were filed by groups of contractors.

Compliance with the new order will be enforced by the Office of Federal Contract Compliance by requiring of regular reports on numbers of minority persons employed at each phase of the work. If these are deemed inadequate they have the power to pull the contract.

An important additional provision is that if a bidder participates in a multi-employer program for drawing minority workers into his industry and the program has been approved by the Labor Department, he need not submit statements of affirmative action goals. Western Washington contractors, pushed into action by the knowledge that \$160,000,000 worth of federal building contracts for this area await such an affirmative action plan, have recently come together and agreed to provide training and jobs for minority workers eventually comprising 8% of the work force. The plan is designed to include union participation, but this has been rejected by the Seattle Building and Trades Council and its affiliated unions. Apparently the plan can still receive Labor Department approval and funding, providing for unions' participation if and when they are willing. Union objections are based upon the quotas provided for, and the circumvention of the established JATC programs. Proponents deny the "anti-union" allegations, stating that though entrance requirements, such as age, have been broadened to admit more non-whites, standards for the completed program and final

journeymen status are not changed. The program, if approved, would do more than influence work forces on federally financed building projects; as written by the contractors, the agreement holds for all construction, private as well as public. The Western Washington Multi-Employer Affirmative Action Plan has the full support of the Central Contractors Association and the Urban League.

At the state level a Law entitled "Engrossed House Bill No. 742" went into effect April, 1969. The law provides for preferential admission of minority applicants into state apprenticeship programs until a ratio equal to the ratio of minority persons to the population of the trade area is met. The bill provided for a report to the legislature in 1970, which was discussed earlier. It appears that most apprenticeship programs are being considered as in compliance with the law, but those judged not to be, and those not responding, should have all state funds and facilities withdrawn. Further, since federal funds are involved, appropriate federal authorities are to be notified. Various attempts to strengthen this law, for example by making the colleges rather than the unions responsible for certifying persons who have completed the programs as journeymen, have died in committee. We are assured that such bills will be reintroduced during the next session.

A very important bill, HB 239, recently failed in the state senate. It paralleled the federal Philadelphia Plan in most particulars, applying to all public works within the state - city, county, etc., - and included provisions for the Western Washington Multi-Employers Affirmative Action Plan. The bill was subjected to extreme public pressure. Probably the worst damage was done when Austin St. Laurent, Executive Secretary of the Seattle Building and Trades Council mounted a large demonstration by union members and their families in Olympia to oppose the bill.

At the county level, the King County Council recently passed an ordinance which provides that all contractors, subcontractors, and unions, engaged in construction for the county must submit annual certificates of compliance with non-

discriminatory employment practices outlined in the ordinance. These certificates are to indicate minority persons the firm employs or has as members and what affirmative action, if any, the firm or organization will take in the next year to increase its minority representation. Violation of the provisions is grounds for cancellation, termination, or suspension of the contract, and provides for penalties and ineligibility for future contracts.

The city of Seattle also passed a new ordinance which stipulates that, in addition to the usual nondiscrimination guarantees, affirmative action be taken by contractors in negotiation of programs with each labor union with whom they have contracts, to assure equal opportunity for minorities. The contractor is required to submit reports of the affirmative action taken within the first 30 days and thereafter annually or oftener upon the request of the Department of Human Rights. Having spoken to the person to be responsible for this compliance in the Human Rights Department, we understand that these reports will be required monthly to insure that during all phases of the work minority persons are employed. That department will also be providing assistance in locating minority workers for the contractor. Failure to comply would result in efforts to conciliate and persuade; failing this, the findings would be reported to the Board of Public Works for review and appropriate action; this can include pulling the contract. There are inherent weaknesses in all these pieces of legislation; for example, the agency investigating compliance does not have the power to take action against offenders in the city ordinance. And as with any law, without public pressure for enforcement, the law is useless.

The Interested Community

Many individuals and organizations concerned about this situation have expressed uncertainty about what they might do to effect some change. This examination of the situation has suggested certain courses of action. For one thing it has exposed legal circumstances which warrant further investigation as

to possible court action, as well as legislative efforts which deserve lobbying support.

There is a great deal of construction proposed for the Seattle-King County area in the near future, which the public should be aware of. Federally-financed projects, totalling \$160,000,000 worth of construction, include buildings at the University of Washington, the Port of Seattle at Seattle-Tacoma Airport, and the waterfront. In addition, highway projects, such as the controversial I-90, the Community Colleges, and Forward Thrust construction will bring large amounts of money into the industry. General community action can be envisioned in the areas of "watchdogging" these construction projects for fair employment practices, and pressuring the respective compliance agencies to do their job.

It is worthwhile to note that Johnson's Executive Order was ineffective only because community attitudes supported a nonenforcement policy. Since no government action or inaction operates in a vacuum, it follows that a tremendous amount of public education on this matter is in order. Those groups interested in attitude changing might consider the entire construction industry as a target for such programs, not forgetting allied interests such as the bonding companies and finance sources.

In addition, we believe that the Central Contractors Association deserves support, financially as well as morally in their insistence that Central Area construction be done by minority contractors and workers.

An AFSC Proposal

What the Urban Affairs Committee of AFSC has learned through its investigation has suggested an area for community organization. Contractors and unions can continue to blame deficiencies in non-whites unless there is a well-publicized source of skilled minority workers and interested trainees. The buck-passing will continue as long as there is no pressure to enforce laws on the books forbidding discrimination in employment. Therefore the Urban Affairs Committee would like to assist in the development of a group that would do these two

things. We would hope to draw together people close to this employment problem who are interested in seeking solution, and provide them with staff, office and support services, with the thought that after a reasonable period of time the organization will have gained enough strength to maintain itself. Specifically we see the desirability of helping to organize a body which would serve to systematically locate skilled minority building tradesmen and potential trainees, ascertain the skills of these people, and make them known to 1) the contractors, who will be required to hire minorities; 2) the unions, who must be notified by the contractors who have agreements with them of their need for these workers; and 3) the compliance officers at the various levels, who are supposed to be assisting contractors in locating minority workmen, as well as overseeing their good faith efforts to take affirmative action in hiring non-whites. Publicity as to the existence of such a body would be as widespread as possible so that one could reasonably expect any "affirmative action" to include contact of this association for workmen. As the group grows in size and organization we expect it will take on a full range of activities to support both minority workers on the job as well as those seeking employment. This would also include referral to appropriate training facilities.

The second part of the job is to exert pressure to enforce the laws already in existence. The group would "watchdog" construction projects for compliance, and compliance agencies for enforcement. A broad attack on the problem might also include other projects; 1) a legal challenge to use of state facilities for discriminatory apprenticeship programs; 2) encouragement of skilled minority workers to apply for union membership, following up with discrimination suits where necessary and possible, in order to maintain pressures on union; 3) the raising of funds to provide training grants for the preapprenticeship program, and paying for tools for trainees; 4) and seeking changes in the discriminatory entrance requirements into apprenticeship programs. The group may also expand beyond the construction industry to other employers. For example, City Light,

The City Water Department, and Cordes Towing, which has a contract with the city, all involve public money and have poor minority employment records.

Initially we see the need for two staff people for this project - one a full-time community organizer to find the minority tradesmen and develop the list and contacts to make the plan work. The second staff person would be responsible for watchdogging compliance, following up possibilities for legal action, and mobilizing pressure for the enforcement of the existing laws.

Subsequent to the development of this proposal, information supporting the need for such a program came from an article in the National Observer, which notes that drawbacks to the Philadelphia Plan were argued by members of the Human Resources Center of the University of Pennsylvania, which has been studying this situation also. Their conclusions and suggestions are:

"Accurate data should be gathered about the number of Negroes and Puerto Ricans here who have some training in the trades and who would be interested in joining the union.

"Contractors should be helped by some kind of a manpower agency that would seek out interested blacks.

"Precise records should be kept on black craftsmen working at various jobs, to avoid the motorcycle compliance scheme." (The latter referring to some contractors' sending of teams of black workers from one construction job to another when federal inspection is anticipated.)

It is reassuring to the committee to have independent study groups coming to the same conclusions we have, and though our committee feels that this above proposal would be a good way to be of service, the ideas and wishes of the minority people actually making up the organization would of course be solicited and considered to be of prime importance in the eventual goals of such a body. It might well uncover problems that we have not seen, and choose to deal with these as well as or instead of providing the "skills bank" tentatively envisioned.

Regardless of the specific tack taken, the important thing, we feel, is to facilitate some community organization among the people most affected by discrimination in employment in the construction industry. We hope that our case is a persuasive one, and that our goals are ones with which interested groups and individuals will want to cooperate and to whatever extent possible, provide assistance.

Appendix I: Legislation

	Federal	State	King County	Seattle
Name or number; effective date	Philadelphia Plan 9/29/69 (implements Exec. Order 11246, 10/67)	Engrossed House Bill 742 4/25/69	Ordinance Number 00198 10/20/69	Ordinance No. 98386 11/26/69
Agency Administering	Dept. of Labor; Office of Federal Contract Compliance	Dept. of Labor & Industries; Apprenticeship Division	County Executive (to contract with appropriate enforcing agency) <u>(State Board Against Discrimination)</u>	Department of Human Rights
Provisions	1) Contractor must submit affirmative action plan on bids over \$500,000. Must increase % of minority workers to appropriate % of population. 2) No plan needed if part of multi-employer affirmative action group, with plan approved by Labor Dept.	Preferential admission of minority applicants into apprenticeship programs until appropriate % reached. Must show "genuine effort".	All contractors and unions involved with county contracts shall not discriminate in employing, upgrading, demotion, recruiting, transfer, lay-off, termination, payrate, etc.	Contractors must agree not to discriminate in hiring, promoting, discharging (etc.); also must take affirmative action, including negotiation with unions and JACs for programs promoting minority opportunity.
Compliance procedures	Regular reports of numbers employed at each phase of the work.	Report to the 1970 Legislature.	Annual certificates stating compliance with above, plus reports of numbers of minority workers or members, and affirmative action plan, if any, to increase numbers.	Report of numbers of minority employees in first 30 days; thereafter annually or on request of Human Rights Dept.
Agency to enforce, & how it may	Dept. of Labor; Office of Federal Contract Compliance may cancel contract, make ineligible for future contracts, & "other sanctions & remedies may be imposed."	Dept. of Labor & Industries can take away all state funds and facilities.	County Executive may cancel, terminate, or suspend contract, provide for penalties, and make ineligible for future contracts.	Board of Public Works may "review and take appropriate action".
Weaknesses	1) affects 6 trades only 2) questioned constitutionality	Doubtful method of judging compliance, due to small size of apprenticeship classes.	1) Affirm. action not required 2) guidelines unclear as to numbers.	Compliance agency has no power to enforce; only advisory to Board of Public Works. Undefined "appropriate action".