

ALTERNATIVE ROUTES OF
MANAGERIAL PROMOTION
IN NEW YORK STATE

A RESEARCH REPORT

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ABSTRACT

This report reviews the various mechanisms for making managerial promotion in New York State government employment. In conducting this research our particular interest was in finding out whether there were differences in the use of these mechanisms on the basis of sex and race/ethnicity, under an hypothesis of institutional discrimination. Findings include some patterns of potential discrimination on the basis of both sex and minority status. Specifically, we found differences in the ways that managers received promotion through the most traditional routes: women and minority men were more likely to be promoted through the most open competitive examinations; majority men were more likely to be promoted through less open examinations. We also found that women and minority men were less likely than majority men to receive permanent promotions through the most non-traditional routes of managerial promotion, those which allow for great managerial discretion in selecting the best candidate. Further, we found that what is considered the most common mechanism of promotion in the public sector -- the competitive examination -- is only the second most commonly used route. The most common route of advancement is through a non-permanent mechanism of promotion (either provisional or temporary). In addition, these non-permanent appointments were found to continue for unexpectedly long durations. Policy recommendations include that managerial flexibility be balanced with measures of accountability, that the legal length of non-permanent promotions be given new attention, that eligibility to compete for managerial promotion be extended to more women and minority men, that managerial flexibility be used as a tool of affirmative action, and that information about how the various routes of promotion can be used be made more widely available to employees and their managers.

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I. INTRODUCTION TO THE STUDY

A review of any national statistics on the position of women and minority men employed in our organizations and institutions reveals that these groups are largely under-represented at the upper levels, while they are over-represented at the lower levels. For those of us interested in equal employment opportunity these statistics are particularly alarming. Moreover, they raise questions about mechanism of access: how do people gain access to the higher levels of organizational life? And do their strategies vary on the basis of sex and race/ethnicity?

Since its founding in 1978, the Center for Women in Government has had an interest in answering these questions, with special emphasis on public sector employment.

In that regard we have conducted a series of research projects which focus on promotions. In these studies we have examined various aspects of the structure of the civil service system to see whether rules, regulations and practices might have an unintentional discriminatory impact on certain groups of workers. Since government employment is controlled by a rigid personnel system where how one moves from position to position is explicitly prescribed, the structure of this system is a most important factor in determining who gets ahead.

Previous Research on Promotion in New York State

The research reported here follows two important studies of New York State public employment which, together with these data, give us important clues about how the civil service system may be impeding the progress of women and minority men.

The first related study examined career ladders or promotion paths to determine whether they were segregated by sex and, if so, whether male dominated ladders were structurally different from female dominated ladders. Specifically, researchers wanted to know whether female dominated ladders offered as much opportunity for advancement and were as financially rewarding as male dominated ladders. In fact they found that female dominated career ladders, both professional and non-professional, began at lower pay grades and peaked at lower pay grades than male dominated ladders (Petersen-Hardt and Perlman, 1979). So part of the answer to our continuing question became clear -- women were disadvantaged because the career ladders they tended to be employed on paid less and structurally allowed for less advancement opportunity than the ladders men tended to be on. This situation can be corrected by changing the structure of career ladders so that the ladders dominated by women have similar promotion opportunities to those dominated by men, and by continuing to integrate career ladders so that they are less sex segregated. Both these solutions are occurring in New York State government.

The second related study examined the traditional examination promotion process for managers to determine whether experience differed on the basis of sex or race/ethnicity. In particular, researchers wanted to determine whether women and minority men did as well as majority men when attempting to move up in management through the formal promotion and selection process. If not, they wanted to identify the impediments to their progress. The formal examination process was selected for this analysis because it is considered the traditional way to get promoted in government. The process includes being deemed eligible to take a promotional examination, taking the examination, receiving a score and a ranking on a list, and getting selected if you are one of the top three candidates on the list (as required by Civil Service Law).

In analyzing the managerial promotion process researchers found that the major barrier to the advancement of women and minority men is that they tend not to be employed in the job titles traditionally considered appropriate training ground to make them eligible to even apply for managerial promotion. Conversely, those employed in white male dominated jobs much more often were considered eligible to promote into managerial positions (Steinberg and Haignere, forthcoming; Haignere, Chertos and Steinberg, 1982; Steinberg, 1981).

The State and the labor union representing professional and managerial employees (Professional Employees Federation) have made use of these findings in supporting the Managerial Access Project. Coordinated by the Center for Women in Government, this experimental project seeks to take a fresh look at eligibility requirements for selected managerial examinations, and where possible to broaden them to increase the numbers of women and minority men considered eligible to compete for management promotions.

While doing the study of the traditional examination route of promotion, we also learned that many managerial promotions come about through alternative procedures. At first it was thought that as many as 30 percent of the promotions were gained through alternative non-traditional routes. The actual percentage would later prove to be much greater -- about 70 percent. In order to understand the entire mobility process it was clear that we would have to examine both the traditional and non-traditional routes to promotion. This occurred in our third promotion process study, the results of which are reported here.

Scope of the Study

Continuing our tradition of interest in equal access to promotion opportunities, this study examines all of the possible mechanisms for obtaining a

managerial promotion in New York State government. Unlike the relatively rigid and traditional examination process studied earlier, many of the alternative mechanisms are extremely flexible and provide for a great deal of managerial discretion in selecting who will receive a particular promotion. Our primary interest was to identify any differences in the use of these mechanisms which might be related to the sex and race/ethnicity of the individuals receiving the promotions. Where we found such differences and where we believed the differences may be indicators of institutional discrimination, we attempted to provide policy recommendations to alter the situation.

Specifically, we reviewed the most recent promotions of 1381 managerial employees in sixteen New York State agencies. We were interested in how the promotions were obtained. In particular, we wanted to find out whether majority women, minority women, majority men, and minority men in the sample each got a proportionate share of promotions through each route to the top. If not, we attempted to find out why certain mechanisms were used disproportionately for the promotion of members of a particular group.

Since our data base includes only individuals who were promoted, we were not concerned with whether promotions were obtained, but rather with how promotions were obtained. We were interested in possible patterns by which males and females, majority and minority, were promoted and whether these patterns might represent institutional discrimination mechanisms at work.

Before turning to the report itself, I would like to present some background information that will make its meaning clearer. Short discussions of five interrelated subjects -- the employment situation of women and minority men, internal labor markets, the merit system, managerial flexibility, and institutional discrimination -- are pertinent.

Employment Statistics for Women and Minority Men

A review of national statistics on the employment status of women and minority men reveals that these groups are largely under-represented at the higher earning levels, while they are over-represented at the lower levels. For those of us interested in equal employment opportunity, statistics on the progress of women and minorities are encouraging, but not wholly satisfying.¹

In 1940, in the nation as a whole, women held 11 percent of the management positions. This figure grew to 16 percent in 1970 and to 28 percent in 1980. By 1980, however, only 7 percent of all employed women were in managerial positions compared to over 15 percent of all men (Statistical Abstracts of the United States, 1958, 1982-83).

Even smaller proportions of minority workers were in managerial positions. While 12 percent of all white workers were in managerial positions in 1940, only 2 percent of non-white workers were so employed. However, the figures for whites have remained fairly constant through 1980, while the proportion of non-whites has more than doubled. Even with these increases, the proportion of non-whites in managerial positions is still less than half that of whites (Statistical Abstracts of the United States, 1977, 1982-83).

The experience in New York State government employment appears quite similar to the nation as a whole. In 1981, women and minority men combined constituted over 25 percent of those in competitive class managerial titles: white women 15.6 percent, minority women 3.5 percent, and minority men 6.2

¹The reader should note that throughout this report, the term "minority" is meant to include all Blacks, Hispanics, Asians and Pacific Islanders and American Indians and Alaskan Natives, unless otherwise indicated.

percent (New York State Sex and Ethnic Report, 1980).² However, when non-managerial positions are included, women and minority men hold even larger shares of the entire State workforce: majority women 34.6 percent, minority women 12.7 percent and minority men 8.2 percent. Comparing these percentages makes it clear that although women and minority men are present in the managerial ranks of New York State, their managerial numbers are low compared to their numbers in the State government workforce at large.

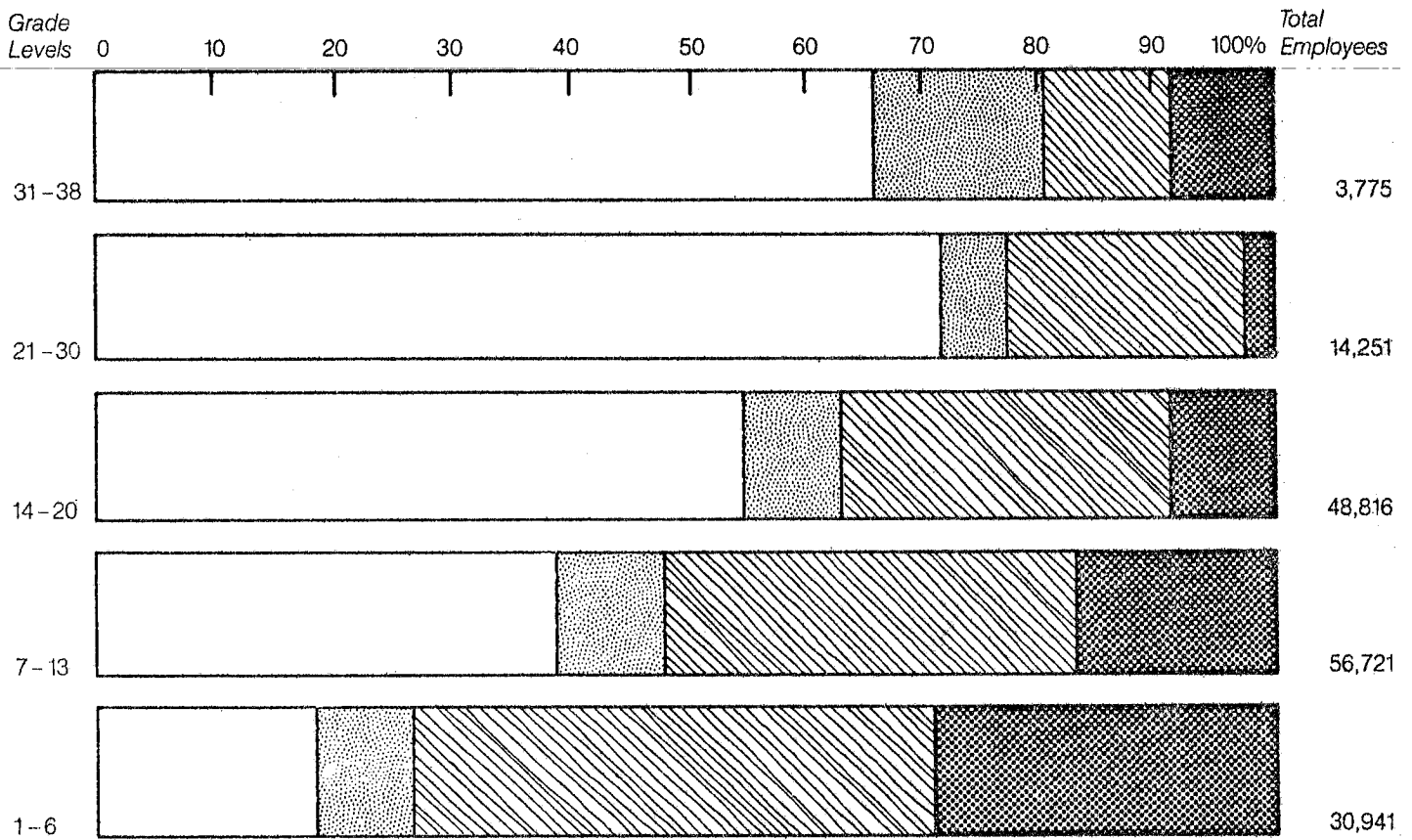
This relative scarcity of women and minority men in managerial positions is even more compelling when we consider their distribution by grade level. Figure A illustrates that while women and minority men combined hold over half of all State positions, their distribution is remarkably skewed by grade level. Women and minority men are disproportionately represented in the lowest level State jobs in salary grades 1 to 6. Relatively fewer women and minority men hold positions above salary grade 20, in a 38 grade system.³ On the other hand, the distribution of majority males is almost the exact opposite of the representation of other groups. Majority males fill over half of the positions above salary grade 13, and less than half of the positions in salary grades below salary grade 13.

²Management positions, for the purposes of this research, are defined as those competitive class positions assigned to salary grades 23 and above, in a 38 salary grade system. Competitive class positions are those for which it is deemed practicable to assess merit and fitness through a competitive examination process. (For those already familiar with the New York State system, salary grades 61 to 68, management confidential positions, have been converted to their salary grade equivalents in the 38 grade system for the purposes of this analysis.)

³Even these figures are unduly encouraging. When entry level physicians, who include very high numbers of Asians and Pacific Islanders, are removed from the analysis, the figures for the highest salary grades are even more alarming. Majority women and minority men each hold approximately 3 percent of the positions above salary grade 30; minority women hold only 0.1 percent.

Figure A

Percent of New York State Work Force by Grade Level by Sex and Minority Status



Key:
 □ White men
 ▒ Minority men
 ▓ White women
 ▔ Minority women

Source: Lillie McLaughlin, "Statistics on Women and Minorities in Public Employment," Working Paper #6, Center for Women in Government, 1983.

It was this relative scarcity of women and minority men in higher level positions compared to their much larger numbers in the lower salary grades which originally led researchers at the Center for Women in Government to focus on the promotion process as one possible source of the problem. If the promotion process was found to have a disparate negative effect on women and/or minority men, we might be able to explain in part why their numbers in higher management positions remain so low.

Internal Labor Markets

In almost all public jurisdictions as well as some large private sector organizations, upward mobility takes place through well developed job sequences within an articulated organizational hierarchy -- a career ladder or career network of jobs which lead sequentially up the salary grades. Concepts such as the internal labor market (Doeringer and Piore, 1971) and the closed employment relationship (Sorenson and Tuma, 1981) aptly describe this system of promotion where current employees are largely protected from the direct competition of the external labor market in their advancement through specified career routes. Much recent research on advancement opportunity employs this approach, including Haignere et al. 1982; Felmler, 1982; Rosenbaum, 1981; Baron and Bielby, 1980; Spilerman, 1977; Kanter, 1977; and Stewman, 1975.

New York State represents an extremely large internal labor market. It is the third largest public sector employer in this country, with over 170,000 employees. As in many public jurisdictions, its personnel system is governed by a merit principle interpreted through volumes of civil service laws, rules, regulations, policies, and procedures. These specify the conditions necessary for internal advancement, resulting in clearly delineated steps and processes for promotion. This precise identification of promotion mechanisms in most

government employment makes the public sector a particularly fruitful arena for studying mobility.

Merit Systems

"Merit system" is the phrase used to describe the internal labor market of most public sector employers. The first merit system was created to end the allocation of public sector jobs on the basis of party loyalty. It was introduced through the Pendleton Act of 1883, and was amended through the Hatch Acts of 1939 and 1940, and the Civil Service Reform Act of 1978. In 1977, merit systems covered 93 percent of all federal civilian employees and were used in most states and almost all cities with populations exceeding 100,000 (Taylor, 1979; Cook, 1979).

While merit originally referred only to the elimination of party politics and religion as a basis for employment, the merit principle was later expanded to include the notion of competitive excellence in which only the brightest and best trained available candidates would be hired and promoted on a competitive basis (McGregor, 1976). Definitions of merit in recent public personnel literature range from selection of the best to selection of the most deserving (Stewart, 1984; Beaumont, 1974).

As the merit system took hold, large bodies of laws, rules and regulations eventually were promulgated to implement the competitive systems. Today candidates for public sector employment are recruited, assessed, ranked and selected with the objective of hiring and rewarding the most qualified. The list of factors which legally may not be considered during this process has been expanded variously across jurisdictions to include sex, race/ethnicity, national origin, age, marital status, disability, and sexual or affectional preference. The stated objective of the original merit principle remains: to create and

maintain an apolitical personnel system which hires, retains and promotes qualified civil servants on the basis of their merit alone.

Many critics have charged that this principle of apolitical merit is an ideal which has never been met. They suggest that the Pendleton Act may have simply started a shift in power politics from partisan politics to professional politics of career civil servants.⁴

If power and politics in public sector personnel were only changed, rather than eliminated, with the passage of the Pendleton Act and similar state acts all over the country, how were these new politics reflected in personnel systems? The personnel system was meant to be a neutral set of processes through which the apolitical merit system was to be implemented. Even now, public administration textbooks typically present the public personnel system as neutral. But some authors have begun to acknowledge a contradiction between the system's apolitical stated purpose and its political nature (Milward, 1978).

That acknowledgement opens up a new avenue of inquiry. If in fact the public sector personnel system is political, that is, if it is not a purely neutral system of rewarding merit, then it is possible that fewer rewards may go to those with least professional or personal political clout -- namely women and minority men -- regardless of their qualifications. The merit system itself may incorporate some procedures which, for whatever reason, intentional or not, have a disparate impact on women and/or minority men.

Managerial Flexibility in the Merit System

Because of the complex sets of laws, rules, and regulations that govern a merit system, it is sometimes seen as an inflexible and rigid form of personnel

⁴Ironically, as Milward (1978) noted, the merit principles allowed this new brand of non-electoral politics to flourish.

system. Excessive rigidity of the merit system has increasingly been alleged in jurisdictions across the country (National Academy of Public Administration, 1983; Friss, 1982; Campbell, 1978; Milward, 1978; McGregor, 1976; Newland, 1976). While the laws, rules, and procedures governing hiring and promotion through traditional examinations were ostensibly introduced to insure that selection of individuals would be based only on qualifications, some managers report that such measures actually hinder the placement of the most appropriate candidates in certain civil service jobs.

However, within most merit systems there are various non-traditional promotional routes which offer an added measure of flexibility. Unlike the traditional examination promotional process where, in New York State for instance, selection must be from among those individuals with the three top test scores, the non-traditional mechanisms leave more discretion to the manager who is deciding whom to promote. Under specified circumstances, non-permanent promotions can be granted with no competition. Other mechanisms allow for the permanent promotion of individuals with relatively little formal competition. The managerial flexibility provided through such mechanisms is not inherently good or bad for the system, or for the women and minority men who work in it. What matters is how the flexibility is used.

Given the relatively small numbers of women and minority men eligible to take competitive promotional examinations, this added flexibility in the non-traditional routes could be used to take affirmative action. On the other hand, it could be used to reinforce the status quo, undermining affirmative action efforts through the continued appointment of white men. The question of how increased flexibility in granting promotion affects employment opportunities of women and minority men will recur throughout this report.

Institutional Discrimination

While this report examines possible discrimination in the promotion process, it is not a study of individual prejudice or of acts which are deliberately meant to adversely affect the lives of particular women and/or minority men. Rather, it is a study of the institutional mechanisms, the normal organizational operational procedures, which may be inherently biased against these groups. The term used to describe this kind of bias is "institutional discrimination" (Feagin and Feagin, 1978; Alvarez and Lutterman, 1979; Chesler, 1977; Knowles and Prewitt, 1969). Institutional discrimination is a disparate and negative effect resulting, often inadvertently, from the mechanisms within organizations and within society at large.

Naturally, institutional discrimination like all discrimination involves individuals. As two noted authors have written, "the 'bottom line' in all types of discrimination is someone actually doing something to someone else" (Feagin and Feagin, 1978, p. 25). However, when the discriminatory action represents organizational processes rather than individual acts, its source may be more difficult to locate and the motive behind the action may be more elusive. The individual actor involved with the discrimination merely may be carrying out an impersonal task -- conducting business as usual.

Alvarez defines institutional discrimination in organizations as,

...a set of social processes through which organizational decision making, either implicitly or explicitly, results in a clearly identifiable population receiving fewer psychic, social, or material rewards per quantitative and/or qualitative unit of performance than a clearly identifiable comparison population within the same organizational constraints (Alvarez, 1979, p. 2).

Applied to the study of promotion mechanisms an hypothesis of institutional discrimination based on sex and race/ethnicity would be as follows. The mechanisms for promotion prescribed in law, rule and regulation, and the practices through which these mechanisms are implemented, are expected to be used less for

the advancement of women and minority men than for the advancement of white men. That is to say that women and minority men in the same organizational positions, with the same organizational histories, making the same contributions are expected to receive less reward (in this case fewer promotions) than majority males.

To test this hypothesis, one might examine the distribution of promotions to determine if in fact, women and minority men were less likely to receive promotional reward than majority men. For instance, since minority women make up 7.6 percent of the employees in competitive class "feeder" positions which can lead into management positions in New York State, in the absence of discrimination we would expect that approximately 7.6 percent of the new managerial promotions would go to minority women (New York State Agency Ethnic and Sex Analysis Report, 1983). If this distribution was not found, then it would be reasonable to hypothesize that some institutional discriminatory mechanisms are at work.

To be sure that differences in the distribution of rewards is actually institutional discrimination, the difference must be unjustifiable (Alvarez, 1979). It must be based on characteristics unrelated to the organization's mission or the task at hand. When that is the case, the differences are obviously illegitimate and we can be sure that institutional discrimination is taking place.

The trouble, of course, is that a spurious justification can often appear to be based on mission or task and it can be impossible to ascertain whether it is legitimate. For instance, suppose that an individual white male is promoted into a high-level position which requires a complex set of skills and experience that is hard to specify precisely. The justification offered, that he is the best person for the particular job, is clearly mission related. However, the

argument that he is the most qualified candidate may be based on such subjective criteria that even if it is not true, it is difficult to disprove. When this individual instance is multiplied by many apparently justified promotions of other white males and differential distributions between race and sex groups result, there is good reason to investigate further. The seemingly plausible individual justifications create a pattern which possibly indicates institutional discrimination.

Resolving the problems created by institutional discrimination involves more structural than personal change. It lies less in changing individual people, than in changing the systems and the practices of the people who implement the systems. It could involve changes in how promotion mechanisms are specified (changes in law, rule, or regulation) or changes in how they are carried out (changes in policy, procedure, or practice). Only then, in addition to the critical changes in structure, a secondary solution could be directed at affecting the attitudes of the people who carry out and monitor the promotion process.

Taken together, these five concepts form a backdrop for the study of alternative routes of managerial promotion in New York State. We will examine the promotion process within an internal labor market that is governed by a merit system; and we will ask questions about the roles that managerial flexibility and institutional discrimination play in the working of that process.

Organization of the Report

This report describes analyses of the most recent promotion for 1381 managerial employees in New York State competitive class positions in sixteen State agencies. Our primary objective is to determine whether the mechanisms used for these promotions are used proportionately for all groups, or whether

certain mechanisms are used disproportionately for the promotion of members of a particular group. We will use this analysis to identify possible forms of institutional discrimination in the promotion process and to make recommendations for change.

Chapter II defines the terms and summarizes the complex methodological considerations of the study. Chapter III provides a discussion of the overall findings. Chapters IV through Chapter VII report on the major analysis and results concerning each of the alternative routes of promotion. The final chapter provides a summary of our findings and policy recommendations.

II. METHODOLOGY

Basis for the Analysis

This report is based upon the analysis of 1381 individual promotions in the managerial ranks of New York State government. Promotion is defined as any positive change in salary grade, indicating that an employee had moved to a new and higher pay range. The data were obtained through computerized civil service personnel files on all managerial and professional employees (salary grades 23 to 38 and 61 to 68) in competitive class positions, as of November 1980, in sixteen New York State agencies.

The sixteen agencies vary in size, function, and racial and sexual composition. (See Table I for a statistical profile of the agencies.) Agency size varies from the Office of Aging with 115 employees, 22 percent of whom are in management grades (salary grades 23 to 68), to the Office of Mental Health with 37,859 employees, 8 percent of whom are in managerial grades.⁵ The range of the proportion of women and minorities employed in the agencies also varies tremendously: women constitute a high of approximately 60 percent of the workforce in the Division of Criminal Justice Services, while they represent only 25 percent of employees in the Department of Parks and Recreation. Minorities make up a high of approximately 33 percent of the workforce in the Office of Mental Health, compared to the State Board of Equalization and Assessment where they represent only 3 percent of those employed.

⁵ These figures for salary grades 23 to 68 are reported by New York State, as of June, 1980, and include those in competitive and non-competitive jurisdictional classifications only. Thus, these figures exclude commissioners, deputy commissioners, skilled trades persons, manual laborers, and some others whose positions are not considered "regular civil service."

TABLE I
Selected Agency Characteristics

<u>Agency</u>	<u>Total Number of Employees*</u>	<u>Number of Employees Grades 23 & Above**</u>	<u>Percent of Employees Grades 23 & Above</u>	<u>Percent of Agency Employees Female*</u>
Division of Budget	352	129	37%	46%
Office of General Services	3,492	300	9	29
State Board of Equalization & Assessment	415	127	31	39
Office of Aging	115	25	22	56
Division of Criminal Justice Services	778	99	13	60
State Energy Office	189	36	19	43
Department of Audit and Control	2,332	327	14	52
Department of Agriculture and Markets	797	56	7	28
Department of Education	3,985	656	17	58
Department of Taxation and Finance	6,651	570	9	57
Department of Commerce	356	79	22	49
Department of Parks and Recreation	4,415	113	3	25
Office of Mental Health	37,859	2,940	8	59
Office of Mental Retardation and Developmental Disabilities	28,199	1,449	5	65
Division of Alcoholism and Alcohol Abuse***	666	111	***	56
Department of Substance Abuse Services - Central Administration***	411	102	***	46
TOTAL		7,119		

*Figures as of June, 1980.
 **Figures as of November, 1980, includes competitive and non-competitive positions only.
 ***All figures as of March, 1983, except column 2, Number of Employees in Grades 23 and Above.
 ****Data not available.

Data for this study primarily were obtained from the Department of Civil Service. We were provided with position records, containing anonymous information on the current appointment for the 7119 employees in competitive and non-competitive classes, salary grades 23 and above, in the sixteen pre-selected agencies. In addition, we received career history records for each of these individuals. The career histories were of various lengths, depending on the length of time an individual had been in State service and on the number of personnel record transactions an individual had experienced during her/his career. These "personnel record transactions" include all promotions, demotions, or lateral transfers, in addition to administrative entries such as corrections or updating of employee information. The personnel record transactions specifically related to promotion were to serve as our key dependent variable. An example of a typical career history with transaction codes is provided in Appendix A.

In addition to personnel files, several supplementary data sources were used. The quarterly Sex and Ethnic Reports prepared by the New York State Department of Civil Service provided data on the distribution of the workforce by agency, salary grade, title, sex and race/ethnicity. Inter-office memoranda from the Department of Civil Service to the various agencies, especially those memoranda specifying positions eligible for certain kinds of transfer and those outlining State interpretation of particular personnel-related rules and regulations provided invaluable sources of information concerning the legitimate use of promotion mechanisms.

Sample Distribution

Sixteen agencies were selected for inclusion in this study. Their selection was a purposive rather than a probabilistic one. Selections were made to

provide variation in terms of agency size, function, sex and race/ethnic composition, and proportionate distribution of the workforce from bottom to top.

In these agencies, there were 7119 employees in management positions who were in the appropriate salary grades to be eligible for inclusion in this study.

For the purposes of our analysis of promotions, the sample was reduced to include only:

- ° employees who were promoted within the last four transaction records in their personnel history;
- ° those in the competitive jurisdictional classifications, whose promotions would be based upon competitive criteria;
- ° employees whose last promotion occurred after 1976;⁶
- ° employees whose age in 1980 was between 18 and 70, considered to be a normal age span for employment; and
- ° employees who were not physicians or dentists.⁷

Obviously, when a sample of organizations is purposively selected, and from those organizations individuals who have been promoted are selected, the sample of individuals is not likely to be wholly representative of the larger workforce from which the organizations were originally drawn. Introducing biases of agency characteristics and composition in the initial selection begins the shift

⁶ The inclusion of only transactions after 1976 enabled us to minimize the potentially confounding effects of prior New York State policy and practice. The relevant Executive Order mandating non-discrimination in personnel practices in New York State, Executive Order 40, was issued late in 1976.

⁷ The decision to eliminate physician and dentist job titles from the analysis is a result of the apparently unique characteristics of the job market for these professionals. A high proportion of minority group members are present in these titles in public sector employment. Specifically, of the 1787 physicians and dentists who were employed by New York State as of December, 1980, 704 or 39 percent were minority group members. Of these, 508 or 28 percent were Asians or Pacific Islanders, an extremely large percentage compared to their 1.2 percent share of the State competitive class workforce as a whole (New York State Agency Sex and Ethnic Report, December, 1980).

away from representativeness. Excluding all those who had not been promoted since the beginning of 1977 introduced another substantial bias to our sample. Other qualifying variables including when the promotion occurred in the individual's career history records, the jurisdictional classification of the appointment, the employee's age and occupation introduced further biases. The resulting sample of 1381 individuals cannot be construed to represent the State workforce as a whole. Therefore, the reader is cautioned against overgeneralizing the findings in any statistically precise way.

~~While the precise details of which routes are used may vary somewhat from~~ agency to agency across New York State, we expect that our general findings of trends and tendencies in the allocation of promotions are likely to be characteristic of many agencies within the State. In fact, we expect that the larger principle under investigation here -- the differential access to mobility opportunity on the basis of sex and race/ethnicity -- is a phenomenon generalizable to much of employed America.

There are some similarities and differences between our sample and the State workforce as a whole which may be of interest. The comparisons presented here are the individual status characteristics which are central to our analysis: salary grade, race/ethnicity, and sex.

Our sample slightly under-represented civil servants in the higher managerial salary grades when compared to the entire New York State workforce. This can be readily noted on Table II by comparing lines two and three. Approximately 17 percent of our sample was above salary grade 28, as compared to approximately 26 percent of the total workforce. This difference is at least partially accounted for by the fact that we eliminated all physician and dentist titles, which are high salary grade titles and represent approximately 15 percent of all competitive class managerial level positions. Line four of the table provides data on

TABLE II

SALARY GRADE LEVEL
 SAMPLE DISTRIBUTION COMPARED TO
 NEW YORK STATE WORKFORCE

<u>Salary Grade*</u>	<u>23-24</u>	<u>25-28</u>	<u>29-32</u>	<u>33-38</u>	<u>Total</u>
Sample Cases	617	525	139	100	1,381
Sample Percent	44.7%	38.0%	10.1%	7.2%	100.0%
Total New York State Competitive Class Workforce in Salary Grades 23 to 68, as of 12/31/80.	42.2%	32.1%	8.6%	17.1%	100.0% (12,580)
Total New York State Competitive Class Workforce, Excluding Physicians and Dentists	48.3%	36.3%	8.6%	6.8%	100.0% (11,000)

*Throughout this report salary grades 61 to 68 were recoded to their salary equivalents within the 23 to 38 grade system.

the composition of the State workforce when physicians and dentists are excluded. In that case only approximately 15 percent of the workforce is above salary grade 28, compared to 17 percent of our sample, indicating a fairly representative sample on the basis of salary grade distribution.

Table III provides the distribution of our sample compared to the New York State workforce on the basis of detailed race/ethnicity categories, while Table IV provides the comparison on the basis of sex and minority status simultaneously. These demonstrate a sample relatively closely approximating the workforce as a whole. In fact, the most striking differences is the disproportionately high number of white women in our sample.⁸ Almost 24 percent of our sample were white women. In the general population from which the sample was drawn, white women represent approximately 16 percent.

We suspect that this deviation in the proportions of white women is primarily due to the agencies represented in our sample. As Table I indicated, the Office of Mental Health and the Office of Mental Retardation and Developmental Disabilities both are extremely large agencies and have unusually large numbers of female employees. The proportions of agency staff which are female are 59 percent and 65 percent respectively, much higher than the average for New York State.

In addition, minority men are significantly under-represented in our sample. However, this primarily is due to the large loss of Asians and Pacific Islanders through our sample exclusion of physicians and dentists.

Defining the Dependent Variable

Promotion transaction codes entered on individual career histories were to represent our primary dependent variable. Every change in an individual's

⁸ Throughout this text "white" is a residual category used to denote those individuals who are not Hispanic, Asian, Pacific Islander, American Indian, Alaskan Native or Black.

TABLE III

RACE/ETHNICITY
SAMPLE DISTRIBUTION COMPARED TO
NEW YORK STATE WORKFORCE

<u>Race/Ethnicity</u>	<u>White</u>	<u>Black</u>	<u>Hispanic</u>	<u>Asian or Pacific Islander</u>	<u>American Indian or Alaskan Native</u>	<u>Total</u>
Sample Cases	1298	64	11	8	0	1381
Sample Percent	94.0%	4.6%	0.8%	0.6%	---	100.0%
Total New York State Competitive Class Workforce, Salary Grades 23 to 68, as of 12/31/80.*	90.3%	3.8%	1.4%	4.3%	0.2%	100.0% (12,580)

*Includes physicians and dentists which account for the large number of Asians or Pacific Islanders.

TABLE IV

SEX AND MINORITY STATUS
SAMPLE DISTRIBUTION COMPARED TO
NEW YORK STATE WORKFORCE

<u>Sex and Minority Status</u>	<u>White Males</u>	<u>White Females</u>	<u>Minority Males</u>	<u>Minority Females</u>	<u>Total</u>
Sample Cases	971	327	46	37	1381
Sample Percent	70.3%	23.7%	3.3%	2.7%	100.0%
Total NYS Com- petitive Class Workforces, Salary Grades 23 to 68, as of 12/31/80.*	74.7%	15.6%	6.2%	3.5%	100.0% (12,580)

*Includes physicians and dentists.

employment in New York State is summarized by a two-digit transaction code. There are over 120 such codes, 75 percent of which could not possibly represent promotions. Examples of non-promotional transactions include demotions, lateral changes in job title, completion of probationary periods, leaves of absences, changes in budget line, and corrections to previous entries.

The remaining 25 percent were codes which could (but often did not necessarily) indicate a promotion. These would form the basis for defining our dependent variable.

Our concern in precisely defining the dependent variable for analysis was two-fold. First, we needed to be sure that we included every transaction code which could possibly represent a positive change in salary grade. We did not want to leave any viable route of advancement out of the analysis. Second, we wanted to assure that the types of promotions we eventually analyzed were not unique to one individual, but that they were obtained by a reasonable number of people.

In order to address our first concern and assure that all possible promotional codes were included, we met with civil service representatives who discussed the codes in detail, explaining the intended purpose of each. In addition, we used official New York State Department of Civil Service manuals to define the codes and guide us in making determinations concerning which codes could possibly represent promotions.

In order to address our second concern and assure that we did not consider routes of promotion uniquely used by only a few people, the most recent transaction codes for all employees in the original sample of 7119 were reviewed. The route was retained as a category for preliminary analysis if it could possibly have led to a promotion and if it was recorded as the most recent entry

on the records of at least 36 employees (0.5 percent of the sample).⁹ This procedure resulted in the retention of 25 transaction codes, which were further combined to yield eleven categories of promotional routes for analysis.

The eleven routes of promotion further are divided conceptually into Traditional Examination List Appointments and five categories of Non-traditional Alternative Routes: Non-traditional List Appointments; Non-list Appointments; Transfers; Classification Actions; and Reinstatements. Table V provides definitions of these routes and the sample distribution of promotions among them. It may be useful to refer to the definitions in Table V throughout the report as the various routes of promotion are reintroduced.

At this point, it is important to note that promotions can be made through four types of appointments: permanent; contingent permanent; provisional; or temporary. With the very large exception of Non-list Appointments, the promotions under study here are all permanent or contingent permanent.

"Permanent appointments" are made when individuals are permanently appointed to vacant positions. These appointments are subject to a probationary period. Employees holding permanent appointments accrue seniority and are eligible for promotional opportunities from their current position. In addition, they are somewhat protected from lay-off, since those holding temporary or provisional appointments would necessarily be laid-off before a permanently appointed employee.

"Contingent permanent appointments" are made when positions are expected to become permanently vacated but are currently only temporarily vacant. Generally these occur when an employee with a permanent appointment has taken a leave of

⁹ Exceptions occurred when a category was smaller than 36 cases, but was conceptually so similar to another category that they could be combined into one, totaling over 36 cases.

TABLE V
ROUTES OF PROMOTION

<u>Type of Route</u>	<u>Number and Percent of Employees in Sample Who Were Promoted Through Each Route</u>	
<u>Traditional Promotion Appointments</u>		
<u>Examination List Promotions</u>		
- traditional mechanism of promotion, including department promotions, inter-departmental promotions, open competitive promotions, either permanent, or contingent permanent appointments; involves applicants being eligible for and taking an appropriate examination for the job title. Selection of a candidate for appointment is made from among the available candidates with the top three scores.	414	30.0%
<u>Non-traditional List Appointments</u>		
<u>Non-competitive Promotions</u>		
- non-traditional list appointments, utilizing non-competitive examinations where there are no more than three employees who are eligible or apply for a competitive examination; includes both permanent and contingent permanent appointments.	7	0.5
<u>Non-competitive Qualifying Appointments</u>		
- non-traditional list appointments, where an employee has furthered her/his education or training to become eligible for other lines of work; non-competitive examinations are often given; advancement is limited to two salary grade levels; includes both permanent and contingent permanent appointments.	2	0.1

Number and Percent of Employees
in Sample Who Were Promoted
Through Each Route

Type of Route

Non-competitive Open Competitive
Appointments

- | | | |
|--|---|-----|
| - non-traditional list appointments, where an open competitive examination does not result in an eligible list of at least three persons; candidates must meet the position requirements and have passed a non-competitive examination; includes both permanent and contingent permanent appointments. | 4 | 0.3 |
|--|---|-----|

Non-list Appointments

Non-list Promotions

- | | | |
|--|-----|------|
| - non-permanent appointments which do not involve selection from an eligibility list; includes appointments made pending the canvass of an appropriate eligibility list and appointments made in the absence of an appropriate eligibility list; includes both provisional and temporary appointments. | 883 | 63.9 |
|--|-----|------|

Transfers

Administrative Transfers

- | | | |
|--|----|-----|
| - lateral movements between designated administrative titles in personnel, budgeting, systems analysis, records analysis, administrative research, law and management; may involve an increase of two salary grades and occur without competitive examination. | 45 | 3.3 |
|--|----|-----|

Regular Transfers

- | | | |
|---|---|-----|
| - lateral movements between agencies within the same job title or to a similar title based upon similarities in duties, minimum qualifications, and examinations used to fill the positions; change in salary grade is considered with the appropriateness of title change. | 4 | 0.3 |
|---|---|-----|

Number and Percent of Employees
in Sample Who Were Promoted
Through Each Route

Type of Route

Classification Actions

Reallocations

- existing positions are reallocated from one salary grade to another, (i.e. a change in salary).	2	0.1
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Structural Changes

- changes in an entire job title series; may involve a reallocation of salary grade.	10	0.7
--	----	-----

Changes in Jurisdictional Classification

- appointments or movements between exempt, non-competitive, competitive or labor jurisdictional classes; according to civil service experts these should not involve a change in salary grade, but in fact sometimes do.	2	0.1
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Reinstatements

Reinstatements Within One Year

- within one year of resignation or voluntary demotion, appointments may be made to the former position, or any vacant position to which employees were eligible for transfer or reassignment without examination; may involve a salary grade increase up to two grades.	8	0.6
--	---	-----

TOTAL

	1381	99.9%*
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*Does not add up to 100.0 percent due to rounding.

absence or has taken another position on a non-permanent basis. A common example of when contingent permanent appointments are made is when a permanently appointed job incumbent has taken another State position which is not available for permanent appointment. Because the permanently appointed employee retains the right to "bump-back" into her/his previous position as long as she/he has not been permanently appointed elsewhere, any new appointment to that vacant position cannot officially be made permanent. It is made contingent permanent, contingent upon the previous employee being permanently appointed to another title. Contingent permanent appointments are otherwise made in the same manner as permanent appointments and do not have a limited duration. According to Civil Service Law (§64,4) and Civil Service Rule (4.11), employees appointed on this basis are considered to hold their positions on a permanent basis for the purposes of removal and other disciplinary actions, and for suspension or demotion upon the abolition or reduction of positions. For the purposes of this analysis then, permanent contingent appointments were treated as permanent appointments.

"Provisional" and "temporary" appointments differ from permanent and contingent permanent appointments in that they are not expected to be long-term. Provisionally or temporarily appointed employees have no rights to a position in the face of an incoming permanent appointee. In addition, if the provisionally or temporarily appointed employee does not hold a permanent appointment elsewhere in State service, she/he does not have other vested rights and protections of State employment.

"Provisional appointments" are made when there is no appropriate eligible list available for filling a competitive class vacancy, or when an eligible list contains less than three people willing to accept the position. Under these circumstances, an appointment may be made on a non-competitive basis. The

appointed individual may remain in the position until selection and appointment can be made from a competitive examination list. According to Civil Service Law (§65), a provisional appointment cannot be extended beyond nine months. However, this legal provision is seldom enforced.

"Temporary appointments" are made when a position definitely is vacant only temporarily, due to such circumstances as an incumbent being on leave. According to Civil Service Law (§64), there are specific time limits for temporary appointments: an appointment made without regard to an existing eligible list is limited to a three-month duration; an appointment made from an eligibility list without regard to relative standing on that list is limited to a six-month duration. All of the temporary appointments in this analysis were made without regard to an existing eligible list, and therefore are legally limited to three months. Legal time limits for temporary appointments are much more likely to be enforced than are time limits for provisional appointments. The issue of the length of provisional and temporary appointments will be explored later in this report.

Conclusion

In this chapter, we have reviewed the sample selection and distribution, and the definition of the dependent variable.

The sample consists of the most recent promotion for 1381 individuals in managerial positions in sixteen New York State agencies. The sample distribution resembles the distribution of managers in the State workforce on the basis of salary grade, sex, and race/ethnic composition. The most notable difference between our sample and the general population from which it was drawn is the unusually large numbers of white women in the sample. This difference is

attributed to the very large number and atypical proportion of women employed in two mental health related agencies in our sample.

The dependent variable -- the mechanism used for promotion -- is represented by a transaction code entered on an individual's career history record. Because transaction codes are entered whenever any change occurs, we found we had accumulated a tremendous amount of irrelevant data. We searched for the most recently recorded transaction which created a positive change in an individual's salary grade. The resulting 1381 promotions selected for analysis were made through eleven different transactions. Thus, eleven different mechanisms of promotion were identified for analysis.

I will now turn to the general findings of that analysis. Once again, the reader is reminded that it may be useful to refer back to Table V for definitions of the routes of promotion throughout the presentation which follows.

III. GENERAL FINDINGS

Previous Center research on the typical promotion process in public sector employment -- the promotion through examination -- was briefly described in Chapter I. In the process of completing that analysis, researchers were surprised by the number of managerial promotions in New York State employment which occurred outside of the traditional examination process. They estimated that as many as one-third of all managerial level promotions may be accomplished through other mechanisms, through alternative routes of promotion. If that estimate was correct, it meant that the impact of the use of such alternative routes of promotion on women and minority men would be important to understand. That concern led us to conduct research comparing the use of all of the routes of promotion which is reported here.

Traditional Versus Non-traditional Routes

In fact, what we found in this analysis challenges that initial estimation of one-third of all promotions made through non-traditional routes as far too conservative. Rather, we found that less than one-third of managerial employees in New York State obtained their most recent promotion through the traditional competitive examination process. Fully 70 percent of the employees in the managerial salary grades in the sixteen sample agencies received their most recent promotion through non-traditional routes. It is because the use of these non-traditional alternative mechanisms of promotion is so pervasive that it is imperative to assess their possible disparate use for the promotion of various groups of New York State civil servants. (Definitions of these various routes of promotion are recorded for reference on Table V in the previous section.)

It is important to note that while the non-traditional routes actually account for 70 percent of the promotions under study, fully 883 (64 percent of all promotions and 91 percent of all non-traditional promotions) were made on a provisional or temporary basis through Non-list Promotions. The next most frequently used category of non-traditional promotions is Administrative Transfer (approximately 3 percent of all promotions and 5 percent of all non-traditional promotions). The remaining 3 percent of all promotions (6 percent of non-traditional promotions) is divided among nine other alternative routes provided for in New York State Civil Service Law, Rule and Regulation.

In the remainder of this chapter I will describe the results of our general analysis. First, I present the data on the differential use of all the various routes of promotion on the basis of sex and race/ethnicity. Some general analytical statements will be made here, with more detailed analysis to follow in subsequent chapters which address each route separately.

Second, I consider the potential effects of two other independent variables, age and salary grade, on the mechanism used for promotion. Third, I present analysis on the sex and race/ethnic segregation of the State managerial workforce to determine whether the workforce is becoming more integrated through the use of managerial promotions.

Finally, I consider possible agency differences in the use of mechanisms for managerial promotion. Although major hypotheses of the effect of agency size, composition, and function are not supported, other differences in agency use of promotion mechanisms are explored.

Differential Use Of Promotional Routes

When the distribution of promotions through various routes by sex and race/ethnic status is presented, as it is in Table VI, there is one overriding

observation to be made. White males have an apparent monopoly in all but two routes of promotion: Non-list Promotions and Traditional Examination List Promotions. With these two exceptions, there are a large proportion of empty cells in the columns designated for the promotion of women and minority men. Each empty cell indicates that no member of that group received their most recent promotion through that particular route.

It is easier to interpret the numbers presented in Table VI, when the less used routes of promotion are collapsed as they are in Table VII. Non-list Promotions, those made on a temporary or provisional basis, provide the greatest number of promotional opportunities for all groups. It is somewhat surprising that minority employees received the highest proportions of their promotions through this route (minority males approximately 70 percent, minority females approximately 81 percent). We had been given anecdotal information throughout the project indicating that these non-permanent promotions were disproportionately given to white males as a way of assisting them to get a "foot in the door." Instead, making a within group comparison, we find that minority employees, especially minority women, receive a larger proportion of their total promotions through this route than do majority employees.

Of permanent promotions, appointment through Traditional Examination Lists provides the most opportunity for all groups. However, the relative distribution of Traditional Examination List Promotions within groups is just the inverse of Non-list Promotions. To be more specific, white women, who as a group received the smallest proportion of their promotions through Non-list Appointments, received the largest portion (35.5 percent) of their most recent promotions through the Examination route. They are followed by white males (28.8 percent), minority males (26.1 percent) and minority females (16.2 percent). This distribution is also somewhat surprising, since previous Center

TABLE VI

DISTRIBUTION OF PROMOTIONS THROUGH VARIOUS ROUTES
BY SEX AND RACE/ETHNIC STATUS

Route	White Males	White Females	Minority Males	Minority Females	Total
Administrative Transfers	40 (88.9%)	3 (6.7%)	1 (2.2%)	1 (2.2%)	45 (100.0%)
Regular Transfers	2 (50.0)	2 (50.0)	-	-	4 (100.0%)
Non-competitive Promotions	6 (85.7)	1 (14.3)	-	-	7 (100.0%)
Non-competitive Qualifying Promotions	2 (100.0)	-	-	-	2 (100.0%)
Non-competitive Open-competitive Promotions	2 (50.0)	2 (50.0)	-	-	4 (100.0%)
Changes in Jurisdictional Class	2 (100.0)	-	-	-	2 (100.0%)
Non-list Promotions	621 (70.3)	200 (22.7)	32 (3.6)	30 (3.4)	883 (100.0%)
Reinstatements Within One Year	6 (75.0)	2 (25.0)	-	-	8 (100.0%)
Reallocations	1 (50.0)	-	1 (50.0)	-	2 (100.0%)
Structural Changes	9 (90.0)	1 (10.0)	-	-	10 (100.0%)
Traditional Examinations	280 (67.6)	116 (28.0)	12 (2.9)	6 (1.5)	414 (100.0%)
TOTALS	971 (70.3%)	327 (23.7%)	46 (3.3%)	37 (2.7%)	1381 (100.0%)

TABLE VII
 PROMOTIONS THROUGH VARIOUS ROUTES OF PROMOTION,
 BY SEX AND RACE/ETHNIC STATUS

	<u>White Males</u>	<u>White Females</u>	<u>Minority Males</u>	<u>Minority Females</u>	<u>Total</u>
Non-list Promotions	64.0% (621)	61.2% (200)	69.5% (32)	81.1% (30)	63.9% (883)
Other Alternative Route Promotions*	7.2 (70)	3.3 (11)	4.4 (2)	2.7 (1)	6.1 (84)
Traditional Examination List Promotions	28.8 (280)	35.5 (116)	26.1 (12)	16.2 (6)	30.0 (414)
TOTALS	100.0% (971)	100.0% (327)	100.0% (46)	100.0% (37)	100.0% (1381)

*These include Administrative Transfers (45), Regular Transfers (4), Non-competitive Promotions (7), Non-competitive Qualifying Promotions (2), Non-competitive Open Competitive Promotions (4), Changes in Jurisdictional Classification (2), Reinstatements Within One Year (8), Reallocations (2), and Structural Changes (10).

research and conversations with many concerned people had led us to expect that examinations would provide the best access to promotion for all women and minorities. Instead, it seems to provide significantly more opportunity for white women than it does for minority women or men.

When we review the figures for promotion through Other Alternative Routes, the raw numbers tell a story hidden by the percentages. Consistent with our expectations, white males were the only ones to receive sizeable numbers of these non-traditional promotions. If we compare the percentages across on Table VII, it is clear that white males received a larger portion of their most recent promotions through these routes than any other group. The differences appear

relatively small (7.2 percent of all promotions received through "Other Alternative Routes" for white males, compared to 3.4 percent for white females, 4.3 percent for minority males, and 2.7 percent for minority females); however, the raw numbers demonstrate that minority people are almost non-existent among those who were promoted through these routes. There were only two minority males and one minority female. The generalized precision of such small numbers is not statistically reliable, since a shift of only one case could literally remove a cell and alter any interpretation of the data tremendously. Yet, the trend is obvious: it appears that the non-traditional routes of promotion are used overwhelmingly to promote majority employees and, of these promotions, the vast number were received by white men.

Another way to review these figures is to consider the percentage of a type of promotion obtained by a particular sex and race/ethnic group, and compare that figure to their share of the total sample. This sample share represents the standard, or the proportion of that group's promotions one would expect to be made through a particular route in the absence of differential treatment. The difference between the standard and the actual proportions can be thought of as "over-" or "under-representation." It is over-representation when a group received more than their sample share of those promotions, or under-representation when they received fewer than their sample share. For example, by comparing the proportion of the sample made up by white women, to the proportion of promotions made through a specific route received by white women, we can determine whether white women are under-represented. Under-representation in particularly advantageous categories of promotion may be an indicator of institutional discrimination.

Table VIII allows for the computation of over- and under-representation. For white women, who make up 23.7 percent of the sample, we find

under-representation in promotion through Non-list Promotions and Other Alternative Routes: although they represent 23.7 percent of the sample, they received less than that percentage of the total number of promotions received through those mechanisms. For minority men and women, when we compare their sample shares (3.3 percent and 2.7 percent, respectively) to the proportion of the various promotional types they received, Table VIII indicates they were under-represented in the categories of Other Alternative Routes and Traditional Examination List Promotions.

Often the differences between a group's sample share and the proportion of their promotions received through a particular category may appear to be a small number. However, the absolute number derived from subtracting one proportion from the other may be misleading. To more effectively interpret under-representation, Nordlie (1979) has proposed the use of a Difference Indicator, using the actual and expected number of promotions received. The formula is

$$\left[\frac{\text{Actual Number}}{\text{Expected Number}} \times 100 \right] - 100.$$

The closer the indicator is to zero, the less evidence of difference in treatment on that dimension. Table X presents the computed difference indicators. If the indicator is positive, it tells us that the number of people in that promotional category is that percent greater than would be expected if sex and race/ethnicity were not related to promotional route. If the indicator is negative, the number of people in the category is that percent less than would be expected if sex and race/ethnicity were not related to promotional route.

The results are instructive. While they are derived from the same numbers and therefore convey the same trends as Tables VII and VIII, the interpretation possible is much more powerful. For instance, in the area of Other Alternative Route Promotions, Table VIII indicated that white females received 13.1 percent of all such promotions compared to their sample share of 23.7 percent, a

TABLE VIII
 DISTRIBUTION OF PROMOTIONS THROUGH VARIOUS ROUTES
 BY SEX AND RACE/ETHNIC STATUS

	<u>White Males</u>	<u>White Females</u>	<u>Minority Males</u>	<u>Minority Females</u>	<u>Total</u>
Traditional Examination List Promotions	67.6%	28.0%	2.9%	1.5%	100.0% (414)
Non-list Promotions (Provisional and Temporary)	70.3	22.7	3.6	3.4	100.0% (883)
Other Alternative Route Promotions*	83.3	13.1	2.4	1.2	100.0% (84)
Sample Distribution	70.3	23.7	3.3	2.7	100.0% (1381)

*These include Administrative Transfers (45), Regular Transfers (4), Non-competitive Promotions (7), Non-competitive Qualifying Promotions (2), Non-competitive Open Competitive Promotions (4), Changes in Jurisdictional Classification (2), Reinstatements Within One Year (8), Reallocations (2), and Structural Changes (10).

difference of 10.6 percentage points. Computation of the difference indicator in Table IX tells us that white females are under-represented by 45 percent; therefore, the number of white females found in this category is approximately 45 percent lower than we would expect if there were no sex or race/ethnicity based differential experience. Both groups of minorities are also under-represented in their receipt of promotion through Other Alternative Routes: there were approximately 50 percent fewer minority females promoted through these routes than we would expect in the absence of differential experience and 33 percent fewer minority males. Only white males were over-represented in their receipt of these non-traditional permanent promotions.

TABLE IX

DIFFERENCE INDICATORS FOR PROMOTION
THROUGH VARIOUS ROUTES BY SEX AND RACE/ETHNIC STATUS

	<u>White Males</u>	<u>White Females</u>	<u>Minority Males</u>	<u>Minority Females</u>
Traditional Examination List Promotions	-3.8	18.4	-14.3	-45.5
Non-list Promotions	0	-4.3	10.3	25.0
Other Alternative Route Promotions*	18.6	-45.0	-33.3	-50.0

*These include Administrative Transfers, Regular Transfers, Non-competitive Promotions, Non-competitive Qualifying Promotions, Non-competitive Open Competitive Promotions, Changes in Jurisdictional Classification, Reinstatements Within One Year, Reallocations, and Structural Changes.

Use of the routes of promotion obviously differs somewhat on the basis of sex and race/ethnicity. Table X presents a final variation on the ways to break down the categories to explore these differences. It allows comparisons between the use of each of the major categories of promotion and all other routes combined. For instance, part A of the table indicates that white women were the most likely group to be promoted through examination (35.5 percent), which is the most traditional and least flexible of the promotion mechanisms. Minority women were the least likely (16.2 percent) to receive their most recent promotion through this route. Males, both minority and non-minority, were in-between the females: white male promotions were most similar to those of white females (28.8 percent), while the distribution of minority male promotions were most similar to those of minority females (26.1 percent). Most significantly, this suggests that race/ethnicity may be a more important predictor of whether one received her/his most recent promotion through the traditional examination process than sex.

TABLE X
DIFFERENTIAL USE OF PROMOTION ROUTES
BY SEX AND RACE/ETHNICITY

	<u>White Males</u>	<u>White Females</u>	<u>Minority Males</u>	<u>Minority Females</u>	<u>Total</u>
A. Promoted through:					
Examination	28.8%	35.5%	26.1%	16.2%	30.0%
Other Route	71.2	64.5	73.9	83.8	70.0
Total	100.0% (971)	100.0% (327)	100.0% (46)	100.0% (37)	100.0% (1381)
<hr/>					
B. Promoted through:					
Non-list Route	64.0%	61.2%	70.0%	81.1%	63.9%
Other Route	36.0	38.8	30.0	18.9	36.1
Total	100.0% (971)	100.0% (327)	100.0% (46)	100.0% (37)	100.0% (1381)
<hr/>					
C. Promoted through:					
Examination or Non-list Routes	93.0%	99.6%	95.7%	97.3%	93.9%
Other Route	7.0	3.4	4.3	2.7	6.1
Total	100.0% (971)	100.0% (327)	100.0% (46)	100.0% (37)	100.0% (1381)

Minorities, both males and females, were more likely to receive their most recent promotion through a Non-list Appointment (provisional or temporary) than were non-minorities. Part B of Table X provides the relevant percentages. This further confirms the suggestion offered above that minority status is a more important predictor of the promotion route used for most recent promotion than sex.

The greater relative percentages for minority employees can be interpreted as a positive sign or as a negative indication, depending on how Non-list Promotions are used. Information available on the implications of Non-list Promotions is mostly anecdotal. Some suggest that Non-list Appointments, made without necessary regard for traditional competitive selection criteria, are a "foot in the door," that they provide privileged access to demonstrate competence in higher level jobs. Advocates of this position further suggest that once an employee has that "foot in the door," she/he is more likely to be permanently appointed to the promotional title than if she/he had not had the Non-list opportunity. If this is the case, the larger proportion of minority employees who received promotion through this route may represent State affirmative action efforts, since promoting minority candidates through the flexible Non-list process might eventually increase the number of permanently appointed minority managers.

Others argue that Non-list Promotions are a disadvantage to employees. Advocates of this position feel that these appointments, providing no tenure rights to employees regardless of the length of time they serve in this capacity, are abusive. The argument follows that minority employees as a group may be disproportionately disadvantaged because they received the largest proportions of their most recent promotions through this route. Rather than offering employees the opportunity to demonstrate competence in a higher level job and

rewarding that competence with permanent appointment, those who hold this position argue that Non-list Appointments take advantage of the skills and effort of incumbents and then send them back to the lower level job from which they came.

The statements on both sides of the argument appear to contain a bit of truth. In some cases Non-list Appointments apparently are a "foot in the door." In some cases they apparently lead no-where but back to where one came from. This report discusses the differential use of Non-list Promotions to a greater extent in the succeeding chapter. We conclude that Non-list Promotions are only slightly differentially allocated, but more important may be how they are terminated -- whether in permanent appointment to the higher level position or demotion back to one's lower level permanent appointment. We hypothesize that whether Non-list Promotions are converted to permanent appointments differs on the basis of race/ethnicity and sex. However, it remains the task of future research focused on the Non-list mechanism to more fully test this hypothesis and other possible institutional discrimination inherent in the use of Non-list Promotions.

Finally, returning to Table X, in Part C we find again that the group most likely to receive their most recent promotion through one of the Other Alternative Routes, those most flexible of promotion categories, are white males. While the absolute numbers are small, the percentages indicate a clear trend. White males received 7.0 percent of their most recent promotions through various categories of these other routes, compared to 4.3 percent for minority males, 3.4 percent for white females, and 2.7 percent for minority females. Note that this is the only case of the three presented in Table X, where sex may be the more powerful predictor: both groups of males received the larger proportions of promotions through Other Alternative Routes, while both groups of females

received the smaller proportions. However, before that conclusion is carried too far, it is important to note that white males received a proportion significantly above all other groups, while minority males received a mere 1 percent greater proportion than the largest group of females. The predominance of white males in virtually all the sub-categories of these Other Alternative Routes will be explored throughout this report.

All of the tables and statistics presented thus far point to one conclusion: the mechanism used for the most recent promotion an individual received is related to sex and race/ethnicity. The experience of the four sex and race/ethnicity status groups might be characterized as follows:

°White males received promotions through the entire range of possible mechanisms. They were significantly over-represented in the Other Alternative Route Promotions -- the least traditional and least numerous.

°White females received promotions through a somewhat narrower range of mechanisms. They were more likely to have been promoted through the Traditional-Examination List process than were members of any other group.¹⁰ They were under-represented in all other categories of promotion.

°Minority males received promotion through an even narrower range of mechanisms. They were under-represented in all categories except Non-list Promotions.¹¹

°Minority females received promotion through the narrowest range of mechanisms. Like minority males, they were under-represented in all categories except Non-list Promotions. In fact, minority women were the most likely group to be promoted through the Non-list mechanisms. They were the least likely to be promoted through the combined category of Other Alternative Routes.

¹⁰ I refer here to broad categories of promotion. As Table VI indicates, majority females were over-represented in two very small categories which were later collapsed with Other Alternative Routes. These were Regular Transfers and Non-competitive Open Competitive Promotions. In both cases, majority females received two promotions, representing 50 percent of the total.

¹¹ Again, this refers to broad categories of promotion. Within the broad category of Other Alternative Routes, minority males received one of the two promotions through Reallocation, representing 50 percent.

All of these findings suggest the possibility of institutional discrimination: processes built into the way we do "business as usual" which result in unequal outcomes for women and minority men as compared to white men. In order to determine whether these unequal results were spurious, whether they were the result of other variables highly correlated with sex or minority status, further analysis on age and salary grade was conducted. If these variables are not statistically correlated to sex or race/ethnicity to any great degree, then we can be more confident that our findings of differences are a result of sex and/or race/ethnicity.

Effects of Salary Grade and Age

The correlation of sex and race/ethnicity with age and salary grade are of no significant magnitude, indicating that age and salary grade are largely independent of sex and race/ethnicity.¹² The largest correlation represents the relationship between sex and salary grade. That correlation of $-.10$ indicates a slight trend for salary grades to be higher for male employees -- a trend which is not surprising given the statistics reported in Chapter I. Such low correlations mean that age and salary grade are probably not explaining the differences in the use of promotional routes which we have attributed to sex and race/ethnicity. However, these variables could have an independent effect on the route of promotion. This possibility will be explored next.

There is a somewhat expected and moderate relationship between salary grade and the route of promotion utilized. We had been told informally that it is at the higher levels of management where the increased flexibility offered by some of the alternative routes is most utilized. The data only partially support

¹² Race/ethnicity was coded into two categories for this analysis: minority and non-minority.

this informal information. As indicated in Table XI, promotion through Examination is most prevalent in the lower grade levels, as expected. Promotion through the Non-list mechanisms of provisional and temporary appointments are prevalent in all salary grades, but reach their highest use (86 percent of all promotions) in the highest salary grades. Contrary to expectation however, the Other Alternative Routes combined were used most in the middle categories, salary grades 25 to 34.

Similarly, tests of the relationship between age and route of promotion (with Other Alternative Routes combined) only partially yielded expected

TABLE XI
ROUTE OF MOST RECENT PROMOTION BY SALARY GRADE

	<u>Salary Grades</u>				<u>Total</u>
	<u>23-24</u>	<u>25-29</u>	<u>30-34</u>	<u>35-38</u>	
<u>Route of Promotion:</u>					
Traditional Examination List	40.9%	20.1%	28.1%	9.1%	30.0%
Non-list Promotion	56.7	70.9	61.8	86.4	63.9
Other Alternative Route*	2.4	9.0	10.1	4.5	6.1
Total	100.0% (617)	100.0% (603)	100.0% (139)	100.0% (22)	100.0% (1381)

$X^2 = 84.37$, with 6 degrees of freedom, significance = 0000
Cramer's V = .175

*These include Administrative Transfers (45), Regular Transfers (4), Non-competitive Promotions (7), Non-competitive Qualifying Promotions (2), Non-competitive Open Competitive Promotions (4), Changes in Jurisdictional Classification (2), Reinstatements Within One Year (8), Reallocations (2), and Structural Changes (10).

results. We expected that older and therefore more experienced managers would have the best access to the non-traditional routes of promotion. While the relationship is not statistically significant, the trend is consistent with our findings for salary grade: use of Traditional Examination Lists for promotion declines with age, while the use of Non-list Promotions increases with age. Other Alternative Routes of Promotion are most likely to be used in the middle age categories of 35 to 54 years.

In summary, the relationships of salary grade and age with the routes used for promotion were not surprising for the most part. Examination-based promotions were most prevalent among those of younger ages and in lower salary grades. The use of Non-list Promotions increased with salary grade and age. However, contrary to expectations the Other Alternative Routes of Promotion combined were used most in the middle salary grades and among middle aged employees.

Sex and Race/Ethnic Segregation Of The Workforce

While we found some important differences in the routes used for promotion based on individual sex and minority status characteristics of employees, we were also interested in whether there were any significant changes occurring in workforce composition: were more women and/or minorities being promoted into jobs previously dominated by majority males thus integrating the workforce? If we found the State workforce to be increasingly sex and race integrated, that might have significance for future promotion related research. Where male and female or majority and minority employees may have somewhat different promotional experience today, their experience may become more similar once they work in the same jobs. This hypothesis, of course, assumes that the type of promotion received is related to job title, an assumption we were unable to

systematically test with these data. However, more informal observations with the data reported here do lend support to the notion that the type of promotion received is related to job title.

What we found is most disappointing -- the workforce not only is segregated on the basis of sex and race/ethnicity, but the promotions under study here were not contributing dramatically to breaking down that segregation. Most promotions were made to titles dominated by whites and males. However, even this does not lead to integration, since generally we find whites and males are the ones promoted. Women continued to be promoted primarily into jobs which were already integrated or jobs already dominated by women. Minorities also tended to be promoted into jobs in which minorities were already present in significant numbers. Those promoted to titles dominated by whites or men were most likely also to be whites and/or men.

In order to determine this, we selected from among the job titles to which the 1381 individuals included in this analysis were promoted. For each job title in which there were at least four incumbents (n=59 titles), we separately calculated the overall proportion of each position which was filled by women and the overall proportion filled by minorities, as of December, 1980. We then compared the sex and race/ethnicity of those promoted to the sex and race/ethnic composition of the title they were promoted to. Tables XII and XIII provide the resulting statistics.

As Table XII indicates, the majority of our sample of employees (approximately 60 percent) were promoted into job titles which were already dominated by men. (These are titles filled by 30 percent or fewer women.) In fact, approximately 12 percent of our sample of managers were promoted into job titles in which there were no women currently employed, and another 10 percent were promoted into job titles in which women constituted from 1 percent to 10 percent

of the incumbents. The great majority (87 percent) of those promoted into these male dominated titles were males. While 16 percent of all men were promoted into titles where there were no women, only one out of 40 women was promoted into such a title.

Women were most likely to be promoted into jobs where relatively large proportions of women were already employed: 65 percent of the women were promoted into integrated or female dominated jobs (jobs already filled by over 30 percent women). Conversely, only 30 percent of the men were promoted into jobs filled over 30 percent by women. The relationship between sex and the sex composition of the title to which one is promoted is statistically significant and is moderately strong.

The comparable analysis of race/ethnicity of employees and the composition of the title to which they were promoted is more difficult because there are only nine promotions of minority employees available for this analysis. While precision is impossible with so few cases, the trend for minorities demonstrated in Table XIII does seem to be in the same direction as we found for women. Almost 35 percent of promoted white employees were entering positions in which there were no minorities currently employed. No minorities in our sample were promoted into these all white job titles. Conversely, of white employees, only 6 percent were promoted into positions which had a high proportion of minority incumbents (over 20 percent). Yet, five of the nine minority employees in this analysis (56 percent) were promoted into job titles which already had more than 20 percent minority incumbents.¹³ Therefore, even with these small numbers, the

¹³The distribution of these promotions did not vary tremendously by agency with two exceptions. The Office of Mental Health and the Office of Mental Retardation and Developmental Disabilities promoted a very large portion of the total of both minority and white employees into positions which have significant minority representation. Of the 69 promotions into job titles where minorities constitute 20 percent or more of the incumbents, 66 of these (96 percent) were in these two agencies.

trend is obvious. Minority employees tend to be promoted into titles where significant numbers of minority employees already are employed. Majority employees are much more likely than minority employees to be promoted into positions already heavily dominated by whites.

These findings on the basis of both sex and minority status suggest that the State of New York is not making great strides in breaking down the sex and race/ethnicity segregation of its managerial workforce through the use of promotion.

TABLE XII

DISTRIBUTION OF PROMOTIONS OF MALES AND FEMALES
INTO JOB TITLES OF VARYING SEX COMPOSITION

Percent of Job Title Filled by Females	Males Pro- moted into These Titles	Females Pro- moted into These Titles	Total	Cumulative Percent of Promoted Employees
0%	16.2% (16)	2.5% (1)	12.2% (17)	12.2%
1-10	11.1 (11)	3.5 (3)	10.1 (14)	22.3
11-20	15.1 (15)	12.5 (5)	14.4 (20)	36.7
21-30	27.3 (27)	12.5 (5)	23.0 (32)	59.7
31-50	18.2 (18)	27.5 (11)	20.9 (29)	80.6
51 and above	12.1 (12)	37.5 (15)	19.4 (27)	100.0
TOTAL	100.0% (99)	100.0% (40)	100.0% (139)	

Chi Square = 18.18851, with 5 degrees of freedom, significance = .0027
Cramer's V = 0.36174

TABLE XIII

DISTRIBUTION OF PROMOTIONS INTO JOB TITLES
OF VARYING RACE/ETHNIC STATUS COMPOSITION

Percent of Job Titles Filled by Minority Employees	Whites Promoted Into These Titles	Minorities Promoted Into These Titles	Total	Cumulative Percent of Promoted Employees
0%	34.9% (45)	0% (0)	32.6% (45)	32.6%
1-5	17.0 (22)	22.2 (2)	17.4 (24)	50.0
6-10	32.6 (42)	22.2 (2)	31.9 (44)	81.9
11-20	9.3 (12)	44.4 (4)	11.6 (16)	93.5
21-40	6.2 (8)	11.1 (1)	6.5 (9)	100.0
TOTAL	100.0% (129)	99.9%* (9)	100.0% (138)	

*Does not total 100 percent due to rounding.

Agency Differences

The sample was drawn to include agencies of various sizes, compositions, and functions. In so designing the study, we expected to be able to determine whether the use of the various routes of promotion was related to any of these agency characteristics.

Our findings, however, do not support any significant hypothesis of differences on the basis of agency characteristics. In fact, the use of the various routes of promotion is fairly consistent across agencies. We do not observe major patterns of variation by size of agency or by type of agency function.

TABLE XIV

Yet, there are some minor individual differences among agencies. In particular, those agencies which exhibit an atypical use of the Non-list Promotion mechanism, that is they tend to have either an extremely high or an extremely low number of Non-list Promotions, also tend to exhibit atypical patterns (either very high or very low use) in the distribution of Examination List Promotions. There is a trade-off effect: agencies high on one type are unusually low on the other. That makes obvious sense when we recall that Non-list Promotions are most often used when there is no examination list from which to make an appointment.

Almost all agencies used a combination of Traditional Examination List Appointments and Non-list Appointments to make 90 percent or more of the promotions in our sample. The single exception to this is the Office of Aging, which made 50 percent of its promotions through Administrative Transfer, and the remaining 50 percent through a combination of Examination Lists and Non-list (provisional and temporary) Appointments.

The average proportion¹⁴ of promotions made through Non-list mechanisms among the agencies is approximately 64 percent. Agencies varied around that mean, providing a range of 28 percent to 100 percent. This means that the agency which made the smallest proportion of the sampled promotions through the Non-list mechanism made 28 percent of these promotions this way, while the agency with the highest use made 100 percent of the most recent promotions through this route.

The average proportion promotions made within agencies through Traditional Examination List Appointments is approximately 28 percent. Similar to Non-list

¹⁴This mean and the mean calculated for the proportion of promotions made through the Traditional Examination list Process are not weighted by agency size.

TABLE XV
PROPORTION OF PROMOTIONS WITHIN AND ACROSS AGENCIES

	Promoted From Within <u>Agency</u>	Promoted From Outside <u>Agency</u>	<u>Total</u>
Division of Budget	100.0%	0.0%	100.0% (36)
Office of General Services	97.0	3.0	100.0 (67)
State Board of Equalization & Assessment	97.4	2.6	100.0 (39)
Office of Aging	100.0	0.0	100.0 (8)
Division of Criminal Justice Services	91.0	9.0	100.0 (21)
State Energy Office	100.0	0.0	100.0 (3)
Department of Audit & Control	98.0	2.0	100.0 (87)
Department of Agriculture & Markets	94.1	5.9	100.0 (17)
Department of Education	83.8	16.7	100.0 (78)
Department of Taxation & Finance	99.1	0.9	100.0 (229)
Department of Commerce	100.0	0.0	100.0 (10)
Department of Parks & Recreation	96.3	3.7	100.0 (27)
Office of Mental Health	65.0	35.0	100.0 (309)
Office of Mental Retardation & Developmental Disabilities	72.5	27.5	100.0 (335)
Division of Alcoholism & Alcohol Abuse	66.7	33.3	100.0 (24)
Division of Substance Abuse Services - Central Administration	72.0	28.0	100.0 (25)
TOTAL	81.8%	18.2%	100.0 (1315*)

*Missing Data = 66 cases

Promotions, there is substantial variation around the mean, but with a much lower range of 4 percent to 67 percent.

It is interesting to note that promotion generally occurs within an agency. In over 80 percent of the cases, the promotion received occurred within the agency in which the employee already worked at a lower salary grade. (Refer to Table XV.) Major exceptions to this trend occur in all of the mental health related agencies: Office of Mental Health (35.0 percent of promotions made from outside the agency), Office of Mental Retardation and Developmental Disabilities (27.5 percent), Division of Alcoholism and Alcohol Abuse (33.3 percent), and Division of Substance Abuse Services (28.0 percent). Many of the inter-agency promotions to these particular agencies may be due to a reorganization which occurred just a few years prior to the beginning of this research. The Department of Mental Hygiene split into these four autonomous agencies and there reportedly was much movement between them during the transition. If we temporarily remove those mental health related agencies from the analysis, we find that only 4 percent of the remaining promotions were made between agencies. That being the case, we conclude that opportunity for advancement occurs primarily within agencies rather than between them.

Conclusion

Much to our initial surprise we found that the original estimate that one-third of all promotions take place outside of the Traditional Examination List process was much too conservative. In fact, the actual figure of 70 percent is more than double that estimate.

Our most important findings reported in this chapter involved the differential use of the routes of promotion. White men were found to use the broadest

range of promotion mechanisms, followed by white women, minority men, and then minority women who experienced the narrowest range of promotion types.

White men as a group received a larger proportion of their promotions through the combination of the most flexible and least traditional routes of promotion than any other group. Although the absolute numbers of these promotions given was quite low, the overwhelming majority of them were received by white men.

Males and females, majority and minority, all received the largest proportions of their most recent promotions through the Non-list mechanism. However, the relative proportion for minority managers of both sexes was higher than that for whites. The Traditional Examination List Promotions were the next most popular route used by all groups. White women received a significantly higher proportion of their promotions through this route than any other group. These findings of differential use of promotional mechanisms on the basis of sex and race ethnicity lead to more detailed hypotheses of institutional discrimination, which will be explored in succeeding chapters.

Beyond these general findings about the effect of sex and race/ethnicity on promotional route used for one's last promotion, we also explored whether age or salary grade affected the route of promotion utilized. In fact, both variables were found to have some independent effect. Examination promotions were more prevalent among those who are younger and those at lower salary grades. The use of Non-list promotions tended to increase with both age and salary grade. Surprisingly, the use of the combination of Other Alternative Route Promotions were most prevalent among both middle ages and middle salary grades.

In our analysis of the sex and race/ethnic segregation of the State managerial workforce, we were forced to conclude that the promotions captured in this study were not going to create a major break from the status quo. Women

and minorities tended to continue to be promoted into positions which already had significant numbers of women and minorities in them. Whites and men tended to be promoted into titles already dominated by whites and men. To the extent that mechanisms used for promotion may be related to job title, as long as the workforce remains sex and race segregated we may not be able to expect the promotion experience of minorities and women to be the same as that of whites and men.

Finally in this chapter we explored possible differences in the use of promotion mechanisms by agency. Although our major hypotheses of the effects of agency size, function and composition were not supported, some interesting differences were noted. In particular, agencies which exhibited atypical patterns with regard to Traditional Examination List Promotions also tended to exhibit atypical patterns in the use of Non-list Promotions, an obvious trade-off. In addition, we found that the opportunity for promotion seems to occur almost entirely within agencies rather than between different agencies.

IV. NON-LIST PROMOTIONS

Non-list Promotions constitute the largest category of promotions in the New York State managerial ranks. Approximately 64 percent (883) of all the promotions under consideration in this study are in the category of Non-list Promotions. These are non-permanent appointments which do not involve selection from among the top candidates on an examination list. Both temporary and provisional appointments are included in Non-list Promotions.

Definition of Terms

Several terms which were defined much earlier in this report are important to understanding Non-list Promotions. Their definitions are repeated here.

°Non-list Appointments

non-permanent appointments which do not involve selection from an eligibility list; include appointments made pending the canvass of an appropriate eligibility list and appointments made in the absence of an appropriate eligibility list; include both provisional and temporary appointments.

°Provisional Appointments

appointments made on a non-competitive basis when there is no appropriate eligible list available to fill a competitive class vacancy, or when an eligible list contains less than three people willing to accept the position; legally limited to nine months.

°Temporary Appointments

non-competitive appointments made when a position definitely is vacant only temporarily, due to such circumstances as an incumbent being on leave; specific time limit for temporary appointments made without regard to an existing eligible list is three months.

Consequences of Non-list Promotions

In order to qualify for a Non-list Promotion, an individual must meet the minimum qualifications listed on the most recent examination announcement for the position.¹⁵ Non-permanent appointments through this route often are thought to lead to permanent appointments, in a sense to be used as implicit probationary periods. However, this is not intended under the law. Rather, they are to be used only as stopgap measures until regular permanent competitive appointments can be made.¹⁶ Anecdotal information we received also indicated that Non-list Appointments may be used by supervisors as a way of making a non-competitive appointment of the candidate of their choice, thus undercutting the merit system and possibly discriminating against women and/or minorities. In this analysis, we test to determine whether there is disparate use of this route of promotion.

There can be serious consequences for individuals holding a provisional or temporary appointment. These appointments offer employees no tenure, which means an individual has no vested right to continued employment in the position. If a person was provisionally or temporarily promoted after having held a permanent appointment in another position, she/he would have vested rights in the previous permanent appointment and could return to that position. However, if it is the employee's first appointment in the State or if she/he entered State service on a non-permanent basis and changed positions through another Non-list Appointment, the employee has no State tenure, no vested right to continued employment.

¹⁵ As explained in Department of Civil Service Staffing Services Memorandum 7-80, March 14, 1980. Exceptions to the rule are allowed with the approval of staffing services in the Department of Civil Service, thus adding some flexibility to the procedure.

¹⁶ See Hannon versus Bartlett, 405 N.Y.S. 2d 513, 1978.

In addition, while an employee is non-permanently appointed to a title, she/he may be forgoing other opportunities for advancement. The longer the non-permanent appointment continues, without any guarantee of being made permanent, the more other opportunities an employee may lose. Thus, employees who are provisionally or temporarily appointed to a title run two kinds of risks. First, they may have no State tenure and vesting rights. Second, they may be losing out on other advancement opportunities for the duration of the non-permanent appointment. If the non-permanent appointment is made permanent, as they often are, these risks may have been quite worthwhile. However, other times when the provisional or temporary appointment is ended, the employee is returned to her/his previous permanent appointment, if the employee is lucky enough to have one, or is dismissed from State service.

In addition to potential costs to the individual, there are also major system drawbacks to non-permanent appointments. For instance, assume a person is promoted from a permanent appointment as a Supervising Computer Operator to a temporary assignment as Chief Computer Operator while the permanent Chief is on leave. Since the promoted employee has a "hold item" on her/his permanent appointment in the lower supervising position and can go back to it at anytime, that position can only be filled temporarily or provisionally. The next person who is non-permanently promoted to the supervising title probably also has been appointed from a permanent position as a Senior Computer Operator, on which she/he has a "hold." The Senior Operator position, therefore, cannot be permanently filled, and so it goes. It becomes a domino-like series of non-permanent appointments, which are likely to fall only when the Chief Operator position is permanently filled. Thus, Non-list Promotions have negative consequences for the individual and possibly for the merit system of civil service.

Differential Use of Non-list Promotions

The distribution of Non-list Promotions by sex and minority status parallels the sample distribution fairly closely as demonstrated on Table XVI. That is to say that the distribution of these promotions is approximately what we would expect it to be assuming that promotion through this route was made without regard to sex or race/ethnicity. Comparing the percent of all Non-list Promotions received to the percentage distribution of our sample, we note that white females deviate the farthest at only 1 percent: they represent 23.7 percent of the sample and received 22.7 percent of the Non-list Promotions. Other groups received Non-list Promotions in even closer approximation to their sample share.

However, if we look at the Difference Indicators, we find that the deviation is most significant for minority managers. Minority female managers received 25 percent more Non-list Promotions than we would expect if there was no difference based on sex or race/ethnicity. Minority male managers received 10 percent more promotions than we would have expected. White females received 4 percent fewer such promotions than expected. White males received exactly the number we would expect, assuming that the distribution of Non-list Promotions was made without regard to sex or race/ethnicity. These relatively large Difference Indicators for minority employees may be more a function of their small numbers than large differences in distribution. For instance, minority males received 32 of their most recent promotions through this mechanism; statistically we would have expected them to receive only 29 (3.3 percent of all Non-list Promotions). The difference of only three promotions led to a relatively large Difference Indicator of 10. Therefore, although the Difference Indicators may be high, since the absolute numbers of minorities are so low and the comparison between the sample percentage distribution and the Non-list

Promotion distribution is so close, we conclude that there is relatively little difference based on sex and race/ethnicity.

TABLE XVI
DISTRIBUTION OF NON-LIST PROMOTIONS
BY SEX AND MINORITY STATUS

	White Males	White Females	Minority Males	Minority Females	Total
Number of Non-list Promotions Received	621	200	32	30	883
Percent of All Non-list Promotions	70.3%	22.7%	3.6%	3.4%	100%
Percent of Sample	70.3%	23.7%	3.3%	2.7%	100%
Difference Indicator	0	-4.3	+10.3	+25.0	
Average Change in Salary Grade	4.0	4.5	4.6	4.6	4.2

The finding that there is little proportionate difference in the receipt of promotion through the Non-list process was actually quite surprising. We had received anecdotal information from a wide variety of sources indicating that these promotions were disproportionately allocated to white males, that they were used as a "foot in the door" technique for gaining access to higher level managerial positions. The fact that the disproportionate allocation is in favor of women and minority men challenges conventional wisdom.

A review of the average salary grades for which Non-list Promotions were made also demonstrates only small differences among sex and race/ethnicity groups. It is interesting to note on Table XVII, however, that while the mean is fairly constant, between salary grades 25 and 26, the range varies,

particularly by sex. The range for both groups of men is the full salary grade range of 23-38, while for white women the range is 23-35, and for minority women the range is only 23-33. Although minority males experienced the full range, the bulk of their promotions were skewed toward the low end.

TABLE XVII

MEAN SALARY GRADE ATTAINED THROUGH NON-LIST APPOINTMENT
BY SEX AND RACE/ETHNICITY

	White Males (n=971)	White Females (n=327)	Minority Males (n=46)	Minority Females (n=37)	Total (n=1381)
Average Salary Grade Promoted to:	25.8	25.0	25.6	25.4	25.6
Range	23-38	23-35	23-38	23-33	23-38
Standard Deviation	3.4	2.5	3.9	2.5	3.2

Although the distributions suggest that there are only small differences based on sex or race/ethnicity in the allocation of Non-list Promotions, we were interested in what might be occurring beneath this surface. The earlier discussion of institutional discrimination indicated that when differences occur they may be embedded in what otherwise seem to be fair and established procedures and practices. Such discrimination may not be so obviously visible from the analysis of overview statistics. Because Non-list Appointments constitute such a large proportion of the total number of promotions, we wanted to look further into the process before we concluded that there were no differences of interest.

Provisional Versus Temporary Non-list Promotions

In order to more extensively examine Non-list Promotions, the career histories of a sample of cases were drawn. A 17 percent proportionate stratified (by agency) random sample was drawn, yielding 144 valid cases.¹⁸ Of these 144 cases, only one was a minority group member. Therefore, a supplementary 33 percent minority sample was drawn using the same basic technique. This yielded an additional 21 cases for a total combined sample of 165.

Upon analysis of the career histories of the most recent non-permanent promotions for the 165 individuals, we found that provisional promotions outnumbered temporary promotions by almost 7 to 1. (See Table XVIII.) While the absolute numbers of appointments for some groups are small, as we review the split between provisional and temporary appointments within sex and minority status categories, it is interesting to note the differences. Minority females received all of their Non-list Promotions through provisional appointments, compared to 95 percent for minority males, 89 percent for white males, and 68 percent for white females.

Duration of Non-list Promotions

Of further interest are the differential lengths of these Non-list Promotions by sex and minority status. Because all of the temporary promotions included in this study were made pending the canvass of an appropriate eligible list, ultimately a permanent appointment to the position should be made from an existing examination list. According to Civil Service Law (§64), such temporary appointments are to last no more than three months, under the assumption that it

¹⁸The sample was drawn using a complete list of the 883 Non-list Promotions arranged by agency. The sampling ratio for a 17 percent sample is 1/6. Originally, 149 cases were drawn. However, relevant data were missing on five of these leaving 144 for further analysis.

is possible to canvass a list and make a permanent appointment within that period of time.

TABLE XVIII
DISTRIBUTION OF COMBINED SUBSAMPLES OF
NON-LIST PROMOTIONS

	White Males	White Females	Minority Males	Minority Females	Total
Number of Provisional Appointments	100	15	18	11	144
Number of Temporary Appointments	13	7	1	-0-	21
Percent Provisional Appointments	89%	68%	95%	100%	87%
Percent Temporary Appointments	11%	32%	5%	-0-	13%
Total	100% (113)	100% (22)	100% (19)	100% (11)	100% (165)

All of the provisional promotions included in this study were made pending the administration of an examination. When there is no appropriate eligible list available, a qualified individual may be appointed until an examination is given and a list is drawn up. Regarding the time limit for provisional appointments, Civil Service Law (§65), states that "no provisional appointment shall continue for a period in excess of nine months."

In light of the legal limits, Table XIX demonstrates the surprisingly long duration of most Non-list Promotions. In only one category is the average length of Non-list Promotions within the time frame provided for by law: white

males' temporary promotions, which lasted an average of only 42 days. In all other categories for which sample data were available, the appointment lengths averaged between 278 and 427 days!

These statistics are even more alarming when we note that of the 165 Non-list Promotions used to compute these figures, 136 appointments were not yet completed: that is to say, 82 percent of these appointments were still in effect in November 1980, when these data were obtained. Thus, our computations are extremely conservative, calculated as if all continuing non-permanent appointments ended the day our data were drawn.

TABLE XIX
AVERAGE LENGTH* OF NON-LIST PROMOTIONS
BY SEX AND MINORITY STATUS

	<u>Temporary Promotions</u>	<u>Provisional Promotions</u>
White Males	42 days (n = 13)	409 days (n = 101)
White Females	461 days (n = 7)	278 days (n = 15)
Minority Males	**	427 days (n = 19)
Minority Females	**	369 days (n = 11)
Overall Average	189 days (n = 20)	395 days (n = 146)

*Based on the combined samples described above. The sample averages are probably biased, reflecting artificially shortened lengths because most (82 percent) of these appointments were still in effect when the sample was drawn. These computations are presented as if the continuing appointments had terminated on the day the sample was drawn.

**One or no cases available.

As indicated above, even with these conservative calculations the proportion of appointments within the prescribed number of days were moderate. The overall sample indicated only 44 percent of all provisional promotions were within the nine-month limit. The proportion of provisional appointments terminated in a timely fashion (by sex and race/ethnicity) were: 60 percent for white females; 55 percent for minority females; 42 percent for white males; and 39 percent for minority males. It is a safe conclusion that in an unexpectedly large number of cases, both temporary and provisional appointments extend well beyond the limits set by law.

Concerning the average length of non-permanent appointments, white males experience very short temporary promotions on average compared to white females. All groups experienced long provisional appointments. Men appear to have longer lasting provisional promotions than women. Within the sex categories minorities have the longest provisional appointments: that is to say that minority men have longer average appointments than white men and minority women have longer average appointments than white women.

It is important to note that the problem of extremely long non-permanent appointments has not been ignored by the New York State Department of Civil Service. In 1976 an interoffice memorandum indicated that the problem was an unavoidable result of budget crises.¹⁹ With reduced funds there were not only personnel layoffs, but there also was decreased capacity to produce examinations. These two factors led to the greater use of provisional appointments. The memorandum went on to note the unhealthy influence that long-term provisional appointments have on the merit system.

¹⁹ Interoffice Memorandum on Provisional Control and Long Term from Mr. Wilson, New York State Department of Civil Service, June 28, 1976.

In an effort to solve the problem, the State has instituted a Provisional Reduction Program. It is directed toward reducing the number of provisional appointments in competitive class positions in State service. By targeting the job titles with the largest numbers of provisionally appointed incumbents and administering examinations for those titles, the State expects to be able to cut the number of provisional appointments from a high of over 13,000 to below 6,000 by 1985.

We commend the State for this action and recommend further that the legal time limits be given serious review. If they are found to be too constricting, perhaps legislative reform is needed. If the law is not too constricting, additional measures should be sought which enable practice to be brought into line with the law as it stands.

Other Possible Patterns of Institutional Discrimination

It may be that on face value, there is little statistical relationship between the receipt or length of non-permanent promotions and sex or minority status. However, we wanted to test an hypothesis of institutional discrimination concerning how non-permanent promotions are terminated. An hypothesis of institutional discrimination in the termination of non-permanent promotions might suggest that women and minority men would be more likely to be returned to their previous positions, while white men would be more likely to have their non-permanent promotional appointments made permanent.

Because of the difficulty in culling the data to meet these analytical needs, we were only able to explore one of the possible ways Non-list Promotions are terminated. This way involves the conversion of provisional promotions to permanent appointments through the use of Non-competitive Promotions. We found that white men disproportionately benefit by this type of conversion. These

findings lend support to our hypothesis of institutional discrimination in the termination of Non-list Promotions. Additional analyses of other methods of termination will need to be conducted in future research for us to say with certainty that the termination process consistently discriminates against women and minority men. The results of this analysis on the conversion of provisional promotions through the Non-competitive Promotion process will be more fully described in the chapter on Non-competitive Promotions.

Several other hypotheses of institutional discrimination regarding Non-list Promotions could be generated. For instance, we could hypothesize different explanations for the long durations of non-permanent promotions. We might hypothesize that white males are more likely to be retained in provisional positions until they can be permanently appointed at the higher salary grade level, or even provisionally promoted again to an even higher grade level. On the other hand, women and minority men may be more likely to hold long non-permanent appointments so that the departments do not have to hire them on a permanent basis. With such an interaction effect the result would be the same for all groups -- long, non-permanent appointments -- but the explanation would be a different one depending on sex and minority status. These are only two of the many possible hypotheses. Unfortunately, our data do not allow us to test them. Whatever the experience and whether it differs on the basis of sex or minority status can only be speculation at this point.

Conclusion

Non-list Promotions occur with much greater frequency than any of us had been led to believe. Further, in general, they are of extremely long duration, in apparent violation of the letter and intent of the law. When non-permanent promotions extend beyond the short term limits provided for by law, they may

interfere with the merit system. Finally, if Non-list Appointments operate in a way that discriminates against groups on the basis of sex or race/ethnicity, it is probably found in the way they are terminated rather than in the way they are allocated.

V. TRADITIONAL EXAMINATION LIST PROMOTIONS

By now it comes as no surprise to the reader that what we had thought would be the most common promotional route, the Traditional Examination List Promotion, was found to be only the second most common mechanism for obtaining a managerial promotion. However, the examination process does remain the most frequently used mechanism for obtaining a permanent promotion in management positions. ~~The primary intention of this research was to review the alternatives~~ to promotion through the examination process and to determine whether experiences differed on the basis of sex or minority status. Yet, the data uniquely available through this study also makes possible some new discussion of the examination promotion process itself.

Previous Research on Examination-based Promotions

In a previous study of the managerial promotion process all phases of the Traditional Examination List Promotion process were studied for 239 promotional examinations for positions in salary grades 23 and above (Steinberg and Haignere, forthcoming; Haignere, Chertos, and Steinberg, 1982). These phases include: (1) eligibility to apply to take the examination; (2) applying to take the examination; (3) qualifying to take the examination; (4) passing the examination; (5) ranking on the examination list; and (6) selection from the top three candidates on the examination list.

The primary finding of that study was that the major barrier to the advancement of women and minority men is in the very first phase -- their eligibility to apply to take the examination. Women and minority men tended to be in jobs which were not considered eligible for managerial promotion. When they

were in titles which made them eligible, white women and minority men were statistically as likely to get through the next five phases as we would expect in the absence of discriminatory mechanisms. For minorities, there was a slight decline in the proportion which passed the examination. However, the impact of the examination itself was minor when compared to the impact of the eligibility requirements.

The data available for analysis here are in a quite different form from the data used for the previous study and offer additional insight into the use of the examination process for managerial promotion. These data allow a unique opportunity to test the relationship between individual characteristics and promotion through this most traditional of promotional processes.

Differential Use of Types of Examination Promotions

There are several different sources of permanent examination list appointments. These include:

- ° Open-competitive Examination Lists, resulting from examinations which are open to all individuals who have met the minimum qualifications for taking the exam;
- ° Interdepartmental Examination Lists, resulting from promotional examinations open to State employees who meet the minimum qualifications for the examination; and
- ° Department Examination Lists, resulting from promotional examinations within an agency or department.

Each of these successive examination types is less broadly accessible to potential candidates, and therefore smaller more select populations are considered eligible for the examination and subsequent appointment.

Of those who received their most recent promotion through the Traditional Examination List process, the majority were promoted through Departmental Examinations, the most narrowly defined of the three types. As Table XX indicates, over 58 percent of all Traditional Examination List Promotions were made

through that category. Second to Departmental Examinations are the Open-competitive Examinations (35.8 percent). The least used category of examinations to obtain promotion is the Interdepartmental Promotion Examination, representing only 5.6 percent of all examination promotions.

TABLE XX
DISTRIBUTION OF MOST RECENT PROMOTIONS
THROUGH TRADITIONAL EXAMINATION LIST PROCESSES
BY SEX AND MINORITY STATUS

	White Males	White Females	Minority Males	Minority Females	Total
Open-competitive Examination	30.5%	46.5%	41.7%	66.7%	35.8% (148)
Interdepartmental Examination	5.7	6.0	-0-	-0-	5.6 (23)
Departmental Examination	63.8	47.4	58.3	33.3	58.6 (242)
Total	100.0% (279)	99.9%** (116)	100.0% (12)	100.0% (6)	100.0% (413)*

*One case was missing data.

**Does not equal 100 percent due to rounding.

Departmental Promotions, those limited to employees already in the agency who meet the minimum qualifications, were more likely to be used by white males than by any other group. White males received almost 64 percent of all their examination-based promotions through this route. Although slightly lower, minority males also received the largest proportion of their promotions through this route (58.3 percent). Thus, both groups of males received more than half of their examination promotions through this narrowest examination based route, while women received less than half of their promotions through this route.

Interdepartmental Promotion Examinations, the next broadest eligibility category of promotion examinations, were used in very small numbers and only for the promotion of majority candidates. Both white males and females received approximately 6 percent of their examination-based promotions through this route.

Open-competitive Examination Promotions, on the other hand, were more likely to be used by both groups of females than they were by males. White females received almost 47 percent of their examination-based promotions through this route, minority females received almost 67 percent. The proportion of minority males who received their most recent examination-based promotion through the open-competitive route was also high.²⁰ In fact, at approximately 42 percent, their experience is closer to that of both groups of females than it is to that of white males (31 percent). Thus, the advancement opportunities of women and minority men seem to depend more than those of white men on an extremely open system, where the pool of those considered eligible to take the examination is much broader. This finding is compatible with those already presented and lends support to previous Center research which finds that constricted eligibility to compete for promotion is a major obstacle to the advancement of women and minority men in the New York State managerial salary grades (Steinberg and Haignere, forthcoming; Haignere, Steinberg, and Chertos, 1982).

These findings imply that sex and race integration of positions is most likely to happen under two conditions. First, it may require efforts to broaden

²⁰The percentages for minority groups are difficult to interpret due to the extremely small number of minorities in the sample. Only six minority women and twelve minority men were promoted through the examination mechanism at all. However, even if we ignore the absolute percentages and consider only the trends, it appears that minority women are more likely to receive promotion through the most open route than through either of the narrower routes.

eligibility in order to make women and minority men eligible for Interdepartmental or more importantly, Departmental Examinations. Second, it may require the greater use of Open-competitive Examinations.

Comparing Non-list and Traditional Examination List Promotions

After our preliminary analyses of both promotion through provisional or temporary appointments and appointments from examination lists, we began to wonder whether there might be interesting differences in the careers of those promoted through each of these mechanisms. In particular, we were interested in assessing whether some managers tend to get promoted only through the traditional route of examination, while others use a more innovative combination of traditional examinations and other less traditional routes to move ahead. If this were the case, we might have uncovered a sort of dual system of managerial promotion.

In fact, as Table XXI indicates, those whose most recent promotion was through examination tended to have a distinctly different career history from those whose most recent promotion was through a non-permanent appointment. Using a subsample of examination promotions, we found that for those whose most recent promotion was obtained through an examination, an average 71 percent of their total number of appointments were obtained through examinations.²¹ This

²¹The data to analyze career histories was not available on our computer file, but had to be gathered on a case-by-case basis from hard copy files. It would not have been possible to do this for a large number of cases. Therefore, a 5 percent subsample was drawn of those who received their most recent promotion through the examination process. A proportionate stratified random sampling technique was used. The cases were listed by agency and then selections were made by beginning with a random number (14) and including every 20th case thereafter. This sampling technique yielded 21 cases for analysis, but included no minority employees, who constitute only 4.4 percent of those promoted through the examination route. Consequently, a 33 percent proportional stratified sample of minorities was drawn, yielding six additional cases for analysis.

means that only 29 percent of their appointments, less than one in three, were obtained through some alternative mechanism.

Compare this situation to those whose most recent promotion was obtained through a provisional appointment. Of the subsample of 149 such cases, an average 62 percent of their total number of appointments were made on a non-permanent basis, leaving only 38 percent of their appointments to have been made through other routes.²² This is almost the exact opposite of the experience of those whose most recent promotion was obtained through examination.

Our initial hypothesis was supported. There do seem to be at least two different patterns of appointment and mobility in our sample of New York State managers: managers who throughout their careers primarily get appointed off of an examination list and managers who use primarily provisional and temporary appointments to gain appointment.

The differences between these two groups are not limited to the predominate mechanisms by which they gain appointment, but extends to the number of appointments they experience during their careers. Those who are most likely to use competitive examinations to move from position to position have an average of 3.2 different appointments on their career histories. Those who are most likely to use non-permanent appointments to move between positions have an average of 7.1 different appointments, over twice as many. In part, this difference may be due to the need for those in non-permanent appointments to return to their previous position. In such a case, both the non-permanent appointment to a position and the appointment returning to the previously held position would have been counted. However, because a return to the previous position does not

²²This subsample also consisted of a 5 percent proportional stratified random sample, stratified by agency, which yielded 128 cases and a supplemental 33 percent sample of minorities, yielding another 21 cases for analysis.

always occur and because the number of appointments is over twice as great, returning to the previous position cannot account for the total difference in number of appointments between the two groups.

TABLE XXI

CAREER HISTORY FOR SUBSAMPLES OF THOSE WHOSE MOST RECENT PROMOTION WAS OBTAINED BY TRADITIONAL EXAMINATION LIST OR BY PROVISIONAL APPOINTMENT, BY SEX AND RACE/ETHNIC STATUS

	White Males	White Females	Minority Males	Minority Females	Total
Most Recent Promotion Obtained Through An <u>Examination</u>	15	6	5	1	27
Average Percent of Total Appointments Obtained Through Examinations	76.0%	81.0%	50.0%	50.0%*	71.0%
Average Number of Appointments in Career History	3.3	2.7	3.6	2.0*	3.2
<hr/>					
Most Recent Promotion Obtained Through A <u>Provisional Appointment</u>	100	15	18	11	144
Average Percent of Total Appointments Obtained Provisionally or Temporarily	61.0%	66.0%	66.0%	60.0%	62.0%
Average Number of Appointments in Career History	7.3	5.9	7.0	7.0	7.1

*Based on only one case.

Finally, the experience tends to differ by race and sex. The differences among those whose most recent promotion was obtained through a provisional appointment seem much less pronounced than the differences among those whose last promotion was obtained through examination. (Refer again to Table XXI.) The extremely small size of the subsample of white women and minority people of both sexes in the examination mode warns us that any statement here is speculative. Yet it bears noting for further study that white women appear to be the most likely to receive a high proportion of their total appointments through examination (having received 81 percent of their appointments through examination), Minority managers (both sexes combined) appear to receive many fewer of their total appointments through examination (approximately 50 percent). Because of the small subsample, minority males and females cannot be analyzed independently to determine separate race/sex variation.

Future research on the impact of these two distinct career promotional types is warranted. The method of advancement may be related not only to sex and race/ethnicity, but may be related to occupational types. It also may predict the pace of career advancement and the types of positions to which one has access.

Conclusion

In summary, our analysis of 414 individuals whose most recent promotion was received through one of the three types of Traditional Examination List appointments led to three major conclusions.

First, white males were most likely to be promoted through examinations with the narrowest definition of eligibility to compete. They were followed by minority males, white females and minority females, in that order. Second and conversely, females and minority men promoted through examinations depend

heavily on examinations with much broader eligibility criteria than do white men.

Finally, there does appear to be a typology of career history appointments. Some managers receive the majority of their appointments throughout their career through examination list appointments. Another group of managers seems to receive the largest number of their appointments through the non-permanent mechanisms of provisional and temporary appointments.

VI. ADMINISTRATIVE TRANSFER

Promotion through Administrative Transfer constitutes the third largest category of promotions in this study, following promotion through Non-list and Traditional Examination processes. Although it is the third largest category, it is much smaller than the first two, representing only 3.3% of all promotions under study.

Eligibility for Administrative Transfer Promotions

Transfer between administrative titles is made possible by section 52.6 of Civil Service Law. Such Administrative Transfers, or 52.6 Transfers as they are sometimes called, are possible in competitive class positions in six administrative areas: personnel, budget, administrative/management analysis, records analysis, administrative research, and law. In addition, some managerial positions in the management confidential classification may be deemed appropriate for such transfer if they report to a high level person within their agency (e.g. to a Commissioner or Deputy Commissioner) and are involved in formulating or interpreting policy.²³

To be eligible for an Administrative Transfer, an employee must be in an appropriate job title (there were 496 such titles as of October, 1981), be no more than two salary grades below that of the title to which transfer is sought, meet any education or certification requirements of the title to which transfer

²³This is according to New York State Department of Civil Service Memorandum #8-80, March 20, 1980. The management confidential classification encompasses those positions in which employees formulate policy, participate in collective bargaining negotiations on behalf of the State, or administer personnel functions. See §201 of the New York State Civil Service Law.

is sought, and have served at least one year in the title from which transfer is sought.²⁴ Additional criteria which must be met include: there must be no preferred list in existence;²⁵ the candidate currently must be permanently appointed in State service; and transfers in the management category must have prior approval by the Assistant Director of Staffing Services at the Department of Civil Service.

Differential Use of Administrative Transfer Promotions

Of the 1381 promotions in our final analysis, 45 were made through Administrative Transfer. As Table XXII indicates, the vast majority of the 45 promotions were obtained by white males (40 or 89 percent). White females obtained three Administrative Transfer promotions; minority employees received two (one black female and one Hispanic male). It is interesting to note that of these five promotions, four were in mental health related agencies in our sample.

Sex and Race/Ethnic Segregation of Administrative Transfer Titles

The question naturally arises as to why so few female and/or minority employees in our sample agencies received their most recent promotion through the Administrative Transfer process relative to white males. Female and minority employees combined represent over 25 percent of our sample, yet received only 11 percent of the Administrative Transfer Promotions. To answer that

²⁴This provision may be waived if the Director of Staffing Services in the Department of Civil Service determines that the proposed transferee would not be gaining any unfair advantage over persons on an appropriate eligible list.

²⁵A preferred list exists when there have been lay-offs or demotions from a position or set of related positions in the same jurisdictional class. Individuals laid-off or demoted due to reduction in force or abolition of functions are placed on a preferred list for reappointment. See §81 of New York State Civil Service Law.

TABLE XXII

DISTRIBUTION OF ADMINISTRATIVE TRANSFERS
BY SEX AND RACE/ETHNIC STATUS

	Number of Administrative Transfers	Percent of All Administrative Transfers	Average Change in Salary Grade	Average Salary Grade Promoted to
White Males	40	88.9%	2.2	27.4
White Females	3	6.7	2.7	25.7
Minority Males	1	2.2	4.0*	27.0*
Minority Females	1	2.2	2.0*	25.0*
TOTAL	45	100.0%		

*Mean Change and Average Salary Grade simply reflects the record of the single case.

question we obtained a complete list of all job titles eligible for transfer under Section 52.6 of Civil Service Law.²⁶ To avoid confusion, the reader must keep in mind the distinction between titles and positions or incumbents. Each title can represent any number of positions (jobs) and therefore any number of incumbents (employees). Thus, while there were 496 titles eligible for Administrative Transfer, they encompassed 3,429 positions/incumbents.

Table XXIII provides a breakdown of the sex and race/ethnic composition of all titles eligible for Administrative Transfer combined. While there are a significant proportion of women in these titles (approximately 21 percent of the incumbents), these are primarily white women. The proportion of positions filled by minorities (both male and female) is quite small (5 percent). The

²⁶The most current list available was compiled by the Department of Civil Service as of October, 1981.

smaller proportion of women and minorities in the titles considered eligible for this type of promotion compared to the sample may, in part, explain their smaller proportion of Administrative Transfer promotions. However, the difference between what we would have expected and what we observed remains too disparate especially in the case of women, for this explanation to completely satisfy our concern.

TABLE XXIII

	SEX AND RACE/ETHNIC COMPOSITION OF ALL TITLES ELIGIBLE FOR ADMINISTRATIVE TRANSFER				
	<u>Males</u>	<u>Females</u>	<u>White</u>	<u>Minorities</u>	<u>Total</u>
Incumbents of Titles Eligible for Administrative Transfer	2692	737	3274	155	3429
Percent of Incum- bents Eligible	79%	21%	95%	5%	100%
Proportion of Sample Who Received Most Recent Promotion Through Administra- tive Transfer	91%	9%	96%	4%*	100%

*Represents only two cases

To investigate further the eligible titles were disaggregated. Separate analyses were done for titles for only one incumbent and for those with multiple incumbents. We found that both types of titles are white and male dominated. Table XXIV documents male predominance in the multiple incumbent job titles eligible for Administrative Transfer. Table XXV demonstrates the white dominance in these titles. Table XXVI documents that single incumbency titles also have relatively few female or minority incumbents.

TABLE XXIV

DISTRIBUTION OF JOB TITLES AND INCUMBENTS ELIGIBLE FOR ADMINISTRATIVE TRANSFER BY SEXUAL COMPOSITION OF INCUMBENT GROUP

	Percent Female Incumbents in Job Titles					
	<u>0%</u>	<u>1-10%</u>	<u>11-30%</u>	<u>31-70%</u>	<u>71-100%</u>	<u>Total</u>
Number of Job Titles	88	10	58	51	8	215
Percent (rounded)	41%	5%	27%	24%	3%	100%
Number of People Employed in Those Job Titles	417	318	1221	1162	30	3148
Percent (rounded)	13%	10%	39%	37%	1%	100%
Number of Females Employed in Those Job Titles	0	24	242	405	28	699
Percent (rounded)	0%	3%	35%	58%	4%	100%
Average Number of People in Each Title	5	32	21	23	4	

To review the situation for women in multiple incumbent titles, we begin at the top of Table XXIV. Lines one and two document the virtual absence of women from most of the titles eligible for Administrative Transfer. In fact, 41 percent of all titles eligible have no women in them at all. Approximately 73 percent of all titles are male dominated (30 percent or less female incumbents),

while only 3 percent of the titles are female dominated (more than 70 percent female incumbents). Only 24 percent of all titles eligible for Administrative Transfer are sex integrated, filled 31 percent to 70 percent by either men or women.

Lines three and four demonstrate that male-dominated titles encompass the majority (62 percent) of all positions eligible for Administrative Transfer. Compare this to the eight titles which have a high proportion of female incumbents (over 70 percent female). These contain only 1 percent of all of the positions eligible for transfer under Section 52.6. Important to note is that sex integrated titles represent 37 percent of all positions.

The titles eligible for Administrative Transfer then are highly sex segregated. Even within what is a relatively fixed set of administrative titles, among which transfer is expected to be free flowing, we find sex segregation of job titles. We would expect such an open structured transfer system to create a more integrated workforce -- at least among those who are eligible. Yet, although 21 percent of those in positions eligible for Administrative Transfer are female, women are not well integrated across titles but tend to be concentrated in about one quarter of the eligible titles.

The figures for minority group members are also striking. As Table XXV demonstrates, 72 percent of the 154 titles eligible for Administrative Transfer do not have even one racial or ethnic minority employee. Although minority employees make up almost 10 percent of the managerial competitive class, fully 79 percent of the titles eligible for Administrative Transfer have 5 percent or less minority incumbents. Only 27 (13 percent) of the titles eligible could be considered integrated, with 6-20 percent minority incumbents. Eighteen titles (8 percent) have disproportionately high minority incumbencies. However, these

titles encompass very few jobs. In all likelihood, they are two to four incumbent titles, where at least one is a minority.

As in the case with women, as the proportion of the minority incumbents rises, the total number of people employed in that category of titles declines. For instance, there are 2458 people employed in titles which have 0 - 5 percent minority incumbents, representing 78 percent of all those employed in titles eligible for Administrative Transfer. The 27 titles we might consider racially and ethnically integrated (6-20 percent minority incumbents) represent only 19 percent of all positions eligible. The 15 titles with some over-representation of minority incumbents (filled over 30 percent by minorities) represent only 2 percent of all eligible positions.

Also as in the case of female intensive administrative job titles, the most minority intensive administrative job titles (those with over 31 percent minority incumbents) have very small numbers of positions. The average size is four positions. Compare this to the white dominated or the integrated titles, which have an average of 20 to 84 positions per title.

Minority managers as a group, like women, are not well integrated into the system of Administrative Transfer. Part of this is undoubtedly due to the fact that minority managers represent only 4 percent of those in titles considered eligible for Administrative Transfer; therefore they simply are not present in any large numbers. However, even where they are present, their distribution among titles is sharply skewed.

Finally, Table XXVI presents the distribution of employees among single incumbent titles eligible for Administrative Transfer. Of the 281 such titles with only one incumbent, 238 (85 percent) are held by white males. The remaining 15 percent is split up among white females (12 percent), minority males (2 percent) and minority females (1 percent). Therefore, like in multiple

incumbent titles, single incumbent titles eligible for Administrative Transfer are overwhelmingly likely to be held by white males.

TABLE XXV
 DISTRIBUTION OF JOB TITLES AND INCUMBENTS ELIGIBLE FOR
 ADMINISTRATIVE TRANSFER BY RACIAL/ETHNIC COMPOSITION OF INCUMBENT GROUP

	Percent Minority Incumbents in Job Titles							
	0%	1-5%	6-10%	11-20%	21-30%	31-50%	Over 50%	Total
Number of Job Titles	154	16	10	17	3	10	5	215
Percent (rounded)	72%	7%	5%	8%	1%	5%	2%	100%
Number of People Employed in Those Job Titles	1120	1338	261	344	29	36	20	3148
Percent (rounded)	36%	42%	8%	11%	1%	1%	1%	100%
Number of Minorities Employed in Those Job Titles	0	39	19	46	7	16	19	146
Percent (rounded)	0%	27%	13%	31%	5%	11%	13%	100%
Average Total Number of People in Each Title	21	84	26	20	10	4	4	

TABLE XXVI

DISTRIBUTION OF SINGLE INCUMBENT TITLES ELIGIBLE FOR ADMINISTRATIVE TRANSFER BY SEX AND RACE/ETHNIC STATUS OF THE INCUMBENT

	White Male Incumbent	White Female Incumbent	Minority Male Incumbent	Minority Female Incumbent	Total
Job Titles	238	34	5	4	281
Percent	85%	12%	2%	1%	100%

~~The sex and race/ethnic segregation of job titles is striking and un-~~
explainable by these data. Possible hypotheses for future research include:
(1) the titles were even more segregated previously, therefore what we have
captured at this one point in time may be only a step in the integration pro-
cess; or (2) even when the structure appears to provide access to new groups,
individuals still have some discretion and that discretion may be used to
maintain the sex and race/ethnicity status quo.

Altering the Pattern of Disparate Use

Altering the disparate use of Administrative Transfer by sex and/or race/
ethnic group could involve two simultaneous changes. First, additional jobs in
which women and minority men are more heavily represented and which involve
substantial administrative or managerial work could be identified and added to
the list of eligible titles. This would give more women and minority men access
to promotion through Administrative Transfer. Moreover, it would facilitate
greater sex and race integration of particular job titles which have histori-
cally been white male dominated. Assuming that the discretion of individual
appointing authorities was not directed toward maintaining the status quo, women
and minority men who gained access to the Administrative Transfer system could

eventually move into the currently white and male dominated titles. From middle level Administrative Transfer positions, employees have great latitude in moving up the promotional ladder in State service.

The second recommendation to resolve the disparate impact of the current system of Administrative Transfers is to practice affirmative action. It is not clear that simply having access to Administrative Transfer, as recommended above, is enough. The distribution of women and minority men currently eligible leads us to conclude that additional affirmative action efforts to integrate the workforce are also necessary. Affirmative action efforts could be directed toward appointing women and minority men into those majority male-dominated titles already designated as appropriate for Administrative Transfer.

Thus, together these two strategies would ensure that titles with large numbers of women and minority men are considered for inclusion in the Administrative Transfer process and that women and minority men are appointed to the male dominated titles already included. The objective of such efforts is to get women and/or minorities into and spread across the system, a system of real opportunity, which has here-to-fore worked very well to promote the careers of non-minority males in large numbers.

Conclusion

In summary, white males in our sample were clearly the most likely group to have obtained their most recent promotions through Administrative Transfer. White females and minority managers of both sexes were much less likely to receive their most recent promotion through that route. In an attempt to find out why that was the case, analysis was conducted on all the job titles eligible for transfer under Section 52.6 of New York State Civil Service Law. It was determined that white males dominated those job titles. The average proportion

of males in multiple incumbent job categories was approximately 81 percent; the average proportion of whites in such job titles was approximately 94 percent. The job titles which have a large number of incumbents tend to be white and male dominated. Those eligible titles with larger proportions of females and minorities tended to have a much smaller number of incumbents.

In addition to documenting the disparate use of Administrative Transfer Promotions and the sex and race/ethnic segregation within the Administrative Transfer system, recommendations for altering the situation were made. They include increasing eligibility to include more titles where women and minority men currently are employed and practicing affirmative action to better integrate titles which are already eligible for Administrative Transfer.

VII. NON-COMPETITIVE PROMOTIONS

Non-competitive Promotions can occur when there are no more than three persons eligible for a promotion to a competitive class title or when no more than three persons file an application to take a promotional examination as authorized by Civil Service Law, Section 52.7. In such cases, the appointing authority may nominate one of the eligible individuals for a Non-competitive Promotion. Upon passing an appropriate non-competitive examination or demonstrating that she/he has previously passed an examination appropriate to the duties and responsibilities of the new position, the individual may be permanently appointed. Non-competitive Promotions are among the promotional mechanisms providing the most managerial flexibility in making an appointment.

Analysis of Promotions

In our sample, only seven individuals received their most recent promotion through a Non-competitive Promotion. Six of these were white males, one was a white female. All of these appointments involved positions in the lower range of managerial salary grades, from grade 23 to 29. They occurred in various job titles, in six different agencies.

A route which yielded such a small number of promotions would normally be included in the following chapter covering all of the least frequently used routes. However, this chapter is included separately because of the special findings concerning this most flexible of promotional routes.

At first the small number of cases where one's most recent promotion occurred through a Non-competitive Promotion was surprising. When initial investigation was done using all of the most recent transactions on personnel

files, we found 54 Non-competitive Promotion appointments.²⁷ By definition then, we expected to have 54 promotions in this analysis. However, when analysis included only those transactions which actually resulted in promotions, only seven Non-competitive Promotions were found. How could this be the case? It appears to be a contradiction in terms to suggest that the majority of Non-competitive Promotions did not result in promotions at all.

TABLE XXVII

NON-COMPETITIVE PROMOTIONS

<u>Case Number</u>	<u>Sex</u>	<u>Minority Status</u>	<u>Grade Promoted To</u>	<u>Number of Salary Grades Promoted</u>
178	Male	Non-minority	23	4
980	Male	Non-minority	25 (61)*	2
1459	Male	Non-minority	27	4
1876	Male	Non-minority	27	2
2406	Male	Non-minority	29 (63)*	4
7079	Male	Non-minority	27 (62)*	4
7102	Female	Non-minority	23	1

*Salary grades between 61 and 68 are management confidential grades and are converted to their salary equivalent grades 23-38 for purposes of analytic comparison.

²⁷ This part of the analysis included the 3095 cases which met all of the criteria of this sample, except that their last transaction only had to be of a category which could produce a promotion. Later analysis were restricted to 1381 actual promotions.

In this chapter we will examine the seven Non-competitive Promotions which were in fact promotions. Then we will explore the Non-competitive Promotions which were not promotions to attempt to explain how that might occur.

Our first observation concerning the seven promotions is the virtual absence of minority employees. (See Table XXVIII). Not one minority employee in this sample received her/his most recent promotion through a Non-competitive Promotion. One possible explanation for this could be that Non-competitive Promotions are used in very select situations where the numbers of incumbents in the eligible job titles are extremely small. If this is so, the relatively small numbers of minority managers present in salary grades 23 and above (12.5 percent) and the relative sexual and racial segregation of occupations and career ladders could lead to the prediction that minority employees would not likely be employed in these very small incumbency job titles from which candidates for Non-competitive Promotions are drawn. Similarly, since only one female received a Non-competitive Promotion, we might expect that women were not present in the titles from which Non-competitive Promotions were made.

In fact, when we reviewed the job titles from which the seven candidates were selected for Non-competitive Promotions, we found that these were titles with relatively few minority employees. Only one had more than 10 percent minority incumbents. However, four of the seven titles had over 10 percent female incumbents, two over 20 percent. (Refer to Table XXVIII.) Our hypotheses were only partly confirmed: minority employees were not found in large numbers in the job titles from which these Non-competitive Promotions had been made. However, women were present in larger numbers.

On a related theme, we had expected that Non-competitive Promotions would most likely be made at the highest levels of civil service, where there are job titles with few incumbents and eligibility requirements are so constrained

TABLE XXVIII
 TITLES FROM WHICH RECIPIENTS OF NON-COMPETITIVE PROMOTIONS WERE DRAWN,
 AS OF DECEMBER, 1980

<u>Title Promoted From</u>	<u>Number of Incumbents</u>	<u>Percent Female</u>	<u>Percent Minority</u>	<u>Title Promoted to</u>	<u>Number of Incumbents</u>	<u>Percent Female</u>	<u>Percent Minority</u>	<u>Number of Salary Grades Promoted</u>
1. Assistant Mechanical Construction Engineer	15	0	13.3%	Senior Mechanical Construction Engineer	6	0%	0%	4
2. Assistant Director of Social Services Agency	**	--	--	Director Social Services Agency	1	0	0	2
3. Associate Administrative Analyst	91	16.5%	2.2	Director Administrative Analyst 2	2	50.0	0	4
4. Assistant Director of Personnel B	19	26.3	0	Agency Labor Relations Representative 3	10	20.0	10	2
5. Assistant Superintendent of Jones Beach State Park	1	0	0	Superintendent of Jones Beach State Park	1	0	0	4
6. Associate Budget Analyst	60	13.3	5.0	Chief Budget Analyst	22	9.1	0	4
7. Chief Accounting Clerk	23	43.5	4.3	Finance Officer	8	12.5	0	1
	<u>Average Number of Incumbents*</u>	<u>Average Percent Female*</u>	<u>Average Percent Minority*</u>					
	42	18.3%	3.8%					
	<u>Total Incumbents*</u>	<u>Total Female Incumbents*</u>	<u>Total Minority Incumbents*</u>					
	208	38	8					

* Excludes single and zero incumbents titles.

** There were no incumbents in December, 1980, indicating that the person promoted probably had been the only incumbent.

that few people could possibly meet them. Instead, we found that the Non-competitive Promotions occurred at the lower to middle salary grades (grades 23 to 29). Furthermore, the number of incumbents in positions which would make them eligible to compete was not so small. Note the third and sixth lines on Table XXVIII: Promotions to Director, Administrative Analyst 2 and Chief Budget Analyst. It is difficult to imagine in cases where there are 60 Associate Budget Analysts or 91 Associate Administrative Analysts, as there were when these appointments were made, that there were not more than three candidates interested in a promotion. Yet, the type of promotion that was made indicated that this was the case.²⁸

In summary, while the number of Non-competitive Promotions was low, the trend is clear: Non-competitive Promotions almost exclusively were used to promote white males. In addition, contrary to our expectations, these promotions (five out of seven of these promotions) were obtained by incumbents of relatively large job titles.

Analysis of Non-Promotions

During the analysis, at the point at which we first realized that a very low proportion of those transactions labelled Non-competitive Promotions actually resulted in promotions at all, we looked carefully on a case-by-case basis to find out why this was so. The primary answer is -- because the vast majority of those who are permanently appointed to a title via the Non-competitive

²⁸ Such discussion is slightly speculative, since we do not have access to the examination announcements and to information concerning what additional eligibility criteria might have been. However, the point remains. In fact, since additional criteria mean that fewer people are eligible to compete, anecdotal data suggests that at times these criteria are added specifically in order to reduce the eligible pool so that a pre-chosen candidate has a good chance of getting the job.

TABLE XXXIX

AGENCY DIFFERENCES IN THE USE OF PROVISIONAL APPOINTMENTS PRIOR TO NON-COMPETITIVE PROMOTION,
AS OF NOVEMBER, 1980, SALARY GRADES 23-68

Agency	Total Non-competitive Promotions (NCP's)	Provisional Appointments Converted Through Non-competitive Promotions	Percent of NCP's Received by the Conversion of Provisional Appointments	Sample Rank Overall Size of Agency	Sample Rank Proportion of Agency Employees Salary Grades 23 & Above	Sample Rank Proportion Agency Employees Female	Sample Rank Proportion Agency Employees Minority
Division of Budget	1	0	0%	13	1	9	12
Office of General Services	12	9	75	6	10**	12	3
State Board of Equaliza- tion & Assessment	4	4	100	11	2	11	14
Office of Aging	0	-	---	15	5	6	5
Division of Criminal Justice Services	1	1	100	9	9	2	8**
State Energy Office	1	1	100	14	6	10	10
Department of Audit & Control	6	5	83	7	8	7	8**
Department of Agriculture & Markets	5	5	100	8	13	13	13
Department of Education	9	5	56	5	7	4	6
Department of Taxation & Finance	2	2	100	3	10**	5	7
Department of Commerce	1	1	100	12	4	8	4
Department of Parks & Recreation	7	3	43	4	15	14	11
Office of Mental Health	3	2	63	1	12	3	1
Office of Mental Retardation & Developmental Disabilities	0	-	---	2	14	1	2
Division of Alcoholism & Alcohol Abuse	1	1	100	*	*	*	*
Department of Substance Abuse Services -- Central Adminis- tration & Support	1	1	100	10	3	*	*
TOTALS	54	40	74%				

* Data not available as of 1980.

** Tied scores.

Promotion have already been in that title provisionally. The actual promotion, the positive change in salary grade, occurred with a provisional appointment. For our analysis then, the Non-list Promotion would have been the most recent promotion selected for inclusion in the sample. When the Non-competitive Promotion was added to the transaction record, it did not appear as a promotion at all. It merely converted the provisional appointment to a permanent one.

We examined 3095 cases in the competitive class for whom the last transaction could have been a promotion. There were 54 Non-competitive Promotions. Of those, 39 (72 percent) previously had been appointed to the title provisionally. Of those 39, 36 (92 percent) had been appointed "provisional pending examination," indicating that there had been the expectation that an examination would be given and a permanent appointment made from the examination list. Apparently this never occurred.

The reader may recall in the earlier discussion of Non-list Promotions that there appeared to be no significant differences in the allocation of provisional and temporary promotions to various sex and race/ethnic groups. Yet, it was suggested that there might be significant differences in the way these appointments are handled later in the process. This finding presents one such difference.

Here we find alarming differences in how provisional promotions are terminated: for non-minority men more than for any other group provisional promotions are made permanent through this non-competitive mechanism. Recall that of the seven Non-competitive Promotions which represented actual promotions, six were received by white men. Similarly, of the 36 provisional promotions later made permanent through the Non-competitive Promotion mechanism, 33 were received by white men. Only three (8.3 percent) conversions were received by white women

and none were received by minority persons of either sex. These findings reinforce what we suggested earlier -- that the unequal outcomes of institutional discrimination are not always surface phenomenon, but often must be searched for in the many layers of policy, procedure, and practice.

Further analysis reveals that the average length of these provisional appointments prior to their conversion through Non-competitive Promotion was 11 months. This average length differed for white men and white women. For the 33 men, the appointments averaged 11.1 months. For the three white women, the average length of provisional appointment was longer: 13.6 months.

In summary, while there were 39 Non-competitive Promotions in our sample which converted provisional promotions to permanent ones, these were overwhelmingly obtained by white men. Only three were received by white women and none were received by minority managers of either sex.

Conclusion

Non-competitive Promotion is one of the mechanisms which give managers large amounts of flexibility in making appointments. Although the frequency of promotion through Non-competitive Promotion is generally low, this mechanism is used somewhat regularly to convert provisional promotions into permanent appointments.

It has often been argued that increasing managerial flexibility would increase affirmative action efforts: that affirmative action is difficult to carry out because the civil service system is so rigid. Yet, as we noted in this analysis, increased managerial flexibility resulted in 43 Non-competitive Promotion appointments: 36 converting provisional promotions to permanent ones and seven permanent promotions. Of these, 39 (89 percent) were obtained by white men; only 4 (11 percent) were obtained by white women. None were used to

appoint minority employees of either sex. These findings raise questions about the relationship between managerial flexibility and the progress of women and minority men in the public sector.

Several explanations for this apparent unequal outcome seem possible. Perhaps, as with managerial examinations in general, women and minority men simply are not in the right titles to be eligible for promotion.²⁹ However, this chapter provided data which indicated that in the five titles with more than one incumbent from which Non-competitive Promotions were made, women constituted 18 percent and minorities constituted 4 percent of the incumbents. This means that there were probably some women and minority men from which to choose when making these non-competitive appointments.

Another possible explanation for why women and minority men have not received larger numbers of these promotions lies in the social-psychology of selection preference. Even if there are women and minority men to choose from, perhaps managers still prefer to appoint the traditional candidate -- a white male. If this were the case, the result might be due to a combination of institutional and individual discrimination. Institutional discrimination may play a part through its role in developing structures which allow for and sometimes even encourage societal values which promote unequal outcomes for groups of women and minority men vis-a-vis white men. Individual discrimination may play a part through the personal decisions and the individual acts which continue to inhibit the full participation of individual women and minority men.

Although we are not currently able to examine either of these two possible explanations in any more depth, it is clear that future research is needed to

²⁹ See Haignere, Chertos, and Steinberg, "Managerial Promotions in the Public Sector: The Impact of Eligibility Requirements on Women and Minorities," Center for Women in Government, Working Paper 7, 1982.

determine the relative contributions of such causes in order to fully understand the process by which women and minority men are largely left out of these promotional opportunities.

VIII. LESS FREQUENTLY USED ROUTES OF PROMOTION

Of the eleven routes of promotion being considered in this report, eight were used for the most recent promotion of less than 1 percent of our sample. This led to extremely small numbers of employees in each category, and therefore, an inability to analyze each route independently.

Presentation of each of these routes and their use by sex and/or race/ethnic status is found in Table XXIX. Note first, the virtual absence of minority people promoted through any of these means. Only one Hispanic man in the Office of Mental Retardation and Developmental Disabilities was promoted. Otherwise, all recipients of promotions through these eight routes were majority employees. Further, of the 39 promotions, white males received 30 (76.9 percent).

These infrequently used routes of promotion provide unique opportunities for advancement. They are non-competitive or competitive only on a very limited basis. If they were used without sex or race considerations, we would expect these opportunities, in the aggregate, to be distributed fairly much as the sample is distributed. However, as we note on Table XXIX, that is not the case.

Further, the flexibility inherent in these types of promotions offers unique opportunities to practice affirmative action. If increased managerial discretion were to be used toward that end, we would expect even higher proportions of these opportunities for promotion to be used to benefit underrepresented groups; we might expect the promotions to be distributed among sex and/or race/ethnicity groups nearer to the distribution of the New York State workforce. Clearly, that is not the case. Rather, we find that as managerial discretion increases through the use of certain promotional mechanisms, the benefits go disproportionately to white males.

TABLE XXX

DISTRIBUTION OF PROMOTIONS THROUGH VARIOUS LOW FREQUENCY ROUTES*
BY SEX AND RACE/ETHNIC STATUS

<u>Route of Promotion</u>	<u>Sex and Race/Ethnic Status</u>				<u>Total</u>
	<u>White Males</u>	<u>White Females</u>	<u>Minority Males</u>	<u>Minority Females</u>	
Structural Change	9	1	0	0	10
Reinstatement Within One Year	6	2	0	0	8
Non-competitive Promotion	6	1	0	0	7
Regular Transfer	2	2	0	0	4
Non-competitive Open-competitive Promotion	2	2	0	0	4
Non-competitive Qualifying Promotion	2	0	0	0	2
Reallocation	1	0	1	0	2
Jurisdictional Classification	2	0	0	0	2
	30	8	1	0	39
Total	76.9%	20.5%	2.6%	0%	100%
Distribution of Sample	70.3%	23.7%	3.3%	2.7%	100%
Distribution of New York State Competitive Class Workforce Salary Grades 23-68, as of 12/31/80**	74.7%	15.6%	6.2%	3.5%	100%

*All those routes represented on this table were used for promotion by fewer than 14 people (less than 1 percent) of our sample of 1381 cases.

**Includes physicians and dentists.

With the exception of Non-competitive Promotions which were covered in the previous chapter, each of these routes will be discussed individually in the order of their frequency of use. The reader is advised, however, that because the numbers of promotions through each specific route are so small, it may be inappropriate to generalize beyond them.

Promotions Through Structural Change

A Structural Change code is used to indicate that an employee has changed job titles when an entire job series is transformed into a new title series. A Structural Change may or may not involve a positive change in salary grade, i.e., a promotion.

TABLE XXXI
PROMOTIONS THROUGH STRUCTURAL CHANGE

<u>CASE</u>	<u>SALARY GRADE TO WHICH PROMOTED</u>	<u>NUMBER OF SALARY GRADES PROMOTED</u>	<u>RACE/ETHNIC STATUS</u>	<u>SEX</u>
2441	27	2	White	Male
2505	27	2	White	Male
2548	23	5	White	Male
2703	23	5	White	Male
3903	27	2	White	Male
4427	25	2	White	Male
6008	27	2	White	Male
6051	25	3	White	Male
6176	25	3	White	Female
6871	25	3	White	Male

In this analysis, ten promotions were made through a Structural Change. Only one of the ten promotions belonged to a white female, while nine of the ten promotions belonged to white males. (See Table XXXI.) Not one minority employee in this sample received her/his most recent promotion through this route.

It is also interesting to note that promotions through Structural Change are more likely to involve positions at lower managerial salary grade levels (ranging from 23 to 27). In addition, the majority (8 out of 10) involved a cluster of job titles in the mental health agencies.

Promotion Through Reinstatement Within One Year

Reinstatement Within One Year is intended to allow a State employee to return to her/his previous position or a comparable one for which she/he had been eligible for transfer or reassignment in State service within one year of a resignation or voluntary demotion. In fact, however, we have been told informally that this mechanism also previously had been used when an employee desired a leave for a provisional appointment or a transfer to another agency.

Although the transfer rules have changed since these data were drawn, at the time of this study in order for an employee to transfer between agencies, both agencies -- the current employing agency and the new agency -- had to agree to the transfer. A problem resulted whenever an employee wished to transfer to a new agency and managers in the current employing agency refused to agree to the desired move. This greatly restricted employee mobility. However, with some prior informal agreements, an employee in such a situation could resign from State service in the current employing agency and be reinstated in State service by the new appointing agency the next day. Thus, Reinstatement Within One Year could be used effectively as a transfer mechanism. However, we found that all promotional reinstatements occurred within rather than between agencies.

Those who received their most recent promotion through a Reinstatement within One Year were all white, two were female and six were male. Once again, we find no minority employees promoted through this route. (See Table XXXII.)

It is interesting to note that for six of the eight promotions, the employees previously either had taken voluntary demotions or had taken leaves and then been reinstated to positions at lower salary grade levels. The later reinstatement promotions, in effect, brought these employees up to a salary grade they had attained prior to the voluntary demotion or leave. For only two cases were these reinstatements real promotions to salary grades higher than otherwise had been achieved.

Two other noteworthy patterns emerge. First, promotional reinstatements occurred in the lower two-thirds of managerial salary grades. Second, most of the promotions involved promotions of more than two salary grades.

TABLE XXXII
PROMOTIONS THROUGH REINSTATEMENT WITHIN ONE YEAR

<u>CASE</u>	<u>SALARY GRADE TO WHICH PROMOTED</u>	<u>NUMBER OF SALARY GRADES PROMOTED</u>	<u>RACE/ETHNIC STATUS</u>	<u>SEX</u>
1472	23	5	White	Female
1479	25	1	White	Male
2184	23	5	White	Male
2961	27	4	White	Male
3348	23	2	White	Male
4888	33	4	White	Female
5636	23	2	White	Male
6065	33	10	White	Male

Promotion Through Regular Transfers

Regular Transfers are authorized under Civil Service Law, Section 70.1; hence within State service they are often called "70.1 transfers." Such transfers can occur between two positions where duties, minimum required qualifications, and examinations are similar. It is this similarity between two positions rather than an individual's qualifications that determines whether a Regular Transfer is appropriate.

Several additional criteria are applied in order to determine if a Regular Transfer is appropriate. There must be no existing preferred appointment list³⁰ and no existing department promotion list for the title.³¹ A candidate for a Regular Transfer must currently have a permanent appointment in New York State service and have served permanently in a position for at least one year, unless the candidate's score would be reachable on the examination list for the title to which transfer is sought.³² The titles must be of "similar grade," although small grade change is possible given the appropriateness of the title change.

In our sample, only four people received their most recent promotion through a Regular Transfer. The far more common situation is for such transfers

³⁰ Under Section 81 of the New York State Civil Service Law, a preferred list occurs when there have been lay-offs or demotions from a position or set of related positions. Names of individuals laid-off or demoted due to reduction in force or abolition of function are placed on a preferred list for reappointment. However, transfer in the face of a preferred list is allowed if the position being vacated by the person transferring is immediately filled by the person who would have been in line on the preferred list to take the position transferred to.

³¹ Those already working in the department who have passed an appropriate examination for the title would have priority for appointment over anyone else who wanted a Regular Transfer into a position.

³² The one year minimum service requirement may be waived by the Civil Service Department Director of Examination and Staffing Services if she/he determines that the transferee would not be gaining any undo advantage over persons on an appropriate eligible list.

to be lateral, without any change in salary grade. Of the four promotions, two involved white males and two involved white females. Again, none of these promotions was received by a minority employee in our sample. (Refer to Table XXXVIII.) All but one promotion involved permanent movement from an entry-level managerial position (salary grades 21 and 23), but they occurred in different job titles and in different agencies.

TABLE XXXVIII
PROMOTIONS MADE THROUGH REGULAR TRANSFER

Case Number	Salary Grade to Which Promoted	Number of Salary Grades in the Promotion	Race/Ethnic Status	Sex
188	25	2	White	Female
4437	23	2	White	Female
5577	24	1	White	Male
5947	33	1	White	Male

Non-competitive Open Competitive Promotions

If an open competitive examination fails to produce a list of at least three candidates who have passed the exam and are willing to accept the appointment, the appointing authority may be permitted to nominate another individual for a non-competitive examination.³³ Upon passing the examination, the candidate may be permanently appointed to the position through a Non-competitive Open-competitive appointment.

³³The candidate nominated cannot have failed the examination which produced so few eligible acceptors.

Only four people in our sample received their most recent promotion through the Non-competitive Open Competitive route. They were all promoted to the title of Associate Psychologist in the same agency. All were white, two female and two male. Three of the four advanced two salary grades, from the Psychologist I title at salary grade 21, to Associate Psychologist at salary grade 23.

TABLE XXXIV
PROMOTIONS MADE THROUGH NON-COMPETITIVE
OPEN COMPETITIVE APPOINTMENTS

<u>CASE NUMBER</u>	<u>NEW SALARY GRADE</u>	<u>NUMBER OF SALARY GRADES PROMOTED</u>	<u>RACE/ETHNIC STATUS</u>	<u>SEX</u>
3663	23	2	White	Female
5067	23	7	White	Male
5338	23	2	White	Female
5757	23	2	White	Male

The remaining promotion involved seven salary grades. The white male who received this huge promotion has an interesting case history in the Office of Mental Health. Among other unusual appointments, he was appointed non-permanently from a salary grade 16 Psychology Assistant III position to an Associate Psychologist, salary grade 23. Three weeks later he was reinstated to his permanent Psychologist Assistant III appointment. One month after that, in July of 1978, he was permanently promoted through a Non-competitive Open Competitive appointment to the Associate Psychologist title, at salary grade 23 -- a promotion of seven salary grades.

This case raises interesting questions. To begin with, we again find ourselves asking what advantage accrues to holders of temporary or provisional appointments, even for relatively short periods of time. Having the opportunity

to demonstrate competence in a position must be a valuable aid in gaining later opportunity to be permanently appointed to the position. It is only conjecture here, but it warrants further investigation.

Further, it seems unlikely that a Psychology Assistant III at salary grade 16 would be non-competitively promoted to Associate Psychologist at salary grade 23 as a regular practice. There is an intermediary Psychologist I position at salary grade 21, and it seems most likely that Associate Psychologists would be drawn from that group -- for a promotion of two salary grades. Civil service records indicate that in December, 1980 (one month after our data were drawn) there were 203 employees in the Psychologist I title. This was the title from which all of the other three Non-competitive Open Competitive Promotions were drawn. Of these 203 psychologists, 36 percent were female and 8 percent were minorities. In spite of these numbers, a white male candidate was promoted seven salary grades--from a grade 16 to a grade 23--above these 203 people currently working as Psychologist I's in salary grade 21. Since the purpose of the Non-competitive Open Competitive appointment is to enable the flexibility to make a permanent appointment only in the face of a small candidate pool, such appointments as this seem potentially questionable.

Non-competitive Qualifying Promotions

Non-competitive Qualifying Promotions represent transfers and changes of title through a non-competitive examination. They are authorized under Civil Service Law, Section 70.4, and therefore are sometimes referred to as "70.4 transfers." They are especially used for transfer to a different occupational area by those who have become qualified for other lines of work through further education or training.

There are several criteria which must be met in order for a Non-competitive Qualifying Promotion to be obtained. As with all transfers: (1) there must be no preferred list in existence; and (2) the candidate must currently have a permanent State appointment. In addition, for a Non-competitive Qualifying Promotion: (3) there must be no adequate department promotion list in existence; (4) an open-competitive appointment from an examination list would be appropriate; (5) the candidate must currently meet the qualifications for the last open-competitive exam or anticipated future such exam; (6) the candidate did not fail this last exam; (7) the candidate has already passed an exam appropriate for the title to which transfer is sought;³⁴ (8) the candidate has served permanently in a State position for one year, unless his/her score would be reachable on the exam list for the title and at the location for which transfer is sought;³⁵ and finally, (9) the positions involved must be within two salary grades of each other.

In our sample of 1,381 people, we found only two employees whose most recent promotion occurred through a Non-competitive Qualifying Promotion.³⁶ It is interesting to note that in neither case did the promotion involve only two salary grades, an official criterion for Non-competitive Qualifying appointment. As Table XXXV indicates, one promotion involved four salary grades and the other involved eleven!

³⁴ A special examination session may be scheduled.

³⁵ As in the case of Regular Transfer above, this criteria of one-year tenure in a permanent position can be waived.

³⁶ Informants at the Civil Service Department suggest that many more such promotions have occurred since these data were drawn. While the legal provision for Non-competitive Qualifying Appointment had been there for sometime, it has been a relatively little used route until quite recently.

TABLE XXXV

PROMOTIONS MADE THROUGH NON-COMPETITIVE QUALIFYING APPOINTMENTS

Case Number	Salary Grade to Which Promoted	Number of Salary Grades Promoted	Race/Ethnic Status	Sex
3691	25	11	White	Male
5840	25	4	White	Male

The jump of four salary grades appears to be an incorrect application of the Non-competitive Qualifying appointment, promoting a white male, Senior Drug Abuse Counselor at salary grade 21, to a Mental Retardation Treatment Team Leader, at salary grade 25. Apparently the appointment was made without regard for the two salary grade limit on such promotions.

The eleven salary grade promotion, from grade 14 to grade 25 is slightly more complex. In June, 1979, a white male was provisionally appointed as a Mental Health Treatment Team Leader, salary grade 25. On that same day, a later entry on the file indicates a demotion to a permanent appointment as a Psychiatric Social Work Assistant, grade 14. Six months later, the man was permanently appointed via Non-competitive Qualifying Promotion to the Mental Health Treatment Team Leader title again.

It is unclear just what was happening. It could be that the salary grade 14 appointment was an error on the file. To be sure, we have seen more of these such errors than we would like. However, when such errors occurred, they rarely had the consistency of this history. Had the salary grade 14 entry been omitted, there would be no reason to code a Non-competitive Qualifying Promotion to someone already even provisionally in the title. By definition, there must be movement between titles. However, if the promotion actually did occur between salary grades 14 and 25, even though the individual was previously in

the grade 25 title, it raises some interesting questions about how carefully the criteria for such promotions are guarded.

Promotion Through Reallocation

A Reallocation involves an administrative adjustment in the salary grade assigned to a particular position, due to such factors as changes in the responsibilities associated with the position. Only two promotions were received through this route. Both of these appear to be reasonable promotional adjustments of two salary grades, involving positions of Director of two program areas.

TABLE XXXVI
PROMOTIONS THROUGH REALLOCATION

<u>CASE</u>	<u>NEW SALARY GRADE</u>	<u>NUMBER OF SALARY GRADES PROMOTED</u>	<u>MINORITY STATUS</u>	<u>SEX</u>
5485	33	2	White	Male
5564	33	2	Hispanic	Male

Both promotions were obtained by males, one Hispanic, one white. Both were Directors, reallocated to salary grade 33, one from grade 31 and one from grade 29.

Promotion Through Change in Jurisdictional Classification

In New York State Civil Service, there are nine jurisdictional classifications used to designate positions. For example, a competitive position is one for which it is practicable to determine the merit and fitness of applicants by competitive examination. (This research encompassed only competitive class

positions.) A non-competitive position is one for which it is not practicable to ascertain the merit and fitness of applicants by competitive examination. A labor class position is considered an unskilled labor position. An exempt class position is one specifically listed in Civil Service Law as an appropriate non-competitive appointed position (e.g. the deputies of principal executive offices).

TABLE XXXVII
PROMOTIONS THROUGH JURISDICTIONAL CLASSIFICATION

<u>CASE NUMBER</u>	<u>NEW SALARY GRADE</u>	<u>NUMBER OF SALARY GRADES IN PROMOTION</u>	<u>RACE/ETHNIC STATUS</u>	<u>SEX</u>
2017	23	5	White	Male
5182	25	2	White	Male

Theoretically, a change in Jurisdictional Classification should have no effect on one's salary grade: it should not involve a demotion or promotion. However, in our sample we found two individuals whose most recent promotions are coded as being due to a change of Jurisdictional Classification. These are promotions, but upon further investigation, it does not appear that there is any change in their Jurisdictional Classification. There is no way to determine what the correct transaction code for the type of promotion should have been.

Conclusion

The variety of little used routes of promotion were difficult to analyze in any systematic way because of the extremely small numbers involved. When taken altogether there were only 30 such promotions, received in largest number by

white men. White women received a somewhat smaller proportion of these promotions than one would expect given their representation rates in the State workforce. Moreover, only one of the 30 promotions was received by a minority employee.

In several cases the promotions observed appear to be very unusual. Sometimes errors were identified, such as those made in promoting two employees through change of Jurisdictional Classification. Other times it was difficult to ascertain whether unusual promotions resulted from errors, inappropriate use of a promotional mechanism, or only the extremely flexible use of some mechanisms to promote selected individuals. Regardless of which of these causes explains any given case, it seems clear that some State monitoring of the process would be wise. Most important to monitor are what appear to be the inappropriate uses of certain mechanisms of promotion, for example the seven salary grade promotion of the Psychologist Assistant III to a Psychologist II. Finally, the monitoring should be done to assure that members of certain groups are not consistently ignored for the special promotional opportunities made possible by the most flexible mechanisms.

IX. CONCLUSIONS AND POLICY IMPLICATIONS

In this report, the distribution of managerial promotions in sixteen New York State agencies was examined to determine whether the promotion mechanisms used varied by the sex and the race/ethnicity of employees. An hypothesis of institutional discrimination was tested in several ways to determine whether women and minority men received disproportionately low numbers of promotions through the various routes.

We found that the managerial promotion process does involve institutional discrimination, perhaps without the intention to discriminate. It involves a "clearly identifiable population receiving fewer...rewards...than a clearly identifiable comparison population" (Alvarez, 1979, p 2). To address this problem, we have recommended some changes in how promotion mechanisms are specified and some changes in how they are carried out.

Because the disparate use of specific promotional mechanisms for the advancement of various sex and race/ethnic groups has been reported in detail in the previous chapters, we will review only the general findings here and make recommendations for policy change.

Review of General Findings

Most Promotions Were Made Through Non-Traditional Routes. One of the most surprising findings of this study is the overall distribution of promotions across mechanisms. We were especially surprised by the very large proportion of promotions made outside of what we had considered the traditional advancement mechanism -- the Competitive Examination. The reader will recall that only 30 percent of the most recent promotions for the 1381 individuals in our sample were made through Traditional Examinations.

In fact, the most prevalent mechanism used for managerial advancement was the Non-list Promotion. Non-list Promotions include provisional and temporary appointments made without regard to an examination list. They are less desirable than permanent promotions, since employees holding such appointments have no vested rights to the position. Moreover, although they are legally mandated to be of short duration, many Non-list Promotions continue for long periods. Approximately 64 percent of all promotions were made on this basis.

The remaining 6 percent of all promotions were made through what we have come to call in this report the Other Alternative Routes of Promotion. These include Administrative Transfers, Regular Transfers, Non-competitive Promotions, Non-competitive Qualifying Promotions, Non-competitive Open Competitive Promotions, Changes in Jurisdictional Classification, Reinstatements Within One Year, Reallocations, and Structural Changes.

Women and Minority Men Are Promoted Through Fewer Mechanisms Than White Men. The second general finding of this study involves the distribution of all of these promotion types among the four sex and race/ethnic groups. White men received promotions through the entire range of eleven possible routes. However, other groups did not receive promotions through such a broad range of mechanisms. White women received promotions through only eight of the eleven routes. Minority men and minority women received promotions through an even narrower range: minority men received promotions through four and minority women received promotions through only three of the eleven routes.

The implications of this finding are alarming. If we were to have hypothesized no discrimination, then we would have expected that members of all groups would have access to promotion through each of the routes in some proportion approximating the proportion of the relevant population they represent. In fact, women and minority men do not experience equal promotional opportunity in

this regard. As a group their promotions are made through a much narrower range of mechanisms than the promotions of white men. This is an important indicator of potential institutional discrimination.

Managerial Flexibility Primarily is Used to Promote White Men. Our third and most important general finding concerns the use of managerial flexibility. The non-traditional routes of promotion under study here offer a measure of managerial flexibility within an otherwise rigid promotional system. In and of itself, such managerial flexibility is not troubling. Rather, it is because the flexibility appears to be used to the disproportionate benefit of white males that it is important to note. Readers are referred specifically to the chapters on the Non-list Promotion process and on the least frequently used routes of promotion for specific examples of this phenomenon.

It may be the case that managers have quite positive intentions when they use the flexibility inherent in these non-traditional routes to promote candidates outside of the more traditional and competitive examination process. For instance, managers may be assuring that the person they already perceive as the best candidate gets the job. In this vein, managers also may be attempting to save State resources and make promotional appointments with the least amount of Civil Service activity and paperwork possible. These suggestions would seem less troubling if it were not for the fact that over and over again managerial flexibility has been used disproportionately to promote majority males, rarely for the promotion of majority women, and virtually never for the promotion of minorities.

The State Workforce Remains Sex and Race/Ethnic Segregated. Our fourth general finding entails the analysis of the sex and race/ethnic segregation of the State managerial workforce. We were forced to conclude that the promotions captured in this study were not going to create a major break from the largely

segregated status quo. Women and minorities continued to be promoted primarily into positions which already had significant numbers of women and minorities in them. Whites and men were promoted primarily into titles already dominated by whites and men. To the extent that mechanisms used for promotion may be related to job title, as long as job titles remain sex and race segregated it may be unrealistic to expect the promotion mechanisms used for minorities and women to be the same as those used for whites and men,

Women and Minority Men are Less Likely to be Considered Eligible for Managerial Promotion. Based on the finding of continued sex and race/ethnic segregation of the workforce, our fifth major finding is not surprising. Where selection for promotion is based on eligibility requirements which include experience in specific jobs, women and minority men have unequal access to the promotional opportunity afforded white men. This finding is relevant to three types of promotional routes: Traditional Examinations; Administrative Transfers; and Non-competitive Promotions.

In previous Center research on Traditional Examinations we reported that women and minority men were less likely to be in titles making them eligible to compete for managerial promotion than were white men. That conclusion was further supported by this research where we found that white men were more likely to be promoted through those examinations with the narrowest eligibility requirements, than any other group. Women and minority men were more likely to be promoted through examinations with the most open eligibility requirements.

In this research we also found that titles eligible for Administrative Transfer were dominated by whites and males. Being in a title eligible for Administrative Transfer is a particularly advantageous situation, since once in these titles one can be promoted into a wide variety of other administrative jobs. However, since women are present in these jobs in relatively small

numbers compared to men, and since minorities represent a tiny proportion of incumbents compared to whites, women and minority men are not as likely to be eligible for Administrative Transfer Promotions as are majority men.

In addition, although we cannot be certain with these data, our findings suggest that white males may have greater opportunity for Non-competitive Promotions based on eligibility criteria. We found that white males received a disproportionate number of Non-competitive Promotions compared to women and minority men. Non-competitive Promotions are made when there are three or fewer individuals with the appropriate qualifications eligible for the promotion. If women and minority men are not among those three or fewer eligible, then obviously such promotions disproportionately will be obtained by white men. These findings all suggest that women and minority men often may be excluded from promotion through a particular route based on eligibility.

More specific research results relevant to each of the routes of promotion were reported in the previous chapters and will not be restated here. In the sections that follow, we outline the policy implications of this research and make recommendations for change.

Policy Recommendations

Flexibility Must be Balanced with Accountability. While the added measure of flexibility provided for in the non-traditional routes of promotion may be a useful management tool, we found that it may also work to the disadvantage of women and minority men. Thus, our major recommendation is a careful balancing of system flexibility with system monitoring to assure that the flexibility is not used to the advantage or disadvantage of any identifiable group.

The need for additional managerial flexibility is cited by many involved in public sector personnel. Examples of statements made by noted administrators

and scholars illustrate this. Campbell, calling for flexibility in the federal civil service argued that,

Personnel rules and regulations, which originated as a defense against spoils and the ineffective government which widespread patronage provided, now result in as much inefficiency as they were designed to prevent. The system is so encrusted that many managers feel it is almost impossible to manage effectively. (Campbell, 1978, p. 100).

Similarly, the National Academy of Public Administration has argued that federal managers "...tend to view the (personnel) system as just another set of obstacles they must overcome...Policies and practices are viewed as hurdles to cross."³⁷

Among other points, the Academy recommends the elimination of detailed procedures and the relinquishing of detailed controls by the central agency to "deregulate" the personnel function.

A responsive and flexible personnel system in New York State also has been a focus of comment by a broad spectrum of public servants. Karen Burstein, President of the New York State Civil Service Commission, has stated on several occasions that while the civil service system's fundamental principals of merit and fitness are sound, there is much that needs to be done to keep the system responsive to the changing workforce (Chief-Leader, 1983; Strictly Personnel, 1983). What needs to be done to make the system more responsive often involves making the system more flexible. Yet, how that flexibility is introduced is a critical concern, not only to administrators of civil service systems, but also to others interested in the continuing progress of the underrepresented.

Precisely what is meant by flexibility and responsiveness varies depending on who is commenting. Personnel managers and agency heads often desire

³⁷ National Academy of Public Administration, 1983, p. 1.

flexibility to expedite the appointment of staff outside of the often laborious Traditional Examination process and without the constraints of the rule of three. Affirmative action officers and advocates often desire flexibility to make appointments which would further integrate the workforce. Other managers desire flexibility to reward outstanding employees, while still other managers desire flexibility to hire and fire at will, without bureaucratic procedure. Obviously, managerial flexibility is a two-edged sword: it can be used to cut through red tape for more efficient and effective government employment or it can be used to cut off the protections of those whose employment rights might be better ensured under a more rigid and prescribed system. Managerial flexibility, if used appropriately, can have clear benefits. If used inappropriately, it could damage the operational principles of the merit system and could lead to unequal opportunity, as well as cronyism and favoritism.

The dilemma of introducing flexibility can be characterized as one of negotiating between competing goals. Flexibility can play a role in the goal competition between the use of representativeness principles and traditional merit principles (Rosenbloom, 1977; McGregor, 1976), between primary organizational missions of service or production and secondary or tertiary missions of being responsive to social policies like non-discrimination and affirmative action (Chertos, 1982; Feagin, 1981; Koch and Chismar, 1976), and between the operational goals of efficiently carrying out managerial responsibilities and of safeguarding against managerial abuse (Friss, 1982).

In his analysis Campbell (1978) pointed out the competition among the goals of various groups interested in federal civil service reform. However, like many other managers, he did not perceive a conflict between the goals of an increasingly flexible system of high level managerial appointment (what became

the Senior Executive Service) and the goals of affirmative action. In fact, he felt that added flexibility in making high level appointments would enhance the government's ability to bring women and/or minorities into upper management. The research reported here suggests that while increased flexibility is desirable under some circumstances, it is not a panacea for our need to bring more women and minorities into higher levels of management. In fact, it may at times work to thwart such progress.

We recommend that the use of the Other Alternative Routes of Promotion be given more careful study. If it is the case that members of certain groups are afforded special privilege through the use of these appointments, then we recommend careful monitoring of the practice. To insure that these processes of promotion are used fairly and without preference, monitoring systems should include prior justification required of each manager who desires to promote a traditional candidate through a non-traditional route of advancement.

The Legal Length of Non-list Appointments Should be Evaluated. We found that Non-list (provisional and temporary) Promotions continue considerably longer than intended by law. This can be problematic for employees whose career progress depends on permanent appointments and promotions. It can also be problematic for State agencies, which may need a more stable workforce. Thus, we recommend that the existing legal limits as well as the existing administrative compliance mechanisms be reviewed by New York State.

The State already has expressed considerable concern over this situation. Through a concentrated effort, they report having cut the number of provisional appointments in half over the last two years. We can assume that the average length of provisional appointments has also been cut.

However, ultimately it might be unrealistic to adhere to a nine month limit for provisional appointments pending the administration of an examination.

Given the size of the State workforce and currently available technology, it takes considerable time to schedule and prepare an examination, broadly recruit, take applications and check the eligibility of applicants, hold the examinations (often both written and oral), score them, rank order the list, canvass the list for a particular opening, conduct interviews with the three highest scoring and interested candidates, make a selection, and place the new appointee in the job.

Perhaps change in the legal statute to set a realistic time limit, as well as change in administrative structure and process to enable more uniform compliance with the legal time limit should be considered. These changes would facilitate managerial flexibility, as well as enable the creation of workable mechanisms of accountability.

Eligibility for Managerial Promotion Should be Expanded to Include More Women and Minority Men. We have already indicated that when selection for promotion is based on eligibility requirements which include experience in specific jobs, women and minority men experience unequal access to promotional opportunity. Routes of promotion where this requirement may be most problematic include Traditional Examinations, Administrative Transfers, and Non-competitive Promotions. Thus, we recommend that strategies be developed to increase the eligibility of women and minority men for managerial promotion through these routes.

We recommend two strategies. First increased efforts can be made to integrate the titles currently on the eligible list. This may mean targeted recruiting efforts aimed at women and minority men for all entry level managerial positions. It may also mean affirmative hiring practices that encourage managers to select candidates who add to workforce diversity. These are basic elements of any good affirmative action program.

Second, we recommend that the State and the relevant labor organization(s) jointly re-evaluate titles currently considered ineligible for any managerial promotion. In this way additional titles with relatively large numbers of women and minority men may be identified which meet the qualifications for inclusion. Based on previous Center research, the State and the Public Employees Federation are already involved in a similar pilot program to increase the numbers of women and minority men eligible for managerial promotion exams. The Managerial Access Project, coordinated by the Center for Women in Government, currently works with labor/ management committees to identify additional titles which might make one eligible for a particular managerial examination.

One example may prove useful here. In the case of promotion to some medical care administration titles, those in many male dominated job titles representing a mix of technical/medical work and administrative work had been considered eligible to compete for the promotion. However, those currently working in several administrative nursing titles, where incumbents did both administrative work and some direct patient care, had not been considered eligible to compete for the promotion. Upon closer analysis, the labor/ management committee concluded that these female dominated nursing titles do provide the appropriate experience to qualify incumbents for the managerial title in question and recommended that they should be included on a revised list of qualifying titles. In this way, the opportunity for women to compete for managerial promotion was expanded.

We recommend a major institutionalization of a process similar to the pilot described above whereby eligibility criteria for all managerial examinations are carefully evaluated for unnecessary negative effects on women and minorities.

Similar cooperative efforts between labor and management may very well identify titles with large numbers of women and minority men previously

overlooked when the Administrative Transfer roster was established. If additional titles with significant numbers of female and minority incumbents are found to be appropriate for inclusion in the Administrative Transfer system, in all likelihood, it will increase the number of women and minority men gaining promotion through this route. In the long run, it also should assist in further integrating those male dominated occupations already considered eligible for Administrative Transfer.

In the case of Non-competitive Promotions, which by definition are only possible when three or fewer individuals are eligible for a promotion, special care should be given to assure that the eligibility requirements do not discriminate against women and minority men. This could be done through labor/management committees, as in the Managerial Access Project, or through a centralized monitoring process.

Employees Must Be Provided with Better Information About All the Routes of Promotion. It is vital that all employees have information on ways to advance in government. Without equal access to information, differential use of the routes of promotion may result. Differential access to information about how the system operates may be through "the old boy network" we hear so much about or through other unofficial mechanisms. If information is unevenly available, and if white men are more likely to have access to this information than others, that might explain in part why white men receive so many more promotions through the wide range of alternative routes.

One example of what can happen without information arose in a conversation with a woman in a mid-level management position. She came into State service to take a provisional appointment four years previously. After one year she was provisionally promoted to her current position pending the administration of an examination. She was frustrated because after four years of State service,

three years in her current position, she still had no permanent appointment and therefore no vested employment rights. When she asked her supervisor about the examination for her position, he responded that an examination could not be given because there were no other people who qualified for it. He implied that she would have to remain provisionally appointed until a suitable pool of candidates could be gathered.

This woman had never heard of a Non-competitive Open Competitive Promotion, yet she was a prime candidate for it. Surely, the State law was enacted to protect people in situations just like this. After I explained the process to her, she was able to go back to her supervisor and request the permanent appointment through a Non-competitive Open Competitive Promotion. However, without reading the Civil Service Law or just happening to have a conversation with someone who knew, this woman had no easy access to the information on how the system really works. Obviously, her supervisor did not know about Non-competitive Promotions either.

To respond to such situations, we suggest that the State issue a manual outlining all of the various legal and procedural mechanisms which can lead to career advancement. With this information in hand, an employee could participate in decisions affecting less traditional advancement. In addition, such a manual would assist managers and employees who would later enter management to better understand how to assist in the career development of their subordinates.

Non-traditional Routes of Promotion Should be Used For Affirmative Action.

It has been suggested repeatedly throughout this report that although the most flexible routes of promotion tend to be used to promote white men, they could be used as a tool for affirmative action in the State. In order to make full use of that opportunity, managers must understand the possibility of using these routes to practice affirmative action and be held accountable for doing so.

Consistent with recommendations made above for monitoring appointments through non-traditional routes and for developing a manual on promotional mechanisms, we recommend that these same strategies be extended specifically for affirmative action purposes. Our earlier recommendation for system monitoring was to insure non-discrimination in the allocation of promotions. We stress that the monitoring system could go beyond non-discrimination to address issues of affirmative action. Similarly, our recommendation for a manual to provide employees with equal access to information could be extended to include information on how these routes can be used to take affirmative action.

Conclusion

In this report we have analyzed the routes of managerial promotions in New York State government. Although we found disparate use of the various routes of promotion, such that it was white men who received the majority of non-traditional permanent promotions, this need not always be the case. We have made several recommendations which, if implemented, we believe will maintain the flexibility inherent in the existing system and, at the same time, will reduce the unequal opportunity currently experienced by women and minority men.

These results are intended to be useful to New York State in its continuing efforts to create equal employment opportunity. In addition, we hope that this report will be generally useful to those who continue in the effort to understand the potential for adverse impact of organizational structures and practices.

APPENDIX A
DATA FORMAT AND LIMITATIONS

This appendix provides a detailed account of our data source, our analysis procedure for identifying an employee's most recent promotion, and the limitations on the analysis which resulted.

Data Source

We received career history data on the 7119 managers in competitive and non-competitive positions in sixteen pre-selected New York State agencies, as of November 1980.³⁷ These data were delivered both on computer tape and hard (paper) copy.

Figure B provides a reproduction of the type of hard copy data we received. The computer tape contained essentially the same information as the hard copy, with a bogus social security number (000-00-0001 through 000-00-7119) to identify each case. At the top of Figure B, the current position record tells us that the individual is in the competitive class (jurisdictional code = 0), is a Senior Soils Engineer (title code = 01050), at salary grade 23. Line two provides the current employing agency (Office of General Services), the type of appointment (permanent, code 1), the transaction code for how that appointment was made (by Non-competitive Promotion, transaction code = 14), and the date of the appointment (9-4-80). Line three informs us that the individual is male (sex = 1), non-minority (ethnic = 0), a non-veteran (veteran's code = 3), was born in 1948, was initially appointed in New York State in 1973, and has been in the competitive jurisdictional class since his initial appointment in 1973.

The individual's career history is below the position record on Figure B. Beginning at the top and progressing to the bottom of the history file, we

³⁷Our analysis was limited to only those managers in competitive class positions.

FIGURE B

CENTER FOR WOMEN IN GOVERNMENT
APPOINTMENT TYPE STUDY

POSITION/PERSONNEL DATA

JURIS. CLASS - 0 TITLE CODE - 4027300 TITLE - SENR SOILS ENGINEER SALARY GRADE - 23
 AGENCY CODE - 01050 AGENCY NAME - EX OFF GEN SERV TYPE APPT. - 1 TRANS. CODE - 14
 APPT. DATE - 09/04/80 SEX - 1 ETHNIC - 0 VET. CODE - 3 BIRTHDATE - 05/48
 INIT. APPT. - 06/28/73 CLASS. SRTY. DATE - 06/28/73

HISTORY DATA

JUR CLASS	TITLE	SG	LIST #	EFF DATE	ITEM #	AGENCY	APPT. TYPE	PERSONNEL ACTION
0	Assnt Soils Engineer	19	35-450	10/15/74	44051	Trans Main Off	Temp	Dept
0	Jr Engineer	15		04/01/75	44403	Trans Main Off	Perm	Rein Lv
0	Jr Engineer	15		05/15/76	44403	Transportn M/O	Temp	Pref
0	Jr Engineer	15		09/09/76	44403	Trans Main Off	Perm	Pref
0	Asst Soils Engineer	019	354500	12/13/76	44431	Trans Main Off	Cont	Appt/Lv***
0	Assnt Soils Engineer	19		12/23/76	44431	Trans Main Off	Cont	Rein Lv
0	Assnt Soils Engineer	19	35-450	12/08/77	44391	Trans Main Off	Perm	Dept
0	Assnt Sani Engr	19		03/30/78	14123	Envir Cons M/O	Prov	Pend Exam
0	Jr Engr	015		03/30/78	14123	Envir Cons M/O	Perm	Tr Reg
0	Assnt Sani Engr	19	20-122	04/13/78	14123	Envir Cons M/O	Perm	Oc
0	Assnt Civil Engr Cons	19		06/22/78	46829	Envir Cons M/O	Prov	Pend Exam
0	Assnt Soils Engineer	19		07/20/78	30664	Ex Off Gen Serv	Perm	Rein Res
0	Senr Soils Engineer	23		10/25/79	30664	Ex Off Gen Serv	Prov	Pend Exam***
0	Senr Soils Engineer	23		09/04/80	30664	Ex Off Gen Serv	Perm	NCP

***This transaction indicates a promotion.

should be able to trace the course of the individual's career. I say "should be" because as will be documented later, this was not always the case.

These data then, the position record and the career history provided our chief data source. Transaction codes which indicated promotions were to be used as our primary dependent variable. However, a major difficulty was to find the most recent promotion for each individual. To do that, we had to look back into each person's career history.

Tracing an Employee's History

The reader is referred again to Figure B, as an example of a career history. Beginning at the top, we note an inconsistency. Although this man entered State service in 1973, his career history was not entered onto the computer until October, 1974. (The State was automating personnel records throughout the early 1970's.) In 1974, the employee received a temporary appointment in the Department of Transportation, to Assistant Soils Engineer, salary grade 19. Six months later, he was reinstated to his previously held permanent appointment of Junior Engineer, salary grade 15. There are two additional transactions on his file while he remained in that position: his appointment was changed to temporary and then to permanent again. Because his line number stayed the same, we suspect that the temporary appointment entry dated 5/15/76 was a mistake.

In December, 1976, the employee was promoted on a contingent permanent basis to Assistant Soils Engineer and immediately took a leave of absence. Ten days later he returned to work. A year later, in December, 1977, that appointment was made permanent through appointment from a departmental promotion list.

In March of 1978, according to the record he was provisionally appointed to the title of Assistant Sanitary Engineer, still at salary grade 19. However, on

the same day a regular transfer mechanism was used to demote him to a Junior Engineer, his old salary grade 15 position. This combination of events seems unlikely in fact. Yet, this is quite typical of the confusion in individual personnel records. An analyst can only guess which, if either, of the entries is a mistake.

The following month, April 1978, this employee was permanently appointed to the title of Assistant Sanitary Engineer through an open competitive examination. Two months later he was provisionally appointed Assistant Civil Engineer in the Office of General Services at the same salary grade. Within a month that appointment was made permanent.

In October, 1979, this employee was provisionally promoted to Senior Soils Engineer, salary grade 23. Eleven months later that promotion was made permanent through a Non-competitive Promotion.

It is important to note that in this career history example there are only two promotions. They are marked with asterisks in the right hand margin. The most recent promotion was included in our analysis of routes of promotion.

Data Limitations

In this section, a brief discussion of the data and analysis problems we had with these career histories will be presented. Most importantly, the problems encountered constrained the kinds of research questions we were able to ask in this analysis.

Our data problems were extensive from the very beginning. Not until we actually began the analysis, the sample having been drawn and the career histories gathered, did we realize the breath of information captured in transaction codes. We originally defined promotion as a positive change in salary grade between the last two lines (transactions) on an employee's career history.

However, we soon found that transaction codes capture many other things in addition to promotions. As indicated earlier, changes in a numerical code indicating the source of a particular individual's paycheck, corrections or alterations to previous entries on their file, completion of probationary periods, leaves of absence, and extensions of leaves of absence are all examples of the myriad of irrelevant data that we had accumulated. Obviously, these data were relevant to State personnel staff who originated and maintained the records. However, we did not fully understand going into the analysis how many "lines" of data we would have to sort through to find what we were interested in -- a promotion. In the example of Figure B only two out of fourteen lines were of interest for this analysis.

This led to our most important disappointment with the data. We were unable to isolate all those promoted in our sample. Because the career histories were so bulky with information potentially irrelevant to a study of the promotion process, we were forced to select a subset of entries (the last four lines) and to search within them for a promotion, if there was one. If no promotion was found in the last four lines, that individual was excluded from further analysis. The resulting 1381 promotions available for analysis were a small number compared to our original sample. In addition to reducing the size of our sample, using only promotions found in the last four lines meant that we were introducing a significant new bias: those who had been promoted least frequently and less recently were less likely to be included in our study than those who had been promoted more frequently or very recently.

Finally, problems associated with the career history data also are represented in Figure B. Transaction codes were occasionally found to be used incorrectly; for instance, a change of budget line number -- which should only affect the budget mechanism for the employee's paycheck, not the size of the

paycheck -- resulting in an increase in salary grade. Transaction codes were frequently entered incorrectly to the wrong person's file, for example a line showing a psychologist becoming a budget analyst. When a correction is made, a new line is entered showing the analyst becoming a psychologist again -- but the incorrect entry is never removed. Thus, research staff had to make judgments as to whether a given change in occupation was real, or whether it was so far fetched that we could safely assume a mistake. We tended to be conservative with our manipulations and to assume if the change was at all feasible, it was real.

In summary, data limitations prohibited us from answering all of the research questions of interest. First, we experienced problems with the volume of irrelevant data accumulated. A very large proportion of the transactions did not involve promotions. Finding the most recent promotion on an individual's record then required the development of a computer program which could search through each history for a positive change in salary grade. Due to cost constraints of both time and funds, we were forced to limit that search to a small number of lines on each history. This resulted in a smaller sample of individuals than we had originally anticipated.

We also encountered problems with data format and quality. Although we could adjust our analysis procedures to cope with the data format, we were less able to compensate for data quality. Difficult staff decisions were necessary to determine the most likely interpretations of confusing State recordkeeping.

However, even with these data limitations, we were able to analyze the most recent promotions for 1381 managers in competitive class positions in New York State. This is a larger sample than many researchers even can hope for.

The data were clearly adequate for our needs. With these 1381 promotions, we were able to fulfill the objective of this study. We tested for and found

systematic differences in the use of promotional mechanisms. On that basis, we were able to make recommendations to reduce those differences.

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