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BANK OF AMERICA EMPLOYMENT PRACTICES

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FIRST REPORT BY CALIFORNIA FEPC

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IN THE COURSE OF AN AFFIRMATIVE ACTION OF THE
FAIR EMPLOYMENT PRACTICE COMMISSION

SEPTEMBER 1964

State of California, Edmund G. Brown, Governor
Department of Industrial Relations, Ernest B. Webb, Director
Division of Fair Employment Practices, Edward Howden, Chief

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Fair Employment Practice Commission

CARMEN H. WARSCHAW, Assigned Commissioner

LOUIS GARCIA, Assigned Commissioner

September 1964

STATE OF CALIFORNIA

FAIR EMPLOYMENT PRACTICE COMMISSION

Carmen H. Warschaw, Chairman;

Elton Brombacher, C. L. Dellums, John Anson Ford,

Louis Garcia, Clive Graham, Dwight R. Zook, Commissioners;

Edward Howden, Executive Officer

Statistical Assistance and Counsel by

Division of Labor Statistics and Research

Maurice I. Gershenson, Chief

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Table of Contents

		Page
I.	INTRODUCTION	1
II.	SUMMARY	2
III.	PERSONNEL DATA SUBMITTED BY THE BANK as of 31 July 1964	
	A. Statewide staff	5
	B. Analysis by job classes	6
	C. Analysis by location	8
	D. New hires	9
	E. Applicant tallies	11
IV.	POLICY IMPLEMENTATION	
	A. Communication of policy	13
	B. Recruiting	15
	C. Hiring	17
	D. Assignment	17
	E. Training	18
	F. Transfer and promotion	19
	G. Advertising	20
V.	APPENDIX	
	A. Memorandum of Understanding, 1 June 1964	
	B. Letter from R. A. Peterson, President, Bank of America, to Mrs. Carmen H. Warschaw, Chairman, FEPC, 12 March 1964	
	C. Letter from Mrs. Warschaw to Mr. Peterson, 14 March 1964	
	D. Memorandum from Frank E. Young, Assistant to the President, Bank of America, to branch managers and administrative department heads, 23 March 1964	
	E. Letter from California Chapters of the Congress of Racial Equality to Mrs. Warschaw, 14 April 1964	

(Continued)

F. Letter from Mrs. Warschaw to CORE, 28 April 1964

G. Letter from Mr. Young to Mrs. Warschaw, 12 May 1964

H. Letter from Mrs. Warschaw to CORE, 1 June 1964

I. Memorandum from Mr. Young to branch managers and department heads, 24 June 1964

J. Memorandum from C. H. Baumhefner, Vice President and Cashier, Bank of America, to branch managers, 26 June 1964

K. Letter from Edward Howden, Executive Officer, FEPC, to William J. Breen, Vice President and Personnel Relations Officer, Bank of America, 23 July 1964

I. INTRODUCTION

On 12 March 1964 R. A. Peterson, President of the Bank of America National Trust and Savings Association, addressed an open letter to Mrs. Carmen H. Warschaw, Chairman of the California Fair Employment Practice Commission, affirming the equal opportunity employment policies of the Bank, outlining practices of the Bank intended to assure minority group members such opportunities, and offering to report periodically to FEPC on the racial and ethnic composition of the Bank's personnel.

Mrs. Warschaw replied to Mr. Peterson's letter on 14 March. She said the Commission would be pleased to receive periodic reports concerning the Bank's practices which bear upon equal job opportunity, but asked to discuss the categories of information to be included for the purpose of making the reports more meaningful both to the Bank and to the FEPC. The discussions would also be concerned with possible further steps to strengthen and enhance the effectiveness of the Bank's affirmative opportunity program.

The result of this exchange (appendices B and C) and later correspondence was that the Fair Employment Practice Commission, at its April meeting, authorized an affirmative action with the Bank of America (docketed as case A-005a, 1964), with Mrs. Warschaw as the assigned Commissioner in charge. Subsequently, Commissioner Louis Garcia was designated as her associate in the matter.

Mrs. Warschaw, Mr. Garcia, members of the FEPC staff, and officials of the Bank held a number of conferences seeking to arrive at a cooperative relationship both in reporting and evaluating personnel data and in reviewing and consulting on the implementation of equal employment policies.

On 1 June, Mrs. Warschaw and Jesse W. Tapp, Chairman of the Board of the Bank, signed a Memorandum of Understanding (Appendix A) calling for submission of personnel data to FEPC every four months, continuing review and consultation on the implementation of policy, and periodic public reporting by FEPC.

This is FEPC's first public report pursuant to the Memorandum of Understanding. It includes personnel data submitted by the Bank as of the close of business on 31 July 1964, limited evaluation and comment on the data, information obtained directly by FEPC staff, and conclusions based on this first phase of our study.

II. SUMMARY

This report covers a short period during which the first steps were taken toward implementing the FEPC - Bank agreement of 1 June 1964. Planning and programming of the statistical report on Bank personnel took priority and required some weeks. The program of field visits by members of the FEPC staff and of consultation with Bank management at all levels on methods of effectuating the policy of equal employment opportunity commenced in July.

Top Bank officials cooperated fully with FEPC from the inception of the study, reflecting both the spirit and letter of the Memorandum of Understanding.

As was recognized during the discussions leading to the joint agreement, no large, complex organization would be expected to achieve complete implementation of a comprehensive new program in an extremely brief period. The data and conclusions set forth in this report must be viewed in this perspective. The Bank has made a good beginning on its affirmative opportunity program. While the ultimate test of this program lies in the future, and there are, understandably, some weaknesses at this early stage, the prospect for further achievement seem bright.

Figures reported by the Bank as of 31 July and those of 30 April, while informative, are not strictly comparable. Only tentative comments can be made concerning the present statistics; they will, however, provide a basis for comparative analysis with the data to be furnished in subsequent reports. More meaningful comparisons, reflecting the Bank's efforts to recruit, hire and upgrade minority personnel, will be possible when the 30 November and later figures are received.

It is recognized that such surveys have their limitations. Techniques may have to be reviewed to assure consistency in identification of racial and ethnic groups. Inevitably, when a number of supervisors, in a variety of locations, are asked to identify racial or ethnic characteristics, some errors will be made. (Methods agreed upon here do not involve asking any individual to identify his racial or ethnic group, nor the placing of such information on individual personnel records.)

Top management has taken the essential first steps by announcing an equal opportunity policy and spelling it out forcefully in directives to branch managers and heads of administrative departments. It is recognized, at the same time, that much remains to be done by way of follow-up communication to field personnel as to their responsibilities for action. The Bank management

is well aware that it is one thing to enunciate policy from San Francisco, but another to obtain the full impact of implementation through persistent, imaginative, affirmative work throughout the State to widen sources of minority job applicants and bring them into Bank employment. In such ways policy is advanced beyond declarations into program which, assiduously administered for some time, will produce the desired results.

At this early stage, the impact of the Bank's strengthened policy of equal opportunity appears to vary considerably from one branch to another and from one area of the State to another. Part of this reflects the availability of minority personnel in the areas in which the Bank operates. It is apparent that substantial progress in expansion of minority employment opportunity occurred in the late spring and summer of this year, following President Peterson's announcement in March of a newly emphasized affirmative opportunity policy. Information so far available indicates that hiring opportunities for nonwhite applicants for clerical positions and for management training positions with the Bank have markedly expanded in recent months.

Among the constructive steps taken thus far by Bank officials in a number of localities which, it is expected, will be extended to other areas throughout the State, are the following:

+ Efforts to contact organizations and business and professional people in the minority communities with word of the Bank's interest in recruiting qualified people without regard to race or ancestry;

+ Active utilization of State Employment Service offices, especially their Minority Specialists;

+ Across-the-counter discussions with minority businessmen, teachers, ministers, and others, in connection with recruiting efforts;

+ Emphasis on career incentive programs and recruiting efforts in the schools (particularly important since high school graduation is a prerequisite of Bank employment).

Observations made by members of FEPC staff in the course of visits to branch banks resulted in certain suggestions concerning personnel procedure. The Bank concurred that branches where there is no current vacancy should refer qualified applicants to other branches or to central employment offices, but stated that this is already standard practice. Similarly, for the purpose of finding employment for every qualified applicant whenever possible,

it was suggested that files of recent applications be searched and used when new vacancies occur. Bank officials agreed that, although most applicants find other work and therefore are not available after an interval, minority applicants may remain unemployed for longer periods. They will consider possible methods of retaining and using such applications.

Identification of areas of implementation of the affirmative opportunity policy perhaps needing greater emphasis or continuing attention is an important aspect of the Bank - FEPC cooperative relationship. As of the end of July, such areas appeared to include recruiting methods, minority community relations, and further communication to field management concerning the urgency or priority attaching to this policy.

Specific matters which seem to warrant further analysis include minority representation in administrative and executive positions; the relatively small numbers of nonwhites and persons of Spanish surname on the Bank staff in some localities, especially outside the metropolitan areas; the tendency to concentration of minority employees in locations housing administrative and central operations staff and certain branches in the two major metropolitan areas; and the lack of awareness at some branches, even in main cities, of the need for positive endeavors by managers and operations officers in recruiting and revising hiring procedures.

Although close study of the Bank's training program has not yet been possible, it is noteworthy that during the month of July a significant proportion of Negroes and two persons of Spanish surname were hired in management trainee positions. If this practice continues and candidates for training and upgrading are actively sought from among those already on the Bank staff, the present low percentage of minority personnel in the higher levels will be substantially increased in the future.

FEPC would recommend to any large employer that the coordinator of his equal opportunity program be assigned to that duty on a full-time basis and be given the highest possible status and authority. The Bank has assured us that its Human Relations Coordinator has such status and authority, is devoting full time to this program, has access to adequate assistance from the staff of the central personnel office, and is receiving specialized training in intergroup relations. As we have also recommended, the Bank will consider retaining the advisory services of one or more experienced intergroup relations consultants.

III. PERSONNEL DATA SUBMITTED BY THE BANK as of 31 July 1964

A. Statewide staff

At the close of business on 31 July 1964, the Bank of America had the equivalent of 28,856.6 full-time employees at its locations housing administrative and central operations staff, and at its 865 branch banks throughout California.[1] Of the employees, 3,839.5 or 13.31 percent were members of racial or ethnic minorities: 2.86 percent Negro, 2.22 percent Oriental, 1.84 percent other nonwhite, and 6.38 percent of Spanish surname.

There are no previous figures with which the above percentages can be compared exactly. They include part-time and hourly employees as well as those who work full-time, but unlike the figures reported by the Bank as of 30 April, they have been converted into the equivalent of full-time employees (40 hours per week).

It is possible, however, to compare the gross number of minority-group employees, including both full-time and part-time, at the beginning and end of the three-month period May through July 1964. Total Negro employees increased from 635 to 872, or over 37 percent.

Nor are the gross figures for the two dates strictly comparable. The later survey was carried out in accordance with the FEPC - Bank agreement of 1 June 1964, which included explicit definitions of the racial and ethnic groups conforming mainly to those of the United States Census. Under the agreement, for example, only white persons who have Spanish surnames are counted in that category, while earlier the Bank enumerated as "Latin Americans" many women who appeared or were known to be of Spanish-speaking origin, but whose married names were not Spanish. In April, also, the Bank counted as "Latin Americans" Filipinos of Spanish surname who, on 31 July, were classified as "other nonwhite".

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[1] The Bank's employees at locations outside California are not covered by this report. Part-time and hourly employees are included in all figures, converted into the equivalent of full-time (40-hour) employees, unless otherwise noted.

For such reasons, a slight apparent decrease in persons of Spanish surname in this period may not reflect an actual decrease. An apparent decrease in the number of Oriental employees may also be explained by the redefinition of terms. An apparent increase in the category of "other nonwhite" may be explained in part by the reclassification of individuals from the other two categories.

The following table shows the converted figures for 31 July, reducing the numbers of employees in each category to the equivalent of full-time, 40-hour workers.

Table 1. BANK STAFF: STATEWIDE TOTALS BY PRINCIPAL RACIAL AND ETHNIC GROUPS

31 July 1964

TOTAL STAFF	Negro	Oriental	Other nonwhite	Spanish surname	Other white	TOTAL MINORITIES
28,856.6	826.1	640.5	531.6	1,841.3	25,017.1	3,839.5
100%	2.86%	2.22%	1.84%	6.38%	86.69%	13.31%

B. Analysis by job classes

The Bank's statewide personnel figures were separated into four job classes.[2] These figures are set forth in Table 2 below. Of all Bank personnel on 31 July, 52.78 percent were in Class 1, which includes clerks, typists, machine operators and tellers. Of the Bank's minority employees, 70.55 percent held Class 1 jobs. Of all Bank personnel, 79.99 percent were in the clerical and first-line supervisory positions in Class 1 and Class 2.

Of the Bank's total minority employees, 95.75 percent held jobs in those two classes. Of the Negro employees, 98.85 percent were in the two classes.

Classes 3 and 4, in the higher ranges of pay and responsibility, presented a contrasting picture. Of all Bank personnel, 20.01 percent were employed in the administrative and executive positions in those two classes, while 4.25 percent of the minority persons employed by the Bank held such positions.

[2] For explanation of job classes, see Appendix A, 1 (b)

In the State as a whole, 1.15 percent of the Negro employees were in Classes 3 and 4, 5.05 percent of employees of Spanish surname were in those clases, and 22.43 percent of other white employees held such positions.

While FEPC is hopeful --- and the Bank fully expects --- that there will be further increases of minority personnel in the higher job levels, it is apparent that in July such personnel were employed, though in relatively small numbers, in each of the several classifications.

In this connection, the Bank indicates that the average length of service of employees in Class 1 is 2 to 3 years, that of employees in Class 2 is 6 to 11 years, and that of employees in Class 3 and Class 4 ranges is from 13 to 37 years.[3]

Because the position of teller is not only the largest single category of the Bank's staff, but also is one which entails direct contact with customers and the public, the report includes a special breakdown within Class 1 (Class 1A) to show the distribution of tellers by racial and ethnic group.

On 31 July there were the equivalent of 5,847.9 full-time tellers in branches throughout the State. A substantial proportion were members of minority groups. Of the total, 233.7 were Negro, 101.9 were Oriental, 75.8 were other nonwhite, and 295.4 were of Spanish surname. Minority group tellers comprised 12.09 percent of all persons in that position.

Another category of special interest --- because of the importance of equal opportunity in promotions as well as in hiring --- is the first level within Class 2 (Class 2A), including first-line supervisors and other positions immediately senior to those in Class 1. This again is a very large category, numbering 4,024.4 employees on 31 July, and a substantial proportion were members of minority groups. Of the total, 116.9 were Negro, 132.4 Oriental, 63.3 other nonwhite, and 220.8 of Spanish surname. Minority group persons comprised 13.25 percent of all employees in these first-line supervisory and related positions.

[3] All of the Bank's employees are white-collar workers. Construction, maintenance, janitorial and security services are provided on a contractual basis.

These figures for Classes 1A and 2A suggest strongly that Bank policy is not influenced by the old-time myths (still held by some employers) that minority personnel cannot serve in public-contact or supervisory capacities.

Table 2 BANK STAFF: STATEWIDE DISTRIBUTION BY JOB CLASS[4]

31 July 1964

	Negro	Oriental	Other Nonwhite	Spanish Surname	Other White	TOTAL
			Number			
Class 1	653.9	364.7	367.3	1,322.6	12,522.2	15,230.9
Class 2	162.7	243.8	135.3	425.7	6,883.8	7,851.2
Class 3	7.0	29.0	29.0	78.0	3,842.1	3,985.0
Class 4	2.5	3.0		15.0	1,769.0	1,789.5
TOTAL	826.1	640.5	531.6	1,841.3	25,017.1	28,856.6
Class 1A	233.7	101.9	75.8	295.4	5,141.1	5,847.9
Class 2A	116.9	132.4	63.3	220.8	3,491.0	4,024.4
			Percent			
Class 1	79.16	56.94	69.09	71.83	50.05	52.78
Class 2	19.69	38.06	25.45	23.12	27.52	27.21
Class 3	.85	4.53	5.46	4.24	15.36	13.81
Class 4	.30	.47		.81	7.07	6.20
TOTAL	100.00	100.00	100.00	100.00	100.00	100.00

C. Analysis by location

The pattern of distribution of racial and ethnic groups among the employees of any company is not necessarily a conclusive or significant indicator of the effectiveness of the employer's policy of equal opportunity. Other considerations, including the composition of the local population and factors affecting the labor market and the availability of qualified minority applicants, must be weighed in evaluating an employer's policy and program.

[4] For explanation of job classes, see Appendix A, 1 (b)

A wide range of information is essential, therefore, to valid appraisal of the employment policies and practices of the Bank of America, with its numerous staff, varied operations, and dispersal throughout California in communities both large and small.

In addition to the statewide staff totals, the Bank supplied employment data for the same four job classes and two sub-classes in each of the State's standard metropolitan statistical areas. Separate figures also were given for the staff employed at locations housing administrative and central operation staff in San Francisco and Los Angeles, respectively, and for specific branches in certain localities.

Some strong contrasts are shown by the figures. In the Los Angeles - Long Beach metropolitan area, 16.84 percent of the Bank's employees were of minority groups, and in the San Francisco - Oakland metropolitan area, 14.80 percent. In non-metropolitan locations, 6.65 percent were of minority groups and fewer than 1 percent were Negro.

San Diego, San Bernardino - Riverside, and Bakersfield, among the metropolitan areas, showed between 5 and 6 percent minority representation on the Bank staff. About 1 percent of the Bank's employees were Negro in Bakersfield and in San Bernardino - Riverside, and between 1 and 2 percent were Negro in Fresno, San Jose and Santa Barbara.

Employment of persons of Spanish surname was between 3 and 4 percent in Bakersfield, Fresno, San Bernardino - Riverside and Stockton. It was 1.77 percent in San Diego and 2.59 percent in Sacramento. In Los Angeles - Long Beach 9.15 percent of the Bank's employees were of Spanish surname, and in San Francisco - Oakland, 5.11 percent.

D. New Hires

The Bank agreed to provide FEPC with information concerning the percentages of hires in each of four major areas, but not the numbers of vacancies or hires. No statewide figures which would reveal turnover were to be provided. In the absence of complete data of this nature, the percentages for the month of July 1964 give some indication of the hiring pattern in that period.

Percentages of hires of Negroes in the four areas during July were substantial, and appear to indicate the success of the Bank's aggressive efforts

to recruit and employ qualified individuals of that group. With regard to persons of Spanish surname, the percentage of hires in Los Angeles during July was as large as that of Negroes. Whether 18.41 percent is unusual, in that city, cannot be determined until there are comparable data for a period of time.

Table 3 BANK HIRES IN SELECTED AREAS: PERCENTAGES BY RACIAL OR ETHNIC GROUP

Month of July 1964

	Negro	Oriental	Other nonwhite	Spanish surname	Other white	TOTAL
San Francisco City branches and administrative offices	12.86	3.57	2.14	2.86	78.57	100
Los Angeles City area branches and administrative offices	18.41	2.49	1.99	18.41	58.70	100
Sacramento City area branches	21.43	--	--	--	78.57	100
San Diego City area branches	33.33	--	--	2.78	63.89	100

During the month of July, as reported to FEPC by the Bank, 56 persons altogether were hired for three management training programs, of whom, significantly, 11 were Negro, 2 of Spanish surname, and 43 other white. Eight of the Negroes and the 2 of Spanish surname entered the "A" program, for applicants who have attended junior college or who have equivalent work experience. Two Negroes went into the "C" program, for applicants who have graduated from college with good scholastic record. One Negro entered the "M" program, for applicants who have attended college or who have related work experience which can be utilized in banking.

If an appreciable number of minority persons continue to be employed in management trainee positions, and if candidates for training and upgrading are actively sought from among those already on the Bank staff, the present low percentage of minority personnel in the higher levels can be substantially increased in the future.

E. Applicant tallies

The racial and ethnic distribution of job applicants was sampled, as requested by FEPC, at the Bank's two central employment offices, in San Francisco and Los Angeles, and at certain branch banks in other cities. The purpose was to learn whether in fact many minority persons were applying at this time, and to secure another perspective on the effectiveness of the recruiting efforts that were being made.

Tallies were taken by regular Bank personnel at the point of first interview of all those who completed application forms during the week of 22-26 June and the week of 27-31 July. The interviewer did not ask the applicants any question related to race or ancestry, but made his own determination based on surname or visible characteristics. No such identification was recorded at any time on or in relation to the individual's application or other forms.[5]

During the period of the report, according to the tallies, substantial numbers of applicants for Bank employment at both central employment offices were Negro or of Spanish surname. This would seem to indicate that many minority persons in the job market in those cities expected hiring opportunities to be available to the Bank of America, and that the new policy emphasis was being communicated successfully to the minority communities.

In the Los Angeles office, for example, during the last week of July, more than 28 percent of the applicants were Negro. In other test areas, and at local branches visited by members of FEPC staff, the numbers of Negro and Spanish-surname applicants varied. At the Berkeley main office, nearly 28 percent of the applicants were Negro. In Sacramento, field checks at certain branches indicated that a considerable number of current applicants were Negro. At test locations in Berkeley, Fresno and Santa Monica, about 10 percent of the applicants were of Spanish surname.

[5] See Appendix A, 1(e), and Appendix K.

Table 4 TALLY OF APPLICANTS FOR BANK EMPLOYMENT, AT POINT OF FIRST INTERVIEW, CENTRAL EMPLOYMENT OFFICES

Two one-week periods, 1964

LOS ANGELES

	Negro	Oriental	Other nonwhite	Spanish surname	Other white	TOTAL
22-26 June	85	10	13	108	165	381
27-31 July	56	5	5	40	91	197
TOTAL	141	15	18	148	256	578

SAN FRANCISCO

22-26 June	55	12	19	20	163	269
27-31 July	40	6	5	14	98	163
TOTAL	95	18	24	34	261	432

Table 5 ADDITIONAL TALLIES OF APPLICANTS AT POINT OF FIRST INTERVIEW

Month of July 1964

	Negro	Oriental	Other nonwhite	Spanish surname	Other white	TOTAL
Berkeley main office	10	1	--	4	21	36
Fresno main office	4	3	3	5	42	57
Santa Monica branch	2	1	1	4	39	47

IV. POLICY IMPLEMENTATION

> In order to maximize its contribution to overcome the cancerous moral evil of inequities based on race, religion, or ancestry, the Bank believes that more than passive compliance with the letter of the fair employment law is essential--- that a dynamic, comprehensive program of affirmative opportunity must be sustained on a high-priority basis. The Bank is deeply committed to such a program.
>
> --- Memorandum of Understanding

A. Communication of policy

We have found that the Bank has adopted a strong policy of equal employment opportunity and of affirmative action to increase the representation of minority racial and ethnic groups on its staff. Significant steps have been taken to communicate that policy. As might be expected, however, in a very large organization, directives have not had the same effect everywhere in this widespread banking system.

There are 865 branch banks in cities of all sizes throughout California. Each branch has had some autonomy in adapting to the business needs and customs of the local community. Particularly in some smaller cities and those distant from major metropolitan areas, there is said to be little turnover of staff, and it may take time to alter long-standing patterns of employment.

In the large cities, where minority populations are more heavily concentrated and where there is presumably a higher rate of turnover of Bank personnel, there may be better opportunities to change attitudes and approaches and to create a more inclusive employment pattern. Even in San Francisco and Los Angeles, however, field visits by members of FEPC staff indicated that Bank officials would have to continue to devote time and attention to increasing the effectiveness of policy communication on this subject with branch managers and operations officers. Such efforts are continuing.

The central management has issued a number of relevant directives over the years, beginning in 1959 when the Fair Employment Practice Act took effect. On 23 March 1964, after the initial exchange of correspondence between the Bank and FEPC which opened the way to the present agreement, a memorandum (Appendix D) to branch managers and administrative department heads strongly

urged them to take immediate action to increase the number of Negro and other minority employees. The key statement of this nature since the Bank - FEPC agreement is a memorandum dated 24 June 1964, from Frank E. Young, Assistant to the President, to branch managers and department heads (Appendix I). Mr. Young's memorandum spelled out the need for Bank officers to take the initiative in seeking out minority applicants of good quality, and particularly indicated methods by which to increase the numbers of Negro employees.

Mr. Young and other top officials, including the Personnel Relations Officer, William J. Breen, have made talks at meetings attended by many hundreds of bank officers, in the course of which they have emphasized the high priority of the stepped-up minority job opportunity program. In addition, the District Personnel Relations Officers and District Operations Officers, whose work requires constant visits to branches, have had this subject on their agenda and have discussed it on the occasion of each visit. We are assured that these efforts will continue unabated.

Following are examples of what can happen when local bank officials are fully aware of the affirmative recruiting policy and actively enlist the aid of minority organizations and individuals in carrying it out.

In Oakland, the manager of a small branch talked with his minority group customers and asked them to refer any of their acquaintances who might be qualified for bank employment. He considered this good for business as well as a means of finding applicants.

In the Sacramento area, the two district operations officers have initiated many contacts with minority organizations, addressed youth groups, discussed the policy with branch managers, utilized the assistance of the State Employment Service Minority Specialist, and made a serious effort to see that minority employees are assigned throughout the branches in their districts rather than concentrated in certain locations.

In San Diego, recruiting efforts include discussions with clergy, educators, doctors, the Urban League and other organizations, and advertising in minority news media.

In Fresno, Negro employees have been asked to refer friends and acquaintances, and the operations officer of the main branch, which is used as a training center for other branches, has seen to it that every Negro applicant during the past three months has been tested --- although ordinary procedure is to evaluate applicants on the basis of other information and test only the most likely ones.

In Pasadena, the manager of a large branch has clearly communicated the Bank's equal opportunity policy to employment agencies, resulting in the referral of Negro applicants to him. He has also sought out applicants through minority professional people, such as attorneys and ministers, and has made a practice of testing all applicants.

It appears that FEPC's continuing field visits also will assist in underscoring the importance of the Bank's endeavors to expand the scope of its equal opportunity policy and practice. The basic and ultimate responsibility in this respect rests, of course, with the employer.

B. Recruiting

The Bank memorandum of 24 June advised branch managers and department heads:

> To fully meet our duty to the community and maintain the Bank's favorable image we must again emphasize the need for actively seeking out minority applicants. This can best be accomplished by contacting:
>
> 1. the Minority Specialist in your local California Employment Service office
> 2. the influential Negro and minority leaders in your community
> 3. the minority church groups
> 4. the minority organizations, such as Urban League, N.A.A.C.P., and others.

Although there has been no attempt to have individual branches report specific contacts to top management, the examples given in the previous section of this report show that in some areas effective work has been done with minority communities. The Bank's Human Relations Coordinator has visited and had discussions with many organizations and potential recruitment sources. Results, seen in the numbers of minority applicants and in hiring, are reflected in the Bank's statistical report of 31 July.

Yet FEPC staff observations in the field suggest that the Bank does not always take full advantage of the opportunity to hire qualified or trainable minority individuals who do apply. If an immediate vacancy does not exist, such applicants are likely to be lost.

Personnel procedures vary considerably from place to place. Some branches in the Bay Area and Los Angeles depend entirely on the central employment offices to recruit, process and refer applicants, while others interview applicants who come to them, and on occasion hire directly. Some - at greater distances from the central employment offices - do all their own interviewing, testing and hiring. In other cities the main office may serve as a central employment office, or the branches may operate quite independently. Single branches in small cities fill an occasional vacancy with a ready applicant. Job seekers who are not acquainted with these varying procedures may well miss a vacancy, especially if the State Employment Service is not involved.

For the most part, an application for employment at a branch bank is effective only if there is a current vacancy. Even when applications are kept on file, it appears that they are seldom reviewed. We have suggested that minority applicants are more likely than others to remain unemployed and available, and the Bank is considering means of overcoming this probable loss of some good job seekers.

Bank officials state that it is common procedure, if there is no vacancy, to refer a qualified applicant to other branches nearby. An apparent exception was found during one FEPC field visit, wherein a qualified Negro applicant was interviewed at a branch in Richmond which had no vacancy, yet did not refer her elsewhere. The matter was brought to the attention of the Human Relations Coordinator, and the applicant was referred to an Oakland office and hired. Such referrals may not only bring about a specific hire, but also encourage other minority job seekers to apply at the Bank of America.

Other recruiting possibilities, which FEPC staff will continue to discuss with Bank officials in the main cities and in the field, include referrals by minority employees; use of minority employees (especially those in management positions) in public relations and recruiting activities, such as talks at churches, schools and colleges; participation in career day and career guidance events; use of photographs of minority employees in publications and in the Bank's advertising; and across-the-counter conversations with minority customers.

Examples of worthwhile recruiting efforts already planned or under way include recruitment of management trainee candidates at Negro colleges and other institutions attended by minority-group students; a bank intern program in the San Francisco public schools which will begin in October; and discussions with the Urban League in San Francisco, Los Angeles and San Diego, and with

regional and local N.A.A.C.P. groups as well as the PACT agency and Youth Opportunities Center in San Francisco. A number of local Minority Specialists of the State Employment Service have already been consulted.

C. Hiring

Information so far available to FEPC indicates that hiring opportunities for nonwhite and Spanish-surname applicants for clerical positions and for management trainee positions with the Bank of America have markedly expanded in recent months. When a qualified applicant can be matched with an existing vacancy, it appears, Bank policy and practice are to hire without discrimination as to race, color, or ancestry. While it is important to continue strong communication of this policy through management channels, it may well be that the main focus of the work ahead will be upon other aspects of Bank practice, such as endeavors relating to positive recruiting, public relations, assignment, transfer, and upgrading.

D. Assignment

In the majority of branches there appears to be no problem of inequities in the assignment of those minority persons who are hired. Our present information indicates that they are employed directly for vacancies in the same branch, and assignments seem to be made without consideration of race or ancestry, whether or not the positions involve customer contact.

In the Los Angeles and San Francisco metropolitan areas, however, assignment patterns exhibited certain racial concentrations in July 1964. In San Francisco, a branch located in the heart of a Negro district had 18 Negro employees of a total of 22. Just six blocks away in either direction on the same street, at the periphery of the Negro district, were two other small branches. One had two Negro employees of a total of eight, and the other had ten employees, all of whom are Caucasian. Hiring and assignments to all three branches were done exclusively by the central employment office. In Los Angeles also, there were several branches in Negro districts which were staffed predominantly by Negro employees.

Bank officials state that one of their recruiting appeals is the possibility of working in some proximity to one's residence. Many employees, they say, prefer to work near their homes, for a number of reasons, including the time and expense of travel from district to district in large cities. Residential segregation thus becomes a factor in job applications and assignments for both minority and non-minority persons. Personal preference, for whatever reason, may be decisive, as the Bank does not force a clerical employee to transfer from one location to another.

The six locations housing administrative and central operations staff, in San Francisco and Los Angeles, employ one-quarter of the statewide staff of the Bank. Nearly all of these employees, especially those at the machine records and Bankamericard centers, are in positions which involve no public contact. Study of the 31 July figures shows that these locations had 41 percent of all the Bank's Negro and Spanish-surname personnel. This apparent concentration in non-public-contact positions may be explained by a number of factors, including the different skills required for proof machine, data processing and related positions, and the multiple-shift operations which permit students, housewives and others to work evening hours and less than full time.

In discussing this general pattern of assignment of minority personnel in the two main cities, Bank officials point out that in San Francisco, while 153.9 Negroes were employed at administrative and central operations locations on 31 July, there were 63.7 Negroes at branch banks, of whom 23.1 were tellers. In Los Angeles, 162.1 Negroes were employed at administrative and central operations locations, while 179.9 were employed at branch banks, of whom 84.3 were tellers.

Assignment practices will be examined further in future reports.

E. Training

Entrance-level positions with the Bank of America are filled largely by women. There is on-the-job training, but not as a formal program. Most women in the Class 1 positions do not rise to other job classes, largely because of the generally high turnover rates encountered with female employees. However, they have the opportunity to rise to higher supervisory and administrative positions, and those who remain with the Bank and who qualify are given such training as they may require in order to achieve advancement.

The formal training programs are for the purpose of finding and preparing potential management personnel. There are three programs:

"A"---For applicants who have attended junior college or who have equivalent work experience;

"C"---For applicants who have graduated from college with good scholastic records;

"M"---For applicants who have attended college or who have related work experience which can be utilized in banking.

If Negro, Oriental, other nonwhite, and Spanish-surname individuals are to hold Class 3 and Class 4 positions on the Bank's staff, they will have to qualify and be hired in these three programs, or qualify for promotion from lower-level positions.

Pending a close study of the training programs, it is encouraging to see that a significant proportion of Negroes and two persons of Spanish surname were hired in management trainee positions during the month of July. Their successful completion of training, and the continued recruiting of qualified young minority people at colleges and elsewhere, should eventually alter the present low percentage of minority employees in the upper-level positions.

F. Transfers and promotions

Those in the management training programs are required to accept employment wherever vacancies are found within the system. They are transferred at the convenience of the Bank.

Employees in the clerical classes are seldom transferred from one geographic area to another, except at their own request. Their opportunities for promotion, as previously discussed, are self-limiting due mainly to turnover. Those who stay and demonstrate their ability do have promotion opportunities open to them.

Both the Bank and FEPC will carry on continuing review of promotional channels and decision-making to make certain that minority employees have equal opportunity for upward mobility.

G. Advertising

The Bank has advertised job vacancies in minority news media, among others, and in its advertising has emphasized its equal opportunity policy. It has agreed that minority-group persons will be among those portrayed in its general advertising in mass media. Subsequent reports will review the implementation of this section of the agreement.

V. APPENDIX

Memo of Understanding

Full Text of Agreement Between California State Fair Employment Practice Commission and Bank of America National Trust and Savings Association, June 1, 1964

The Bank of America recognizes that a sincere and dedicated attempt to improve the economic opportunities of minority groups should continue to be part of its civic responsibility, and that there is legitimate reason for the public to be informed as to the Bank's progress in discharging this responsibility. In order to maximize its contribution to overcome the cancerous moral evil of inequities based on race, religion, or ancestry, the Bank believes that more than passive compliance with the letter of the fair employment law is essential--that a dynamic, comprehensive program of affirmative opportunity must be sustained on a high-priority basis. The Bank is deeply committed to such a program.

To these ends the Bank has expressed its willingness to confer with minority group organizations as to progress being made and to entertain their suggestions for improved practices, has accepted a number of such suggestions, has sought the counsel of the State Fair Employment Practice Commission (FEPC), and has offered to submit periodically to FEPC vital information reflecting the status and accomplishment of the Bank's affirmative opportunity program.

Recent discussions between the Bank and the Fair Employment Practice Commission have led to this Understanding, embracing three principal dimensions of the cooperative working relationship agreed to: (1) submission of significant personnel data to FEPC, (2) continuing review by FEPC of the Bank's affirmative policy implementation and joint consultation concerning its effectiveness, and (3) periodic public reporting by FEPC on pertinent aspects of the personnel data and management action in service of the foregoing objectives.

MEMORANDUM OF UNDERSTANDING, June 1, 1964, signed by Mrs. Carmen H. Warschaw, Chairman, Fair Employment Practice Commission, and Mr. Jesse W. Tapp, Chairman of the Board, Bank of America

1. Personnel Data To Be Submitted To FEPC Every Four Months

a. In addition to total employment figures, racial or ethnic groups according to which reports of work force components will be submitted are: Negro, Oriental, other nonwhite, and Spanish surname.

b. By job classes.

Class I. Normal in-hire or entrance positions generally designated as clerical. Typical positions are proof machine operator, credit checker, typist, PBX operator, statement clerk, safe deposit attendant, and teller. The teller position will be separately analyzed as a subgroup within the total. Approximately 50 percent of all Bank personnel fall within Class I.

Class II. Included here are positions immediately senior to those in Class I, e.g. first-line supervisor, senior clerical, and note teller. This class comprises about 29 percent of all personnel. In addition to the total, two sub-groups will be distinguished according to levels of responsibility.

Class III. The next higher 15 percent. Typical positions include branch operations officer, lending officer, small branch manager, administration specialist, department head.

Class IV. The highest group, comprising about 6 percent. Positions included are managers of intermediate to large branches, operations officers of major branches, heads of large administrative departments, administration specialists, supervisors of groups of branches, and senior management.

c. By location. State totals, plus each of 10 geographic areas exclusive of administration staff, and administration staff according to each of the three major locations in the San Francisco and Los Angeles areas, respectively. ERMA centers and district trust offices, although part of administration staff, will be reported for the areas in which they are situated, since their entrance staff is employed in the local market. In addition, the Bank will provide information relating to racial and ethnic distribution of personnel within the two major metropolitan areas.

d. By job opportunities.

(1) For the first reporting period, the percentages of total hires represented by each of the component minority groups as follows: San Francisco and Los Angeles central hiring offices, Sacramento, and San Diego. It is understood that virtually all hires take place in Class I, except those which occur through the several training programs. The desirability of continuing this report with respect to Sacramento and San Diego will be reappraised by the Bank and FEPC after evaluation by FEPC of the first report.

(2) For occasional, selected reporting periods: numbers of applicants and of hires, by racial and ethnic breakdowns, for selected cities or other areas.

(3) For the formal training programs: numbers of entrants employed for these programs and successful completions, by racial and ethnic breakdowns.

e. Applicant tallies. Tallies of applicants at the point of first interview, by racial and ethnic breakdowns will be carried out from time to time, as requested by FEPC, for limited periods, e.g. one week. Initially this will be done only at the central hiring offices in San Francisco and Los Angeles, later perhaps in other locations. It is expressly understood that no such studies will entail any form of specification or designation of individual applicants by race or ancestry.

f. If further data or additional means of spot-checking or otherwise verifying certain types of information later appear to FEPC to be necessary or desirable, the Bank will cooperate in facilitating detailed examination of such data or augmenting its reporting.

g. Apart from such statistical information, the Bank will keep FEPC advised as to any significant activities or developments relating to recruiting, training, upgrading, or other personnel processes which might have bearing on the general subject of this Understanding.

2. Policy Implementation: Continuing Review And Consultation

While the personnel data to be reported as described above are essential to the advancement of equal employment opportunity, such data alone will not provide an adequate basis for appraisal and strengthening of the Bank's overall employment practices. There will also be thoroughgoing study of all the policies and processes bearing upon recruitment, selection, training, and promotion of personnel, from which may emerge, in joint consultation, ideas and recommendations for increasingly effective practices. FEPC's examination of the Bank's practices affecting personnel will be as comprehensive as deemed necessary. The spirit in which this work proceeds will be that of a cooperative, affirmative endeavor, seeking full realization of the basic purpose of the Bank's policy on equal employment opportunity and of the intent of President Peterson's strong declarations on this subject.

In general, the main features of an affirmative program of this nature are set forth in the FEPC brochure, Promoting Equal Job Opportunity: A Guide for Employers. Features which, it is anticipated, will be applicable and useful in the Bank's program--to be supplemented by others resulting from experience, from consultation with FEPC, or from suggestions by concerned minority group organizations--are the following:

Policy. The Bank will continue to make every effort to ensure that its statement of equal employment policy as it affects hiring, promotions, training, and assignment carries the full force and effect of a major policy promulgated by the highest authority in senior management, and is carried out at all levels.

Recruiting. The Bank utilizes the services of the minority specialists in the various California State Employment Service offices throughout the State.

The Bank will expand its efforts to make its policies and personnel needs known to churches, school principals, teachers, counselors, and to other organizations, agencies and individuals which may provide communication or access to prospective minority applicants. Minority employees will be encouraged to refer qualified friends and relatives.

The Bank will participate with school districts in distributive education programs potentially leading to Bank employment and will provide speakers or other assistance to "Career Day" and similar activities.

Hiring. The FEPC employment poster is displayed at all Bank installations. Personnel, medical, and security procedures will be continuously reviewed to eliminate any possible discrimination, actual, inadvertent, or apparent.

Tests and standards have been and will be reviewed to make sure that they are valid for the positions, uniformly applied, and free of inadvertent bias. Special efforts will be made to ensure that personnel involved in hiring will be thoroughly aware of the problems of minority applicants.

Training. Special efforts will be made to recruit minority persons for training programs which lead to higher-skilled, supervisory, and executive responsibilities. Minority employees will be encouraged, along with others, to participate in American Institute of Banking courses, and will be counseled regarding methods of personal and career advancement.

Transfer and promotion. Promotional channels and decision-making will be continuously reviewed to make certain that minority employees have equal opportunity and are fully aware that advancement will take place on merit alone.

Advertising. Advertising of employment vacancies will be carried in minority news media among others and will emphasize the Bank's equal opportunity policy. Minority group persons will be among those portrayed in the Bank's general advertising in mass media.

3. Public Reporting

FEPC has the right and responsibility to determine what information should be released in the public interest and will accordingly prepare and issue occasional public reports summarizing and critically appraising main features of the Bank's equal opportunity policies and practices. Normally included, it is anticipated, will be discussion of areas of strength or weakness in the Bank's practices, with illustrative instances of progress or problems; appraisal of activities such as recruiting for entrance positions and for training programs; appropriate statistics and other supporting data and suggestions or recommendations which FEPC may wish to offer. It is FEPC policy not to disclose unevaluated personnel pattern information. Any views which the Bank may have as to the validity of FEPC's observations in a given report will receive serious consideration prior to its release.

CABLE ADDRESS — BANKAMERICA

Bank of America

NATIONAL TRUST AND SAVINGS ASSOCIATION

SAN FRANCISCO HEADQUARTERS

COPY

R. A. PETERSON
PRESIDENT

SAN FRANCISCO 20, CALIFORNIA

March 12, 1964

The Chairman
Fair Employment Practices Commission
332 West First Street
Los Angeles, California

My dear Madam Chairman:

As you are painfully aware, San Francisco has been the scene of severe disturbances of public order caused by demonstrations designed to force employers to sign agreements with various groups.

It is the conviction of this bank that law and orderly processes must be maintained. It is the further conviction of this bank that it should not sign any agreement or furnish any reports on the racial characteristics of its employes to any nongovernment agency. Nevertheless, the bank recognizes that a sincere and dedicated attempt to improve the economic opportunities of minority groups has been and should continue to be part of its civic responsibility. We also recognize that there is legitimate reason for the public to be fully informed as to the bank's progress in discharging this civic responsibility.

The purpose of this open letter to you is to publicly affirm the equal opportunity employment policies of Bank of America N.T. & S.A. and to outline the practices which this bank will follow to provide a continuing program of assuring minority group members equal employment opportunities in the bank.

APPENDIX B

They are:

1. The management of the bank has for some time had an established employment policy as follows: "To employ personnel who are qualified to perform the duties which may be expected of them, and to do this without regard to their race, religious creed, color, national origin, or ancestry." This statement is a quotation from the manual of instruction which is a standard item in every branch of the bank.

2. As in the past, FEPC Equal Opportunity signs will continue to be posted on all bank bulletin boards and places where employments are made.

3. As in the past, all classified advertising for employments placed by the bank will continue to carry the statement "An Equal Opportunity Employer."

4. When advertising for applicants in papers of general circulation, ads will also be placed in the Negro papers published in the same areas.

5. The bank will continue to endeavor to increase its input of qualified minority group personnel through contact with the minority specialists of the California State Employment Service. The bank will also continue to actively seek the assistance of minority group organizations in referring qualified personnel to us.

6. The bank will, within the next 60 days, and every 90 days thereafter, analyze its staff to ascertain the aggregate number of employes and the aggregate number of such employes who are of minority racial groups. Such information will be broken down into its components of Negroes, Orientals, Latin Americans and "other" and will be reported by area, e.g.:

(a) The state as a whole;

(b) Metropolitan Bay Area (San Francisco, Alameda, and Contra Costa Counties);

(c) The City of Los Angeles.

The figures will be delivered to the offices of the Fair Employment Practices Commission in San Francisco, Los Angeles, and Sacramento so that this agency, which is charged with responsibility for enforcement of the Fair Employment Practices Act, may be fully informed on the status of the bank's staff.

7. Because our experience has clearly shown that a large proportion of minority racial applicants have not completed high school and cannot pass simple clerical tests, we cannot in good faith agree to the establishment of a definitive percentage of our employes who shall in the future be members of minority racial groups. However, we shall be glad at any time to cooperate with representatives of responsible minority group organizations and discuss specifically the progress being made and shall entertain such constructive suggestions as they may be able to offer to increase the number of such employments. As evidence of the progress the bank has made in this regard you will be pleased to know that a survey conducted this week in San Francisco revealed that 15% of our employes in this city are members of minority groups. A previous survey conducted one month ago revealed that on a state-wide basis 11% of our employes are drawn from minority groups.

In sending this open letter to you we hope we have demonstrated:

Our willingness to cooperate in providing opportunities for members of minority groups.

Our dedication to the democratic processes and to law and order.

That our policy refusal to sign agreements and provide reports to nongovernment agencies such as the Ad Hoc Committee to End Discrimination is not an attempt to hide our policies and practices in respect to employment.

In common with all good Americans we are anxious to do all we can to end the ugly specter of racial prejudice which has for too long scarred our land. But also, as good Americans, we will not now or in the future capitulate to illegal pressures of the type prominent in San Francisco over the past weeks; and we are confident that we can count on the full and effective support of law enforcement agencies in the maintenance of this position.

Sincerely,

R. A. Peterson
President

COPY

STATE OF CALIFORNIA—EMPLOYMENT RELATIONS AGENCY

EDMUND G. BROWN, Governor

DEPARTMENT OF INDUSTRIAL RELATIONS

FAIR EMPLOYMENT PRACTICE COMMISSION

455 GOLDEN GATE AVE., SAN FRANCISCO UN derhill 1-8700

Address reply to: FEPC, P. O. Box 603. San Francisco, Calif. 94101

CARMEN H. WARSCHAW
Chairman
ELTON BROMBACHER
C. L. DELLUMS
JOHN ANSON FORD
LOUIS GARCIA
CLIVE GRAHAM
DWIGHT R. ZOOK

EDWARD HOWDEN
Executive Officer

14 March 1964

Mr. R. A. Peterson, President
Bank of America N.T. & S.A.
San Francisco Headquarters
San Francisco, California 94120

Dear Mr. Peterson:

This is in response to your open letter of 12 March 1964, addressed to me as Chairman of the State Fair Employment Practice Commission. I shall not undertake to discuss all the matters touched upon in your letter, but I do wish to offer certain observations and assistance on the following main points:

1. I commend your affirmations of equal employment opportunity policy and the various steps which you are taking or will take to implement that policy. The Fair Employment Practice Commission will be pleased to receive periodic reports concerning the Bank's practices which bear upon equal job opportunity, as suggested in numbered paragraph 6 of your letter. We should like to discuss with you, however, the importance of having such reports include additional data on matters such as the distribution of minority group employees by job levels and communities, which would render these reports more meaningful both to your organization and to FEPC.

2. We should like also to confer with you concerning possible further steps to strengthen and enhance the effectiveness of your affirmative opportunity program.

3. FEPC fully concurs in your opposition to "arbitrary quotas" which would require employment without regard to individual qualifications or availability. Any such quota would be clearly in conflict with the FEP Act.

4. We note with interest and approval that in your letter and accompanying "Press Background Memo" you have (a) recognized the right of citizen groups "to picket and demonstrate in orderly manner," and (b) expressed your willingness to discuss your progress with responsible minority group organizations, and to entertain constructive suggestions which they may offer concerning increased minority employment. We trust that it will remain clear at all times that FEPC's receipt of reports from your Bank and our wish to maintain active consultation with your representatives, as indicated above, are not to be construed as condoning or supporting any effort to curb the right of peaceful and lawful petition, representation, negotiation, or demonstration by any group of citizens.

5. I note with special interest the following statements in your letter and memo:

> "In common with all good Americans we are anxious to do all we can to end the ugly specter of racial prejudice which has for too long scarred our land."
>
> "At Bank of America, we recognize that the problem of minority groups is an urgent one. We believe that all Americans should work for equality of opportunity because prejudice in all of its forms is a cancerous moral evil."

Recognizing, as you do, the extreme urgency of facing and resolving our remaining problems of prejudice "in all of its forms," I wish to suggest that you and other major business leaders throughout the State could render unprecedented service toward achieving a broadened employment opportunity by taking a stand in opposition to the initiative constitutional amendment through which the California Real Estate Association and apartment house groups seek to freeze into our State Constitution a categorical prohibition against all forms of equal opportunity legislation in housing. I am sure you are aware that the present Fair Housing Act works no hardship upon the housing industry, upon any homeowner or operator of rental housing, or upon any mortgage lending institution. Yet without such a law covering all main sectors of the housing industry, the prospects for moving at a reasonable pace toward equal residential opportunity -- a goal which almost everyone professes to support -- are virtually nil. Discriminatory barriers in housing, moreover, often obstruct the endeavors of fair-minded

employers to integrate their work forces. To nullify existing fair housing law and forbid the Legislature to touch this field would be such a gravely retrogressive act -- coming in a time of rising expectations and general movement forward in race relations -- as to aggravate and deepen the very tensions and inequalities which all truly responsible community and business leaders seek to resolve.

I suggest that it would be advantageous for us to meet within the next few days to undertake discussion of the foregoing matters.

Very truly yours,

/s/ Carmen H. Warschaw
(Mrs.) Carmen H. Warschaw
Chairman

CHW/ab

cc: Mr. R. A. Peterson, President
Bank of America N.T. & S.A.
2100 Pacific Avenue
San Francisco, California

Mr. Jesse Tapp
Bank of America N.T. & S.A.
Los Angeles Headquarters
650 South Spring
Los Angeles, California

San Francisco
March 23, 1964

TO BRANCH MANAGERS AND
ADMINISTRATIVE DEPARTMENT HEADS

By this time you undoubtedly have read President Peterson's open letter to the Chairman of the Fair Employment Practices Commission and the memorandum which was released to the press.

The reaction to our public stand on this important issue has been very favorable. It is vital that we live up to the position we have taken and accelerate our efforts to do our full share in helping to solve the pressing social problem of employment for racial minorities.

First, you must understand that we are not opposed to the attempts being made by minority organizations to improve the economic status of their people. This is a legitimate aspiration which should be shared by all of us.

We are opposed to some of the tactics which have been used, and are also opposed to the attempts which have been made to force employers to enter into "agreements" covering the employment of minority personnel. We have chosen to present our policy and state our future intentions publicly and we are fully committed to the course of action which was set forth in our open letter.

Obviously we must make a real effort to increase the number of Negroes on our staff, otherwise our President is placed in a position where his public assurances are meaningless. Our central employment offices in San Francisco and Los Angeles have been much more successful in finding Negroes who meet our requirements than have the branches which make their own employments. It is most important in communities having Negro Populations, that every branch which does its own employing make a positive effort to find and employ suitable Negro applicants. We should not reduce our requirement that such applicants be high school graduates and able to successfully pass our pre-employment tests. Their general attitude and fitness for bank employment must also

APPENDIX D

be evaluated carefully. However, under no circumstances should any element of racial prejudice influence the interviewer's decision.

In areas where we do not use classified advertising for employes, branches should contact the local California State Employment Service offices to solicit their help in referring to us Negro applicants whom they believe to be qualified. Leaders of minority group organizations and members of the Clergy should also be contacted and requested to refer suitable applicants to us. In other words, we should make a genuine effort to show our interest in helping to provide job opportunities for these people and should earnestly seek the assistance of those who have contacts with minority groups.

When a Negro is employed, be sure that your staff is told in advance that a young Negro is joining your staff. Then make a real effort to make the newcomer feel at home and become a part of the group.

We are committed to making periodic surveys of our staff in order to evaluate the progress made. We urge your best efforts to assure that the next survey will show a substantial increase in the number of Negroes who have become a part of our bank staff.

Frank E. Young

COPY

April 14, 1964

To: Mrs. Carmen Warschaw, Chairman
Fair Employment Practices Commission

From: The California Chapters of the Congress of Racial Equality, CORE

Dear Madam Chairman:

The Bank of America in its open letter of March 12, 1964, to the Fair Employment Practices Commission, has suggested that its pertinent personnel statistics relating to minority employment be given to the F.E.P.C. We, the California Chapters of the Congress of Racial Equality, CORE, would be most receptive to this idea if we could be assured that the F.E.P.C. were able to use this information so as to insure the equal opportunity program planned by the Bank is fully implemented. However, we are concerned as to whether your agency can effectively carry out such a project and, therefore, request the following information.

1. What kind of information would you need from the Bank of America in order to make a meaningful appraisal of its employment policy?

2. Do you have the power to demand from the Bank of America in appropriate detail, and at regular intervals, all of the necessary data on recruitment, hiring, promotion, turnover, etc., and to independently verify such statistics?

3. Would such information be made available to the public? To CORE as an interested party? To an individual who had a complaint?

4. Do you have procedures for periodic review and analysis of the figures obtained?

5. Would you have the power to take affirmative action against Bank of America if the figures describing their minority group employment situation warranted it, on anything other than an individual case basis?

6. Do you have adequate statutory authority to engage in such a project?

7. Do you have sufficient staff to adequately perform the work required for such a project without hampering the balance of the F.E.P.C. program now in operation?

8. Would you be able to perform similar services for other large employers in the State of California upon request?

APPENDIX E

9. Do you regard the action which you will take as a result of the voluntary giving of such statistics to F.E.P.C. as an effective substitute for the "Fair Employment Process Pact" being sought by the California Chapters of CORE with Bank of America or the one which the San Francisco Branch of the NAACP is seeking with Cadillac and the Automobile Dealers Association of San Francisco, and such fair employment process pacts as now exist between civil rights groups and Montgomery Ward, Sears and Roebuck, Littlemans Stores, Inc., Safeway, The West Bay Association of Food Industries, Inc., The San Francisco Retail Dry Goods Association, Mel's Drive-In, Lucky Stores and the Hotel Employers Association of San Francisco.

Respectfully submitted,

William Bradley
Bank of America Project Chairman
for the California Chapters
Congress of Racial Equality, CORE

Chet Duncan
Western Regional Field Secretary
Congress of Racial Equality, CORE

Wester Sweet
Western Regional Representative and
Western Regional Legal Counsel
Congress of Racial Equality, CORE

Wilfred T. Ussery
National Second Vice Chairman
Congress of Racial Equality, CORE

STATE OF CALIFORNIA—EMPLOYMENT RELATIONS AGENCY — EDMUND G. BROWN, Governor

DEPARTMENT OF INDUSTRIAL RELATIONS
FAIR EMPLOYMENT PRACTICE COMMISSION
455 GOLDEN GATE AVE., SAN FRANCISCO UNderhill 1-8700
Address reply to: FEPC, P. O. Box 603, San Francisco, Calif. 94101

COPY

CARMEN H. WARSCHAW, Chairman
ELTON BROMBACHER
C. L. DELLUMS
JOHN ANSON FORD
LOUIS GARCIA
CLIVE GRAHAM
DWIGHT R. ZOOK
EDWARD HOWDEN, Executive Officer

28 April 1964

California Chapters of the Congress of Racial Equality
Attention Mr. William Bradley, Bank of America Project Chairman
CORE San Francisco Chapter
1821 Fillmore Street
San Francisco, California 94115

Dear Sirs:

Your letter of 14 April 1964 posed a number of questions relating to the capacity of the State Fair Employment Practice Commission "to insure that an equal opportunity program planned by the Bank [of America] is fully implemented" if the Bank submits to us, as suggested, "pertinent personnel statistics relating to minority employment." Our answers are offered herewith, each one immediately following a restatement of your specific question, in the same order as enumerated in your letter.

1. "What kind of information would you need from the Bank of America in order to make a meaningful appraisal of its employment policy?"

Answer: We would need essentially the same information which we usually request of large employers when checking their employment patterns as to racial and ethnic composition. This would include approximate breakdowns of minority personnel in terms of Negro, Oriental, other nonwhite, and Spanish-surname, according to major categories of position held and levels of compensation, main departments or other structural divisions, principal geographic areas, and perhaps selected branches within such areas. Concerning actual hiring processes, we would want to be informed as to normal personnel turnover in various categories, approximate numbers of minority applicants in given periods, recruiting sources and methods, and screening or testing procedures. Training programs and promotion practices would be of considerable interest. In general, we would wish to review the ways in which the Bank's equal opportunity policy is disseminated throughout its large organization, and the order of priority or emphasis which attaches to the implementation of this policy.

2. "Do you have the power to demand from the Bank of America in appropriate detail, and at regular intervals, all of the necessary data on recruitment, hiring, promotion, turnover, etc., and to independently verify such statistics?"

Answer: (a) FEPC has the legal power to require such information only when engaged in investigation of a formal complaint or in a Commission-initiated investigation of apparent unlawful discrimination under Section 1421 of the FEP Act. When, instead, the employer is voluntarily cooperating with the Commission in a comprehensive review of his practices, looking toward strengthening those practices as may be indicated, we designate this process an "affirmative action," and there is normally no occasion to fall back on legal powers to secure meaningful information. Either the employer cooperates fully in this affirmative endeavor

or it breaks down. In the event of such breakdown, there might be recourse, should the facts warrant, to a Section 1421 investigation. We hope and expect that the Bank of America contemplates, in the present instance, a fully meaningful, cooperative undertaking. (b) Independent verification of such personnel information in exhaustive detail throughout an organization as large as the Bank of America would be well beyond our present staff capacity. It may be that spot checks or other techniques would suffice for all practical purposes, bearing in mind that the statistics, as indicated above, should be prepared according to specific categories which would be reasonably capable of review.

3. "Would such information be made available to the public? To CORE as an interested party? To an individual who had a complaint?

Answer: Although our Commission has yet to establish policy which would permit a positive and explicit reply to this question, I anticipate that main information of this nature and our appraisal of it would be made available to interested parties, and perhaps to the general public as well. At present, the FEP Commissioner in charge of a given case may, in his discretion, release information about the case when this will serve a constructive purpose. We do not yet have precise guidelines, however, governing the degree of detail which may be appropriate to make public, or submit to interested parties, concerning a business or other organization which has been the subject of an affirmative action. It may well be -- if we have been able to carry out a meaningful review of an employer's practices and personnel pattern, and if the public is already aware that FEPC and the employer are engaged in a program of this nature -- that FEPC should issue one or more reports which would strike a mean between vacuous generalities and detailed raw data. Such reports should include careful appraisal of policy and practices, of progress made and further progress anticipated, of strengths and weaknesses, of trends in an evolving organization now giving special attention to its equal opportunity program. These questions, and the question as to whether detailed personnel pattern information may be released under certain circumstances, will be brought before our Commission at its next meeting. As for the individual complainant, our present practice is often to provide to him such limited information about the respondent's policies as will enable him to understand the basis on which the assigned Commissioner has closed his case.

4. "Do you have procedures for periodic review and analysis of the figures obtained?"

Answer: Periodic review of personnel pattern figures and other information bearing upon the status of the equal opportunity policy would of course be essential. I am unable at this time to make a positive statement as to our capacity to carry out periodic review and analysis of the Bank of America's practices, but we would surely endeavor to do so.

5. "Would you have the power to take affirmative action against Bank of America if the figures describing their minority group employment situation warranted it, on anything other than an individual case basis?"

Answer: (a) Note first that FEPC now uses the term "affirmative action" in a different sense (see above) than suggested in this question. (b) The

question seems to imply that personnel pattern information of and by itself could constitute a basis for FEPC to compel an employer to change his practices. Generally, while we consider pattern information a relevant and often very significant reflection of an employer's actual personnel practices, it does not constitute, standing alone, conclusive evidence of unlawful discrimination. Weighed along with other facts and factors in a given situation, however, pattern information might well be persuasive in urging more effective implementation of non-discrimination policy. (c) FEPC enforcement power may be exerted only in connection with formal complaints filed either by an aggrieved individual or by the Attorney General.

6. "Do you have adequate statutory authority to engage in such a project?"

Answer: Yes -- as the general outlines of the project are described above, with some qualifications as mentioned.

7. "Do you have sufficient staff to adequately perform the work required for such a proejct without hampering the balance of the FEPC program now in operation?"

Answer: In the light of heavy present workload and the relatively limited size of our staff, undertaking a major new project as here contemplated would inevitably delay the resolution or completion of some pending cases(both individual complaints and Section 1421 investigations). Existing priorities would have to be shifted to some extent. We are hopeful, however, that budget augmentations urged by Governor Brown, now awaiting action by the Legislature, will be approved. If the Legislature so acts, FEPC will be in an improved position to engage in major affirmative actions.

8. "Would you be able to perform similar services for other large employers in the State of California upon request?"

Answer: As is implicit in preceding answers, such services could be provided only if staff capacity were substantially enlarged.

9. "Do you regard the action which you will take as a result of the voluntary giving of such statistics to FEPC as an effective substitute for the "Fair Employment Process Pact" being sought by the California Chapters of CORE with Bank of America or the one which the San Francisco Branch of the NAACP is seeking with Cadillac and the Automobile Dealers Association of San Francisco, and such...pacts as now exist between civil rights groups and Montgomery Ward, Sears and Roebuck, Littlemans Stores, Inc., Safeway, The West Bay Association of Food Industries, Inc., The San Francisco Retail Dry Goods Association, Mel's Drive-In, Lucky Stores and the Hotel Employers Association of San Francisco?"

Answer: FEPC's affirmative action approach, as sketched in part above, has long included main elements which are found also in the agreements to which you refer. As for the eventual results of such a program in terms of actual employment, we assume that CORE and other interested organizations or parties will, in due course, make their own judgments. At this writing we hesitate to prophesy or speculate. Among other things, we do not know whether

what we consider a meaningful approach will be acceptable to the Bank of America. And since we are not informed as to the extent of achievement to date under the various "pacts" referred to, comparative projections are hardly possible. But I can say that FEPC will not engage in, or remain active in, an affirmative action which does not give substantial promise, after expenditure of reasonable time and effort, of bringing about a truly strengthened equal opportunity program throughout the establishment concerned.

Please let us know if you wish additional information on any of the foregoing points. We shall advise you at the earliest possible time of any further expression which the FEP Commission may have after considering those of your questions which suggest the possible need for new or more explicit policy.

Finally, I wish to reemphasize the strong view of our Commission that affirmative undertakings of the sort discussed herein should comprise an increasingly important part of the FEPC program, so there may be significantly accelerated progress in bringing minority group Californians fully into the mainstream of our economic life. We earnestly hope that our agency will soon have sufficient staff to enable us to engage in such action on a scale commensurate with the urgent needs of our time.

Sincerely yours,

Carmen H. Warschaw

(Mrs.) Carmen H. Warschaw
Chairman

CHW:etc

cc: Mr. Chet Duncan, Western Regional Field Secretary, CORE
Mr. Wester Sweet, Western Regional Legal Counsel, CORE
Mr. Wilfred T. Ussery, National Second Vice Chairman, CORE
Mr. Rudolph A. Peterson, President, Bank of America N.T. & S.A.

Cable Address — BANKAMERICA

Bank of America
NATIONAL TRUST AND SAVINGS ASSOCIATION

SAN FRANCISCO HEADQUARTERS

SAN FRANCISCO, CALIFORNIA 94120

FRANK E. YOUNG
ASSISTANT TO THE PRESIDENT

COPY

May 12, 1964

Mrs. Carmen Warshaw, Chairman
Fair Employment Practices Commission
322 West First Street
Los Angeles, California

My Dear Mrs. Warshaw:

In accordance with the statement made by our President in his letter to you dated March 12, 1964, we are pleased to send you the figures, which appear below, showing our aggregate staff as of April 30, 1964 broken down to show minority racial groups for the State as a whole and for the Metropolitan Bay Area and the City of Los Angeles.

	Total Staff	Negro	Oriental	Latin Americans	Other Groups	Total Minority Groups
STATE	28,553	635	694	1942	399	3670
% to Total Staff		2.22	2.43	6.80	1.39	12.85
S.F. BAY AREA	6,559	220	254	332	122	928
% to Total Staff		3.35	3.87	5.06	1.86	14.14
CITY OF LOS ANGELES	5,693	295	277	1002	152	1726
% to Total Staff		5.18	4.86	17.6	2.67	30.31

As you will observe, our expanded efforts over the past sixty days to increase our input of qualified minority personnel have been productive. We would call your attention to the fact that the figures for the San Francisco Bay Area cover a larger area than we used in our informal survey made just before our March 12 letter. The 15% we mentioned at that time was for the City of San Francisco only, while the current figures include Alameda and Contra Costa Counties.

We are most hopeful that the more formal report which we plan to send you as of August 31 will show further significant increases, particularly in the Negro segment.

If you or your staff have any questions on the above figures, please let me know.

Sincerely,

APPENDIX G

STATE OF CALIFORNIA—EMPLOYMENT RELATIONS AGENCY

EDMUND G. BROWN, Governor

DEPARTMENT OF INDUSTRIAL RELATIONS

FAIR EMPLOYMENT PRACTICE COMMISSION

455 GOLDEN GATE AVE., SAN FRANCISCO UN derhill 1-8700

Address reply to: FEPC, P. O. Box 603, San Francisco, Calif. 94101

COPY

CARMEN H. WARSCHAW
Chairman
ELTON BROMBACHER
C. L. DELLUMS
JOHN ANSON FORD
LOUIS GARCIA
CLIVE GRAHAM
DWIGHT R. ZOOK

EDWARD HOWDEN
Executive Officer

1 June 1964

California Chapters, Congress of Racial Equality
Attn. Mr. William Bradley, Bank of America Project Chairman
1821 Fillmore Street
San Francisco, California 94115

Via messenger

Dear Sirs:

I am pleased to transmit herewith copies of a Memorandum of Understanding between the Fair Employment Practice Commission and the Bank of America which will be signed today, my own comment on this agreement, and a brief joint statement, all of which will be issued at press conferences today in San Francisco and Los Angeles.

To CORE particularly I want to comment more fully on this affirmative action agreement between FEPC and the Bank of America. Only a month has passed since I responded to your series of questions relating to FEPC's capacity "to insure that an equal employment opportunity program planned by the Bank is fully implemented." My letter of 28 April to you was written just prior to FEPC's first working discussion with the Bank, and it was not possible at that time to issue assurances as to the nature of the cooperative agreement which might be reached. Now, after numerous conferences and intensive work during the intervening weeks, an extremely important agreement has been consummated. Although this joint Memorandum of Understanding speaks for itself, it seems to me essential to point out that my earlier response to your inquiries should now be seen as amended or even superseded with regard to vital points.

You will note that, among other things, under this Memorandum:

1. The Bank will provide to FEPC extensive personnel data necessary to realistic assessment of its progress in implementing its affirmative employment opportunity program. It is understood that if we should later find need for further information, the Bank would assist in every way possible.

2. There will be adequate procedures for spot-checking and other kinds of independent verification of the data provided by the Bank. If it should later appear necessary to FEPC, these procedures would be extended or tightened.

3. In addition to statistical data, the Bank will fully report to FEPC all significant activities and developments relating to recruiting, training, upgrading, assignments, and other processes which might bear, directly or indirectly, upon the subject of this understanding.

4. FEPC will carry on continuing review and analysis of all aspects of the Bank's policies and practices relating to this subject, and will consult with management as frequently as may appear desirable concerning means of bringing about full realization of the purpose of these policies.

5. This cooperative endeavor rests on the Bank's strong commitment to go well beyond mere passive compliance with FEP law -- its recognition that for a major employer to do all in his power to overcome the "cancerous moral evil" of racial inequities calls for attaching high priority to a dynamic, comprehensive, sustained affirmative opportunity program. Such a program may be expected to yield substantial results in expanded minority participation in his work force.

6. FEPC will prepare and issue occasional public reports summarizing and critically appraising main features of the foregoing personnel information and policy implementation.

I might add that the Bank has promised that the necessary computer programming and other administrative preparations for producing the requisite personnel information will now proceed with maximum speed, so that the first submission of data to FEPC will be made at the earliest possible time. Our own first report could probably be issued within several weeks of that initial submission. This would constitute the speediest possible timetable. It should be borne in mind, however, that this first round of reporting is not likely to assume the degree of significance which may be expected of the second and subsequent reports.

In the light of these developments I am convinced that this affirmative job opportunity program will result in expansion of minority employment, both early and in the long run, of comparable or even greater magnitude than attained under other plans or approaches. You will agree, I am sure, that the prime test of any such plan is actual achievement in terms of employment, plus other beneficial consequences, including a boost to the morale and career aspirations of minority students and young adults. We believe that FEPC's joint endeavor with the Bank, as now spelled out, meets that test.

In any event, as I wrote earlier, we assume that your organization and others interested will wish to examine our reports with care, perhaps discuss them with us, and, in due course, make your own judgments regarding the effectiveness of this program. I am confident, as we have indicated in our recent conferences with you and other CORE leaders, that this effectiveness will be clearly demonstrated over a reasonable period.

Finally, I want to underscore the following statement, from my earlier letter, which carries the full force of FEP Commission policy:

> "... FEPC will not engage in, or remain active in, an affirmative action which does not give substantial promise, after expenditure of reasonable time and effort, of bringing about a truly strengthened equal opportunity program throughout the establishment concerned."

Sincerely yours,

Carmen H. Warschaw

(Mrs.) Carmen H. Warschaw
Chairman

Enclosures
cc: CORE Bank of America
Project Committee
Governor Brown
Mayor Shelley
Bank of America

Cable Address — BANKAMERICA

Bank of America
NATIONAL TRUST AND SAVINGS ASSOCIATION

SAN FRANCISCO HEADQUARTERS

COPY

SAN FRANCISCO, CALIFORNIA 94120

FRANK E. YOUNG
ASSISTANT TO THE PRESIDENT

June 24, 1964

TO: BRANCH MANAGERS AND DEPARTMENT HEADS -

We previously communicated with you regarding our policy on the hiring of minority applicants. On June 1, 1964 a memorandum of understanding was agreed upon by the bank and the California Fair Employment Practice Commission. This document reaffirmed the bank's willingness to submit sufficient data to the FEPC to enable them to evaluate our effectiveness as an equal opportunity employer. The first report on our statewide staff will be made as of the close of business July 31, 1964. Included in the report will be a breakdown of our staff showing minority groups by geographic location and by broad job levels.

You will recall that on March 12, 1964 President Peterson in his open letter to the FEPC outlined the practices which this bank will follow to assure minority group members equal employment opportunities in the bank. The bank's stand and the manner in which we have handled the problem created by the demands of the Congress of Racial Equality have won wide acclaim from the business community and the public in general, not only in California but throughout the nation. To fully meet our duty to the community and maintain the bank's favorable image we must again emphasize the need for actively seeking out minority applicants. This can best be accomplished by contacting:

1. the Minority Specialists in your local State of California Employment Service office

2. the influential Negro and minority leaders in your community

3. the minority church groups

4. the minority organizations such as Urban League, NAACP, and others

To say that "our company is an equal opportunity employer" is not enough. In the past Negroes have been reluctant to apply for jobs in many businesses because they felt, rightly or wrongly, that they would be unlikely to receive favorable consideration. We must dispel this illusion by taking the initiative.

Some of our officers appear to believe that it is only necessary to give consideration to minority applicants who come into the bank and apply for a position. This, however, is not enough to fully implement this vital policy. If we are to carry out the program which President Peterson has publicly affirmed, we must take positive action to seek out minority applicants of good quality.

The FEPC will publish their evaluation of our efforts. Obviously, we want the report to reflect the fact that we are making a real and determined effort to shoulder our duty to the community.

We can and must increase our percentage of Negro employes particularly, and each unit of the bank which employs personnel has a direct responsibility to help accomplish this.

The economic and social problems of our minority citizen are very real and each of us has a responsibility to help in their solution. As a large employer we must assume our full share of this civic duty, and we are determined to do so.

Sincerely,

Frank E. Young
Assistant to the President

Bank of America
NATIONAL TRUST AND SAVINGS ASSOCIATION

COPY

Circular C-7431

June 26, 1964

SUBJECT: PERSONNEL REPORT

TO BRANCH MANAGERS:

B of A has volunteered to supply certain statistics to the Fair Employment Practices Commission. To help compile some of the needed figures, this report is required.

Register You will receive an unaddressed copy of this circular with a register attached of your staff members including part-time, hourly, and those employes on leave of absence.

1. Review the register and add the names, social security numbers, and dates of employment of any employes not listed; delete names of employes now out of service.

2. Complete the register as directed below.

3. Forward IMMEDIATELY to Personnel Relations, SF, using the addressed return envelope enclosed.

Instructions Review all these instructions carefully before completing the register.

1. After each employe's name, write one of these racial categories:

   "Negro"

   "Oriental" (Japanese, Chinese, or Korean)

   "Other nonwhite" (Filipino, American Indian, Asian Indian, Malayan, Polynesian, Eskimo)

   "Spanish surname" (see 3 below)

   "White"

2. Use common sense in making the above decisions. Base your judgment on your own visual appraisal. Do not, under any circumstances, question an employe about his racial background.

(over)

APPENDIX J

3. When evaluating the "Spanish surname" category, include persons whose surnames are Spanish. However, report nonwhite persons with Spanish surnames in the appropriate category; i.e., "Negro," "Oriental," or "Other nonwhite." In California, the majority of persons of Spanish surname are of Mexican birth or ancestry. Others are of Spanish, Cuban, Puerto Rican, or Central or South American origin.

4. If you have any questions regarding the classification of your staff, do not hesitate to call Personnel Relations, SF or LA.

Future New Employes An Exec-185 (Employes Withholding Exemption Certificate) is required for each new employe (SPM 123). In the future, write one of the above racial classifications in the upper right-hand corner of each Exec-185 at the time of employment.

C.H. Baumhefner
Vice President and Cashier

COPY

STATE OF CALIFORNIA—EMPLOYMENT RELATIONS AGENCY

EDMUND G. BROWN, *Governor*

DEPARTMENT OF INDUSTRIAL RELATIONS

FAIR EMPLOYMENT PRACTICE COMMISSION

455 GOLDEN GATE AVE., SAN FRANCISCO UN derhill 1-8700

Address reply to: FEPC, P. O. Box 603, San Francisco, Calif. 94101

CARMEN H. WARSCHAW
Chairman
ELTON BROMBACHER
C. L. DELLUMS
JOHN ANSON FORD
LOUIS GARCIA
CLIVE GRAHAM
DWIGHT R. ZOOK

EDWARD HOWDEN
Executive Officer

23 July 1964

Mr. William J. Breen, Vice President and
Personnel Relations Officer
Bank of America, N. T. & S. A.
P. O. Box 3415, Rincon Annex
San Francisco, California

Dear Mr. Breen:

This is to confirm our view that the procedures and actions to be taken pursuant to the Memorandum of Understanding of 1 June 1964 between your corporation and the Fair Employment Practice Commission are fully consistent with the Fair Employment Practice Act and the rules, regulations, and policies of the Commission.

You will recall our strong recommendation -- in which, we understand, the bank concurs -- that there be no racial or ethnic identification of individual employees in personnel records, and that the central records necessary for statistical reporting of such information remain inaccessible to all but specially authorized employees.

Very truly yours,

Edward Howden

Edward Howden
Executive Officer

EH:ey

APPENDIX K

STATE OF CALIFORNIA

FAIR EMPLOYMENT PRACTICE COMMISSION

San Francisco:	P. O. Box 603, 455 Golden Gate Avenue (phone UNderhill 1-8700, extension 3167)
Los Angeles:	322 West First Street (phone MAdison 0-2610)
Fresno:	2550 Mariposa Street (phone AMherst 8-7151, extension 277)
San Diego:	1350 Front Street (phone 232-4361, extension 285)

FEPC publications include:

Negro Californians

Californians of Spanish Surname

Promoting Equal Job Opportunity

SAN DIEGO STATE UNIVERSITY
1897