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Diversity Series-Part Two: Companies recognize need to mirror community

By Ben Rand
Democrat and Chronicle



AIMEE K. WILES

Jamarr Myers, 19, consults with Wegmans front-end manager Terri Quatro as part of his training as a service team leader. He acknowledges that enrollment in a company scholarship program has turned his life around. "If it hadn't been for this program," he said, "I wouldn't be here." Companies such as Wegmans are realizing that diversity pays dividends. [[Day in Photos](#)]

(January 13, 2003) — **Editor's note:** *This is part*

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two of a two part series examining job discrimination in Rochester. The [first part of the series](#) reported that job discrimination is still common in the Rochester area.

Five years ago, by his own admission, he was a bully. A troublemaker. A difficult kid headed in the wrong direction. And to him, Wegmans was just a place that sold food.

Today, 19-year-old Jamarr Myers of Rochester is on a different path. He has just been promoted to service team leader at the Wegmans store on Chili Avenue, a job that will have him supervising 30 to 40 cashiers. He dreams of working his way up to become a store manager, a corporate vice president or even president.

Myers recently flew to Washington, D.C., with the current holder of the job -- Danny Wegman -- and answered questions from a congressional committee studying innovative training programs. Next fall Myers expects to begin studying business administration at Roberts Wesleyan College.

None of it, he says, could have happened without a groundbreaking push by Wegmans to make itself a more attractive place for minorities and women to work. Myers benefited from a scholarship program that seeks to forge long-term corporate relationships with youths from poor sections of the city.

His story helps illustrate how far some companies will go to build work forces that mirror their communities -- a quest that is meeting with increasing success here and across the nation.

Rochester-area employers are dramatically more diverse than they were 10 years ago, a function both of changing demographics and shifting corporate culture on matters of race and gender.

Minorities now hold 16.5 percent of the jobs in the six-county region, up from 12.8 percent in 1991. That's an increase of almost a third -- better than

the Buffalo region, New York state and the nation as a whole.

Yet discrimination complaints of all sorts continue to plague companies throughout the region, a *Democrat and Chronicle* investigation has found. The complaints come from a cross-section of the workplace, including minorities, females, older workers, people who are deaf or otherwise disabled, gays and lesbians.

And the upper levels of area companies remain generally off-limits to African Americans, Hispanics, Asian Americans and Native Americans. In 2000, white people held 93 percent of jobs as officials and managers, 90 percent of jobs as professionals and 89 percent of jobs as technicians. Those categories are the highest-ranking positions tracked by the Equal Employment Opportunity Commission, the federal agency that enforces laws against workplace discrimination.

The numbers come from a decade of reports submitted to the EEOC. Companies with more than 100 employees must annually disclose how many white people, racial minorities, men and women work in nine separate job categories at various facilities. The reports for the Rochester region encompass about 40 percent of the local work force.

The newspaper analyzed those reports, conducted more than two dozen interviews, reviewed other studies and found that:

- Minorities now make up a larger percentage of the local work force than they do of the population as a whole -- 16.5 to 15.2 percent. That's not solely because of demographic change. Minority representation in business grew 29 percent in the 1990s vs. 21 percent in the overall population.
- Larger local companies have been leading the charge. One in four U.S. workers at Xerox Corp., Bausch & Lomb Inc. and

Eastman Kodak Co. was a racial minority in 2001, up from one in five a decade ago.

That was no easy feat -- U.S. employment for those three companies fell by one-third during the period, but their minority representation increased.

- The performance of Rochester's most recognizable employers has earned them a series of plaudits. Xerox, for instance, was recently named one of the "best of the best" places to work for minorities and women; Kodak was recognized as one of the best companies for its record of purchasing from minority and female-owned suppliers.
- Much of the progress for minorities has been confined to lower-level jobs. The local work force added 8,831 minorities in the past decade; 45 percent of those were classified either as service workers or laborers. Kodak, Xerox and B&L each struggle with similar problems; for instance, about 42 percent of minority jobs at Xerox in 2001 were office or clerical positions.
- Progress has not been quite as robust for women but is moving in the right direction. Female employment grew 12 percent in Rochester in the 1990s vs. 9 percent in the overall population.

The statistics provide a snapshot of Rochester's corporate melting pot as the nation enters what most demographers believe will be an unprecedented period of diversity. White people, for instance, no longer make up the majority in almost half of the 100 largest U.S. cities, according to a study by the Brookings Institution. Almost every prediction calls for that trend to accelerate.

As diversity accelerates, it becomes an increasingly critical business strategy. People of color spend \$1.3 trillion a year on products and services in the United States, about 18 percent of the nation's total consumer purchasing power, according to the University of Georgia's Selig Center for Economic

Growth.

The data also offer a checkpoint on local progress on the threshold of the 40th anniversary of the Civil Rights Act of 1964. That landmark legislation made it illegal to discriminate on the basis of race, sex, religion and national origin.

Taken together, the numbers make an unambiguous statement, both for Rochester and the nation: While notable progress has been made, there's much left to do to make work a more welcoming place for all, experts say.

That's likely to be an ongoing battle.

Consider that as recently as the 1950s, employers could legally reject applicants simply because they were not white, said Laura P. Hartman, professor of business ethics at DePaul University and president of the American Society of Business Ethics. Yet today, most people would loudly object to such a plainly bigoted practice.

Hartman wonders: "What are we doing today that we'll be embarrassed about 20 or 30 years from now?"

Success stories

Jamarr Myers admits that he had no thoughts of taking a job or launching a career at Wegmans as he entered his early teens. At least, not until he got into trouble, transferred to Franklin High School and was introduced to the company's highly praised Work-Scholarship Connection.

The program, founded by Wegmans in 1987, is designed to provide practical and emotional support to students who are at risk of dropping out of school. It is now run by the Hillside Children's Center and involves dozens of employers.

The goal of Work-Scholarship is to identify troubled students at a young age -- as young as sixth grade -- and link them to an advocate who

helps teach basic life skills, solve problems and other matters. The student is gradually introduced to the discipline of work.

When it was founded, the program was an attempt to help the Rochester area address a high dropout rate. Along the way it began helping Wegmans solve several business problems.

Wegmans -- which has had seven discrimination complaints over the past 10 years -- relies heavily on young people to staff its stores, particularly in cities with so-called "pockets of poverty" such as Rochester. The company has since expanded into other similar urban areas, such as Trenton, N.J., Philadelphia and Washington, D.C.

But the company suffered from a high degree of turnover -- in some areas as much as 100 percent, meaning youths didn't stay even one year. By focusing Work-Scholarship on poorer areas, Wegmans is able to expand the number of recruitable youths and more meaningfully diversify.

The issue is one of dollars and cents, Danny Wegman told Congress in September. It costs \$4,000 to train a new employee but only \$2,500 to keep an individual in the Work-Scholarship program.

Results are inspiring. The program has a current enrollment of 1,000 students; 80 percent of participants graduate from high school vs. 44 percent in the overall Rochester school system; 80 percent remain employed at Wegmans.

Myers said he took some severe joshing from his friends when he first started in the program. They told him that he'd be "a janitor or pushing carts," Myers recalls. "But they believe now. If it hadn't been for this program, I wouldn't be here."

Gail Evans also probably wouldn't be where she is without Kodak's commitment to creating a more diverse workplace. Evans joined Kodak in 1980 as a custodian. Soon afterward, with Kodak's financial

help, she began studying computer science part time at Nazareth College.

That degree helped propel her to her current job as chief technology officer for Kodak.com, Kodak's front door to the Internet.

Evans, an African American, praises Kodak for giving her the chance to better herself and for standing behind her -- but also acknowledges her own role. "I wanted to make sure I was always qualified, the best in all I did. I didn't want to allow anyone an excuse."

Hiring and promoting qualified employees of varied backgrounds is critical for success in an increasingly diverse world, says May Snowden, Kodak's first chief diversity officer. She has built an office of 20 people in the three years since joining Kodak. "Diversity is green," says Snowden, referring to the growth in minority purchasing power.

Diversity is not an exercise in political correctness, she adds. It's an effort to get people to work together more effectively and appreciate their differences.

Diversity, dissension

Yet for all the success stories, diversity programs can create dissension in the workplace.

David Wieme, a white mid-level Kodak manager, recently filed a reverse discrimination lawsuit against the company in U.S. District Court in Rochester. He claims he was unfairly demoted last year -- allegedly for failing to follow standard procedure in investigating a racial incident. He contends that he did everything by the book and that Kodak punished him because it wanted to look tough on racism. Wieme also alleges that he and other white employees are "scapegoats" caught in the push to diversify. Kodak denies his allegations; the case is pending.

Complaints of reverse discrimination are becoming more common across corporate America, said Wieme's attorney, Nelson Thomas.

Even diversity proponents disagree at times. A group of present and former African-American employees at Kodak, for example, picketed a meeting of the regional chapter of the NAACP last fall. Their complaint: the NAACP's role in Kodak's decision to provide \$3 million in raises and \$10 million in back pay to about 2,000 minorities and women more than three years ago.

The group, which calls itself "Employees Committed for Justice," feels that Kodak went back on promises to give an independent panel the final say on the size of the raises and back pay.

In the continuing battles over diversity, even bystanders can get caught in the middle. Billy Ray Farmer of Macedon was a technical cleaner for CellTech Pharmaceuticals in Henrietta when he was interviewed in connection with a co-worker's complaint that a supervisor was using racially insensitive language.

Farmer said he told a human resources staffer that he had, in fact, heard the supervisor use slurs. Not long afterward, Farmer was fired. Farmer said the company told him it was because he extended his vacation without informing his boss; Farmer contends it was clearly in retaliation for his honesty about the supervisor's language.

"All of a sudden, that supervisor was a good guy and we were the bad guys. We were the troublemakers," Farmer recalls.

He has filed a discrimination lawsuit against CellTech; federal law bars companies from retaliating against individuals who complain or expose discrimination.

In a statement, CellTech denied that it has retaliated or discriminated against anyone, but it declined to address Farmer's specific allegations.

Complex frontiers

The pro-diversity/anti-discrimination push appears to be heading into areas that are equally -- if not more -- controversial.

In a historic move last month, Gov. George Pataki signed the Sexual Orientation Non-Discrimination Act. The bill makes it illegal for employers and others to discriminate on the basis of sexual preferences. It was aimed primarily at protecting gays and lesbians from prejudice.

New York became only the 13th state to enact such a law, but even proponents had a criticism: It does not bar discrimination on the basis of gender identity.

Activists have lobbied Congress for many years for a national anti-discrimination bill, but to no avail, said Pamela Barres, executive director of the Gay Alliance of the Genesee Valley.

Critics argue that specifically protecting gays and lesbians from discrimination grants those groups special rights unavailable to others.

Nonsense, Barres says. The bill simply makes the workplace fairer. Until Pataki signed the bill, "if you came out in Monroe County, you could be legally fired. You had no legal recourse. And that's true in most of the country," Barres says.

Another complicated area is disability discrimination. The Americans with Disabilities Act requires companies to deploy "reasonable accommodations" for workers whose disabilities prevent them from performing essential functions of their jobs.

Those terms are frequently in dispute, said Thomas, an attorney with Dolin, Thomas and Solomon, a Rochester law firm that specializes in employment law. As well, the law does not define the disabilities that employers must assist.

Michelle Bonura found this out the hard way. According to court testimony, she suffers from bipolar disorder, a psychiatric condition that takes her through cycles of disabling elation and deep depression.

She claims she was effectively forced out of her part-time sales job at the Sears, Roebuck & Co. store at The Marketplace mall because of her condition.

Bonura, through her attorney, argued in her now-dismissed federal lawsuit that she could work only a part-time schedule, about 20 hours a week, but a supervisor at Sears refused to play along. That, she said, made it impossible for her to continue to work. She left in August 1996.

Sears denied the allegations. U.S. District Judge Michael Telesca dismissed the case in July. Among other findings, Telesca ruled that Bonura failed to prove that her disability prevented her from performing major life activities. In pre-trial testimony, Bonura told the judge that she could do some errands, such as cooking and laundry, on some days but not on others.

Bonura, now representing herself, is appealing the judge's dismissal. She said she thinks Telesca overlooked the fact that she could be hit by a depressive episode at any time.

''When you have bipolar disorder, you don't have rational thought,'' says Bonura, who is about to finish up her studies in licensed social work at SUNY Brockport. ''I couldn't make decisions. Nothing seemed logical.''

Despite her legal setback, she says she will continue to fight. ''I think I have a real good chance.''

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Companies now realize diversity pays dividends
Sheila Rayam

Democrat and Chronicle

Like the face of the work force itself, workplace diversity programs have changed over the years.

One-day seminars have been replaced by ongoing education. Companies amid the sluggish economy want diversity programs to teach specific skills -- not just awareness.

Yet even companies driven by the bottom line are realizing that the increasing diversity of the marketplace -- and the high cost of fighting lawsuits -- means they cannot afford to ignore diversity issues.

The field of diversity education has changed steadily since it began four decades ago as a byproduct of affirmative action policies that followed the Civil Rights Act of 1964. That legislation made it illegal to discriminate on the basis of race, color, religion, gender or national origin.

In its early days, diversity training focused on avoiding lawsuits and reducing liability, said Barry Friedman, an adjunct faculty member of the William E. Simon Graduate School of Business Administration at the University of Rochester.

"Training management, for instance, on what they can and cannot say ... how to resolve conflicts, how not to offend people."

In the 1970s, businesses complied with affirmative action requirements by actively hiring minorities, women and members of other protected classes. But once hired, those employees faced discrimination -- subtle and overt. And they left many organizations in disproportionate numbers, said Mary-Frances Winters, president and CEO of The Winters Group in Penfield, a diversity and organizational consulting company.

"It's one thing to bring people in, but how are those folks treated once they get in? That's what diversity and inclusion are about."

In the late 1980s, leaders in the field continued to broaden the concept -- and diversity, awareness and valuing differences became corporate buzzwords.

By the early to mid-1990s, those buzzwords brought about diversity training. In daylong workshops, employees were asked to sit through lectures or videos that, for example, defined diversity or warned against sexual harassment.

Though well intended, such workshops sometimes did more harm than good, experts say.

"When diversity was first coined as a concept, most people thought of it -- and pretty much still do -- as a race and gender issue," said Mike Streeter, president of Mike Streeter & Associates Diversity Training & Consulting in Webster. "Those are big issues, but they're pieces of a larger pie."

Diversity training was seen by some as mere political correctness -- a program of the month -- and a waste of work time.

"Most people come into a training session thinking, 'I have to be here because management makes me, this is all about righting the wrongs, some people are gonna win and I'm gonna lose,'" said Streeter.

And awareness training that focused on differences alienated some and a diversity-training backlash ensued.

"The underpinning behind the resistance (to diversity programs) is that in the past, diversity has often been presented as anti-white males," said Mike Hyter, president and chief executive officer of J. Howard & Associates, a diversity and inclusion consulting company based in Boston.

"And I think white males have been beaten up

unfairly for things that they didn't do, in the name of diversity, so they have a real negative opinion of what that means."

Today, holding one-day diversity training programs doesn't help workers or management get it, experts contend.

Streeter alludes to the "roots and branches" theory: Organizational culture is like a tree. Below the surface are the principles on which a company was founded; above it are the day-to-day operations. You can't have lasting change unless the roots support what's going on above ground.

"This is long-term work," said Streeter. "My view is that (diversity efforts) should be focused on creating a culture that naturally enables people to do their best."

To get that message across, Winters says, company executives and the rank and file must work on diversity and inclusion simultaneously and continuously.

A top reason for corporate diversity and inclusion strategies, consultants say, is the global economy.

"We all know the country is browning, so to speak, so the customers of tomorrow will be multicultural, 1.3 trillion dollars in buying power," said Winters.

Large companies that recognize the business case for diversity have dedicated staffs in place. In its 2001 survey of human resource professionals from Fortune 1000 companies, the Society for Human Resource Management found that 50 percent of the respondents indicated their organization had dedicated staff for diversity initiatives -- on average, three full-time employees and three half-time employees.

Employers spend a wide range for diversity training budgets -- from \$50,000 to as much as \$2 million over two to four years, said Hyter. "The average Fortune 500 company probably spends \$200,000."

Xerox and Kodak wouldn't disclose budgets for diversity training.

In tough economic times, however, diversity budgets can take a hit.

"Right now, the economy is horrible," said Streeter. "And lots of times this will bring initiatives around things like diversity and quality and customer service to a screeching halt."

But that could be shortsighted, given the increased diversity in the United States.

The future for corporations will include "looking at differences between people and making close ties to the business and where the business is going and saying that there are some differences between people that are especially important for developing new products or selling new or existing products," said Friedman.

Along with marketing those differences, there also will be more systematic efforts for workplace diversity initiatives to focus on similarities -- "to build bridges between people," added Friedman.

While workplace diversity training has evolved, it hasn't abandoned its roots: Fear of litigation is still a motivation, especially for companies.

"The big challenge we have now is, some companies look at diversity training as a protective mechanism, not as a change mechanism," said R. Roosevelt Thomas Jr., president and founder of the American Institute for Managing Diversity Inc., based in Atlanta.

"They do a certain amount of training every year not to bring about change, but to have some protection if someone brings a lawsuit."

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Worker's rights and recourse

Under U.S. law, employers cannot fire you or make any decision affecting your job on the basis of race, sex, religion, national origin, disability or age (but only if you're over 40 years old). They also may not retaliate against you for complaining, or for taking family or medical leave. State anti-discrimination laws offer the same protections and add three categories: sexual orientation, marital status and workers over 18.

Making the complaint

If you feel you have been discriminated against, you can take one of the following steps:

- File a charge with the Equal Employment Opportunity Commission, which enforces federal anti-discrimination laws. You may do this in person, by mail or by telephone by contacting the nearest EEOC office (in Buffalo, 716-551-4441). Or call toll free at (800) 669-4000 or (800) 669-6820 (TDD). Generally speaking, you have 300 days from the date of the offense to file.
- File a charge with the state Division of Human Rights, essentially New York's version of the EEOC. Contact the nearest regional office (in Rochester, 585-238-8250). You don't have to file at both levels. The division will, if you choose, forward your complaint to the EEOC.
- Consult a private lawyer. In some circumstances, you may be able to proceed to court without first filing a charge with the EEOC or division.

The next step

- The EEOC or division will investigate your complaint to determine "reasonable" or "probable" cause.
- The agencies will then try conciliation or mediation.
- If that fails, the agencies will move to more official proceedings; the EEOC with a suit in federal court; the state with a hearing before a judge.
- If the agencies find no probable cause, the complaints are dismissed. Complainants are then free to pursue their cases through an attorney.

For more information:

<http://www.eeoc.gov/facts/overview.html>: The EEOC's frequently asked questions about discrimination.

www.nysdhr.com/faq.html: The State Division of Human Rights explains its processes, practices.

<http://www.eeo1.com/1999--NR/1999--nr.html>: *The Reality of Intentional Job Discrimination in Metropolitan America -- 1999*, a Rutgers University study.

Class Action: The Story of Lois Jenson and the Landmark Case That Changed Sexual Harassment Law, by Clara Bingham and Laura Leedy Gansler, Doubleday, 2002.

Employment Law for Business, by Laura Pincus-Hartman and Dawn Bennett-Alexander, McGraw-Hill/Irwin, 2000.

Invisible Man, by Ralph Ellison, 1952, second edition published in 1995. Vintage Books.

Their Eyes Were Watching God, by Zora Neale Hurston, McGraw Hill, 2000.

About this series

This is the second in a two-day launch of "Work in Progress," a *Democrat and Chronicle* investigation of local workplace discrimination.

Future stories will focus on such topics as: the dearth of women and minorities at the top; ageism in an aging work force; barriers to deaf people.

To share story ideas, contact Investigations Editor Sebby Wilson Jacobson:

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